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(as amended 3/5/10)

GENOA CHARTER TOWNSHIP
LIVINGSTON COUNTY, MICHIGAN
ZONING ORDINANCE
ORDINANCE NUMBER ##

This Ordinance is enacted under Michigan Zoning Enabling Act (Public Act 110 of 2006) governing the unincorporated portions of the Township of Genoa, Livingston County, Michigan, for the regulation of land development and the establishment of districts which regulate the use of land and structures to meet the needs for food, fiber, energy, and other natural resources, places of residence, recreation, industry, trade, service, and other uses of land, to ensure that use of the land is situated in appropriate locations and relationships, to limit the inappropriate overcrowding of land and congestion of population, transportation systems, and other public facilities, to facilitate adequate and efficient provision for transportation systems, sewage disposal, water, energy, education, recreation, and other public service and facility requirements, and to promote public health, safety, and welfare.

PREAMBLE

Pursuant to the authority conferred by the Public Acts of the State of Michigan in such case, made and provided and for the purpose of promoting and protecting the public health, safety, convenience, and general welfare of the inhabitants of the Township of Genoa, provision is made herein for the conservation and protection of the land resource together with the full and equitable enjoyment of that resource, by securing the most appropriate use of land, by preventing undue crowding and congestion of the population, by supporting the economic need of the people of the Township through adequate provision for the industrial utilization of natural resources and the development of commercial and industrial enterprise, and by providing freedom and ease for the circulation of people and movement of goods throughout the Township as well as the access for public services to all citizens, all in accordance with a comprehensive plan; now therefore:

Genoa Charter Township ordains:

ARTICLE 1
PURPOSE AND INTRODUCTION

Sec. 1.01 SHORT TITLE

This Ordinance shall be known and may be cited as the "Genoa Township Zoning Ordinance" and may hereinafter be referred to as "this Ordinance."

Sec. 1.02 PURPOSE

This Zoning Ordinance is based on the adopted Genoa Township Master Plan, the Grand River Avenue Corridor Plan, amendments to those plans and similar plans addressing future development patterns and development goals. This Ordinance is intended to implement the Master Plans by regulating the use of land, buildings and structures to promote the public health, safety and general welfare by accomplishing the following:

1.02.01 Establishment of zoning districts and uniform regulations applicable to each district governing the use of the land, and dimensions for building and site development with such minimum regulations as are deemed necessary to carry out the provisions of this Ordinance.

1.02.02 Accommodate and promote land uses that are compatible with the Township's character and conserve the property values and long term stability of prime farmlands, residential neighborhoods, commercial districts, and industrial areas.

1.02.03 Encourage use of the lands and natural resources in accordance with their character and capability, thus preserving the sensitive and important environmental features in the Township, such as wetlands, lakes, prime farmland, topography, open space, mature vegetation and wildlife habitat. The Ordinance acknowledges the importance of these features on the long-term economic climate of all uses in the Township and the overall quality of life for Township residents.

1.02.04 Limit or prohibit improper use of land.

1.02.05 Reduce hazards to life and property.

1.02.06 Promote safe conditions for motorists, pedestrians and bicyclists by maintaining an acceptable level of service along streets and at driveways within the Township.

1.02.07 Provide property owners with reasonable, though not always direct, access to property.

1.02.08 Facilitate adequate and cost effective infrastructure systems, and protect the substantial public interest in those systems, including transportation, sewage disposal, safe and adequate water supply, education and recreational facilities.

1.02.09 Establish controls over potential conflicting land uses and uses that may need special regulations as Special Land Uses to be compatible with surrounding development patterns and zoning.

1.02.10 Promote the gradual elimination of uses, buildings and structures that do not conform to the regulations and standards of this Ordinance.

1.02.11 Provide for administering this Ordinance, including resolving conflicts with other ordinances, collection of fees, procedures for petitions, hearings and appeals; and to provide for any other matters authorized by the Michigan Zoning Enabling Act (Public Act 110 of 2006) .

1.02.12 Balance the Township's right to compatible and quality development with the property owners' right to a reasonable rate of return on investment.

Sec. 1.03 APPLICATION PROCEDURES

1.03.01 The process for application and review by the Township for site plan review, special land use permits, planned unit developments (PUD's), amendments to this Zoning Ordinance, rezonings of land, land divisions, appeals and variances is shown in Figure 1.03.01. Submittal dates, application forms and information on fee requirements are available at the Township offices.

1.03.02 Prior to initiating construction, expansion, or modification of any building, or structure or the establishment of any use or the division of land, all necessary approvals shall be obtained as required by Article 18.

1.03.03 Prior to establishing or expanding a use which is allowed only after special land use approval, all requirements of Article 19 must be complied with, in addition to site plan approval requirements.

1.03.04 Prior to establishing or amending a PUD, all requirements of Article 10 must be complied with.

1.03.05 The Township Planning Commission, Board or Zoning Board of Appeals may withhold granting of approval of any use, site plan, PUD or other approval required by this Ordinance pending approvals which may be required by state, county or federal agencies or departments.

Figure 1.03.01
GENOA TOWNSHIP
GENERAL DEVELOPMENT AND APPROVAL PROCESS

SITE PLAN REVIEW

Optional Pre-application Meeting → Submittal of Application Form & Fee → Review by Township Staff → Planning Commission Review & Final Action

ENVIRONMENTAL IMPACT STATEMENT (Required with all Site Plan Submittals)

Submittal of Application Form & Fee → Review by Township Staff → Planning Commission Review & Recommendation → Township Board Final Action

SPECIAL LAND USE PERMITS (Requires Site Plan and E.I.A)

Optional Pre-application Meeting → Submittal of Application Form & Fee → Review by Township Staff → Planning Commission Review, Public Hearing and Recommendation → Township Board Review Public Hearing & Final Action

ZONING ORDINANCE AMENDMENTS (Including Rezonings)

Submittal of Application Form & Fee → Review by Township Staff → Planning Commission Review, Public Hearing and Recommendation → County Planning Commission Review, and Recommendation → Township Board Review Public Hearing & Final Action

PLANNED UNIT DEVELOPMENTS

Pre-application Meeting → Submittal of Application Form & Fee → Review by Township Staff → Planning Commission Public Hearing & Recommendation on Concept Plan EIA and PUD Zoning → County Planning Commission Recommendation for PUD Zoning → Township Board Action on Concept Plan and PUD Zoning → Planning Commission Reviews Site Plans

Sec. 1.04 CONSTRUCTION BEGUN AND SITE PLANS APPROVED PRIOR TO EFFECTIVE DATE

1.04.01 Nothing in this Ordinance shall be deemed to require any change in the plans, construction, or designated use of any building upon which actual construction was begun prior to the enactment of this Ordinance, provided construction has lawfully begun, is being diligently carried on, and shall be completed within one (1) year of the effective date of this Zoning Ordinance. The Board of Appeals may permit an extension of up to one (1) year.

1.04.02 If a lot has an approved site plan or has been approved as a Planned Unit Development within six (6) months of the effective date of this Zoning Ordinance, such site plan or PUD shall remain valid if construction is begun within one (1) year and completed within two (2) years of the effective date of this Zoning Ordinance.

1.04.03 If the conditions of this section are not met, the standards and provisions of this Zoning Ordinance shall govern.

Sec. 1.05 **CONFLICTING REGULATIONS**

1.05.01 Where any provision of this Ordinance imposes either greater or lesser restrictions, limitations, conditions, standards or requirements upon the use of buildings, structures or land; the height of buildings or structures; lot coverage; lot areas; yards, wetlands, woodlands or other open spaces; or any other use or activity which is regulated by this Ordinance, the provision or standard which is more restrictive or limiting shall govern.

1.05.02 Except as otherwise be provided in this section, every building and structure erected; every use of any lot, building or structure established; every structural alteration or relocation of an existing building or structure and every enlargement of, or addition to, an existing use, building or structure occurring after the effective date of this section shall be subject to all regulations of this section which are applicable in the zoning district in which such use, building or structure is located.

1.05.03 No setback area or lot existing at the time of adoption of this section shall be reduced in dimensions or area below the minimum requirements set forth herein. Yards or lots created after the effective date of the section shall meet at least the minimum requirements established herein.

1.05.04 This Ordinance shall not abrogate or annul any easement, bylaw, master deed, deed restriction, covenant or private agreement, except that the regulations or provisions of this Ordinance shall govern if determined by the Zoning Administrator to be more restrictive or impose a higher standard.

1.05.05 The regulations herein established shall be the minimum regulations for promoting and protecting the public health, safety and general welfare, any conflicting laws of a more restrictive nature shall supersede the appropriate provisions of this Ordinance.

1.05.06 Genoa Township hereby repeals the previous Zoning Ordinance and all of its amendments.

Sec. 1.06 VALIDITY AND SEVERABILITY CLAUSE

This Ordinance and the various components, articles, sections, subsections, sentences and phrases are hereby declared to be severable. If any court of competent jurisdiction shall declare any part of this Ordinance to be unconstitutional or invalid, such ruling shall not affect any other provisions of this Ordinance not specifically included in said ruling. Further, if any court of competent jurisdiction shall declare unconstitutional or invalid the application of any provision of this Ordinance to a particular parcel, lot, use, building or structure, such ruling shall not affect the application of said provision to any other parcel, lot, use, building or structure not specifically included in said ruling.

Sec. 1.07 CERTIFICATION AND EFFECTIVE DATE

This Zoning Ordinance is hereby declared and certified to have been duly adopted by the Genoa Township Board, Livingston County, State of Michigan, at a meeting of said Board duly called and held on January 3, 2005, published as required by Michigan Law and effective seven (7) days from the date of publication. This Zoning Ordinance became effective January 14, 2005.

(as amended 12/31/06)
(as amended 08/24/07)
(as amended 03/05/10)
(as amended 12/17/10)
(as amended 02/25/11)

ARTICLE 2
ZONING DISTRICTS AND MAP IN GENERAL

Sec. 2.01 STATEMENT OF PURPOSE

2.01.01 **Districts Established:** For the purpose of this Ordinance, the Township of Genoa is hereby divided into the following districts:

(a) AGRICULTURAL DISTRICTS

Agricultural District (AG)
Country Estate District (CE)

(b) RESIDENTIAL DISTRICTS

Rural Residential (RR)
Low Density Residential (LDR)
Suburban Residential (SR)
Urban Residential (UR)
Lakeshore Resort Residential (LRR)
Medium Density Residential (MDR)
High Density Residential (HDR)
Manufactured Housing Park (MHP)

(c) NONRESIDENTIAL DISTRICTS

Public and Recreational Facilities District (PRF)
Neighborhood Services District (NSD)
Office Service District (OSD)
General Commercial District (GCD)
Regional Commercial District (RCD)
Industrial District (IND)

(d) PLANNED UNIT DEVELOPMENT DISTRICTS

Residential Planned Unit Development (R-PUD) Overlay District
Mixed Use Planned Unit Development (MU-PUD) District
Non-residential Planned Unit Development (NR-PUD) District
Redevelopment Planned Unit Development (RD-PUD) Overlay District
Planned Industrial Development (PID) District

(e) TOWN CENTER OVERLAY DISTRICT

Town Center Overlay District (TCOD)

(as amended 12/31/06)

Sec. 2.02 INTERPRETATION OF DISTRICT BOUNDARIES

A map showing by appropriate means the various districts into which Genoa Township is divided shall be entitled "Genoa Township Zoning Map." The map shall bear the date adopted or amended and is hereby made a part of this Ordinance. The Official Zoning Map shall be maintained at the Genoa Township Offices by the Township Zoning Administrator . Where uncertainty exists with respect to the boundaries of any of the districts established in this Ordinance as shown on the zoning map, the following rules shall be applied:

2.02.01 **Centerline or Right-of-way of Streets.** Where district boundaries are indicated as approximately following the center lines of street or highway rights-of-way, street lines, or highway right-of-way lines, such center lines, street lines, or highway right-of-way lines shall be construed to be such boundaries.

2.02.02 **Parallel to Streets.** Where district boundaries are so indicated that they are approximately parallel to the center lines of streets or rail rights-of-way, such district boundaries shall be construed as being parallel thereto and at such distances there from as indicated on the zoning map. If no such distance is given, such dimension shall be determined by the use of the scale shown on the zoning map. The Official Zoning Map maintained by the Township shall be used to determine such dimensions in the case of any multiple interpretations.

2.02.03 **Lot Lines.** Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be such boundaries.

2.02.04 **Waterways.** Where the boundary of a district follows, or terminates at, a stream, lake, or other body of water, the boundary line shall be deemed to be at the center line of such feature, or terminated at the limit of the adjacent jurisdiction unless otherwise indicated.

2.02.05 **Subdivisions.** Where the boundary of a district follows a subdivision boundary line, such boundary line shall be construed to be the district boundary line.

2.02.12 **Determination.** The Board of Appeals shall make a determination, upon written application or upon its own motion, in those situations where un-zoned property may exist, or where, due to the scale, lack of detail, or illegibility of the zoning map there is any uncertainty, contradiction or conflict as to the intended location of any district boundaries shown thereon or interpretation concerning the exact location of district boundary lines.

Sec. 2.03 ZONING OF VACATED PUBLIC RIGHTS-OF-WAY

Whenever any street or other public way within the Township is vacated, such street, alley or other public way or portion thereof shall automatically be zoned consistent with the zoning of the adjacent property or properties, measured from the centerline.

ARTICLE 3
RESIDENTIAL AND AGRICULTURAL DISTRICTS
(AG, CE, RR, LDR, SR, UR, LRR, MDR and HDR)

Sec. 3.01 STATEMENT OF PURPOSE

3.01.01 **Agricultural Districts:** The two Agricultural Districts are established in recognition of their contribution toward the Township's quality of life and economic diversity. Carefully managed agricultural uses continue the practice of utilizing the land through soil, water and nutrient conservation. The Agricultural Districts are intended to insure protection of some of the irreplaceable prime agricultural soils in the Township, unimpeded by the establishment of incompatible uses which could conflict with farm operations and further discourage agricultural production. The protection offered through this type of zoning is intended to provide a basis for land tax assessments which reflect the existing agricultural nature.

(a) The Agricultural (AG) District is established as a district in which the principal use of land is farming, including dairying and livestock enterprises, and forestry or other bona fide agricultural pursuits. Some areas zoned for agricultural uses are not intended to be preserved perpetually, but to avoid premature loss of prime farmland. The standards of this district provide an economic means of preserving land for future generations to determine ultimate use at an appropriate time. Agricultural uses can also be maintained through establishment of a Residential Planned Unit Development, with residential units clustered on a section of a farm site, while the remaining land is retained in agricultural production.

(b) The Country Estate (CE) District is established as a district where the principal use is residential, with smaller scale farming and raising of horses and livestock typically an accessory use. The health, safety and welfare contribution of this district is to retain the rural atmosphere and quality of life while accommodating compatible, very low density, residential development.

3.01.02 **Single Family Residential:** The Single Family Residential (RR, LDR, SR, UR and LRR) Districts are established to provide for single family dwellings meeting a range of lot sizes and neighborhood character. The intent is to:

(a) Implement the development pattern proposed in the Township Master Plan;

(b) Encourage the construction and continued use of single family dwellings;

(c) Discourage continuance of existing, nonconforming uses which detract from the long term viability of residential properties;

(d) Accommodate two family duplex dwellings in appropriate locations;

(e) Discourage any use of land which may overburden public infrastructure and services, and the areas natural resources;

(f) Accommodate higher density single family residential development in locations where the necessary public water, public sanitary sewer and other services are adequate to accommodate the demands;

(g) Discourage land use which would generate excessive traffic on residential streets;

(h) Encourage wise use and development of lake shoreline in recognition of the existing small lot development patterns and the sensitive environmental ecosystem surrounding the lakes; and,

(i) Prohibit any land use that would substantially interfere with the development, utilization or continuation of single family dwellings in the District.

3.01.03 **Medium Density Residential:** The Medium Density Residential (MDR) District is intended to provide detached single family residential on smaller lots and attached residential town-homes with individual entrances and garages. This district is intended for infill development within urban service areas of the Township planned for higher density residential with the necessary public water, public sewer, transportation and public services in place to support higher densities. The MDR district is intended to promote the goals and future land use map of the Genoa Township Master Plan.

3.01.04 **High Density Residential:** The High Density Residential District is intended to provide rental or individually owned duplexes and other multiple dwelling units at a density consistent with the infrastructure and land capabilities. This district is intended for infill development within urban service areas of the Township planned for higher density residential with the necessary public water, public sewer, transportation and public services in place to support higher densities. Special provisions are provided for various types of housing for the elderly in recognition of the need for such facilities and their relatively low impact in comparison with other multiple family uses of similar density. The HDR district is intended to promote the goals and future land use map of the Genoa Township Master Plan.

Sec. 3.02 LISTING OF RESIDENTIAL DISTRICTS

The Single Family Residential Districts of Genoa Township include:

Table 3.02
Residential and Agricultural Districts

District	Minimum Lot Area Per Dwelling Unit
Agricultural (AG)	10 acre lot area
Country Estate (CE)	5 acre lot area
Rural Residential (RR):	2 acre lot area
Low Density Residential (LDR):	43,560 sq ft. lot area
Suburban Residential (SR):	21,780 sq. ft. lot area with public sanitary sewer 43,560 sq. ft. lot area without public sanitary sewer
Urban Residential (UR):	18,000 sq. ft. lot area; must have public water and sanitary sewer
Lakeshore Resort Residential (LRR):	12,800 sq. ft. lots of record in existence on 1/1/1991. 43,560 sq. ft. lots created after 1/1/1991 without public sanitary sewer 21,780 sq. ft. lots created after 1/1/1991 with public sanitary sewer
Medium Density Residential (MDR)	10,000 sq. ft. lot area with public sanitary sewer Duplexes and townhouses up to 5 units per acre
High Density Residential (HDR)	Duplexes, attached townhouses and apartments up to 8 units per acre

Sec. 3.03 PERMITTED AND SPECIAL LAND USES

3.03.01 **List of Uses:** In the residential districts, land, buildings and structures shall be used only for one or more of the following uses. Land and/or buildings in the districts indicated at the top of Table 3.03 may be used for the purposes denoted by a "P" in the column below by right. Land and/or buildings in the districts indicated at the top of Table 3.03 may be used for the purposes denoted by "S" after special land use approval in accordance with the general and specific standards of Article 19 Special Land Uses. A notation of "- -" indicates that the use is not permitted within the district. The "Req." column indicates additional requirements or conditions applicable to the use.

Table 3.03
Schedule of Residential Uses

	AG	CE	RR	LDR	SR	UR	LRR	MDR	HDR	Req.
Residential Dwellings										
Single family detached dwellings	P	P	P	P	P	P	P	P	P	11.03
Two family duplex dwellings	- -	- -	- -	- -	- -	P	- -	P	P	11.03
Townhouses, row houses, and similar attached dwellings with individual entrances and garages	- -	- -	- -	- -	- -	- -	- -	P	P	
Multiple-family dwellings, including apartments with up to 24 units in a building, terrace residences and other types of multiple family uses	- -	- -	- -	- -	- -	- -	- -	- -	P	
Housing for the elderly, including interim care units, extended care units, congregate care and nursing care	- -	- -	- -	- -	- -	- -	- -	P	P	
A second single family home or dwelling unit on a site of at least forty (40) acres for use by members of the immediate family or employees of the farm operation	S	- -	- -	- -	- -	- -	- -	- -	- -	
Accessory Uses										
Accessory home occupations	P	P	P	P	P	P	P	P	P	3.03.02(a)
Accessory uses, buildings and structures customarily incidental to any permitted use	P	P	P	P	P	P	P	P	P	11.04
Bed and breakfast inns	S	S	S	S	S	S	- -	- -	- -	3.03.02(b)
Keeping of pets	P	P	P	P	P	P	P	P	P	3.03.02(g)
Agricultural Uses										
Farms	P	P	- -	- -	- -	- -	- -	- -	- -	3.03.02(c)
Tree and sod farms, greenhouses, nurseries, and similar horticultural enterprises without sales on the premises, however, Christmas tree sales shall be permitted.	P	P	- -	- -	- -	- -	- -	- -	- -	
Storing, packaging and processing of farm produce	P	P	- -	- -	- -	- -	- -	- -	- -	3.03.02(d)
Accessory farm labor housing	P	- -	- -	- -	- -	- -	- -	- -	- -	3.03.02(e)
Accessory roadside stands and commercial cider mills selling only produce grown on the premises	P	P	- -	- -	- -	- -	- -	- -	- -	3.03.02(f)
Accessory roadside stands and commercial cider mills selling produce not grown on the premises	S	S	- -	- -	- -	- -	- -	- -	- -	3.03.02(f)

Table 3.03
Schedule of Residential Uses

	AG	CE	RR	LDR	SR	UR	LRR	MDR	HDR	Req.
Pet cemetery	P	- -	- -	- -	- -	- -	- -	- -	- -	
Accessory keeping of horses, ponies, and other equine and livestock	P	P	P	- -	- -	- -	- -	- -	- -	3.03.02(g)
Commercial stables	S	S	- -	- -	- -	- -	- -	- -	- -	3.03.02(h)
Commercial kennels	S	S	- -	- -	- -	- -	- -	- -	- -	3.03.02(i)
Composting operations and centers	S	- -	- -	- -	- -	- -	- -	- -	- -	
Intensive livestock operation	S	- -	- -	- -	- -	- -	- -	- -	- -	
Residential Care										
Adult foster care family home (6 or fewer adults)	P	P	P	P	P	P	P	P	P	
Adult foster care small group home (12 or fewer adults)	S	S	S	S	S	S	S	S	S	3.03.02(j)
Adult foster care large group home (13 to 20 adults)	- -	- -	- -	- -	- -	- -	- -	S	S	3.03.02(j)
Foster family home (6 or fewer children 24 hours per day)	P	P	P	P	P	P	P	P	P	
Family day care home (6 or fewer children less than 24 hours per day)	P	P	P	P	P	P	P	P	P	
Group day care home (7 to 12 children less than 24 hours per day)	S	S	S	S	S	S	S	P	P	3.03.02(k)
Child care centers, preschools and commercial day care	- -	- -	- -	- -	- -	- -	- -	S	S	3.03.02(k)
Institutional Uses										
Churches, temples and similar places of worship	S	S	S	S	S	S	S	S	S	3.03.02(l)
Elementary schools, public, private or parochial, including latch-key and other accessory programs	S	S	S	S	S	S	S	S	S	
Essential public services	P	P	P	P	P	P	P	P	P	
Essential public service/utility buildings, telephone exchange buildings, electric transformer stations and substations and gas regulator stations when operational requirements necessitate their being located in the district to serve the immediate vicinity	S	S	S	S	S	S	S	S	S	
Public buildings and uses such as fire stations and libraries, but not including publicly owned and operated warehouses, garages or storage yards	- -	- -	S	S	S	S	S	S	S	
Underground pipeline storage	S	S	- -	- -	- -	- -	- -	- -	- -	3.03.02(m)
Recreational Uses										
Golf courses without driving ranges	S	S	S	S	S	S	S	S	S	3.03.02(n)
Publicly owned parks, parkways, scenic and recreational areas, and other public open space	P	P	P	P	P	P	P	P	P	
Private non-commercial parks, nature preserves and recreational areas owned and maintained by home-owners association	P	P	P	P	P	P	P	P	P	

3.03.02 **Use Conditions:** Uses noted above shall only be allowed where the following requirements are complied with:

(a) Home occupations shall be permitted as an accessory to a residential use, subject to the following requirements. These regulations do not apply to farms.

(1) Only members of the family residing in the principal dwelling shall be engaged in the conduct of any home occupation with the exception of one (1) full time employee or (2) part time employees.

(2) The use of the dwelling for a home occupation must be clearly accessory, incidental, subordinate to the permitted principal residential use.

(3) The home occupation may utilize up to a maximum of twenty percent (20%) of the floor area of the principal building. When the home occupation is conducted in an accessory building, the home occupation may utilize up to a maximum of fifty percent (50%) of the floor area of the accessory building.

(4) All home occupations shall be conducted entirely indoors so as not to be noticeable from the exterior of the building. There shall be no change in the outside appearance of the principal dwelling, or accessory buildings or any other visible evidence of the conduct of the home occupation except for one (1) sign not exceeding one (1) square foot in area. In the Agricultural District only, the sign area may be increased up to a maximum of four (4) square feet. There shall be no outdoor storage of materials, goods, supplies or equipment used in the home occupation.

(5) Traffic generated by the combined home and home occupation shall be compatible with traffic normally expected in a residential district, and shall in no case be greater than twenty (20) vehicle trips per day (10 in and 10 out).

(6) No equipment or process shall be used in the home occupation which creates noise, vibration, glare, fumes, odors, interference with radio or television reception or fluctuation in line voltage detectable off the premises greater than is associated by residential dwelling unit as determined by the Zoning Administrator. (as amended 2/25/11)

(b) Bed-and-breakfast inns shall comply with the following requirements:

(1) Required parking areas shall be located off-street and shall not be located in any required front yard.

(2) No bed-and-breakfast inn shall be located closer than 300 feet to another bed-and-breakfast inn.

(3) Meals or other services provided on the premises shall only be available to residents, employees and overnight guests of the inn.

(4) The dwelling unit in which the bed and breakfast establishment is located shall be the principal residence of the operator, and said operator shall live on the premises while the establishment is active.

(c) Farms may include 1) tree fruit production, 2) small fruit production, 3) field crop production, 4) forage and sod production, 5) livestock and poultry production, 6) fiber crop production, 7) apiary production, 8) maple syrup production, 9) mushroom production and 10) greenhouse production. All grazing areas shall be fenced. An accessory structure shall be provided to house such animals. Any barn or stable structure and any outdoor feed (non-grazing) area training or exercising corrals shall be setback at least one hundred (100) feet from any occupied dwelling or any adjacent building used by the public. All stables shall be enclosed by a suitable fence and shall be maintained so that odor, dust, noise or water drainage impacts to adjoining premises shall be minimized in accordance with accepted agricultural management practices.

(d) Storing, packaging and processing of farm produce may only be conducted on a farm consisting of at least forty (40) acres and such activities include only farm products grown on that farm. Cider mills are permitted. Industrial canning and freezing activities are not permitted.

(e) Accessory farm labor housing shall only be permitted where in compliance with Michigan Health Code, Act 368 of 1978, as amended and any rules promulgated pursuant thereto, when occupied by employees of the farm operation and their families. All such structures shall be setback at least one hundred (100) feet from all lot lines.

(f) Accessory roadside stands and commercial sales of cider mills shall only be permitted as follows. Sales limited to produce grown on the premises shall be permitted by right subject to requirements (1) through (7) below. Sales of produce not grown on the premises shall only be allowed by special land use approval and shall be subject to requirements (1) through (8) below.

(1) Each farm may have a maximum of one (1) temporary roadside stand;

(2) The structure shall not have more than one (1) story;

(3) The floor plan of the structure shall not be larger than twenty by twenty (20 x 20) feet;

(4) The stand shall be located no closer than thirty (30) feet from the nearest pavement or other traveled surface;

(5) The area between the stand and the traveled surface shall be reserved exclusively for parking;

(6) The stand shall be of portable construction, permitting it to be removed from its roadside location during the seasons when it is not in use;

(7) Signs used in connection with the road side stand shall be temporary, and shall be removed when the stand is not in use. No sign shall be placed within a public right-of-way.

(8) Non-farm related roadside stands selling produce and goods not grown or produced on the premises shall be treated as special land uses under the following procedures.

a. An application shall be provided describing the nature of the intended use, a legal description and street address of the property, and a sketch plan illustrating location and size of principal and accessory structures, parking

area to meet needs of intended use, location and size of any sign and description of any lighting or other external features. A sketch building floor plan indicating the limits of a home occupation shall also be provided.

b. The Zoning Administrator shall give notice of the proposed special land use and inform all property owners or occupants of any structure within three hundred (300) feet of the property being considered for the special land use, in accordance with the Michigan Zoning Enabling Act (Public Act 110 of 2006). The notice shall state when and where the special land use request will be considered, state where written comments will be received and note that residents or occupants within three hundred (300) feet of the property can request a Public Hearing within ten (10) days receipt of the notice.

c. If a written request for a Public Hearing is not received within a ten (10) day period, the Zoning Administrator shall have the authority to review and approve, approve with conditions or deny the special land use request.

d. The applicant or the Zoning Administrator have the option of initiating a public hearing before the Planning Commission following the procedures for other types of special land uses.

(g) The keeping animals shall comply with the following requirements:

(1) The keeping of household pets, including dogs, cats, rabbits, fish, birds, hamsters and other animals generally regarded as household pets is permitted as an accessory use to any agricultural or residential use. No more than the following number of dogs, cats or similarly sized pets, six (6) months of age or older over one (1) pound in weight shall be kept or housed per dwelling unit in a residential district unless the use is approved as a commercial kennel.

Lot area	**Maximum Number Of Pets**
Lots less than ten (10) acres	3 of any species or a total of 5 in combination
Lots of ten (10) acres or more	5 of any species or a total of 7 in combination

(2) The keeping of animals other than domesticated pets is only permitted as provided for in the following table. The keeping of equine and livestock is prohibited in all other zoning districts. These provisions do not apply to farms in the Agricultural District that are at least ten (10) acres in area, provided all other applicable state and county requirements are met.

Animal	**Zoning Districts Permitted**	**Minimum Lot Area for First Animal**	**Lot Area for Each Additional Animal**
Chickens, turkeys or rabbits	AG, CE & RR	2 acres	0.05 acres
Horses, ponies, other equine mules, burros, llamas and alpaca	AG & CE	3 acres	1 acres
Sheep or goats	AG, CE & RR	2 acres	0.25 acres
Swine	AG & CE	10 acres	0.5 acres
Cattle, bison, ostriches or elk	AG & CE	10 acres	1.5 acres

(3) All grazing areas shall be fenced. An accessory structure shall be provided to house such animals. Any barn, or stable structure and any outdoor feed (non-grazing) area training or exercising corrals shall be setback at least one hundred (100) feet from any occupied dwelling or any adjacent building used by the public. All stables shall be

enclosed by a suitable fence and shall be maintained so that odor, dust, noise or water drainage shall not constitute a nuisance or hazard to adjoining premises.

(4) The keeping of exotic animals, not normally considered farm livestock (horses, cattle, bison, sheep, goats, pigs, chickens, rabbits, ducks, etc.) or household pets, is prohibited. (as amended 12/31/06 and 3/5/10)

(h) Commercial stables and academies for the rearing and housing of horses, mules and ponies shall meet the following requirements:

(1) The number of permitted animals shall not exceed the limits in (g)(2) above .

(2) All buildings wherein animals are kept shall not be less than one hundred (100) feet from any occupied dwelling or to any adjacent building used by the public.

(3) When animals are fed hay and oats or other feed outside of a building, the feeding area shall be located not less than one hundred (100) feet from any occupied dwelling or any adjacent building used by the public. Corrals where animals graze only shall not be considered feeding areas.

(4) Stables shall be enclosed by a suitable fence, and shall be maintained so that odor, dust, noise or water drainage impact to adjoining premises shall be minimized in accordance with accepted agricultural management practices.

(i) Commercial kennels shall comply with the following standards:

(1) For kennels housing dogs, the minimum lot size shall be two (2) acres for the first four (4) dogs and an additional one-third (1/3) acre for each one (1) additional dog.

(2) Buildings wherein dogs are kept, dog runs, and/or exercise areas shall not be located nearer than one hundred and fifty (150) feet to any lot line and two hundred (200) feet from the road right-of-way.

(3) Such facilities shall be subject to other conditions and requirements necessary to ensure against the occurrence of any possible nuisance (i.e., fencing, sound-proofing, sanitary requirements).

(4) All enclosures for breeding, rearing, shelter, or other uses in connection with harboring of animals, shall be hard surfaces and provided with proper drains for washing with water pressure.

(5) All animals shall be kept indoors between the hours of 10:00 PM and 6:00 AM.

(6) All dog kennels shall be operated in conformance with all applicable county and state regulations.

(j) Adult foster care large group home or small group home shall be at least one thousand five hundred (1,500) feet from another group day care home or similar facility. The Township Board shall determine, following review and recommendation by the Planning Commission, that the facility will not result in an excessive concentration of adult care facilities within a neighborhood.

(k) Group day care homes and child care centers shall comply with the following requirements:

(1) Group day care homes shall be located at least one thousand five hundred (1,500) feet from any other group day care group home.

(2) An on-site drive shall be provided for drop offs\loading. This drive shall be arranged to allow maneuvers without affecting traffic flow on the public street.

(3) There shall be a fenced, contiguous open space with a minimum area of one thousand five hundred (1,500) square feet provided on the same premises as the group day care home. The required open space shall not be located within a required front yard.

(l) Churches, temples and similar places of worship and related facilities shall comply with the following requirements:

(1) Minimum lot area shall be three (3) acres plus an additional fifteen thousand (15,000) square feet for each one hundred (100) persons of seating capacity.

(2) Buildings of greater than the maximum height allowed in Section 3.04, Dimensional Standards, may be allowed provided front, side and rear yards are increased above the minimum required yards by one foot for each foot of building height that exceeds the maximum height allowed. The maximum height of a steeple shall be sixty (60) feet.

(3) Wherever an off-street parking area is adjacent to a residential district, there shall be a minimum parking lot setback of fifty (50) feet with a continuous obscuring wall, fence and/or landscaped area at least four (4) feet in height shall be provided. The Township Board may reduce this buffer based on the provision of landscaping, the presence of existing trees or in consideration of topographic conditions.

(4) Private schools and child day care centers may be allowed as an accessory use to churches, temples and similar places of worship where the site has access to a paved public roadway.

(m) Underground pipeline storage shall only be permitted where the site is enclosed with security fencing and property lines adjacent to any residential district are landscaped.

(n) Golf courses shall comply with the following:

(1) The principal and accessory buildings, including maintenance sheds, shall be set back at least seventy five (75) feet from all property and street lines.

(2) Accessory buildings, structures and storage areas shall be screened on all sides from adjacent residential areas and public street rights-of-way.

(3) Operational hours for maintenance vehicles, course maintenance and/or irrigation may be restricted by the Planning Commission to protect nearby residential districts.

Sec. 3.04 DIMENSIONAL STANDARDS

3.04.01 **Residential Schedule of Area and Bulk Requirements.** All lots, buildings, and structures shall comply with the area height and bulk requirements in Table 3.04.01:

Table 3.04.01 DIMENSIONAL STANDARDS - RESIDENTIAL DISTRICTS

District	Minimum Lot Size [m] or Maximum Density		Maximum Building Height		Principal Structure Minimum Yard Setback[g] [h] [i]				Max Lot Coverage	(Per Unit) Floor Area
	Min. Lot Area, Max. Units Per Acre [a] [b]	Width[c] [d]	Stories	Feet[e]	Front[f]	Smaller Side	Total 2 Sides	Rear		
Agricultural (AG)	40 acres for farms, 10 acres for non-farm dwellings		2	35	75	40	80	60	NA	980 sq. ft.
Country Estate (CE)	5 acres	220 ft	2	35	75	40	80	60	NA	1500 sq. ft
Rural Residential (RR)	2 acres	200 ft	2	35	50	30	60	60	NA	1200 sq. ft.
Low Density Residential (LDR)	1 acre	150 ft	2	35	50	30	60	60	NA	980 sq. ft.
Suburban Residential (SR)	21,780 sq. ft., with public sewer; 1 acre without public sewer	100 ft	2	35	40	20	40	50	20% bldg, 35% imp. sur.	980 sq. ft.
Urban Residential (UR)	18,000 square feet per unit, requires public sewer and water	90 ft.	2	25	35	10[j]	25[j]	50	35% bldg, 50% imp. sur.	980 sq. ft.
Lakeshore Resort Residential (LRR)	12,800 square feet lots of record in existence on 1/1/91, requires public sanitary sewer 1 acre lots created after 1/1/91 without public sanitary sewer. 21,780 square foot lots created after 1/1/91with public sanitary sewer.	80 ft	2	25	35	10[k]	20[k]	40	35% bldg, 50% imp. sur.	900 sq. ft.
Medium Density Residential (MDR)	10,000 sq. ft. per single family lot 5 units per acre for duplexes and attached townhomes Requires public sewer and water	75 ft	2	35	25[l]	5[l]	20[l]	30	35% bldg footprint, max 50% impervious surface	900 sq. ft.
High Density Residential (HDR)	8 units per acre assuming all setbacks and other requirements can be met, min 21,780 sq. ft. per building Requires public sewer and water	165 ft	3	40	35[l]	15[l]	30[l]	30	35% bldg footprint, max 50% impervious surface (bldg plus paved areas)	efficiency = 450 sq. ft. 1 bedroom = 600 sq. ft. 2 bedroom = 750 sq. ft. 3 bedroom = 900 sq. ft. each addl = 150 sq ft Ground floor = 500 sq ft/unit

(as amended 3/5/10)

3.04.02 **Footnotes to Table 3.04.01:**

(a) **Density:** Maximum density shall be based on net lot area with wetlands counted at 25% and excluding all submerged lands and road rights-of-way.

(b) **Lot Area:** All lots that are not served by public sanitary sewer shall have a minimum lot area of one (1) acre. Divisions to land that create lots less than one (1) acre, and which are not served by public sanitary sewer, shall not be permitted.

(c) **Lot Width:** See definitions section for measurement for irregular shaped lots and lots along curvilinear streets. In no case shall street frontage be less than sixty (60) feet. Measurement for flag shaped lots shall be at the point where the narrow access strip joins the larger section of the lot, as determined by the Zoning Administrator.

(d) **Depth to Width Ratio:** All lots shall have a maximum depth to width ratio of four-to-one (4:1).

(e) **Exceptions to Height Limitations:** Structural appurtenances may be permitted to exceed the height limitations only as provided for in Section 11.01.05.

(f) **Corner Lot Setbacks:** In the case of corner lots or lots with dual frontage, front setback requirements shall be maintained along all street frontages.

(g) **Natural Features Setback:** A minimum twenty five (25) foot setback shall be maintained from all MDEQ regulated wetlands, ponds and streams, subject to the requirements of Section 13.02. Setbacks from lake shore are described below, unless a greater distance is required by the MDEQ under PA 347 of 1972:

Table 3.04.02
Shoreline Setback

Condition	Required Setback from Shoreline or Ordinary High Water Mark of a Lake*
	Principal Building
Sites lacking public sanitary sewer	Minimum 100 feet
Sites connected to public sewer	Minimum 70 feet
Sites connected to public sewer in Lakeshore Resort Residential Dist.	Minimum 40 feet or consistent with the setbacks of adjacent principal buildings, whichever is greater as determined by the Zoning Administrator. If the setbacks of adjacent principal buildings vary because of irregular shoreline, the setback shall be the average of all lots within 500 feet along the shoreline or 40 feet whichever is the greater.
Paved parking areas	All paved parking areas shall be setback a minimum 25 feet from any shoreline.

* This setback shall be measured on a horizontal plane from the nearest point of the water's edge to the nearest point of the building or structure.

(h) **Landscape Buffers:** Landscaped greenbelts along the right-of-way and a landscaped buffer zone based on adjacent zoning shall be provided as required in Section 12.02.

(i) **Projections into Yards:** Projections into required yards shall be allowed only as provided for in Section 11.01.04.

(j) **UR Side Yards:** The UR Zoning District allows variable side yards to off-set the building on the lot. The smaller side yard must be at least ten (10) feet and the total of both side yards must be at least twenty-five (25) feet (e.g., 10 + 15 or 12 +13, etc.). (as amended 3/5/10)

(k) **LRR Side Yards:** In the LRR Zoning District one of the side yards may be reduced to a minimum of five (5) feet where all of the following are met:

(1) The other side yard must be at least ten (10) feet.

(2) The distance between the building and any building on the adjacent lot shall be no less than ten (10) feet.

(3) The roof shall have gutters. (as amended 3/5/10)

(l) **Multiple Family Setbacks:**

(1) The corresponding setback in Table 3.04.01 is to be provided from roads that are external from the site boundaries. For buildings with multiple dwelling units, duplexes and attached residential units, a minimum twenty (20) foot setback from all internal roads, drives and parking areas shall be provided. This setback shall not apply to individual unit driveways, provided driveways shall provide a minimum twenty (20) foot long area between the building and a sidewalk for the parking of a vehicle. (as amended 12/31/06)

(2) For duplexes, the minimum side yard spacing requirement between units may be averaged, provided the spacing shall be no less than ten (10) feet.

(m) **Residential Cluster Option:** Within the AG, CE, RR, LDR, SR, and UR Zoning Districts and on golf courses in the PRF Zoning District a site may be developed as a single family residential open space cluster development, subject to the following:

(1) An open space cluster development may be approved by the Township Board, based upon a recommendation by the Planning Commission following the review procedures and approval standards for special land uses contained in Article 19, special land use, in addition to the review and approval procedures for subdivision plats contained in the Subdivision Control Ordinance, or site condominiums contained in Section 12.07.

(2) To be eligible for open space cluster development consideration, the applicant must present a proposal for a single family residential development that meets each of the following:

a. An open space cluster development shall result in a recognizable and substantial benefit, both to the residents of the property and to the overall quality of life in the Township. The benefits can be provided through site design elements in excess of the requirements of this Ordinance, such as extensive landscaping, unique site design features, preservation of woodlands and open space, particularly along major thoroughfares or lakes, buffering development from wetlands and shorelines, and provision of buffers from adjacent residential.

b. The site shall preserve significant natural features such as woodlands, significant views, natural drainage ways, regulated or non-regulated wetlands, or natural corridors that connect quality wildlife habitats which would be in the best interest

of the Township to preserve and which might be negatively impacted by conventional residential development.

c. The proposed development shall be designed to create a cohesive neighborhood through a network of spaces such as parks and common open space areas for recreation and resident interaction. All open space areas shall be equally available to all residents of the development.

d. The site shall be under single ownership or control, such that there is a single person or entity having proprietary responsibility for the full completion of the project. The applicant shall provide sufficient documentation of ownership or control in the form of agreements, contracts, covenants, and/or deed restrictions that indicate that the development will be completed in its entirety as proposed.

e. The clustered development shall not depend upon the extension of a public sewer or water supply system, unless the site is located within the Township utility service area and would have otherwise been developed with public sewer or water based upon the existing zoning. Where a cluster development will not be served by public sewer and water, lots shall be of an adequate size to meet the requirements of paragraph (4) below.

f. The site was not previously divided using a clustered development option.

g. The proposed development shall be consistent with and further the implementation of the Township Master Plan.

h. The Planning Commission shall find that the proposed open space cluster development meets all of the approval standards for special land uses contained in Article 19, Special Land Use.

(3) Residential density shall be determined by a parallel plan that illustrates how the site could be developed as a conventional subdivision with the underlying zoning district, meeting all applicable township and county zoning and subdivision requirements. The parallel plan shall be submitted with the open space cluster development which shall contain all information required for a preliminary plat. The Township shall review the design and determine the number of lots that could be feasibly constructed. This number shall be the maximum number of dwelling units allowable for the open space cluster development.

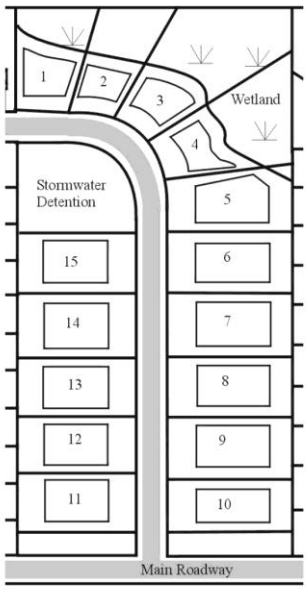
(4) All lots shall comply with the dimensional standards of the underlying zoning district, provided the lot area and width may be reduced in order to preserve a minimum of fifty percent (50%) of the total site area as common open space meeting the requirements of paragraph (6) below. All setback and other dimensional standards of the underlying zoning district shall be complied with. The Zoning Board of Appeals shall have no authority to grant variances to an open space cluster development site plan or any conditions placed by the Township Board. The Board of Zoning Appeals shall have the authority to hear and decide appeal requests by individual lot owners for variances following final approval of the clustered development, provided such variance does not contradict the requirements of this subsection (k) or any conditions placed on the approval of the clustered development. All lots not served by public water and sewer shall have a minimum area of one (1)

acre and shall conform to the requirements of the Livingston County Health Department.

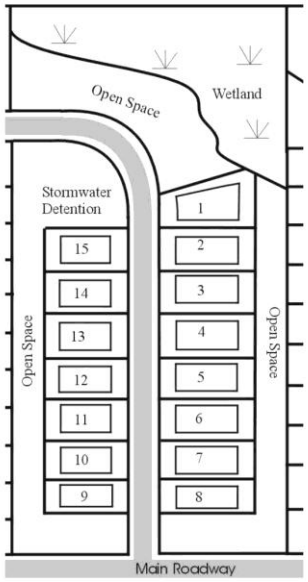
(5) The layout of the open space cluster development shall comply with the requirements of the Subdivision Control Ordinance. Roads and driveways shall comply with the Township Subdivision Control Ordinance, Livingston County Road Commission standards and the private road regulations of Article 15, as applicable. The site shall provide for inter-connection of roads and the future integration of circulation between adjacent sites.

(6) A minimum of 50% of the total site area shall be preserved as common open space for recreation or conservation and shall be exclusive of residential lots, road rights-of-way or other improvements. Such open space shall be arranged on the site to meet all of the following requirements, provided the Planning Commission may modify these standards where it is demonstrated that additional natural features will be preserved elsewhere on the site:

Parallel Plan
Showing Conventional Subdivision



Clustered Open Space Plan



a. A one hundred (100) foot deep open space area shall be preserved along road frontages bordering the open space cluster development and adjacent to existing residential lots.

b. All wetlands and areas within fifty (50) feet of a wetland or shoreline shall be preserved as open space. Lakes and ponds shall not be included in open space area calculations.

c. Open space shall be located to minimize removal of woodlands.

d. Open space may include recreational trails, picnic areas, parks greenways, and but shall not include a golf course, except in the PRF District where clustered residential is being developed around an existing golf course that is being preserved. The Planning Commission may permit recreational buildings within the open space.

(7) The dedicated open space shall be set aside by the developer through an irrevocable conveyance that is found acceptable to the Township, such as: recorded deed restrictions, covenants that run in perpetuity with the land, or conservation easements. Such conveyance shall assure that the open space will be protected from all forms of development and shall never be changed to another use. Where deed restrictions are utilized for the protection of open space, the Township shall be made a party to the deed restrictions and such restrictions applicable to the open space shall not be amended. Building permits for home construction shall not be granted until such deed restrictions are recorded with the County Register of Deeds and copies are filed with the Township. The developer may dedicate the open

space to a conservation organization or the Township, provided such dedication shall be subject to approval by the Township Board.

(8) A preservation and maintenance plan for the open space shall be submitted with the final preliminary plat or final site condominium plan and shall include mechanisms for the long term funding of open space preservation. The Township may require bonds or other funding mechanisms to ensure long term maintenance of open space.

(9) Reasonable conditions may be required with the special land use approval of an open space cluster development for the purpose of ensuring that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, protecting the natural environment and conserving natural resources, ensuring compatibility with adjacent uses of land, promoting the use of land in a socially and economically desirable manner, and further the implementation of the Township Master Plan.

Sec. 3.05 ADDITIONAL SITE DEVELOPMENT STANDARDS

3.05.01 **Sewer and Water:** No plat or site plan shall be approved creating lots or parcels with an area of less than one (1) acre or a density of greater than one (1) unit per acre in the SR, UR, LRR, MDR and HDR districts unless served by public water and public sanitary sewer facilities approved and accepted by Genoa Township; which shall not include private community wastewater treatment systems. (as amended 12/31/06)

3.05.02 **Other Requirements:** All permitted and special land uses shall comply with all applicable provisions of this Zoning Ordinance including those listed below.

(a) Article 11, General Provisions, shall be adhered to for general dimensional standards, calculation of (buildable) lot area, access to dedicated streets, projections into yards, supplementary height regulations, principal building, structure, or use, determination of "similar uses", changes in tenancy/ownership, voting place, temporary buildings, and structures, open storage, parking, and repair of vehicles, essential public services, wireless communication facilities, single family dwelling design standards, regulations on accessory dwellings, accessory buildings, and structures, decks, swimming pools, fences, walls, and screens, private boat docks, wind energy conversion systems and reception antennas, and towers. (as amended 3/5/10)

(b) Article 12, Site Development Regulations, shall be adhered to for greenbelts, landscape materials, and screening, exterior lighting, dumpsters, and waste receptacles, non-motorized pathways, and sidewalks, private parks in residential subdivision plats & condominiums and condominium development regulations.

(c) Article 13, Environmental Protection Regulations, shall be adhered to for, clearing of woodlands, and earth changes prior to development, wetland protection standards, riparian lot common use (keyhole), stormwater, septic, systems or private community wastewater treatment systems. (as amended 12/31/06)

(d) Article 14, Parking and Loading-Unloading Standards, shall be adhered to for all parking.

(e) Article 15, Access Management and Private Road Standards, shall be adhered to for all commercial driveways, shared driveways and private roads.

(f) Article 16, Sign Standards, shall be adhered to for all signage.

(g) Article 18, Site Plan Review and Impact Statement, shall be adhered to for the submission, review and approval of site plans for non-single family residential uses.

(h) Article 19, Special Land Uses, shall be adhered to for the submission, review and approval of all special land uses.

(i) Article 20, Land Divisions, shall be adhered to for all applications to divide land. Where a subdivision plat is required, the requirements of the Township Subdivision Control Ordinance shall be followed.

ARTICLE 4
MANUFACTURED HOUSING PARK DISTRICT

Sec. 4.01 STATEMENT OF PURPOSE

The purpose of the Manufactured Housing Park District is to provide an affordable housing alternative where appropriate and consistent with the general character of the Township. The standards of this district are intended to be consistent with the standards of other types of housing at similar densities. All manufactured housing park developments shall comply with Act 243 of Public Acts of the State of Michigan, 1959, as amended. However, some standards of this Ordinance are more stringent than the typical standards promoted by the Michigan Mobile Home Commission. These more stringent standards reflect the nature of Genoa Township in contrast with some other areas of Michigan where the universal rules of the Mobile Home Commission may be appropriate.

Sec. 4.02 PERMITTED USES AND SPECIAL LAND USES

In the Manufactured Housing Park District land, buildings and structures shall be used only for one or more of the following uses: Land and/or buildings in the districts indicated at the top of Table 4.02 may be used for the purposes denoted by a "P" in the column below by right. Land and/or buildings in the districts indicated at the top of Table 3.03 may be used for the purposes denoted by "S" after special land use approval in accordance with the general and specific standards of Article 19 Special Land Uses. A notation of "- -" indicates that the use is not permitted within the district. The "Req." column indicates additional requirements or conditions applicable to the use.

Table 4.02
Schedule of Manufactured Housing Park District Use

Use	MHP
Manufactured single family dwellings	P
Single family detached dwellings (site built)	P
Accessory uses including utility/laundry buildings, auxiliary storage space for mobile home tenants, community buildings for use by the tenants of the park as well as recreation areas and playgrounds and one (1) office building exclusively for conducting the business operations of the mobile home park. Private boat docks shall meet the standards of Section 11.04.04.	P
Mobile home sales facilities, when such facilities are clearly incidental to the occupancy of lots within the mobile home park	S

Sec. 4.03 DIMENSIONAL STANDARDS FOR PARK DESIGN, UNITS AND UNIT PLACEMENT

No mobile home shall be permitted to occupy any mobile home park site if the home is either longer or wider than would permit compliance with the following requirements:

4.03.01 **Minimum park area:** Mobile home parks shall be at least fifteen (15) acres in area

4.03.02 **Access requirements:** All mobile home parks shall have direct access to a major thoroughfare or county primary road. This access shall have a right-of-way or easement at least eighty six (86) feet wide; one hundred (100) feet if the entrance includes a boulevard. All road accessing the mobile home park shall be paved, except for a emergency only access with a base approved by the fire department.

4.03.03 **Minimum setbacks and buffer zone along the park perimeter:** Mobile homes shall be setback at least fifty (50) feet from any public street right-of-way line or thirty-five (35) feet to any mobile home park property line. Buffer zones shall be provided from adjacent zoning districts as required for all districts in Section 12.02.

4.03.04 **Sidewalks:** Each site unit shall front on sidewalks at least four (4) feet in width, located parallel to the street. The Planning Commission may waive this requirement when there are not connecting sidewalks along public streets serving the manufactured housing park.

4.03.05 **Street design:** Streets or drives within the manufactured housing park shall be constructed to standards required for residential developments of similar density. Two way circulation shall be required, with a minimum width of twenty one (21) feet, measured from back of curb to back of curb where there is no on-street parking. Where parallel parking is provided on one side of the street, roadway width shall be twenty eight (28) feet, measured from back of curb to back of curb. Where parallel parking is provided on both sides of the street, roadway width shall be thirty two (32) feet, measured from back of curb to back of curb. All streets and drives shall be hard surfaced. Maximum cul-de-sac length shall be one thousand (1000) feet, provided no more than thirty five (35) units may be served by a single cul-de-sac. Each cul-de-sac shall terminate with a radius of fifty (50) feet or a hammer-head or "T" design acceptable to the fire department.

4.03.06 **Street pavement:** Street within the manufactured housing park shall be designed and constructed of materials suitable for subgrades and hard surface in accordance with the standards and specifications of the Mobile Home Commission based on the specifications of the American Association of State and Highway Transportation Officials (AASHTO).

4.03.07 **Street Names/Signs:** All roads shall be clearly marked with appropriate identification and traffic control signs. The name of all roads shall be approved by the County .

4.03.08 **Drainage:** The manufactured home park shall provide sufficient storm water facilities, independent of sanitary sewers, to prevent flooding of streets, lots or recreation areas. On-site stormwater detention facilities may be required, as deemed necessary by the Township Engineer.

4.03.09 **Other Utilities:** All utility connections shall be underground and shall comply with state and local codes.

4.03.10 **Required recreation area:** There shall be provided for each manufactured home park a recreational area equal in size to at least one hundred (100) square feet per manufactured home site. Said recreation area shall be no longer than one and one-half (1.5) times its width. At least half of such area shall be graded, developed, sodded and maintained by the management, to provide recreation and landscaping for the residents of the manufactured housing park.

4.03.11 **Required storage area:** There shall be provided a separate area either fenced, screened or enclosed, within the park for the storage of tenants' camping trailers, boats, snowmobiles, and other similar recreational equipment. The storage area shall be screened with landscape buffer zone “B” required under section 12.02. Such items shall not be stored in any other area of the park.

4.03.12 **Waste receptacles:** Dumpsters shall be provided within one hundred fifty (150) feet of each manufactured home, unless curb site pick-up is provided. All dumpsters shall be designed and screened according to section 12.04.

4.03.13 **Recycling stations:** A mobile home park shall provide a recycling station on-site for residents unless recycle pick-up service is available.

4.03.14 **Minimum lot width and area per unit:** All mobile home sites shall have a minimum lot width of fifty (50) feet and an average site area of five thousand five hundred (5,500) square feet. Parks designed to provide cluster arrangements utilizing common open space for recreation may reduce the area of lots abutting the common open space by fifteen (15) percent provided that the common open space must be at least equal to the total area by which abutting lots have been reduced. This common open space shall be in addition to that required by section 4.03.10.

4.03.15 **Maximum height:** The maximum height of a manufactured home shall be one (1) story or twenty-five (25) feet. Maximum height of accessory buildings and structures shall be fourteen (14) feet.

4.03.16 **Space between units:** There shall be open space of at least twenty (20) feet between the sides, ends or side and end of any two (2) mobile homes, except that in the case of cluster arrangement of sites the required distance between mobile homes may be reduced by fifteen (15) feet at one end, provided that the average distance between homes is not less than twenty (20) feet.

4.03.17 **Minimum setbacks from drives:** No mobile home shall be located closer than twenty (20) feet to any vehicle drive within the park.

4.03.18 **Spacing from accessory buildings:** The minimum setback between any manufactured home or attached structure and a detached accessory structure shall be ten (10) feet. Accessory structures shall be set back at least fifteen (15) feet from the closest edge of any sidewalk or lot line, and twenty five (25) feet from the edge of any internal street or drive.

4.03.19 **Mail boxes:** Mail box clusters shall be located and designed to minimize interference with traffic operations near the park entrance.

Sec. 4.04 REVIEW STANDARDS

In addition to the standards of Article 18, Site Plan Review, the Planning Commission shall consider the following when reviewing an application for a manufactured housing park.

4.04.01 Whether the proposed development meets all the design standards of this Zoning Ordinance; other applicable local codes, regulations and ordinances and applicable state and federal requirements.

4.04.02 Whether the proposed development is adequately served by public infrastructure, particularly sanitary sewer and water systems.

4.04.03 Whether the surrounding street system can accommodate peak hour traffic patterns generated by the proposed project within acceptable level of service (i.e. level of service D or better).

Sec.4.05 DESIGN STANDARDS FOR INDIVIDUAL LOTS

4.05.01 All lots outside of a manufactured home park shall comply with the following standards .

TABLE 4.05.01 DESIGN STANDARDS FOR INDIVIDUAL LOTS

Minimum Lot Size[a] or Maximum Density		Maximum Building Height		Principal Structure Minimum Yard Setback[f] [g]				Max Lot Coverage	(Per Unit) Living Area
Min. Lot Area, Max. Units Per Acre [i]	Width[c] [d]	Stories	Feet[h]	Front[b]	One Side	Total 2 Sides	Rear[e]		
Lots outside of manufactured housing parks 12,800 square feet, requires sanitary sewer	80 ft	2	25	35	10	20	40	35% bldg, 50% imp. sur.	900 sq. ft.

4.05.02 **Footnotes to Table 4.05.01:**

(a) **Density:** Maximum density shall be based on net lot area with wetlands counted at 25% and excluding all submerged lands, and road rights-of-way .

(b) **Corner Lot Setbacks:** In the case of corner lots or lots with dual frontage, front setback requirements shall be maintained along all street frontages.

(c) **Lot Width:** See definitions section for measurement for irregular shaped lots and lots along curvilinear streets. In no case shall street frontage be less than sixty (60) feet.

(d) **Depth to Width Ratio:** All lots shall have a maximum depth to width ratio of four-to-one (4:1).

(e) **Natural Features Setback:** A minimum twenty five (25) foot setback shall be maintained from all MDEQ regulated wetlands, ponds and streams, subject to the requirements of Section 13.02. Setbacks from lake shore is described below, unless a greater distance is required by the MDEQ under PA 347 of 1972:

Table 3.04.02 Shoreline Setback	
Condition	**Required Setback from Shoreline or Ordinary High Water Mark of a Lake***
	Principal Building
Sites lacking public sanitary sewer	Minimum 100 feet
Sites connected to public sewer	Minimum 70 feet
Paved parking areas	All paved parking areas shall be setback a minimum 25 feet from any shoreline.

* This setback shall be measured on a horizontal plane from the nearest point of the water's edge to the nearest point of the building or structure.

(f) **Landscape Buffers:** Landscaped greenbelts along the right-of-way and a landscaped buffer zone based on adjacent zoning shall be provided as required in Section 12.02.

(g) **Projections into Yards:** Projections into required yards shall be allowed only as provided for in Section 11.01.04.

(h) **Exceptions to Height Limitations:** Structural appurtenances may be permitted to exceed the height limitations only as provided for in Section 11.01.05.

(i) **Lot Area:** All lots that are not served by public sanitary sewer shall have a minimum lot area of one (1) acre. Divisions to land that create lots less than one (1) acre, and which are not served by public sanitary sewer, shall not be permitted.

Sec.4.06 ADDITIONAL SITE DEVELOPMENT STANDARDS

All Permitted and Special Land Uses shall comply with all applicable provisions of this Zoning Ordinance including those listed below.

4.06.01 Article 11, General Provisions, shall be adhered to for general dimensional standards, calculation of (buildable) lot area, access to dedicated streets, projections into yards, supplementary height regulations, principal building, structure, or use, determination of "similar uses", changes in tenancy/ownership, voting place, temporary buildings, and structures, open storage, parking, and repair of vehicles, essential public services, wireless communication facilities, single family dwelling design standards, regulations on accessory

dwellings, accessory buildings, and structures, decks, swimming pools, fences, walls, and screens, private boat docks and reception antennas, and towers.

4.06.02 Article 12, Site Development Regulations, shall be adhered to for greenbelts, landscape materials, and screening, exterior lighting, dumpsters, and waste receptacles, non-motorized pathways, and sidewalks, private parks in residential subdivision plats & condominiums and condominium development regulations.

4.06.03 Article 13, Environmental Protection Regulations, shall be adhered to for, clearing of woodlands, and earth changes prior to development, wetland protection standards, riparian lot common use (keyhole) and septic or sanitary sewer system.

4.06.04 Article 14, Parking and Loading-Unloading Standards, shall be adhered to for all parking.

4.06.05 Article 15, Access Management and Private Road Standards, shall be adhered to for all commercial driveways, shared driveways and private roads.

4.06.06 Article 16, Sign Standards, shall be adhered to for all signage.

4.06.07 Article 18, Site Plan Review and Impact Statement, shall be adhered to for the submission, review and approval of site plans for non-single family residential uses.

4.06.08 Article 19, Special Land Uses, shall be adhered to for the submission, review and approval of all special land uses.

4.06.09 Article 20, Land Divisions, shall be adhered to for all applications to divide land. Where a subdivision plat is required, the requirements of the Township Subdivision Control Ordinance shall be followed.

ARTICLE 5
RESERVED FOR FUTURE USE

ARTICLE 6
PUBLIC AND RECREATIONAL FACILITIES DISTRICT

Sec. 6.01 STATEMENT OF PURPOSE

6.01.01 The Public and Recreational Facilities District (PRF) and regulations are intended to provide an appropriate zoning classification for specified governments, civic and recreational facilities where a separate zoning district is deemed appropriate. This Article is also intended to protect public and quasi-public facilities and institutions from the encroachment of certain other uses, and to insure compatibility with adjoining residential uses. Several of the public facilities addressed in this section are also Permitted or Special Land Uses in one or more of the other zoning districts. Governmental agencies which are exempted from Township Zoning by state or federal statute shall be responsible for complying with the standards of this section to the greatest extent possible.

Sec. 6.02 PERMITTED AND SPECIAL LAND USES

6.02.01 **List of Uses:** In the PRF district, land, buildings and structures shall be used only for one or more of the following uses. Land and/or buildings in the districts indicated at the top of Table 6.02 may be used for the purposes denoted by a "P" in the column below by right. Land and/or buildings in the districts indicated at the top of Table 6.02 may be used for the purposes denoted by "S" after special land use approval in accordance with the general and specific standards of Article 19 Special Land Uses. A notation of "- -" indicates that the use is not permitted within the district. The "Req." column indicates additional requirements or conditions applicable to the use.

Table 6.02
Schedule of Public and Recreational Facilities Uses

	PRF	Req.
Governmental		
Township, county, state and federal buildings and uses for administrative functions and uses by the general public	P	
Public fountains	S	
Public farmers market	S	
Civic		
Churches, temples and places for public assembly	P	6.02.02(a)
Art galleries, libraries, museums, memorials and monuments.	P	
Cemeteries	S	6.02.02(b)
Health Care		
General and specialty hospitals, treatment centers, health centers, and medical institutions	S	6.02.02(c)
Homes for aged and extended care facilities such as nursing homes	S	
Educational		
Primary and secondary public, private, or parochial schools	P	
Colleges	P	
Dormitories or student apartments accessory to a college	S	
Recreational		
Public parks, public open space, public recreation areas, public playgrounds, lakes, beaches, pools, public gardens and public nonprofit golf courses without driving ranges or restaurant/banquet facilities, excluding off-road vehicle courses and trails, gun and archery ranges	P	

Table 6.02 Schedule of Public and Recreational Facilities Uses		
	PRF	**Req.**
Public arenas, stadiums and skating rinks	S	
Public or private campgrounds	S	
Public golf courses with ancillary driving ranges or restaurant/banquet facilities	S	6.02.02(d)
Golf driving ranges and miniature golf courses	S	6.02.02(e)
Golf domes	S	6.02.02(f)
Commercial outdoor recreational establishments	S	6.02.02(g)
Commercial indoor recreational facilities	S	6.02.02(h)
Private non-commercial institutional or community recreation facilities	S	6.02.02(i)
Private commercial or noncommercial outdoor recreational areas for off-road vehicles and snowmobiles, gun/archery ranges, paintball and similar uses	S	6.02.02(j)
Ski facilities that may or may not be operated for profit	S	6.02.02(k)
Commercial or noncommercial campgrounds for travel trailers, tent-campers, motor homes and tents	S	6.02.02(l)
Carnivals, fairs, commercial cider mills and amusement parks	S	6.02.02(m)
Transportation		
Airports, landing strips and heliports	S	6.02.02(n)
Public Utility Facilities		
Public sewage treatment plants, public water plants, essential public services and buildings, public works garages and similar uses	P	6.02.02(o)
Water towers	P	6.02.02(p)
Residential		
Residential dwellings for a facility manager at a golf course or campground	S	
Clustered residential development on the same site as a recreational use	S	6.02.02(q)
Accessory Uses		
Accessory uses, buildings and structures customarily incidental to any of the above uses, as defined in Section 11.04, such as public parking areas, storage garages, residence for custodians, and maintenance and heating facilities	P	

(as amended 12/31/06)

6.02.02 **Use Conditions:** Uses noted above shall only be allowed where the following requirements are complied with:

(a) Churches, Temples and similar places of worship and related facilities

(1) Minimum lot area shall be three (3) acres plus an additional fifteen thousand (15,000) square feet for each one hundred (100) persons of seating capacity.

(2) Buildings of greater than the maximum height allowed in Section 6.03.02 may be allowed provided front, side and rear yards are increased above the minimum required yards by one (1) foot for each foot of building height that exceeds the maximum height allowed. The maximum height of a steeple shall be sixty (60) feet.

(3) Wherever an off-street parking area is adjacent to a residential district, there shall be a minimum parking lot setback of fifty (50) feet with a continuous obscuring wall,

fence and/or landscaped area at least four (4) feet in height shall be provided. The Township Board may reduce this buffer based on the provision of landscaping, the presence of existing trees or in consideration of topographic conditions. (as amended 3/5/10)

(b) Cemeteries

(1) Minimum property size shall be twenty (20) acres.

(c) Hospitals

(1) Building shall not exceed a height of four (4) stories.

(2) Minimum site size shall be twenty (20) acres.

(3) The proposed site shall have at least one property line abutting a primary road as classified by the Livingston County Road Commission, or along a roadway with a right-of-way of at least eight six (86) feet.

(4) Front, side and rear yard minimum setback shall be fifty (50) feet.

(5) Parking setback shall be forty (40) feet in the front yard, twenty (20) feet for side and rear yards.

(6) Auxiliary uses, such as a pharmacy, gift shop, cafeteria, medical office buildings with required parking and similar customary hospital related uses shall be allowed.

(d) Golf courses, Par Three Golf Courses

(1) The principal and accessory buildings, including maintenance sheds, shall be set back at least seventy five (75) feet from all property and street lines.

(2) Accessory buildings, structures and storage areas shall be screened on all sides from adjacent residential areas and public street rights-of-way.

(3) Operational hours for maintenance vehicles, course maintenance and/or irrigation may be restricted by the Planning Commission to protect nearby residential districts.

(e) Golf Driving Ranges, Miniature Golf Courses

(1) All traffic ingress and egress shall be from a Primary Road, as classified by the Livingston County Road Commission.

(2) Any lot line abutting a residential district shall provide a fifty (50) foot wide, landscaped buffer zone A, as defined in Article 3, General Provisions, Section 12.02.

(3) A minimum twenty five (25) foot wide greenbelt, as described in Article 3, shall be provided along any public street or highway.

(4) Site size shall be adequate to retain all golf balls within the site by means of a fence no more than six (6) feet high.

(5) The Planning Commission may restrict the hours of operation in consideration of the adjacent land uses and zoning.

(6) Pro-shops, refreshment stands, retail shops selling golf-related items and maintenance buildings shall be permitted as part of the principal use and shall be subject to the dimensional requirements of principal buildings. (as amended 12/31/06)

(f) Golf domes

(1) Dome height shall not exceed 60 feet at its highest point. The Planning Commission shall review and approve the height and material of the dome. The Planning Commission may permit a greater height based on documentation by the applicant that a taller dome is necessary to shed snow.

(2) The outer membrane of the dome shall be flame resistant and constructed of a material that does not emit excessive interior lighting to the exterior. The Planning Commission may require domes to install an outer membrane that is partially or totally opaque when adjacent to residential districts.

(3) All repairs or patches to the outer membrane of the dome shall match the original material and color of the membrane and shall not be generally discernible from the exterior.

(4) All outdoor mechanical equipment shall be screened from view and noise reduced by a continuous obscuring wall, fence and/or evergreen hedge as appropriately determined by the Planning Commission. Accessory buildings, structures, and storage areas shall be screened on all sides visible from adjacent residential districts and public street rights-of-way. (as amended 12/31/06)

(g) Commercial Outdoor Recreation Establishments (excluding golf related uses)

(1) Such uses shall include, but need not be limited to, the following: recreational fields, rinks or courts, including football, softball, soccer, tennis, basketball, ice skating, and similar activities, swimming pools open to the general public or operated by a private non-profit organization, archery and shooting ranges, animal racing, go-cart, automobile or motorcycle tracks, music concert pavilions and bandshells, amusement parks and uses accessory to the above uses, such as refreshment stands, retail shops selling items related to the above uses, maintenance buildings, office for management functions, spectator seating and service areas, including locker rooms and rest rooms.

(2) The site shall be adequate to accommodate the intended use(s), parking and adequate buffer areas without significant impact on nearby properties in terms of noise, traffic, lighting glare, views, odors, trespassing, dust or blowing debris, as determined by the Planning Commission. The applicant shall provide documentation the site size is adequate using national facility standards.

(3) The site shall be located on a paved street which is classified as a Primary Route by the Livingston County Road Commission.

(4) No building or spectator seating facility shall be located within one hundred (100) feet of a property line.

(5) The site shall be periodically cleared of debris.

(h) Indoor commercial recreation: bowling alleys, ice arenas, skating rinks, cinemas, theaters, etc.)

(1) The principal and accessory buildings and structures shall be not be located within one-hundred (100) feet of any residential district or permitted use.

(2) All uses shall be conducted completely within a fully enclosed building.

(i) Private, non-commercial institutional or community recreation facilities

(1) The proposed site for any of the uses permitted herein which would attract persons from, or are intended to serve, areas beyond the immediate neighborhood shall have at least one property line abutting a County Primary Road, and the site shall be so planned as to provide all ingress and egress directly onto or from said primary road.

(2) Front, side and rear yards shall be at least eighty (80) feet wide, and shall be landscaped in trees, shrubs, and grass. All such landscaping shall be maintained in a healthy condition. There shall be no parking or structures permitted in these yards, except required entrance drives and those walls used to obscure the use from abutting residential districts. Any such site shall have a minimum area of at least forty (40) acres.

(3) Off-street parking shall be provided so as to accommodate not less than one half of the member families and/or individual members. The Planning Commission may modify the off-street parking requirements in those instances wherein it is specifically determined that the users will originate from the immediately adjacent areas, and will therefore be pedestrian. Prior to the issuance of a building permit or zoning compliance permit, by-laws of the organization shall be provided in order to establish the membership involved for computing the off-street parking requirements. In those cases wherein the proposed use or organization does not have by-laws or formal membership, the off-street parking requirements shall be determined by the Planning Commission on the basis of usage.

(j) Off-road vehicle courses, and trails, gun/archery ranges, paint ball and similar uses which may be operated for profit, subject to the following conditions:

(1) Any such site shall be located in a predominantly undeveloped area so as to minimize any adverse effects on the adjacent properties due to reasons of dust, odor and noise. The hours of operation shall also be so regulated as to minimize any adverse affects on adjacent properties. Any such site shall have a minimum area of at least eighty (80) acres.

(2) The site shall be so planned as to provide all ingress and egress directly onto or from a major thoroughfare.

(3) Development features shall be so located and arranged as to encourage pedestrian, vehicular, user and neighborhood safety.

(k) Downhill ski facilities and resorts

(1) Minimum area shall be forty (40) acres.

(2) All principal or accessory buildings shall be not less than two hundred (200) feet from any property line of abutting residential districts, provided the Planning Commission may reduce this standard based on existing topographic or woodlands.

(3) All access shall be via a County Primary Road or a roadway with a minimum eighty six (86) foot wide right-of-way.

(4) Development features including the principal and accessory buildings and structures shall be located to minimize adverse affects upon adjacent property.

(5) The Planning Commission may restrict the hours of operation in consideration of nearby residential uses and districts.

(6) Any lodging or dwelling units requires the ski resort to be zoned as a Planned Unit development, according to the procedures and standards of Article 10.

(l) Campgrounds for travel trailers, tent- campers, motor homes and tents which may or may not be operated for profit, subject to the following conditions:

(1) Minimum lot size shall be twenty (20) acres.

(2) All ingress and egress shall be along a County Primary Road or a roadway with a minimum right-of-way of eight six (86) feet.

(3) Development features including the principal and accessory buildings and structures shall be located and related to minimize adverse affects on adjacent properties. Minimum setbacks for any buildings, structures or use areas shall be two hundred (200) feet from any property line abutting a residential district, one hundred twenty-five (125) feet from any other district or surface water body, including wetlands. Where topographic conditions are such that they provide a screen and shield, the Planning Commission may modify these requirements in their site plan review.

(4) Each camp site shall be at least two thousand (2,000) square feet in size.

(5) Each camp site shall be provided with individual water and sewer hookups approved by the Health Department or have convenient access to approved service buildings.

(m) Carnivals, fairs, commercial cider mills and amusement parks

(1) Minimum lot size shall be ten (10) acres.

(2) A site plan shall be provided clearly defining activity areas using fences, buildings, walkways or other suitable barriers.

(3) All buildings, structures and parking shall be at least three hundred (300) feet from any dwelling unit excluding any dwelling unit on the site.

(4) The Township Board may require placement of a six (6) foot high fence around all or part of the site.

(5) Access shall be provided onto a primary road, as designated by the Livingston County Road Commission. Access shall be controlled, with capability to accommodate at least three (3) lanes of ingress traffic. At least three hundred (300) feet on stacking (queuing) area shall be provided on site before parking fee collection.

(6) The amount of on-site parking shall be deemed sufficient by the Township Board.

(7) Maximum coverage by buildings and structures shall be twenty percent (20%).

(8) The Township Board may require posting of a performance bond or other form of financial guarantee. The bond shall be in an amount determined by the Board as necessary to cover any potential damage or clean-up on the site or adjacent properties.

(9) The Township Board may establish limits on hours of operation, time limits on validity of special use permit, or any other measures deemed necessary to minimize negative impacts on nearby uses and traffic operations along public streets.

(10) Prior to issuance of a Special Land Use Permit, the applicant shall provide evidence of public liability insurance and property damage insurance to cover potential liability for death or injury to persons, or damage to property, which may result from the conduct of the activity.

(n) Airports, landing strips, heliports and related uses Airports shall be consistent with the provisions of the Airport Zoning Act (Act 23, P.A. of 1950 as amended). Airports, private landing strips, heliports, hangers, masts and related facilities shall meet the following standards:

(1) The location and approaches shall be in areas with relatively lower density residential zoning and development;

(2) Plans for such facilities shall have received approval by the Federal Aviation Agency and the Michigan Department of Aeronautics, based on airport classification, prior to submittal to the Township Board for their review and approval;

(3) The "clear zone" (as defined by the FAA) shall be owned by the owner of the airport;

(4) Paved parking shall be provided for the airport and all accessory uses, with a minimum of two (2) parking spaces per hanger;

(5) Heliports shall be clearly defined outside of parking lots. Outdoor routine maintenance of helicopters shall be prohibited from dusk to dawn. Heliport landing approaches shall be clearly noted on a site plan as being clear of vertical obstructions;

(6) Heliports shall be screened from any nearby residential districts through landscaping.

(o) Essential Public Service Buildings, Structures and Storage Yards

(1) The minimum lot size shall be three (3) acres.

(2) A fence six (6) feet in height shall be constructed on the boundary property lines.

(3) Electric or gas regulator equipment and apparatus shall be setback a minimum of thirty (30) feet from all lot lines.

(4) Essential Public Service Storage Yards shall be screened from any adjacent residential district by a buffer zone B, as described in Section 12.02.

(p) Public and Private Water Towers

(1) Height: The height allowable will have direct relationship to the necessary capacity and pressure to be generated for the structure; which is based upon factors such as the land area and use it is serving and the topography of the vicinity.

(2) Setback: Public and Private water towers shall be setback on all sides a distance that is equal to the height of the tower. The Planning Commission may modify this standard where appropriate to accommodate existing conditions such as surrounding land use, topography, or preservation of natural features.

(3) Location: The water tower shall be located, to the extent possible, to minimize negative impacts on adjacent land uses and nearby structures.

(4) The Planning Commission shall approve any lighting on the tower.

(5) No signs or logos are permitted on the tower except the name of the municipality, unless approved by the Township Board. The Township Board shall approve the size, color and style of any sign on the tower, following a recommendation from the Planning Commission.

(6) The Township Board shall approve the color of the tower.

(7) The Planning Commission may require a security fence to restrict access to the tower.

(8) Any structures accessory to the tower shall be reviewed by the Planning Commission.

(9) The structural plans shall be approved by the Township Engineer.

(q) Clustered residential development may be permitted on the same site as a golf course or other recreational use permitted in this district where all of the following requirements are met:

(1) The site shall be developed under the residential cluster option of Section 3.04.

(2) The parallel plan used to determine density shall be based upon the RR Zoning District with a minimum of two (2) acres per dwelling unit. The Township Board may grant a density bonus of up to fifty percent (50%) where the following criteria can be met:

a. There is sufficient public water and public sewer capacity.

b. The development will be compatible with the character of surrounding land uses in terms of land use, building type, setbacks and density.

c. The density of development will not have a significant traffic impact on public roads.

(3) The clustered units may be attached or detached.

(4) The recreational use shall be preserved as part of the open space. Where there is an existing golf course that has extra land being developed as clustered residential, it shall be preserved as a golf course with the same number of holes and fairways, not including practice greens or driving ranges.

(5) The site shall be served by public water and public sanitary sewer.

Sec. 6.03 DIMENSIONAL STANDARDS

6.03.01 **Area:** Unless otherwise regulated by state or federal statutes, the area or parcel of land for a permitted public facility shall be not less than required to provide adequate space for the principal and accessory buildings, off-street parking and other accessory uses, yards and open spaces to accommodate the facility and maintain the character of the neighborhood.

6.03.02 **Height Regulations:** Except as provided below and as set forth in Section 6.02.02(a)(2), the maximum building height shall be thirty five (35) feet and two (2) stories. Public and semi-public buildings may be erected to a height not exceeding the width of the side or rear yard where adjoining a one (1) or two (2) family residential district, or to a height not exceed one and one-half (1 1/2) times the width of a side or rear yard where adjoining a multi-family or nonresidential district. Chimneys, spires, cupolas, domes, towers, flag poles, water tanks, radio or television antennae, monuments and other mechanical appurtenances located upon or constituted as an integral part of the main building, shall be in compliance with the regulations for these uses as described in Section 11.01.05. (as amended 3/5/10)

6.03.03 **Setbacks from water bodies:** All buildings lacking public sanitary sewer shall be set back at least one hundred twenty five (125) feet from the shoreline of any water body, such as lakes, streams or wetlands. Buildings served by public sanitary sewer shall be setback at least seventy five (75) feet from the shoreline of any water body.

6.03.04 **Minimum front yard setbacks:** The minimum front yard setback shall equal that of the minimum front yard setback for the most restrictive adjacent zoning district.

6.03.05 **Minimum side and rear yard setbacks:** The minimum side and rear yards shall be the minimum setbacks required by the adjacent zoning district along each property line, except that where adjacent to a residential district, the following setbacks shall apply:

Use		**Side & Rear Yards**
Civic:	Non-assembly buildings	50 feet
	Assembly buildings	75 feet
	Churches	50 feet
Educational	Public, private & parochial schools, colleges & universities	75 feet
Health Care	General hospitals and clinics	75 feet
	Psychiatric hospitals	200 feet
	Treatment centers	200 feet
	Institutions for children	50 feet
	Homes for the aged	30 feet
	Extended care facilities	30 feet
Recreational	Buildings	75 feet
	Trails and athletic fields	50 feet
Governmental	Buildings	75 feet
Public Utility	Buildings	100 feet

6.03.05 **Parking area setbacks:** All parking areas shall be set back a minimum of twenty five (25) feet from the shoreline of any water body including wetlands, twenty (20) feet from any adjacent right-of-way and ten (10) feet from any property line. Where parking abuts a residential district, a buffer zone C, as defined in section 12.02, shall be required.

Sec. 6.04 ADDITIONAL SITE DEVELOPMENT STANDARDS

6.04.01 **Other Requirements:** All Permitted and Special Land Uses shall comply with all applicable provisions of this Zoning Ordinance including those listed below.

(a) Article 11, General Provisions, shall be adhered to for general dimensional standards, calculation of (buildable) lot area, access to dedicated streets, projections into yards, supplementary height regulations, principal building, structure or use, determination of "similar uses", changes in tenancy/ownership, voting place, temporary buildings and structures, open storage, parking and repair of vehicles, essential public services, wireless communication facilities, fences, walls and screens, reception antennas and towers and wind energy conversion systems. (as amended 3/5/10)

(b) Article 12, Site Development Regulations, shall be adhered to for commercial, office and industrial architecture, greenbelts, landscape materials and screening, exterior lighting, waste receptacles and non-motorized pathways and sidewalks.

(c) Article 13, Environmental Protection Regulations, shall be adhered to for, clearing of woodlands and earth changes prior to development, wetland protection standards, floor drains, performance standards stormwater, septic, systems and private community wastewater treatment systems. (as amended 12/31/06)

(d) Article 14, Parking and Loading-Unloading Standards, shall be adhered to for all parking.

(e) Article 15, Access Management and Private Road Standards, shall be adhered to for all commercial driveways, shared driveways and private roads.

(f) Article 16, Sign Standards, shall be adhered to for all signage.

(g) Article 18, Site Plan Review and Impact Statement, shall be adhered to for the submission, review and approval of site plans for non-single family residential uses.

(h) Article 19, Special Land Uses, shall be adhered to for the submission, review and approval of all special land uses.

(i) Article 20, Land Divisions, shall be adhered to for all applications to divide land. Where a subdivision plat is required, the requirements of the Township Subdivision Control Ordinance shall be followed.

6.04.02 **Lighting:** In addition to the provisions of section 12.03, flood lighting or other lighting of playfields, buildings; bulletin boards and parking areas shall be located and designed to shield the light source from adjoining residences; and except for general lighting, shall be extinguished between the hours of 11:00 PM and 7:00 AM unless a longer lighting period is approved by the Planning Commission.

ARTICLE 7
COMMERCIAL AND SERVICE DISTRICTS
(OSD, NSD, GCD, RCD)

Sec. 7.01 STATEMENT OF PURPOSE

7.01.01 **Office Service District:** The Professional Office Service District (OSD) is established to accommodate office and services needed uses to serve nearby residential neighborhoods and the community overall. This district is also intended to serve as a transitional use to protect residential districts and to avoid undesirable commercial strip development. It is intended further that all activities in the Professional Office Service District shall be conducted entirely within wholly enclosed permanent buildings, except parking of employee and customer vehicles and the loading or unloading of commercial vehicles.

7.01.02 **Neighborhood Services District:** The Neighborhood Services District (NSD) is established to accommodate retail business and services to serve the needs of nearby residential neighborhoods. It is intended further that all activities in the Neighborhood Services District shall be conducted entirely within wholly enclosed permanent buildings, except parking of employees' and customers' vehicles and the loading or unloading of commercial vehicles and that all goods produced on the premises shall be sold in the premises where produced.

7.01.03 **General Commercial District:** The General Commercial District (GCD) is established to accommodate those retail businesses and services which are intended to serve the requirements of the overall community. The larger size and variety of permitted commercial uses typically generates greater volumes of traffic than neighborhood service establishments. General Commercial Uses require a moderate to large area devoted to off street parking and loading, and generally tend to create problems of congestion, noise and impairment of aesthetic values. These districts are thus intended to be clustered rather than creating an undesirable strip commercial pattern of development. Provisions are included in order to buffer this district from nearby residential areas.

7.01.04 **Regional Commercial District:** The Regional Commercial District (RCD) is established to accommodate those retail businesses and services which are intended to serve a retail market area that includes Genoa Township, the surrounding communities and bypass traffic. The large size and variety of permitted commercial uses typically generates significant volumes of vehicular and pedestrian traffic. Regional Commercial Uses require a large area devoted to off street parking and loading, and generally tend to create problems of congestion, noise and impairment of aesthetic values. These uses need to be located in areas that have the transportation, utility and public service infrastructure to serve these intensive uses. By the nature of these uses serving the region beyond Genoa Township, convenient access to regional transportation is necessary. This district is specifically designated for the regional commercial center designated in the Master Plan along Grand River Avenue west of Latson Road, which will be served by the new full service interchange with I-96 at Latson Road.

7.01.05 It is intended further that all activities in the OSD, NSD, GCD and RCD shall be conducted entirely within wholly enclosed permanent buildings, except parking of employees and customers vehicles and the loading or unloading of commercial vehicles, unless outdoor activities are approved as a Special Land Use under the provisions of Article 19.

Sec. 7.02 PERMITTED AND SPECIAL LAND USES

7.02.01 **List of Uses:** In the commercial districts, land, buildings and structures shall be used only for one or more of the following uses. Land and/or buildings in the districts indicated at the top of Table 7.02 may be used for the purposes denoted by a "P" in the column below by right. Land and/or buildings in the districts indicated at the top of Table 7.02 may be used for the purposes denoted by "S" after special land use approval in accordance with the general and specific standards of Article 19 Special Land Uses. A notation of "- -" indicates that the use is not permitted within the district. The "Req." column indicates additional requirements or conditions applicable to the use.

Table 7.02
Schedule of Commercial Uses

		OSD	NSD	GCD	RCD	Req.
Retail Uses						
Retail establishments and shopping centers which provide goods such as bakery goods, including bakery items produced on the premises, groceries, produce, meats, provided no slaughtering shall take place on the premises, seafood; dairy products, beverages appliances, electronics, furniture, and home furnishings, apparel, jewelry, art, pharmaceuticals, home improvement supplies, hardware, and garden supplies, sporting goods, bicycles, toys, hobby crafts, videos (rental, and sales), music, musical instruments, books, computer hardware and software, antiques, flower shops, greeting card shops, auto parts and similar establishments not specifically addressed elsewhere	Uses up to 15,000 square feet gross floor area	- -	P	P	P	
	Uses 15,001 - 30,000 square feet of gross floor area	- -	S	P	P	7.02.02(a)
	Uses 30,000 - 60,000 square feet of gross floor area	- -	- -	S	P	7.02.02(a)
	Uses over 60,000 square feet of gross floor area	- -	- -	- -	S	7.02.02(a)
	Pharmacies with drive-up window	- -	S	S	S	7.02.02(b)
Automobile, motorcycle, boat and recreational vehicle sales, new and used		- -	- -	S	S	7.02.02(c)
Outdoor commercial display, sales or storage		- -	S	S	S	7.02.02(d)
Service Uses						
Banquet halls, assembly halls, dance halls, private clubs, fraternal order halls, lodge halls or other similar places of assembly		- -	- -	P	P	
Business services such as mailing, copying, data processing and retail office supplies		P	P	P	P	
Child care centers, preschool and commercial day care		P	P	P	- -	7.02.02(e)
Conference Centers		S	- -	S	P	7.02.02(f)
Funeral home or mortuary		S	- -	P	- -	7.02.02(g)
Bed and breakfast inns, hotels and motels with no more than 25 rooms not including accessory convention/meeting facilities or restaurants These uses may include the residence for the owner/manger's family		- -	P	P	P	
Hotels and motels with more than 25 rooms including accessory convention/meeting facilities and restaurants		- -	- -	P	P	

Table 7.02
Schedule of Commercial Uses

		OSD	NSD	GCD	RCD	Req.
Kennels, commercial		- -	- -	S	- -	7.02.02(h)
Laundromats		- -	S	P	- -	
Personal and business service establishments, performing services on the premises, including: dry cleaning drop-off stations (without on site processing), photographic studios, copy centers, mailing centers, data processing centers, dressmakers and tailors, shoe repair shops, tanning salons, beauty parlors, barber shops, and similar establishments		P	P	P	P	
Dry cleaning drop-off stations with drive-through service		S	S	S	S	7.02.02(b)
Restaurants, taverns, bars, delicatessen, food carryout, coffee shops, and similar establishments serving food or beverages	Standard restaurants and coffee shops, except as provided below	S	P	P	P	
	Restaurants and bars serving alcoholic beverages	S	S	P	P	
	Bars providing dancing and live music	- -	- -	P	P	
	Restaurants with open front windows	- -	S	S	S	7.02.02(i)
	Restaurants with outdoor seating	- -	P	P	P	7.02.02(i)
	Drive-through restaurants	- -	- -	- -	S	7.02.02(j)
	Drive- in restaurants	- -	- -	S	S	7.02.02(j)
	Carry-out restaurants	- -	P	P	P	
	Coffee Shop with drive-through	- -	- -	S	S	7.02.02(j)
Studios of photographers and artists		P	P	P	P	
Tattoo parlors		- -	- -	P	P	
Tool and equipment rental, excluding vehicles		- -	- -	P	P	
Auto Service Uses						
Minor auto repair establishment		- -	- -	S	S	7.02.02(k)
Auto/gasoline service station		- -	- -	- -	S	7.02.02(k)
Automobile wash, automatic or self serve		- -	- -	S	S	7.02.02(l)
Leasing and rental of automobiles, trucks and trailers		- -	- -	S	- -	
Office Service and Medical Uses						
Adult day care facilities		S	- -	S	- -	
Banks, credit unions, savings and loan establishments and similar financial institutions	With up to 3 drive-through teller windows	P	S	P	P	7.02.02(m)
	With more than 3 drive-through teller windows	S	- -	S	S	7.02.02(m)
	Stand alone automatic drive-up teller machines	- -	S	S	S	
Hospitals		S	- -	- -	- -	7.02.02(n)
Offices of non-profit professional, civic, social, political and religious organizations		P	P	P	- -	
Medical urgent care facilities, medical centers and clinics		S	- -	P	- -	

Table 7.02
Schedule of Commercial Uses

		OSD	NSD	GCD	RCD	Req.
Medical offices of doctors, dentists, optometrists, chiropractors, psychiatrists, psychologists and similar or allied professions, excluding clinics, and urgent care centers	Buildings up to 15,000 square feet of gross floor area	P	P	P	P	
	Buildings over 15,000 square feet of gross floor area	S	S	P	P	
Offices of lawyers, engineers, architects, insurance, and real estate agents, financial consultants, and brokers, advertising offices, accounting, and bookkeeping services, clerical, and stenographic services, sales offices, other types of executive, or administrative offices and similar or allied professions	Buildings up to 15,000 square feet of gross floor area	P	P	P	P	
	Buildings between 15,000 and 55,000 square feet of gross floor area	P	S	P	P	
	Buildings over 55,000 square feet of gross floor area	S	- -	P	P	
Veterinary clinics, veterinary hospitals and related offices		S	- -	S	- -	7.02.02(o)
Recreation						
Carnivals, fairs, commercial cider mills and amusement parks		- -	- -	S	- -	7.02.02(p)
Leasing and rental of recreational equipment, including but not limited to boats, canoes, motor homes and jet skis, when accessory to a permitted use		- -	S	- -	- -	
Marinas without boat storage or repair		- -	S	- -	- -	
Motion picture theaters		- -	- -	P	P	
Public parks and open space		P	P	P	P	
Recreation (outdoor) commercial or private, recreation centers, including children's amusement parks, batting cages, and go-cart tracks		- -	- -	S	S	7.02.02(q)
Miniature golf courses and driving ranges		- -	- -	S	S	7.02.02(r)
Recreation (indoor) such as bowling alleys, skating rinks, arcades, indoor golf or softball, indoor shooting/archery ranges		- -	- -	S	S	7.02.02(s)
Health clubs, fitness centers, gyms and aerobic clubs		S	S	P	P	
Education						
Commercial schools and studios for teaching photography, art, music, theater, dance, martial arts, ballet, etc		S	S	P	P	
Elementary schools, junior and senior high schools and colleges		P	- -	- -	- -	
Dormitories or student apartments accessory to a college		S	- -	- -	- -	
Vocational and technical training facilities		P	- -	P	P	
Public/Institutional						
Animal Shelters		- -	- -	S		7.02.02(t)
Bus passenger stations		- -	- -	S	S	
Churches, temples and similar places of worship and related facilities		S	P	P		

Table 7.02
Schedule of Commercial Uses

	OSD	NSD	GCD	RCD	Req.
Shelters and rehabilitation centers for philanthropic or non-profit institutions			S	S	7.02.02(u)
Essential public services and structures, not including buildings and storage yards	P	P	P	P	
Essential public buildings	- -	- -	P	- -	
Public/government buildings such as; township/state/county offices, public museums, libraries and community centers	P	P	P	- -	
Accessory Uses					
Accessory temporary outdoor sales and events	- -	P	P	P	7.02.02(v)
Accessory drive-through service not listed above	- -	- -	S	S	7.02.02(b)
Accessory uses, buildings and structures customarily incidental to any of the above	P	P	P	P	
Accessory fuel storage and use or storage of hazardous materials	- -	- -	S	S	13.07

(as amended 12/31/06 and 3/5/10)

7.02.02 **Use Conditions:** Uses noted above shall only be allowed where the following requirements are complied with:

(a) Shopping centers and home improvement centers over 15,000 square feet shall comply with the following requirements:

(1) The center shall have access to at least one County Primary Road or roadway with a right-of-way of at least eight six (86) feet.

(2) The design of the center shall ensure that vehicular circulation patterns will minimize conflicts between vehicles and pedestrians on-site,

(3) The impacts of traffic generated by the center on adjacent streets will be mitigated to ensure a level of service D, or maintenance of the current level of service if lower than D, along the site's frontage and nearest signalized intersections.

(4) Internal circulation shall be designed such that no intersection includes more than four aisles or drives.

(5) Site entrances shall be restricted to three-way movements, with unrestricted inbound movements.

(6) Internal drives defined by the ends of aisles shall have raised curbed islands at appropriate locations to define circulation paths and control movements through the parking lot.

(7) Loading facilities which serve the commercial establishment in the principal building shall be screened from public view.

(8) Any building side facing a public street or residential district shall be constructed with brick, split face block or similar decorative material, unless a landscaped berm is approved by the Township.

(9) Any outlots shall have access, circulation and parking designed to complement the entire site.

(b) Accessory drive-through service for uses other than restaurants and banks shall comply with the following requirements:

(1) The drive-through facility must be attached to the structure.

(2) The drive-through service, including any lighting associated therewith shall be screened from adjacent residential land uses such that it will not impact the use and enjoyment of said residential land use.

(3) Clear identification and delineation between the drive-through facility and the parking lot shall be provided.

(4) Each drive-through facility shall provide an escape lane to allow other vehicles to pass those waiting to be served. The Planning Commission may waive the requirement for an escape lane where it can be demonstrated that such a waiver will not result in an adverse effect on public safety or the convenience of patrons of the facility.

(5) There shall be a minimum of three (3) stacking spaces.

(6) The drive-through facility shall be located on the side or rear elevation of the building to minimize visibility from the public or private roadway.

(7) The number of on-site directional signage shall be limited to two (2) signs meeting the area and location requirements of Article 16.

(8) The principal structure shall be setback a minimum of fifty (50) feet from all lot lines and the public right-of-way, unless a greater setback applies.

(9) When located in the NSD district, accessory drive-through service windows for pharmacies/drug stores shall be used only for prescription drug pick-up and drop-off. Only one drive-through service lane is permitted for each pharmacy or drug store structure in the NSD district. (as amended 12/31/06)

(c) Automobile, motorcycle, boat and recreational vehicle sales, new and used shall comply with the following requirements:

(1) Sale space for used mobile homes, recreational vehicles and boats may only be carried on in conjunction with a regularly authorized new mobile home, recreational vehicle or boat sales dealership on the same parcel of land.

(2) All outdoor storage areas shall be paved with a permanent, durable and dustless surface and shall be graded and drained to dispose storm water without negatively impact adjacent property. The Township Board, following a recommendation of the Planning Commission and the Township Engineer, may approve a gravel surface for all or part of the display or storage area for low intensity activities, upon a finding that neighboring properties and the environment will not be negatively impacted.

(3) No storage or display of vehicles shall be permitted in any landscape greenbelt area, provided the Township may permit a display pod for an automobile within the greenbelt area where it is integrated into the landscape design.

(4) The site shall include a building of at least five hundred (500) feet of gross floor area for office use in conjunction with the use.

(5) All loading and truck maneuvering shall be accommodated on-site.

(6) All outdoor storage area property lines adjacent to a residential district shall provide a buffer zone A as described in Section 12.02. A buffer zone B shall be provided on all other sides. The Planning Commission may approve a six (6) foot high screen wall or fence, or a four (4) foot high landscaped berm as an alternative.

(d) Commercial Outdoor Display Sales or Storage including, but not limited to, sales or storage of: building/lumber supply, contractor's yards, garden/landscape supplies, nurseries, greenhouses, stone, farm implements, automobiles, trucks, recreational vehicles, mobile homes, boats, jet skis, mowing equipment, construction equipment and similar materials or equipment shall comply with the following requirements:

(1) Minimum lot area shall be one (1) acre.

(2) Any stockpiles of soils, fertilizer or similar loosely packaged materials shall be sufficiently covered or contained to prevent dust or blowing of materials.

(3) All outdoor storage areas shall be paved with a permanent, durable and dustless surface and shall be graded and drained to dispose stormwater without negatively impact adjacent property. The Township Board, following a recommendation of the Planning Commission and the Township Engineer, may approve a gravel surface for all or part of the display or storage area for low intensity activities, upon a finding that neighboring properties and the environment will not be negatively impacted.

(4) No outdoor storage shall be permitted in any required yard (setback) of buildings for the district in which the commercial outdoor display, sales or storage use is located. Any approved outdoor sales or display within a parking lot shall meet the required parking lot setback; provided the Planning Commission may require additional landscaping screening or ornamental fencing.

(5) The site shall include a building of at least five hundred (500) feet of gross floor area for office use in conjunction with the use.

(6) All loading and truck maneuvering shall be accommodated on-site.

(7) All outdoor storage area property lines adjacent to a residential district shall provide a buffer zone A as described in Section 12.02. A buffer zone B shall be provided on all other sides. The Planning Commission may approve a six (6) foot high screen wall or fence, or a four (4) foot high landscaped berm as an alternative.

(8) The height of all material and equipment stored in an outdoor storage area shall not exceed the height of any landscape screening, wall or fence. Boats and recreational vehicles may exceed the height of the fence provided that they are setback from the fence a distance equal to their height. Storage of materials up to the height of the

adjacent building wall may be permitted in the rear yard if it is illustrated on the site plan, the rear yard does not abut a residential district, will not be visible from an expressway and such storage is confined to within twenty (20) feet of the building.

(e) Child day care shall provide a minimum of fifty (50) square feet of indoor play area for each child cared for. There shall be one hundred (100) square feet of outdoor play area for each child that would be using the play area at any one given time, provided the minimum outdoor play area shall be no less than one thousand (1,000) square feet. The required play area shall be fenced.

(f) Conference Centers shall comply with the following requirements:

(1) The site shall have direct access, via lot frontage or an improved road, to at least one paved arterial roadway (County Primary Road).

(2) The location, geometric design and throat depth of site access points, and overall internal site circulation, shall prevent unreasonable traffic congestion on public roadways. The level of service shall not be below “D” for any turning movements for any event. A traffic management program shall be submitted as part of the application.

(3) Building height shall not exceed thirty-five (35) feet but may be three (3) stories (i.e. a permitted exception from the maximum number of stories allowed for other buildings in the various zoning districts).

(4) Minimum floor area shall be ten thousand (10,000) square feet of usable conference rooms, meeting rooms, banquet rooms and pre-function space.

(5) Minimum building and outdoor use areas shall be setback at least one-hundred (100) feet from any property line of residentially zoned and/or seventy-five (75) feet from any other property line. Buffer zones shall be provided as required for "community commercial" uses in Section 12.02. The Planning Commission may reduce the required setbacks by up to fifty percent (50%) where more extensive landscaping or existing features provide an extensive screen.

(6) Parking setbacks shall be forty (40) feet in the front yard, twenty-five (25) feet for side and rear yards adjacent to residential uses, and ten (10) feet elsewhere.

(7) The proposed building(s) may provide atriums, lobbies, or other public gathering places.

(8) The accessory uses, specialty shops, and activity centers shall be customarily incidental to the primary components of the conference center.

(9) All uses, except for off-street parking or loading spaces and approved outdoor gathering places (such as courtyards, plazas, etc.) shall be conducted within a completely enclosed building. Sales, display, and outdoor storage of any commodities or storage containers, vehicles or other uses shall be expressly prohibited.

(10) In addition to other requirements, the Impact Assessment shall describe intended and anticipated number, type and frequency of events that may be expected at the

proposed site including hours of operation. Include information about outdoor receptions and the location where they may be held.

(g) Funeral homes shall comply with the following requirements:

(1) Minimum lot area shall be one (1) acre and minimum lot width shall be one hundred and fifty (150) feet.

(2) An off-street vehicle assembly area shall be provided to be used in support of funeral processions and activities. This area shall be in addition to the required off-street parking and its related maneuvering area.

(h) Commercial kennels shall comply with the following requirements:

(1) For kennels housing dogs, the minimum lot size shall be two (2) acres for the first four (4) dogs and an additional one-third (1/3) acre for each one (1) additional dog.

(2) Building wherein dogs are kept, dog runs, and/or exercise areas shall not be located nearer than one hundred and fifty (150) feet to any lot line and two hundred (200) feet from the road right-of-way.

(3) Such facilities shall be subject to other conditions and requirements necessary to ensure against the occurrence of any possible nuisance (i.e., fencing, sound-proofing, sanitary requirements).

(4) All enclosures for breeding, rearing, shelter, or other uses in connection with harboring of animals, shall be hard surfaces and provided with proper drains for washing with water pressure.

(6) All animals shall be kept indoors between the hours of 10:00 PM and 6:00 AM.

(i) Open front restaurant (window service) and restaurants with outdoor seating shall comply with the following requirements:

(1) All trash containers shall be provided outside. Both recycle bins and trash receptacles shall be provided.

(2) For open front restaurants with window service, all signs for an open front window placed on the building shall be flat; and interior signs visible to patrons through glass or an opening shall not exceed twenty-five percent (25%) of that area.

(3) Additional parking shall be provided for outdoor seating and standing areas.

(4) Outdoor noise shall not be greater than that commonly associated with a restaurant. The Township Board may place restriction on outdoor speakers or hours of operation to control the noise.

(5) The Zoning Administrator shall approve a land use permit for any outdoor seating including a sketch plan illustrating seating areas, enclosures/railings, sufficient off-street parking and lighting. (as amended 12/31/06)

(j) Restaurants or coffee shops with drive-in or drive-through facilities shall comply with the following requirements:

(1) Principal and accessory buildings shall be setback fifty (50) feet from any adjacent public right of way line or property line.

(2) The establishment of a new drive-through restaurant shall require the lot be separated a minimum of five hundred (500) feet from any other lot containing a drive-through restaurant.

(3) Only one (1) access shall be provided onto any street.

(4) Such restaurants constructed adjacent to other commercial developments shall have a direct vehicular access connection where possible. (as amended 3/5/10)

(k) Automobile service stations and maintenance establishments (including those accessory to another use) shall comply with the following requirements:

(1) There shall be a minimum lot area of one (1) acre and minimum lot frontage of two hundred fifty (250) feet.

(2) Pump islands shall be a minimum of twenty (20) feet from any public right of way or lot line, and at least forty (40) feet from any residential lot line.

(3) Access driveways shall meet the standards of Article 15; turning movements may be restricted in consideration of traffic conditions. Only one driveway shall be permitted from each street unless the Planning Commission determines additional driveways will be consistent with the purpose of Article 15.

(4) Where adjoining residentially zoned or used property, a solid fence or wall six (6) feet in height shall be erected along any common lot line. Such fence or wall shall be continuously maintained in good condition. The Planning Commission may approve a landscaped berm as an alternative.

(5) All repair work shall be conducted completely within an enclosed building. Garage doors shall not face any public roadway except as approved by the Planning Commission under the following circumstances:

a. For through garages where doors are provided on the front and rear of the building;

b. Garages located on corner or through lots; and,

c. Were the Planning Commission determines that a rear garage would have a negative impact on an abutting residential district.

Under these circumstances the Planning Commission may require additional landscape screening above and beyond what is required for street frontage landscaping.

(6) There shall be no outdoor storage or display of vehicle components and parts, supplies, or equipment or other merchandise, except within an area defined on the site

plan approved by the Planning Commission and which extends no more than ten (10) feet beyond the building.

(7) Storage of wrecked, partially dismantled, or other derelict vehicles is prohibited, unless such storage is required under police or court order. Vehicles shall not be stored outdoors for more than seven (7) days in any thirty (30) day period.

(8) Storage of gasoline shall be at least four hundred (400) feet from churches, schools or similar public/quasi public places of assembly.

(9) Below ground fuel storage tanks shall be at least two thousand (2000) feet from any drinking water well serving two or more residential units.

(10) The design and materials of the canopy shall be compatible with the main building. The proposed clearance of any canopy shall be noted on the site plan. Any signs, logo or identifying paint scheme on the canopy shall be reviewed by the Planning Commission and considered part of the maximum wall sign permitted. Details on the canopy lighting shall be provided to ensure there is no glare on the public streets or adjacent property, and that lighting levels are in accordance with Section 12.03. Canopy lighting shall be recessed such that the light source cannot be seen from off site.

(11) The applicant shall submit a Pollution Incidence Protection Plan (PIPP) as part of the Impact Assessment. The PIPP shall describe measures to prevent groundwater contamination caused by accidental gasoline spills or leakage, such as: special check valves, drain back catch basins and automatic shut off valves.

(12) In the event that an automobile service station use has been abandoned or terminated for a period of more than one (1) year, all underground gasoline storage tanks shall be removed from the premises.

(13) The establishment of a new automobile service station shall require the lot to be separated a minimum of five hundred (500) feet from any other lot containing an existing automobile service station.

(l) Automobile washes, automatic or self-service, shall comply with the following requirements:

(1) Only one (1) ingress/egress driveway shall be permitted on any single street.

(2) Where adjoining a residential district, a solid fence or wall six (6) feet in height shall be erected along any common lot line. Such fence or wall shall be continuously maintained in good condition. The Planning Commission may require landscaping, including a berm, as an alternative.

(3) All washing facilities shall be within a completely enclosed building.

(4) Vacuuming and drying may be located outside the building, but shall not be in the required front yard and shall be set back at least fifty (50) feet from any residential district.

(5) All cars required to wait for access to the facilities shall be provided stacking spaces fully off the street right-of-way which does not conflict with vehicle maneuvering

areas to access gasoline pumps or vacuums, and as required Article 14, Parking and Loading-Unloading Standards.

(m) Banks, credit unions, savings and loan institutions with drive-through facilities shall only be permitted one (1) ingress/egress driveway, or one (1) pair of one-way driveways along any street.

(n) Hospitals shall comply with the following requirements:

(1) Building shall not exceed a height of four (4) stories.

(2) Minimum site size shall be twenty (20) acres.

(3) The proposed site shall have at least one property line abutting a primary road as classified by the Livingston County Road Commission, or along a roadway with a right-of-way of at least eight six (86) feet.

(4) Front, side and rear yard minimum setback shall be fifty (50) feet.

(5) Parking setback shall be forty (40) feet in the front yard, twenty (20) feet for side and rear yards.

(6) Emergency room, ambulance and delivery areas shall be screened from public view with an obscuring wall and/or landscaping a minimum of six (6) feet in height.

(7) Auxiliary uses, such as a pharmacy, gift shop, cafeteria, medical office buildings with required parking and similar customary hospital related uses shall be allowed.

(o) Veterinary hospitals shall comply with the following requirements:

(1) The principal accessory building or structure shall be setback seventy five (75) feet from the front property line and fifty (50) feet from all other property lines.

(2) All principal use activities shall be conducted within a totally enclosed principal building.

(p) Carnivals, fairs, commercial cider mills and amusement parks shall comply with the following requirements:

(1) Minimum lot size shall be ten (10) acres.

(2) A site plan shall be provided clearly defining activity areas using fences, buildings, walkways or other suitable barriers.

(3) All buildings, structures and parking shall be at least three hundred (300) feet from any dwelling unit excluding any dwelling unit on the site.

(4) The Township Board may require placement of a six (6) foot high fence around all or part of the site.

(5) Access shall be provided onto a primary road, as designated by the Livingston County Road Commission. Access shall be controlled, with capability to accommodate at

least three (3) lanes of ingress traffic. At least three hundred (300) feet on stacking (queuing) area shall be provided on site before parking fee collection.

(6) The amount of on-site parking shall be deemed sufficient.

(7) Maximum coverage by buildings and structures shall be twenty percent (20%).

(8) The Township Board may require posting of a performance bond or other form of financial guarantee. The bond shall be in an amount determined by the Board as necessary to cover any potential damage or clean-up on the site or adjacent properties.

(9) The Township Board may establish limits on hours of operation, time limits on validity of special use permit, or any other measures deemed necessary to minimize negative impacts on nearby uses and traffic operations along public streets.

(10) Prior to issuance of a Special Land Use Permit, the applicant shall provide evidence of public liability insurance and property damage insurance to cover potential liability for death or injury to persons, or damage to property, which may result from the conduct of the activity.

(q) Commercial Outdoor Recreation Establishments (excluding golf related uses) shall comply with the following requirements:

(1) Such uses shall include, but need not be limited to, the following: recreational fields, rinks or courts, including football, softball, soccer, tennis, basketball, ice skating, and similar activities, swimming pools open to the general public or operated by a private non-profit organization, archery and shooting ranges, animal racing, go-cart, automobile or motorcycle tracks, music concert pavilions and band shells, amusement parks and uses accessory to the above uses, such as refreshment stands, retail shops selling items related to the above uses, maintenance buildings, office for management functions, spectator seating and service areas, including locker rooms and rest rooms.

(2) The site shall be adequate to accommodate the intended use(s), parking and adequate buffer areas without significant impact on nearby properties in terms of noise, traffic, lighting glare, views, odors, trespassing, dust or blowing debris, as determined by the Planning Commission. The applicant shall provide documentation the site size is adequate using national facility standards.

(3) The site shall be located on a paved street which is classified as a Primary Route by the Livingston County Road Commission.

(4) No building or spectator seating facility shall be located within one hundred (100) feet of a property line.

(5) The site shall be periodically cleared of debris.

(r) Golf Driving Ranges, Miniature Golf Courses shall comply with the following requirements:

(1) All traffic ingress and egress shall be from a Primary Road, as classified by the Livingston County Road Commission.

(2) Any lot line abutting a residential district shall provide a fifty (50) foot wide, landscaped buffer zone A, as defined in Section 12.02.

(3) A minimum twenty (20) foot wide greenbelt, as described in Section 12.02, shall be provided along any public street or highway.

(4) Site size shall be adequate to retain all golf balls within the site by means of a fence no more than six (6) feet high.

(5) The Planning Commission may restrict the hours of operation in consideration of the adjacent land uses and zoning.

(s) Indoor commercial recreation: (bowling alleys, ice arenas, skating rinks, etc.) shall comply with the following requirements:

(1) The principal and accessory buildings and structures shall be not be located within one-hundred (100) feet of any residential district or permitted use.

(2) All uses shall be conducted completely within a fully enclosed building.

(t) Animal shelters shall comply with the following requirements:

(1) Building wherein animals are kept, dog runs, cat cages, and/or exercise areas shall not be located nearer than one hundred (150) feet from any lot line and two hundred (200) feet from the road right of way and any residential zoning district.

(2) An operations/management plan must be submitted for review.

(3) All shelters shall be operated in conformance with all applicable county and state regulations and operated by a licensed operator.

(4) The applicant may be required to post a financial guarantee, the amount of which to be determined by the Township board, before a permit is granted or renewed.

(5) The application shall include a floor plan for the facility that indicates noise insulation measures.

(6) All enclosures for breeding, rearing, shelter, or other uses in connection with harboring of animals, shall be hard surfaces and provided with proper drains for washing with water pressure.

(7) Such facilities shall be subject to other conditions and requirements necessary to ensure against the occurrence of any possible nuisance (i.e., fencing, sound-proofing, sanitary requirements).

(u) Shelters and rehabilitation centers for philanthropic or non-profit institutions shall comply with the following requirements:

(1) The center shall have access to at least one County Primary Road, State Trunkline or roadway with a right-of-way of at least eight six (86) feet.

(2) The site shall not be located within five hundred (500) feet of a residential zoning district. (as amended 12/31/06)

(v) Accessory temporary outdoor sales and events may be permitted only in connection with, incidental to and on the same lot with a permitted use and shall comply with the following conditions:

(1) Merchandise sold shall be that of the regular retail use in the principal building of the site.

(2) Proof of tenant occupancy in the principle building shall be provided to the satisfaction of the Zoning Administrator.

(3) The event or sale shall be permitted a maximum of twice during a calendar year for a maximum of fourteen (14) days total.

(4) The Zoning Administrator shall approve a land use permit including a sketch plan illustrating structures, sufficient off-street parking, utilities, lighting and signs prior to initiation of such activity. (as amended 12/31/06)

Sec. 7.03 DIMENSIONAL STANDARDS

7.03.01 **Commercial Schedule of Area and Bulk Requirements.** All lots, buildings, structures and parking areas shall comply with the area height and bulk requirements in Table 7.03.01:

Table 7.03.01
DIMENSIONAL STANDARDS – COMMERCIAL DISTRICTS

			Minimum Yard Setbacks – [d][e][f]					
District	**Min. Lot Area [a]**	**Min. Lot Width [a][b][c]**	**Front Yard [g][h][i][j]**	**Side Yard [l]**	**Rear Yard [m]**	**Parking Lot**	**Max. Lot Coverage[o]**	**Max. Height [k]**
Neighborhood Service District (NSD)	1 Acre	100 ft.	70 ft. 35 ft. if no parking in the front yard	10 ft. each side	40 ft.	10 ft.	Governed by setbacks	20 ft. one story
Office Service District (OSD)	1 Acre	100 ft.	70 ft. 35 ft. if no parking in the front yard	20 ft. each side	40 ft.	20 ft. 10 ft. side and rear	35% bldg. 60% impervious surface	35 ft. 2.5 stories
General Commercial District (GCD)	1 Acre	150 ft.	70 ft. 35 ft. if no parking in the front yard	15 ft. each side	50 ft.	20 ft. 10 ft. side and rear	35% bldg 75% impervious surface	35 ft. 2 stories
Regional Commercial District (RCD)	2 Acres	200 ft. [n]	70 ft. 35 ft. if no parking in the front yard	20 ft. each side	50 ft.	20 ft. 10 ft. side and rear	35% bldg 75% impervious surface	45 ft. 3 stories
Planned Unit Development (PUD)	See Article 10, Planned Unit Development Districts. Setbacks from perimeter of property shall be consistent with the standards of the underlying zoning district. Internal setbacks shall be determined during the PUD review process.							

7.03.02 **Footnotes to Table 7.03.01:**

(a) **Lot Area with Shared Access:** The lot area and width may be reduced to 20,000 square feet and 80 foot lot width for sites that have shared driveways and service drive connections with adjacent lots/uses and all access management requirements of Section 15.06 are complied with.

(b) **Lot Width:** Minimum lot width is measured at the required front yard setback distance from right-of-way. Measurement for flag shaped lots shall be at the point where the narrow access strip joins the larger section of the lot, as determined by the Zoning Administrator.

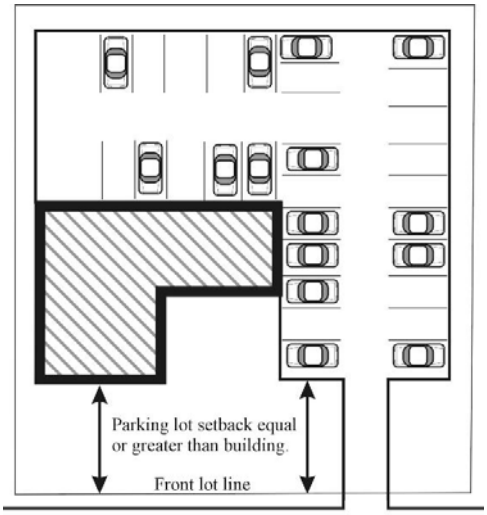
(c) **Depth to Width Ratio:** Lot depth shall be no greater than four (4) times the width.

(d) **Landscape Buffers:** See landscape buffer zone and screening requirement in section 12.02 based on adjacent zoning.

(e) **Natural Features Setback:** All structures shall be setback a minimum of twenty five (25) feet from an MDEQ regulated wetland and seventy (70) feet from the shoreline of a lake.

(f) **Projections into Yards:** Projections into required yards are permitted for certain architectural features as described in section 11.01.04.

(g) **Front Yard Setback Reduction:** The reduced front yard setback is allowed for sites that do not have parking in the front yard. The parking lot, including parking spaces and drive aisles must be located in the rear yard or the side yard where the parking lot is located no closer to the front lot line than the front wall of the building, with the exception of driveways providing access from the road and service drives or frontage roads providing cross-access to adjacent lots. (as amended 12/31/06)



(h) **Use of Front Yard:** Except for necessary drives, walks and approved signs, or as authorized by Special Land Use, the required front yard shall not be used for loading, storage or accessory structures. (as amended 3/5/10)

(i) **Landscape Greenbelt:** The front yard shall include a landscaped greenbelt as required by section 12.02.

(j) **Detention Ponds:** Detention ponds shall be prohibited in the front yard, unless the Township Engineer determines there is no reasonable alternative due to existing topography and natural drainage problems.

(k) **Exceptions to Height Limitations:** See exceptions to maximum height required for mechanical equipment; cornices; spires; cupolas; for institutional uses etc. in section 11.01.05.

(l) **Side Yard Setback:** Where the building is connected to a building on an adjoining lot by an approved fire wall, the required side yard on the common side may be reduced to zero (0) feet.

(m) **Rear Yard Setback:** The setback may be reduced to not less than twenty-five (25) feet by the Planning Commission if a wall or landscaped berm is provided to screen loading

areas, and the rear of the building has the same architectural character and materials as the front and side.

(n) **Access Spacing:** Access points shall be at least 600 feet from a signalized intersection or expressway interchange ramps provided the spacing may be modified by the Township, with input from road agency staff, to minimize conflicts with traffic operations at intersections or existing access points.

(o) **Impervious surface:** Impervious surface shall be determined as the total ground square footage of the building footprint plus the total of all paved surfaces.

Sec. 7.04 ADDITIONAL SITE DEVELOPMENT STANDARDS

7.04.01 All Permitted and Special Land Uses shall comply with all applicable provisions of this Zoning Ordinance including those listed below.

(a) Article 11, General Provisions, shall be adhered to for general dimensional standards, calculation of (buildable) lot area, access to dedicated streets, projections into yards, supplementary height regulations, principal building, structure or use, determination of "similar uses", changes in tenancy/ownership, voting place, temporary buildings and structures, open storage, parking and repair of vehicles, essential public services, wireless communication facilities, fences, walls and screens, reception antennas and towers and wind energy conversion systems. (as amended 3/5/10)

(b) Article 12, Site Development Regulations, shall be adhered to for commercial, office and industrial architecture, greenbelts, landscape materials and screening, exterior lighting, waste receptacles and non-motorized pathways and sidewalks.

(c) Article 13, Environmental Protection Regulations, shall be adhered to for, clearing of woodlands and earth changes prior to development, wetland protection standards, floor drains, stormwater management and performance standards. (as amended 12/31/06)

(d) Article 14, Parking and Loading-Unloading Standards, shall be adhered to for all non-single family residential parking.

(e) Article 15, Access Management and Private Road Standards, shall be adhered to for all commercial driveways, shared driveways and private roads.

(f) Article 16, Sign Standards, shall be adhered to for all signage.

(g) Article 18, Site Plan Review and Impact Statement, shall be adhered to for the submission, review and approval of site plans for non-single family residential uses.

(h) Article 19, Special Land Uses, shall be adhered to for the submission, review and approval of all special land uses.

(i) Article 20, Land Divisions, shall be adhered to for all applications to divide land. Where a subdivision plat is required, the requirements of the Township Subdivision Control Ordinance shall be followed.

ARTICLE 8
INDUSTRIAL DISTRICT

Sec. 8.01 STATEMENT OF PURPOSE

8.01.01 **Industrial District:** The Industrial (IND) District is intended to primarily accommodate research, wholesale and warehouse activities and light industrial operations whose external, physical effects are restricted to the district and in no manner affect in a detrimental way any of the surrounding districts. The Industrial District is intended for the manufacturing, compounding, processing, packaging, assembly and/or treatment of finished or semi-finished products from previously prepared material. The processing of raw material for shipment in bulk form, to be used in an industrial operation at another location, shall not be permitted, except as provided for as Special Land Uses.

Sec. 8.02 PERMITTED AND SPECIAL LAND USES

8.02.01 **List of Uses:** In the industrial district, land, buildings and structures shall be used only for one or more of the following uses. Land and/or buildings in the districts indicated at the top of Table 8.02 may be used for the purposes denoted by a "P" in the column below by right. Land and/or buildings in the districts indicated at the top of Table 8.02 may be used for the purposes denoted by "S" after special land use approval in accordance with the general and specific standards of Article 19 Special Land Uses. A notation of "- -" indicates that the use is not permitted within the district. The "Req." column indicates additional requirements or conditions applicable to the use.

Table 8.02 Schedule of Industrial Uses		
	IND	**Req.**
Manufacturing		
Manufacturing, fabricating, processing, packaging and/or assembling of products indoors from previously prepared materials, such as; bone, canvas, cellophane, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, paper, plastics, rubber, precious or semiprecious metal or stones, sheet metal, shell, textiles, tobacco, wax, wire, wood (excluding saw mills) and yarns, excluding leather and food processing, with a floor area under 40,000 square feet	P	
Automotive assembly or manufacturing	S	
Bakeries	P	
Bottling and packaging except canning	S	
Breweries, distilleries and wineries	S	
Cement, concrete, gypsum, plaster and nonmetallic mineral products manufacturing	S	8.02.02(a)
Cement and concrete product or ready-mix operations requiring elevator storage tanks, conveyors and batching equipment and asphalt batch plant, asphalt mixing, batching or paving plants	S	8.02.02(a)
Chemicals and allied products manufacturing including chemical compounding, plastics manufacturing, the manufacturing of paint, lacquer, enamel, or varnish	S	
Contractors offices and buildings with only indoor storage of equipment and machinery	P	
Contractors yards with outdoor storage of equipment and machinery	S	8.02.02(b)
Electronic equipment manufacturing	P	

Table 8.02 Schedule of Industrial Uses		
	IND	**Req.**
Extractive uses, such as sand and gravel mining	S	8.02.02(c)
Food processing including canning, meat and dairy products processing	S	
Foundry, smelting or refining of metals or ores, wrought iron, annealing or heat treating plants	S	
Freezer locker plants and cold storage	S	
Furniture and fixtures manufacturing	P	
Landfills	S	8.02.02(d)
Lumber mills	S	
Metal work involving the use of grinding or cutting tools such as manufacturing tools, dyes, jigs, automatic screw machines, arc welding, acetylene torch cutting, brazing or similar processes	S	
Paper and allied products manufacturing	S	
Petroleum refineries or storage facilities	S	
Plastics manufacturing, molding and extrusion	S	
Print shops and book publishing	P	
Research and development facilities, testing laboratories	P	
Salvage yard or junk yard	S	8.02.02(e)
Textile mills and apparel production	P	
Truck terminals	S	
Warehousing establishments	P	
Wood product manufacturing, including pattern making, millwork, cabinet making, Formica counters, prefabricated wood trusses, pallets, skids, and similar products.	P	
Any permitted use over 40,000 square feet of total floor area	S	
Any manufacturing use involving wet processes or the use of water in processing	S	8.02.02(f)
Commercial		
Adult regulated uses	S	8.02.02(g)
Auto repair establishments (major and minor) including accessory retail of new auto parts, but not including salvage yards	P	8.02.02(h)
Automobile body repair	P	
Business services (mailing, copying, data processing, etc.)	P	
Central dry cleaning plants	S	
Child care centers, pre-school, commercial day care	S	
Commercial outdoor display, sales and storage of building/lumber supplies and similar materials	S	8.02.02(b)
Indoor retail sales and storage of building/lumber supplies, home improvement items and similar materials	P	
Outdoor display, sales and storage of building/lumber supplies, landscaping and similar materials	S	8.02.02(b)
Health clubs/fitness centers	S	
Indoor commercial recreation (skating, bowling, soccer, dance academies, arcades, indoor shooting/archery ranges)	S	8.02.02(i)
Indoor commercial storage (including boat storage)	P	
Kennels, commercial	S	8.02.02(m)

Table 8.02 Schedule of Industrial Uses		
	IND	**Req.**
Leasing and rental of automobiles, truck and trailers, which may include outdoor storage or display of vehicles	S	8.02.02(b)
Mini-storage - indoors	P	8.02.02(j)
Mini-storage with outdoor storage	S	8.02.02(j)
Professional or corporate offices	P	
Personal service, retail and restaurants within office or industrial building or within an office park	S	8.02.02(k)
Retail sales of goods assembled, manufactured, compounded, processed, packaged or treated from previously prepared materials, or repaired or stored, on the premises	S	8.02.02(l)
Radio and television studios	P	
Public or Institutional		
Animal Shelters	S	8.02.02(m)
Shelters and rehabilitation centers for philanthropic or non-profit institutions	S	8.02.02(n)
Composting centers	P	8.02.02(o)
Electric power stations and heating plants	S	
Essential public services, public service buildings and public service storage yards	P	8.02.02(p)
Public parks/open space/boat launches	P	
Urgent care, medical centers/clinics	S	
Vocational/technical training facilities	P	
Accessory Uses		
Any use with outdoor equipment/material storage and all other open air businesses	S	8.02.02(b)
Accessory fuel storage or use of hazardous materials	S	13.07
Accessory uses, buildings and structures customarily incidental to any of the above	P	

(as amended 12/31/06 and 3/5/10)

8.02.02 **Use Conditions:** Uses noted above shall only be allowed where the following requirements are complied with:

(a) Cement and concrete product or ready-mix operations requiring elevator storage tanks, conveyors and batching equipment and asphalt batch plant, asphalt mixing, batching or paving plants shall comply with the following requirements:

(1) All structures, vehicle, and equipment storage and stockpiles of materials shall meet the setback requirements of the district. No outdoor storage shall be permitted in any required yard (setback).

(2) All property lines adjacent to a residential district shall provide a buffer zone A as described in Section 12.02. All buildings, operations and storage areas shall be setback a minimum of six hundred (600) feet from the property line of all residential uses and all residential zoning districts.

(3) A buffer zone B shall be provided on all sides adjoining non-residential uses, including the road frontage.

(4) A transportation plan shall be provided showing access to the site and detailing the projected amount of truck traffic. All means of access to the property shall be from primary roads as classified by the Livingston County Road Commission as a Primary Road or having a right-of-way of at least eight six (86) feet. The applicant shall submit the proposed routings to the Livingston County Road Commission for their review relative to the physical and design capabilities of these routes to accommodate the truck traffic. Correspondence from the Livingston County Road Commission indicating their comments shall be included as part of this application. The truck routes shall not traverse through residential neighborhoods to access county primary roads or highways.

(5) All loading and truck maneuvering shall be accommodated on-site. All private access roads, truck storage and staging areas shall be treated so as to create a dust-free surface. The access drive from the site shall be paved with a surface of asphalt or concrete for a distance of at least one hundred (100) feet from the right-of-way of the public road. Provisions shall also be made to remove aggregates, fillers, dirt, dust, mud, sludge, or other debris from the vehicles before they leave the site.

(6) Provisions shall be made for the on-site reduction and containment of dust and other particulate matter. Emissions from operation and material handling (i.e., loading; unloading, storage, transfer or hauling) shall be controlled at all times by the periodic or routine application of water to the surface of materials unless natural moisture is sufficient to control emissions. All emissions shall be in accordance with the requirements of Section 13.05. (as amended 3/5/10)

(b) Outdoor Sales or Storage (as a permitted or accessory use, including sales or storage of: building/lumber supply, contractors yards, garden/landscape supplies, nurseries, greenhouses, stone, farm implements, automobiles, trucks, recreational vehicles, mobile homes, boats, jet skis, mowing equipment, construction equipment and similar materials or equipment) shall comply with the following requirements:

(1) Minimum lot area shall be one (1) acre.

(2) Any stockpiles of soils, fertilizer or similar loosely packaged materials shall be sufficiently covered or contained to prevent dust or blowing of materials.

(3) All outdoor storage areas shall be paved with a permanent, durable and dustless surface and shall be graded and drained to dispose stormwater without negatively impact adjacent property. The Township Board, following a recommendation of the Planning Commission and the Township Engineer, may approve a gravel surface for all or part of the display or storage area for low intensity activities, upon a finding that neighboring properties and the environment will not be negatively impacted.

(4) No outdoor storage shall be permitted in any required yard (setback) of buildings for the district in which the outdoor display, sales or storage use is located. Any approved outdoor sales or display with a parking lot shall meet the required parking lot setback; provided the Planning Commission may require additional landscaping screening or ornamental fencing.

(5) The site shall include a building of at least five hundred (500) feet of gross floor area for office use in conjunction with the use.

(6) All loading and truck maneuvering shall be accommodated on-site.

(7) All outdoor storage area property lines adjacent to a residential district shall provide a buffer zone A as described in Section 12.02. A buffer zone B shall be provided on all other sides. The Planning Commission may approve a six (6) foot high screen wall or fence, or a four (4) foot high landscaped berm as an alternative.

(8) The height of all material and equipment stored in an outdoor storage area shall not exceed the height of any landscape screening, wall or fence. Boats and recreational vehicles may exceed the height of the fence provided that they are setback from the fence a distance equal to their height. Storage of materials up to the height of the adjacent building wall may be permitted in the rear yard if it is illustrated on the site plan, the rear yard does not abut a residential district or face an expressway, and such storage is confined to within twenty (20) feet of the building.

(c) Extractive Uses, such as sand and gravel mining

Sand and gravel deposits represent nonrenewable natural resources that may be necessary and beneficial to the economy of the Township and the regional area about it shall comply with the following requirements. The basic nature of such removal operations must, however, be conducted in such a manner that will insure compatibility with existing and proposed development and insure the proper restoration of the land. It is, therefore, the intent of this section to provide procedures and requirements for reviewing such requests that will reflect both the existing and future needs of the Township and its residents.

(1) Application, review and permit renewal procedures shall be in accordance with the special land use requirements of Article 19.

(2) The following additional information shall be included with the site plan material required by Article 18:

a. Report by a qualified soil scientist, soils engineer or geologist regarding the effect the proposed operation will have upon the watershed of the area, with particular attention being devoted to the water table, and, if water bodies are to be created, the anticipated permanence of such.

b. A detailed description of the method of operation including an operations and restoration plan for the extraction of the natural resources deposits. The operations and restoration plan shall include the following:

1. A progressive cell unit mining plan: a plan that divides the mining area into section and delineates the progressive mining proposal on the extractive resources available.

2. A transportation plan showing access to the site, proposed truck traffic and planned on-site roads. The applicant shall submit these proposed routings to the Livingston County Road Commission for their review relative to the physical and design capabilities of these routes to accommodate the potential traffic. Correspondence from the Livingston County Road Commission indicating their comments shall be included as part of this application.

3. An overburden and stockpiling plan: a plan which shows how the top soil will be stripped and stored on the site as well as the stockpiling of the extracted sand or gravel.

4. A re-vegetation plan: a plan which shows the staging of restoration through the grading process as well as replacing the top soil and the planting of grasses, trees and shrubs.

5. End Use Plan: a plan which shows the ultimate use of the property once restored to assure the Township the site is being restored in accordance with the Township Master Plan.

6. A detailed explanation of how the applicant intends to comply with the operating requirements of this section.

(3) Operating Requirements:

a. Basic Conditions: The removal of sand, gravel, limestone or similar materials by excavation, stripping, mining or otherwise taking, and including on-site operations appurtenant to the taking, including washing, grading, sorting, (excluding grinding operations) shall be carried on within the limits of an area approved for such activities. All extractions from new pits begun subsequent to the effective date of this Ordinance shall be washed, graded, and further processed and/or stored within the limits of the area approved, and no natural resource extracted outside the limits of this area shall be brought in for washing, grading, or further processing, excepting the event of a public emergency as declared by the Township Board of the Township of Genoa, requiring the use of said natural resource. Resource related industries including, but not limited to: gravel grinding operations, concrete mixing plants and asphalt batching plants shall not be permitted as a part of the operation unless the activity is located in a Zoning District which would permit such a use.

b. Setbacks: Excavation, washing and stockpiling of extract-ed material shall not be conducted closer than fifty (50) feet to the outer boundary of the area approved for extractive operation. The setback area shall not be used for any use in conjunction with the extractive operation, except access roads, public notice signs identifying occupation. Greenbelt plantings and landscaping shall be provided in the setback area as required by the Township Board.

Said setback may be varied by the Board of Appeals when the outer boundary of the area approved for extractive activities abuts a body of water. In granting said variance, the Board of Appeals shall establish a specific setback so as to secure public safety. To reduce the effects of airborne dust, dirt, and noise, all equipment for loading, weighing, and other operations structures shall not be built closer than three hundred (300) feet from any public street right-of-way or from any adjoining residentially zoned district.

c. Minimum frontage along a primary road: Each tract of land for extractive development shall have a minimum frontage of two hundred and fifty (250) feet along a primary road as classified by the Livingston County Road

Commission, or a roadway with a right-of-way of at least eighty six (86) feet. The Township Board may waive this standard if the tract has no frontage but is fronted by an active extractive operation, whose timetable for development would not be in conflict with the proposed operation then written permission for access to major or secondary thoroughfare must be secured from owner in fee and leaseholder, if any.

d. Access: All means of access to the property shall be from primary roads as classified by the Livingston County Road Commission as a Primary Road or have a right-of-way of at least eight six (86) feet. No access shall be allowed from residential streets. All private access roads shall be treated so as to create dust-free surface for a distance of three hundred (300) feet from any public access road. Arrangements shall also be made to minimize dust on public access routes traveled in the Township.

e. Fencing: Any excavation which operation results in, or produces for a period of at least one (1) month during the year, collections of water or slopes as described below shall be subject to the following safety requirements:

1. Where slopes steeper than thirty (30) degrees exist for a period of one (1) month or more, access to such slopes shall be barred by a cyclone fence or similarly effective barrier at least six (6) feet high; at least fifty (50) feet outside the edge of the excavation, with suitable gates controlling access to the excavation area.

2. Where collections of water are one (1) foot or more in depth for any period of at least one (1) month, and occupying an area of two hundred (200) square feet or more, access to such collections shall be similarly fenced, as required in (a) above, for slopes.

3. In those instances where the extractive area is situated in marginal land areas consisting of swamp land, or is bounded by natural bodies of water, the fence shall be required only on those sides accessible to public rights-of-way or as the Township Board may determine as requiring fencing so as to secure safety. The Township Board may require the posting of signs "KEEP OUT - DANGER" as needed.

f. Slopes: Finished slopes of the banks of the excavation shall in no event exceed a minimum of five (5) feet to one (1) foot (five feet horizontal to one foot vertical) and where ponded water results from the operations, this slope must be maintained and extended into the water to a depth of five (5) feet. Said slopes shall be met as the work in any one section of the excavation proceeds, and the time for completion of said slopes beginning, provided the Township Board may extend the above one (1) year period to such longer period as satisfactory under the circumstances. Sufficient top soil shall be stockpiled on the site so the entire area, when excavating operations are completed, may be covered with a minimum of six (6) inches of top soil and such replacement of top soil shall be made immediately following the termination of excavating operations. So as to prevent erosion of slopes, all replaced top soil shall immediately be planted with grass or other plant material acceptable to the Township Board.

g. Explosives: The use of explosives shall be done in accordance with the "Regulations for Storage and Handling of Explosives," as published by the Michigan State Police, Fire Marshall Division, East Lansing, Michigan.

(4) Inspections: To insure compliance with the permit, the Zoning Administrator shall conduct periodic inspections and shall file a written annual report to the Township Board.

(d) Landfills. The use of land for the dumping or disposal of scrap iron, junk, garbage, rubbish, or other refuse, or of ashes, slag, or other industrial wastes or by-products is not permitted in any district, except under a temporary special land use permit from the Township Board. A request for a landfill shall be accompanied by a suitable agreement and bond that such dumping or disposal will not pollute the waters of the Township or cause stagnant water to collect, or leave the surface of the land, at the expiration of such permit, in an unstable condition or unfit for the growing of turf or for other land uses permitted in the district provided the surface of such material is graded within a reasonable time in a manner preventing the collection of stagnant water which leaves the ground surface in a condition suitable for growing of turf or for other land uses permitted in the district.

(e) Salvage Yard shall comply with the following requirements:

(1) The property shall include at least six (6) acres.

(2) The salvage yard shall be enclosed on all sides by a solid wall or fence at least six (6) feet in height, maintained in good repair and free of handbills or other advertising except for approved signs. Non-transparent gates not exceeding forty-eight (48) feet in width shall be permitted in the enclosure.

(3) Vehicles or vehicle bodies shall be stored in rows with a minimum of twenty (20) foot continuous loop drives separating each row of vehicles.

(4) Vehicle parts shall not be stored, loaded, unloaded or dismantled outside the fence enclosing the salvage yard.

(5) No vehicle, vehicle bodies or other stored materials shall be visible from any residential use or district, business, or street, from a height at or below the top of the fence enclosing the yard.

(6) All batteries shall be removed from any vehicle, and all radiator and fuel tanks shall be drained prior to the vehicle being placed in the storage yard. Salvaged batteries, oil and other such substances shall removed by a licensed disposal company or be stored in a manner which prevents leakage of battery fluid. No fluids removed from vehicles shall be applied as a dust control method.

(7) The front obscuring fence shall be setback the same distance as a building in the industrial zoning district, and all such fences shall be setback a minimum of five-hundred (500) feet from any residential use or district.

(8) In order to protect surrounding areas, the crushing of vehicles or any part thereof shall be limited to daylight hours, provided that such activities shall not be conducted on Sundays or federally recognized holidays.

(9) The applicant must demonstrate that the activities of the salvage yard will comply with all state and federal regulations.

(10) The Planning Commission may impose other conditions which have a reasonable relationship to the health, safety and general welfare of Genoa Township. These conditions can include a provision for an annual inspection by the Zoning Administrator to ensure continuing compliance with the above standards.

(f) Industrial use involving wet processes or the use of water in processing shall comply with the following requirements:

(1) Such uses shall demonstrate to the satisfaction of the Township Engineer that there will be no impact to public water and sanitary sewer capacity.

(2) Industrial pretreatment of all waste discharges shall be provided on-site.

(g) Adult regulated uses shall comply with the following requirements:

(1) In the development and execution of this section, it is recognized that there are some uses which, because of their nature, are recognized as having serious objectionable, operations characteristics, particularly when several of them are concentrated under certain circumstances, thereby having deleterious effect upon adjacent areas. Special regulations of these uses are necessary to insure that these adverse effects will not contribute to the blighting, deteriorating, and/or down grading of the area and the adjacent areas. The Township believes control or regulation is for the purpose of preventing the overcrowding of such uses into a particular location and requires, instead, their disbursal throughout the industrial zones of the Township to thereby minimize their adverse impact on any specific neighborhood.

(2) The prohibition against the establishment of more than one adult regulated use, within 1,000 feet of each other and other incompatible uses, serves to avoid the clustering of such uses, avoids the deleterious effects of blight and devaluation of both business and residential property values, and prevents the deleterious effect of blight and devaluation of recreation, educational and/or religious uses.

(3) Distance limitations shall be measured along a straight line forming the shortest distance between any portion of the subject parcel and parcels zoned residential or occupied by uses specified herein.

(4) Concern for, and pride in, the orderly planning and development of the neighborhood and area should be encouraged and fostered in those persons who comprise the business and residential segments of that neighborhood and area.

(5) Unless and until approval is obtained, it shall be unlawful to hereafter establish any adult regulated use as defined herein.

(6) Any adult regulated use/building shall be at least 1,000 feet from any of the following, except as otherwise provided by item (9) below.

a. Another existing adult regulated use
b. Public, private or parochial school
c. Library

d. Park, playground or other recreation facility which admits minors
e. Day care center or nursery schools
f. Church, convent, monastery, synagogue or other similar place of worship
g. Any Class C establishment licensed by the Michigan Liquor Control Commission
h. Specially designated dealer's or specially designated merchant's establishments as defined in this ordinance
i. Pool or billiard halls
j. Arcades
k. Pawn shops
l. Hotels, motels or bed and breakfast inns
m. Dance clubs catering primarily to teenagers, ice or roller skating rinks, movie theaters and other similar uses which typically cater to teenagers
n. Any residential district

(7) Any adult regulated use/building offering material described in this ordinance shall comply with the following performance standards:

a. That any display of adult oriented material be shielded from public view either placed behind a counter, or by providing a separately established room which would have restricted access controlled by the owner or employees;
b. That all access to adult orientated material be restricted to person 18 years of age or older;
c. That signage be posted regarding the restrictions to this type of material; and
d. That the location of the counter or room be limited to an area away from the main entry.

(8) Site and building requirements:

a. Building size shall not exceed 5,000 square feet of gross floor area.
b. The building and site shall be designed, constructed and maintained so material such as a display, decoration or sign depicting, describing, or relating to specific sexual activities or specified anatomical areas, as defined in this ordinance, cannot be observed by pedestrians or motorists on a public right of way or from an adjacent land use. No exterior door or window on the premises shall be kept open at any time while the business is in operation.
c. Use shall be located within a freestanding building. A shared/common wall or shopping center shall not be considered to be a freestanding building.
d. The building shall provide sufficient sound absorbing insulation so noise generated inside said premises shall not be audible anywhere on any adjacent property or public right of way.
e. The Township Board may require a wall, fence or berm in conjunction with landscaping to provide an appropriate screen in consideration of views from public streets, distance and surrounding land uses.
f. The hours of operation shall be approved by the Township Board.
g. Access shall be from a major thoroughfare.
h. Any adult regulated use, which allows customers to remain on the premises while viewing live, filmed or recorded entertainment or while using or consuming the products or services supplied on the premises, shall provide at least one security guard on duty outside the premises. Security guard provided will patrol the grounds and parking areas at all times while the business is in operation.

i. A license is required.

(9) The Township Board may waive the location provision requiring minimum distances between adult regulated uses and those uses identified in item (6) above. Waiver exceptions from the location provision would be from any residential zoning district, public, private, or parochial school or church, convent, monastery, synagogue or other similar place of worship if all of the following findings are made after a public hearing:

a. The proposed use will not be contrary to the public interest or injurious to nearby properties, and that the spirit and intent of this ordinance will be observed.
b. The proposed use will not contribute to, create, enlarge and/or encourage a blighted or deteriorated area.
c. All applicable regulations of this ordinance will be observed.
d. There is no other reasonable location in the township at which the use is suited.
e. It shall be unlawful to hereafter establish any regulated use if the proposed regulated use will be within a 1,000 foot radius of any residential zoning district, public, private, or parochial school or church, convent, monastery, synagogue or other similar place of worship. This prohibition relative to the establishment of a regulated use near residential zoning district shall be waived upon the presentation to the Township Board of a validated petition requesting such waiver, signed by 51 % of those persons owning, residing or doing business within 1,000 feet of the proposed location. The Township Board shall adopt rules and regulations governing the procedure for securing any petition of consent which may be provided for in this section of the ordinance. The rules shall provide that the circulator of the petition requesting a waiver shall subscribe to an affidavit attesting to the fact that the petition was circulated in accordance with said rules and that the circulator personally witnessed the signatures on the petition and that the same were affixed to the petition by the person whose name appeared thereon. The Township Board shall not consider the waiver of location requirements until the above-described petition, if required, shall have been filed and verified.

(10) Prior to granting a permit for any adult regulated use, the Township Board may impose any such conditions or limitations authorized by law in connection with the grant of special uses.

(11) An adult regulated use granted pursuant to the terms of this ordinance may not be re-established after discontinuance for a period of 90 consecutive days without a new grant of approval by the township. (as amended 8/6/03)

(h) Automobile repair establishments shall comply with the following requirements:

(1) Access driveways shall meet the standards of Article 15; turning movements may be restricted in consideration of traffic conditions. Only one driveway shall be permitted from each street unless the Planning Commission determines additional driveways will be consistent with the purpose of Article 15.

(2) Where adjoining residentially zoned or used property, a solid fence or wall six (6) feet in height shall be erected along any common lot line. Such fence or wall shall be

continuously maintained in good condition. The Planning Commission may approve a landscaped berm as an alternative.

(3) All repair work shall be conducted completely within an enclosed building. Garage doors shall not face any public roadway except as approved by the Planning Commission under the following circumstances:

a. For through garages where doors are provided on the front and rear of the building;

b. Garages located on corner or through lots; and,

c. Where the Planning Commission determines that a rear garage would have a negative impact on an abutting residential district.

Under these circumstances the Planning Commission may require additional landscape screening above and beyond what is required for street frontage landscaping.

(4) There shall be no outdoor storage or display of vehicle components and parts, supplies or equipment, except within an area defined on the site plan approved by the Planning Commission and which extends no more than ten (10) feet beyond the building.

(5) Storage of wrecked, partially dismantled, or other derelict vehicles is prohibited, unless such storage is required under police or court order. Vehicles shall not be stored outdoors for more than seven (7) days in any thirty (30) day period.

(6) The applicant shall submit a Pollution Incidence Protection Plan (PIPP) as part of the Impact Assessment. The PIPP shall describe measures to prevent groundwater contamination caused by accidental gasoline spills or leakage, such as: special check valves, drain back catch basins and automatic shut off valves.

(i) Recreation: Indoor commercial recreation: bowling alleys, ice arenas, skating rinks, cinemas, theaters, etc.) shall comply with the following requirements:

(1) The principal and accessory buildings and structures shall be not be located within one-hundred (100) feet of any residential district or permitted use.

(2) All uses shall be conducted completely within a fully enclosed building.

(j) Mini- or Self Storage Warehouses shall comply with the following requirements:

(1) Minimum lot size shall be three (3) acres.

(2) Minimum building and parking setback shall be fifty (50) feet from any public street right-of-way line, fifty (50) feet setback from any residential district and twenty-five (25) feet from any non-residential zoning district.

(3) The front yard and any side yards adjacent to residential districts shall include wrought iron or similar decorative fencing and evergreen plantings spaced a maximum of ten (10) feet apart on center.

(4) All storage shall be completely within enclosed buildings or structures, unless a separate Special Land Use Permit is granted for commercial outdoor storage on the premises.

(5) A structure for a resident manager may be allowed on the site.

(6) The use shall be limited to storage only.

(k) Personal service, retail and restaurants within office or industrial building or within an office park provided the combined floor area is a minimum twenty-five percent (25%) of the building's gross floor area and all pedestrian access is from inside the building, and any exterior sign shall have a maximum size of ten (10) square feet

(l) Retail sales of goods assembled, manufactured, compounded, processed, packaged or treated from previously prepared materials, or repaired or stored, on the premises, provided the building floor area devoted to retail sales comprises no more than twenty-five percent (25%) of principal building floor area and the outdoor sales area comprises no more than twenty-five percent percent (25%) of the minimum required lot area

(m) Animal Shelters and Commercial Kennels shall comply with the following requirements:

(1) Building wherein animals are kept, dog runs, cat cages, and/or exercise areas shall not be located nearer than one hundred (150) feet from any lot line and two hundred (200) feet from the road right of way and any residential zoning district.

(2) An operations/management plan must be submitted for review.

(3) All shelters shall be operated in conformance with all applicable county and state regulations and operated by a licensed operator.

(4) The application shall include a floor plan for the facility that indicates noise insulation measures.

(5) All enclosures for breeding, rearing, shelter, or other uses in connection with harboring of animals, shall be hard surfaces and provided with proper drains for washing with water pressure.

(6) Such facilities shall be subject to other conditions and requirements necessary to ensure against the occurrence of any possible nuisance (i.e., fencing, sound-proofing, sanitary requirements).

(n) Shelters and rehabilitation centers for philanthropic or non-profit institutions shall comply with the following requirement:

(1) The site shall not be located within five hundred (500) feet of a residential zoning district. (as amended 12/31/06)

(o) Composting Centers shall comply with the following requirements:

(1) The site plan and Impact Assessment shall clearly illustrate the layout of composting operation, including: buildings, staging area, parking, on-site truck maneuvering

(truck turning radii shall be illustrated), curing area, landscaped buffers, sales area and fencing.

(2) Commercial composting operations shall be at least five hundred (500) feet from any residential district.

(3) All composting operations shall be at least two hundred (200) feet from the boundary of any lake, stream, drain, wetland or other surface water body. The applicant shall describe procedures for managing stormwater runoff and preventing pollution of surface water bodies or groundwater. Groundwater quality monitoring devices shall be provided.

(4) Documentation shall be provided indicating soils percolate and are not characterized by a high water table.

(5) The applicant shall describe acceptable details on control of odors.

(6) A landscaped buffer zone A, as described in Section 12.02, shall be provided on all sides adjacent to a residential district. A landscaped buffer zone B shall be provided on all other sides unless specifically waived by the Planning Commission in consideration of adjacent uses and topographic features.

(7) Access shall be provided solely on Class A truck routes.

(8) All storage areas shall be enclosed in a building.

(9) Temporary signs shall be prohibited.

(p) Essential Public Service Buildings, Structures and Storage Yards shall comply with the following requirements:

(1) The minimum lot size shall be three (3) acres.

(2) An open air fence six (6) feet in height shall be constructed on the boundary property lines.

(3) Electric or gas regulator equipment and apparatus shall be setback a minimum of thirty (30) feet from all lot lines.

(4) Essential Public Service Storage Yards shall be screened from any adjacent residential district by a buffer zone B, as described in section 12.02.

Sec. 8.03 DIMENSIONAL STANDARDS

8.03.01 **Industrial Schedule of Area and Bulk Requirements.** All lots, buildings, structures and parking areas shall comply with the area height and bulk requirements in Table 8.03.01:

Table 8.03.01 DIMENSIONAL STANDARDS – INDUSTRIAL DISTRICT

District	Min. Lot Area [a]	Min. Lot Width [b][c]	Minimum Yard Setbacks – [d][e][f]				Max. Lot Coverage [k]	Max. Height [l]
			Front Yard [g][h][i][j]	Side Yard	Rear Yard	Parking Lot		
Industrial District (IND)	1 acre	150 ft.	85 ft. if parking in the front yard 50 ft. if no parking in the front yard	25 ft. 50 ft. if adjacent to residential district	40 ft. 80 ft. if adjacent to residential district	20 ft. 10 ft. side and rear	40% bldg. 85% impervious surface	30 ft. 2 stories

(as amended 12/31/06)

8.03.02 **Footnotes to Table 8.03.01:**

(a) **Lot Area with Shared Access:** The Planning Commission may allow the lot area and width to be reduced to 20,000 square feet and 80 foot lot width where:

(1) The Planning Commission determines that the use will not adversely impact surrounding land uses and there is sufficient area to provide the buffers required by section 12.02; and,

(2) The site has shared driveways with adjacent uses, and all access management requirements of section 15.06 are complied with or the lot is within an industrial park with access to an road that only serves the industrial park.

(b) **Lot Width:** Minimum lot width is measured at the required front yard setback distance from right-of-way. Measurement for flag shaped lots shall be at the point where the narrow access strip joins the larger section of the lot, as determined by the Zoning Administrator.

(c) **Depth to Width Ratio:** Lot Depth shall be no greater than four (4) times the width.

(d) **Landscape Buffers:** See landscape buffer zone and screening requirement in section 12.02 based on adjacent zoning.

(e) **Natural Features Setback:** All structures shall be setback a minimum of twenty five (25) feet from an MDEQ regulated wetland and seventy (70) feet from the shoreline of a lake.

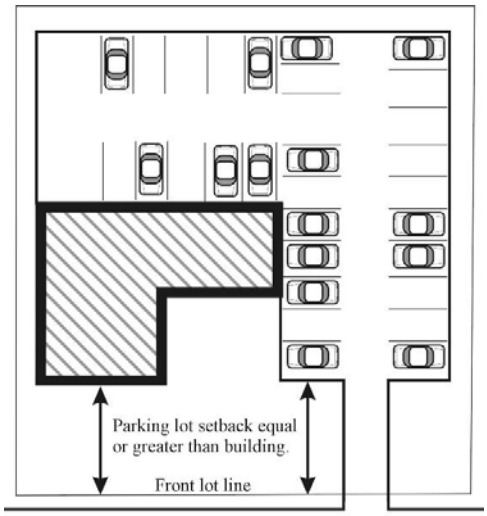
(f) **Projections into Yards:** Projections into required yards are permitted for certain architectural features as described in section 11.01.04.

(g) **Use of Front Yard:** Except for necessary drives, walks and approved signs, or as authorized by Special Land Use, the required front yard shall not be used for loading, storage or accessory structures.

(h) **Landscape Greenbelt:** The front yard shall include a landscaped greenbelt as required by section 12.02.

(i) **Detention Ponds:** Detention ponds shall be prohibited in the front yard, unless the Township Engineer determines there is no reasonable alternative due to existing topography and natural drainage problems or the pond is incorporated into a natural landscaped area and approved by the Planning Commission.

(j) **Front Yard Setback Reduction:** The reduced front yard setback is allowed for sites that do not have parking in the front yard. The parking lot, including parking spaces and drive aisles must be located in the rear yard or the side yard where the parking lot is located no closer to the front lot line than the front wall of the building, with the exception of driveways providing access from the road and service drives or frontage roads providing cross-access to adjacent lots.



(as amended 12/31/06)

(k) **Impervious surface:** Impervious surface shall be determined as the total ground square footage of the building footprint plus the total of all paved surfaces.

(l) **Exceptions to Height Limitations:** See exceptions to maximum height required for mechanical equipment; cornices; spires; cupolas; for institutional uses etc. in section 11.01.05.

Sec. 8.04 ADDITIONAL SITE DEVELOPMENT STANDARDS

8.04.01 All Permitted and Special Land Uses shall comply with all applicable provisions of this Zoning Ordinance including those listed below.

(a) Article 11, General Provisions, shall be adhered to for general dimensional standards, calculation of (buildable) lot area, access to dedicated streets, projections into yards, supplementary height regulations, principal building, structure or use, determination of "similar uses", changes in tenancy/ownership, voting place, temporary buildings and structures, open storage, parking and repair of vehicles, essential public services, wireless communication facilities, fences, walls and screens, reception antennas and towers and wind energy conversion systems. (as amended 3/5/10)

(b) Article 12, Site Development Regulations, shall be adhered to for commercial, office and industrial architecture, greenbelts, landscape materials and screening, exterior lighting, waste receptacles and non-motorized pathways and sidewalks.

(c) Article 13, Environmental Protection Regulations, shall be adhered to for, clearing of woodlands and earth changes prior to development, wetland protection standards, floor drains, stormwater management and performance standards. (as amended 12/31/06)

(d) Article 14, Parking and Loading-Unloading Standards, shall be adhered to for all parking.

(e) Article 15, Access Management and Private Road Standards, shall be adhered to for all commercial driveways, shared driveways and private roads.

(f) Article 16, Sign Standards, shall be adhered to for all signage.

(g) Article 18, Site Plan Review and Impact Statement, shall be adhered to for the submission, review and approval of site plans for non-single family residential uses.

(h) Article 19, Special Land Uses, shall be adhered to for the submission, review and approval of all special land uses.

(i) Article 20, Land Divisions, shall be adhered to for all applications to divide land. Where a subdivision plat is required, the requirements of the Township Subdivision Control Ordinance shall be followed.

ARTICLE 9
GENOA TOWN CENTER OVERLAY DISTRICT

Sec. 9.01 PURPOSE

9.01.01 The Genoa Town Center Overlay District is provided specifically for the development or redevelopment of land within the Town Center Area designated in the Master Plan surrounding the intersection of Grand River Avenue and Dorr Road. The intent is to facilitate the development of a traditional, pedestrian-oriented town center with mixed-use buildings containing retail and service uses on the first floor and residential or office on upper floors, similar to the traditional downtown character of Brighton and Howell. The commercial components are to be complemented by surrounding residential development within a walkable distance consisting of townhouses and single family residential that follow traditional neighborhood design principles, with pedestrian oriented streetscapes and a system of neighborhood open spaces. Development shall be in accordance with the guidelines outlined in the Genoa Township Master Plan.

Sec. 9.02 SCOPE OF APPLICATION AND ESTABLISHMENT OF FRONTAGE ZONES

9.02.01 **Establishment of Genoa Town Center Overlay Zone.** The Genoa Town Center Overlay District is established as an overlay district with the boundaries depicted on the official Zoning Map.

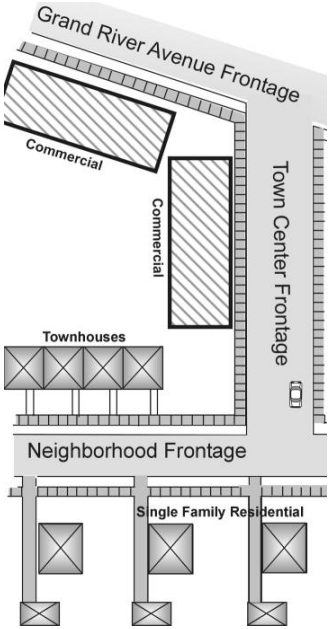
9.02.02 **Frontage Zones.** Within the Genoa Town Center Overlay District frontage zones shall be established for the purpose of prescribing requirements for building form, lot dimensions, architectural design, parking lot location and streetscape treatments. Each site shall be regulated based upon its frontage as follows:

(a) Requirements shall be established for all sites that front on Grand River Avenue or Dorr Road. These frontages are intended to be commercial and mixed-use in nature. Because of the function of these roads as county primary roadways, specific treatment is necessary for these frontages.

(b) Requirements shall be established for uses that are non-residential or mixed use and front on a street other than Grand River Avenue or Dorr Road, including any new public or private roads proposed as part of a development. These frontages are intended to be commercial and mixed-use in nature with on-street parking and a strong pedestrian orientation. This shall be referred to Town Center Street Frontages.

(c) Requirements shall be established for uses that front on a residential street. A residential street shall be a block where the majority of frontage is occupied by single family residences or townhouses. This shall be referred to Neighborhood Street Frontages.

(d) Street frontage zones shall be established on a block-by-block basis. A single street may be divided along its length with separate Town Center and Neighborhood blocks. Opposing sides of the street shall have the same street frontage zone designation. For lots located on the corner of an intersection of two street types, the Town Center Street Frontage may wrap around the corner onto the other street frontage for the building located on the corner. (e.g. at the intersection of a Town Center Street Frontage and Neighborhood street frontage, the building on the corner may be designed to the requirements of the Town Center Street Frontage on both street frontages.)



9.02.03 **Scope of Application.** The Genoa Town Center Overlay District is established as an overlay district that is applied over the existing zoning districts. Use and development of land within the overlay district shall be regulated as follows:

(a) Any existing use shall be permitted to continue and as long as no physical changes requiring site plan approval are proposed, the continued use of the site shall be allowed subject to the underlying zoning requirements. If any major change or expansion to the use is proposed, as defined by the site plan applicability section of Article 18, then the site shall be brought into compliance with the requirements of the Genoa Town Center Overlay District.

(b) Where a new use is established within an existing building, the use and site shall be subject to the requirements of the Genoa Town Center Overlay District. Where there are existing buildings or structures that do not comply with all of the requirements of this overlay district, then the site shall be brought into compliance with the requirements of the overlay district to the maximum extent practical, as determined by the Planning Commission.

(c) Where a new building is proposed, the use and site shall be subject to the requirements of the Genoa Town Center Overlay District.

Sec. 9.03 TYPES OF BUILDINGS AND USES PERMITTED

9.03.01 Buildings and uses shall be permitted based upon the site's frontage zone as follows:

Frontage Zones:	**Grand River Avenue and Dorr Road Frontages**	**Town Center Street Frontage**	**Neighborhood Street Frontage**
Residential Uses			
Single family residential and two family residential, including accessory apartments	Not permitted to front on, but may back towards Grand River or Dorr with a greenbelt and frontage on an internal street.	Not permitted	Permitted
Townhouses, row houses, and similar attached dwellings with individual entrances and garages	Not permitted to front on, but may back towards Grand River or Dorr with a greenbelt and frontage on an internal street	Permitted	Permitted
Multiple family residential with common entrances	Permitted above the first floor in mixed-use buildings with a commercial use on the first floor at up to 28 units/acre	Permitted above the first floor in mixed-use buildings with a commercial use on the first floor at up to 28 units/acre	Not permitted
Live/work units with a dwelling unit on the upper floor above a first floor space under the same ownership that can be used for a commercial use	Permitted	Permitted	Special land use

Frontage Zones:		**Grand River Avenue and Dorr Road Frontages**	**Town Center Street Frontage**	**Neighborhood Street Frontage**
Civic Uses				
Churches, temples and similar places of worship		Permitted	Permitted	Permitted
Elementary schools, public, private or parochial, including latch-key and other accessory programs		Permitted	Permitted	Permitted
Public/government buildings such as; township/state/county offices, public museums, libraries and community centers		Permitted	Permitted	Permitted
Farmers market		Permitted	Permitted	Not permitted
Parks, common greens, plazas, public gathering places and open space		Permitted	Permitted	Permitted
Essential public services		Permitted	Permitted	Permitted
Commercial Uses				
Retail establishments	Floor area 30,000 sq. ft. or less	Permitted	Permitted	Not permitted
	Floor area between 30,000 sq. ft. and 60,000 sq. ft.	Special land use	Special land use	Not permitted
Boat and recreational vehicle sales		Special land use	Not permitted	Not permitted
Banquet halls, assembly halls, dance halls, private clubs, fraternal order halls, lodge halls or other similar places of assembly		Permitted	Permitted	Not permitted
Child care centers, preschool and commercial day care		Permitted	Permitted	See 9.03.04 below
Personal service establishments		Permitted	Permitted	Not permitted
Health clubs, fitness centers, gyms and aerobic clubs		Permitted	Permitted	Not permitted
Dry cleaning drop-off stations		Permitted	Permitted	Not permitted
Banks		Permitted	Permitted	Not permitted
Offices		Permitted	Permitted	Not permitted
Medical offices		Permitted	Permitted	Not permitted
Restaurants, taverns, bars, delicatessen, food carryout, and similar establishments serving food or beverages, including sidewalk cafes, but excluding drive-in and drive-through.		Permitted	Permitted	Not permitted
Bed and breakfast inns		Permitted	Permitted	Special land use
Hotels		Permitted	Permitted	Not permitted
Accessory home occupations		Permitted	Permitted	Permitted

9.03.02 **Commercial Use Standards.** The commercial uses listed above shall be subject to the applicable use conditions of section 7.02.02.

9.03.03 **Drive-Through Windows.** Accessory drive-through windows may only be permitted with special land use approval for pharmacies and banks; provided there shall be no more than one drive-through window and the drive-through shall be located on the rear of the building where it is not visible from a public street. All other drive-through uses are prohibited.

9.03.04 **Residential Care Facilities.** Adult and child residential care facilities that are permitted or allowed as special land uses shall be allowed, subject to the requirements contained in Article 3.

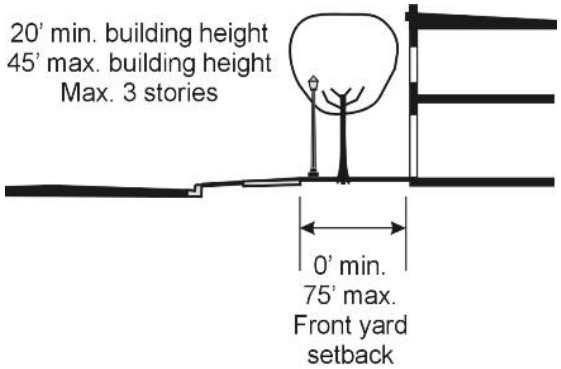
9.03.05 **Live/work Units.** Live/work units shall be dwelling units attached with common side walls wherein the main floor of each unit is designed to accommodate a small business with upper floors utilized for dwelling purposes. The first floor space of each unit shall be designed to be utilized as an office or retail store with a commercial storefront that is at grade with the sidewalk. The upper floors shall include a dwelling unit with the unit designed to be under single occupancy as an integral unit. Live/work units shall meet the design standards applicable to mixed-use buildings.

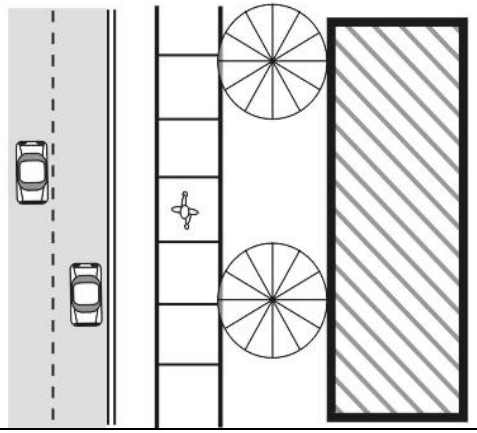
9.03.06 **Mixed Use Required for Large Sites.** Any site that is larger than 20 acres shall provide a mixture of uses, such that no less than 30% of the total land area contains commercial and no less than 30% of the total land area is residential. Any site where the underlying zoning is residential shall be at least 60% residential, or in the case of split zoning, that portion of the site with an underlying residential zoning shall be at least 60% residential. For the purpose of this section, a site shall constitute a single parcel or multiple adjacent parcels under single ownership and shall include sites that are developed in phases or subdivided for separate development.

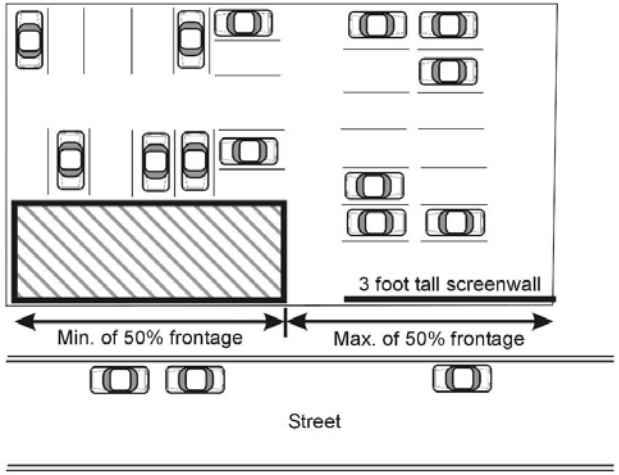
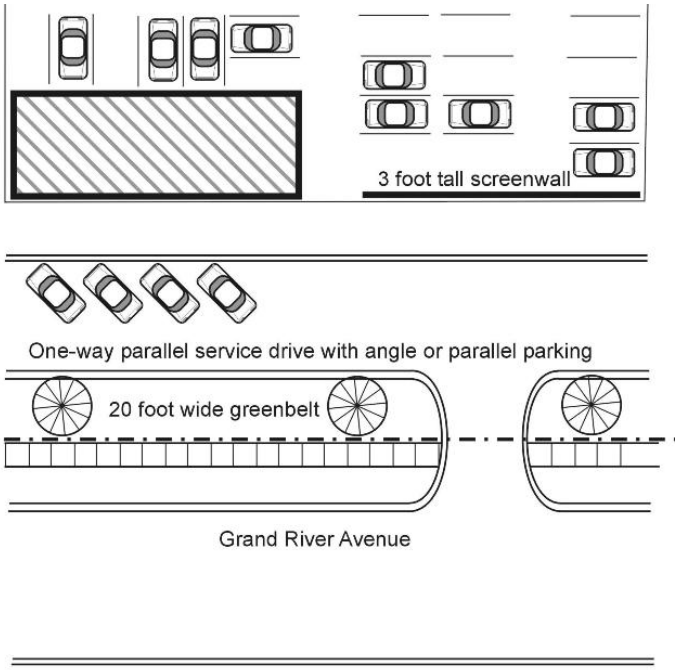
Sec. 9.04 DIMENSIONAL REQUIREMENTS

9.04.01 **Grand River Avenue and Dorr Road Frontages.** Sites with frontage along Grand River Avenue or Dorr Road shall meet the following dimensional requirements:

Lot Area	None.
Lot Width	None.
Front Yard and Building Frontage Requirements	Minimum 0-foot front yard setback. Maximum 75-foot front yard setback. Building façade shall occupy a minimum of 40% of the frontage length between the min. and max. setback.
Side Yard	A zero side setback may be permitted where a fire wall is provided along the side lot line. Where a fire wall is not provided, buildings shall be spaced a minimum of 10 feet.
Rear Yard	Minimum 25-foot rear yard setback.
Building Height	Minimum 20-foot building height. Maximum 45-foot building height; except buildings lots adjoining Lake Chemung shall have a maximum 35 foot building height Maximum 3 stories. The first story shall be a minimum of 12 feet in height.
Accessory Buildings	Accessory buildings shall be located in the side or rear yard and shall meet at least 5 feet behind the principal setbacks applicable to principal building.

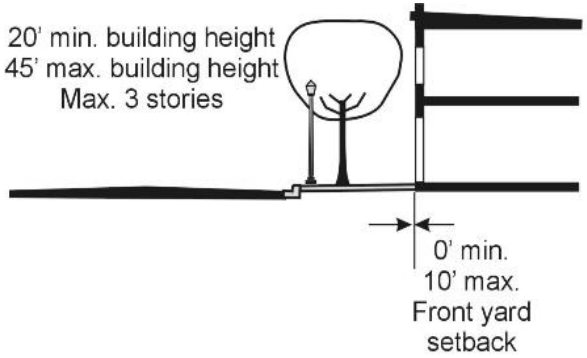


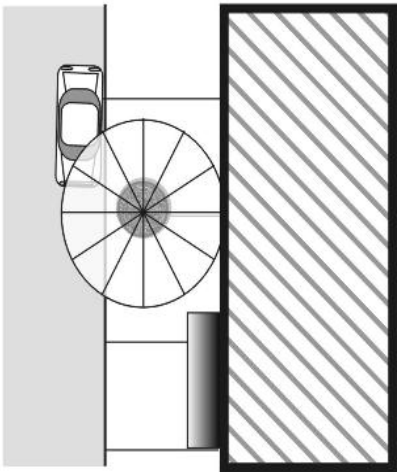


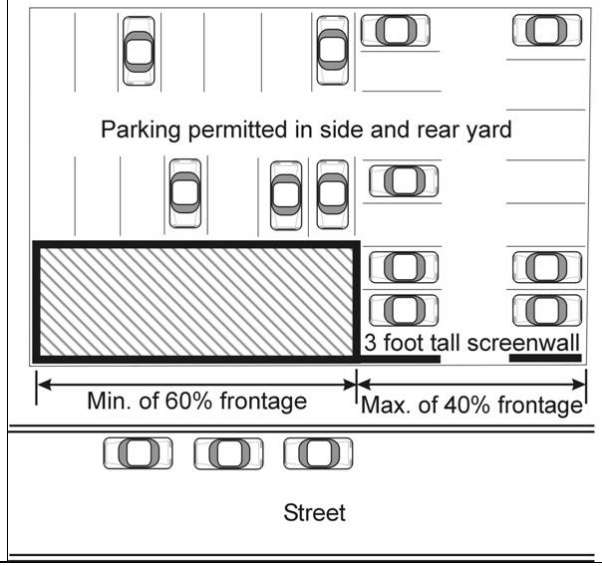
Parking Lot Location	(a) Parking shall be permitted in the side or rear yards. (b) Parking in the side yard shall be set back at least a distance equal to the building. (c) A 3 foot high screenwall shall be provided between the parking and public sidewalk. Openings may be provided for vehicular and pedestrian access. The openings shall not be greater than 24 feet for vehicles and 6 feet for pedestrians. (d) Parking areas shall not occupy more than 50% of the lot frontage. The frontage shall be calculated based upon the width of the lot.	
	(e) A single row of parking shall be permitted in the front yard along Grand River Avenue only with a parallel service drive and a 20-foot deep greenbelt along Grand River Avenue. This parking shall not be counted against the 50% maximum parking lot frontage above. (f) Parking shall not be permitted between the building façade and the front lot line within 30 feet of the corner of any roadway intersection.	

9.04.02 **Town Center Street Frontage.** Sites with frontage along Town Center Streets shall meet the following dimensional requirements:

Lot Area	None.
Lot Width	None.
Front Yard and Building Frontage Requirements	Minimum 0-foot front yard setback. Maximum 10-foot front yard setback. The building façade shall occupy no less than 60% of the frontage length. The building façade shall be built to the minimum front setback within 30 feet of any block corner.
Building Frontage Exceptions	Exceptions to the maximum front yard setback and building frontage requirements may be granted by the planning commission when the front yard area is used for the following purposes listed below. (a) Providing a public gathering area or plaza that offers seating, landscape enhancements, public information and displays, fountains, outdoor seating or other pedestrian amenities. (b) Intersection clear distance. (c) The building is used for public or quasi-public/institutional purposes with a plaza or open space area provided in the front yard.
Side Yard	A zero side setback may be permitted where a fire wall is provided along the side lot line. Where a fire wall is not provided, buildings shall be spaced a minimum of 10 feet.
Rear Yard	Minimum 25-foot rear yard setback.
Building Height	Minimum 20-foot and 2 story building height. Maximum 45-foot and 3 stories building height. The first story shall be a minimum of 12 feet in height.

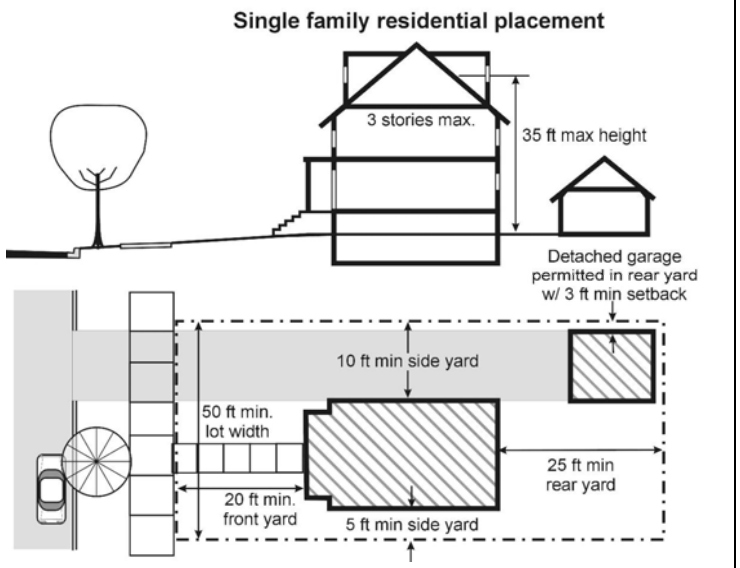


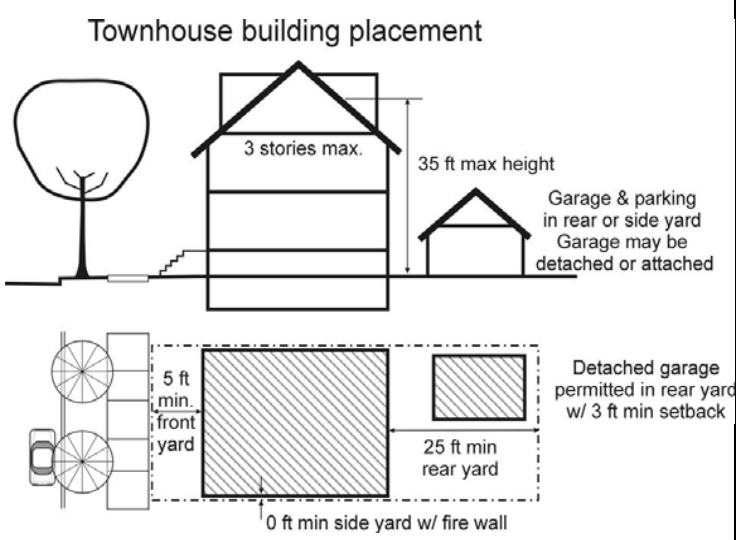


Accessory Buildings	Accessory buildings shall be located in the side or rear yard and shall meet at least 5 feet behind the principal setbacks applicable to principal building.	
Parking Lot Location	(a) On-street parking spaces located along the frontage of the lot shall be included in calculating the number of parking spaces required. At least 51% of the length of the space must be within the lot frontage in order to be counted for that building. (b) Parking shall be permitted in the rear yard. (c) Parking in the side yard shall be set back a distance at least to the principal building. A 3 foot high screenwall shall be provided between the parking and public sidewalk. Openings may be provided for vehicular and pedestrian access. The openings shall not be greater than 24 feet for vehicles and 6 feet for pedestrians. (d) Parking areas shall not occupy more than 40% of the lot frontage. The frontage shall be calculated based upon the width of the lot.	

9.04.03 **Neighborhood Street Frontage.** Sites with frontage along Neighborhood Streets shall meet the following dimensional requirements:

Lot Area/Density	**Single family:** Minimum 5,000 square foot lot area; minimum 4,500 square feet for lots with rear alley. **Townhouses:** Up to 14 units per acre permitted-by-right; the Township Board may grant special land use approval for up to 28 units per acre.
Lot Width	**Single family:** Minimum 50-foot lot width; minimum 45 foot lot width for lots with driveway access to a rear alley. **Townhouses:** No minimum.
Front Yard Requirements	**Single family:** Minimum 20-foot front yard setback. **Townhouses:** Minimum 5-foot front yard setback.
Building length	Maximum 180 feet.
Side Yard	**Single family:** Minimum 5-foot side yard setback with a total of 15 feet on both sides; a total of 10 feet on both sides where garage access is from a rear alley. **Townhouses:** No side yard between units. Minimum 15-foot setback from single family lot and 15 foot spacing between groups of buildings.
Rear Yard	Minimum 25-foot rear yard setback for principal buildings.
Building Height	Minimum 2 stories. Maximum 3 stories – not including ½ stories. Maximum 35-foot building height.
Accessory Buildings	Detached garages and other accessory buildings shall be located in the rear yard only and shall be setback a minimum of 3 feet from the rear and side lot lines. Attached garages shall be permitted; provided the garage is setback at least 5 feet behind the front building line of the living portion of the dwelling and the garage wall facing the street is less than 50% of the total length of the street-facing building façade. Accessory buildings shall be subject to the regulations of section 11.04; except accessory buildings may be up to 2 stories, and 20 feet in height and may include an accessory apartment in the second floor.
Parking Lot Location	On-street parking shall be permitted and may be credited towards meeting off-street parking requirements. Parking shall be in the side or rear yard. For single family residential, parking shall be permitted in a front yard driveway; provided the garage does not project into the front yard.





9.04.04 **Corner/Through Lots.** Sites that are located at the corner of the intersection of two different street frontage sites shall be required to meet the dimensional requirements of each frontage on the respective sides of the building. Sites that have face and back towards two different street frontage sites shall be required to meet the dimensional requirements of each frontage on the respective sides of the building.

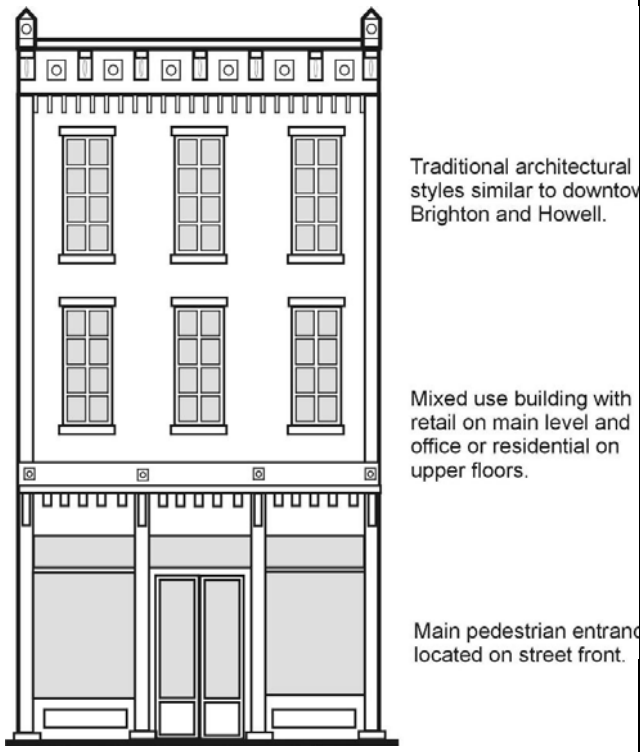
9.04.05 **Civic Uses.** Sites developed with civic uses such as schools, churches, libraries, government offices and parks require specific architectural treatment and design that is unique from other uses. The Planning Commission may permit modifications to the dimensional and building height requirements as part of the site plan review. In considering the modifications, the Planning Commission shall determine that the design of the building, location of the building, and parking and the relationship of the site design to the streetscape, and adjacent buildings are in keeping with the intended character of the Genoa Town Center.

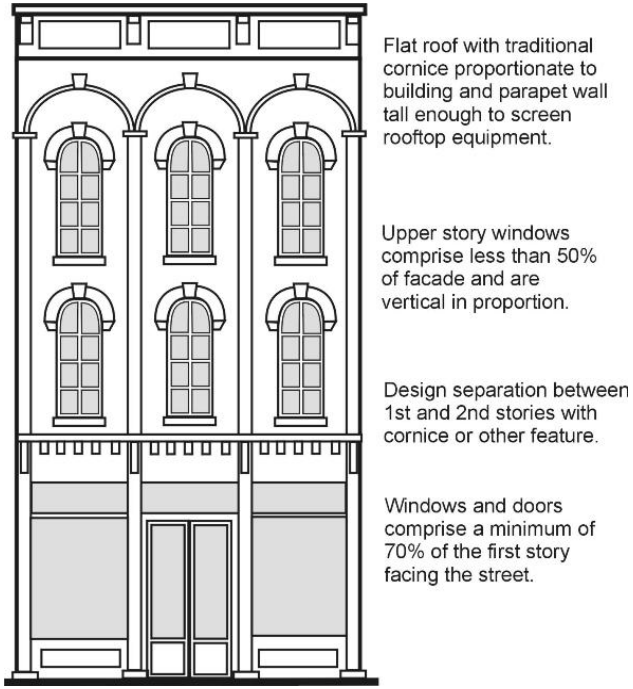
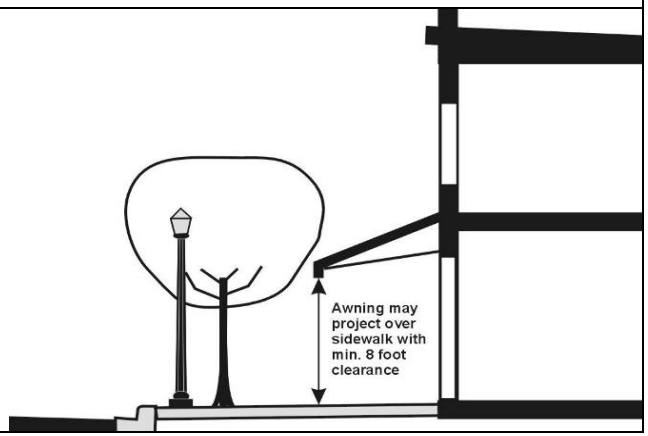
9.04.06 **Greenbelts and Buffer Zones.** The greenbelt requirements of Article 12 shall not be required in the Genoa Town Center Overlay District, except at the outer perimeter of the Overlay District. The street tree requirement of section 9.06.01 and the screening wall requirements of section 9.07.05 and 9.07.06 shall apply in instead of the landscape buffer requirements of Article 12. Where a use within the Genoa Town Center Overlay District adjoins a use that is outside of the Genoa Town Center Overlay District, then the buffer zone requirements of Article 12 shall be met. Within the Genoa Town Center Overlay District, where a non-residential use adjoins a residential use, the Planning Commission may require a fence or hedge row between the non-residential use and the residential use, in addition to any screening wall requirements of section 9.07.

Sec. 9.05 ARCHITECTURAL REQUIREMENTS

9.05.01 **Commercial architecture.** Non-residential buildings and mixed-use buildings (with residential in upper floors) shall meet the following architectural design requirements:

Building types permitted	Nonresidential and mixed-use buildings shall be designed with traditional styles of architecture, similar to that found in downtown Brighton and Howell. Buildings shall front onto the sidewalk with windows, doors, and architectural detailing customary of traditional storefronts and contain varying materials, and appearances.
Front façade requirements	All buildings shall have a main entrance that is located on at least one street front. Main entrances shall have design details that enhance the appearance and prominence of the entrance so that it is recognizable from the street and parking areas. For buildings longer than 100 feet, there shall be a minimum of one usable entrance every full 50 feet of frontage along the Town Center Street Front and shall provide architectural variation to visually break the building up.
Corner buildings	Buildings situated at a corner shall possess a level of architectural design that incorporates accents and details that accentuate its prominent location. This can be accomplished through height projections incorporated into a design feature such as additional height, a building peak, tower, or similar accent with the highest point located at the intersecting corner. Alternatively, a pedestrian plaza may be provided at the corner of the intersecting streets. A main entrance must be on a street-facing wall and either at the corner or within 25 feet of the corner.
Building materials	The following exterior finish materials are required on the front façade and any façade facing a street, or parking area. These requirements do not include areas devoted to windows and doors. (a) All walls exposed to public view from the street, or parking area shall be constructed of not less than 75% modular brick or stone. Panel brick and tilt-up brick textured paneling shall not be permitted. (b) The remaining façade may include wood siding or fiber cement siding. Exterior insulation finish systems (EFIS) may be used for architectural detailing above the first floor. (c) Buildings that have upper stories shall be designed to create a distinct and separated ground floor area through the use of accent such as a cornice, change in material or textures, or an awning or canopy between the first and second stories.



Windows and doors	(a) Storefront/Ground Floor. No less than 70% of the storefront/ground floor façade shall be clear glass panels and doorway. Required window areas shall be either windows that allow views into retail space, working areas or lobbies, pedestrian entrances, or display windows set into the wall. Windows shall not be blocked with opaque materials or the back of shelving units. The bottom of the window must be no more than 4 feet above the adjacent exterior grade. (b) The front entranceway shall be inset a minimum of three feet from the front building wall. (c) Upper Story. Openings above the first story shall be a maximum of 50% of the total façade area. Windows shall be vertical in proportion.	
Roof design	(a) Unless otherwise approved by the planning commission, buildings should have flat roof appearance from the street with a decorative cornice that is designed proportionate to the size of the building and length of the wall. (b) The planning commission may permit a pitched roof. Mansard roofs shall not be permitted on single story buildings. Pitched and mansard roofs shall not be permitted with eaves below a height of 20 feet. All roof edges shall be accentuated in a manner proportionate to the size of the building and length of the wall. (c) Flat roofs shall be enclosed by parapets. (d) All rooftop mounted equipment shall be screened from view on all sides of the building. (e) Parapets and other screening treatment shall use high quality building materials and shall blend with the design of the building in terms of color, materials, scale and height.	
Awnings	(a) Awnings may project over the public sidewalk with a minimum 8 foot clearance provided from the sidewalk, but may not extend beyond the street curb. (b) Awnings shall be are positioned immediately above the ground floor window area of the façade and have a straight shed that projects from the building at a straight angle with open sides. (c) Awnings shall be constructed of a durable, material such as canvas or steel. High-gloss or plasticized awnings are prohibited. (d) Awnings shall not be internally illuminated and any signs shall be illuminated by fixtures located above the awning and directed downward.	

9.05.02 **Residential architecture.** Townhouses and single family residential dwellings shall meet the following architectural design requirements:

Building design	Residential buildings shall utilize high-quality traditional architecture, such as but not limited to: Arts & Crafts, Colonial, Gothic Revival, Italianate, Tudor, Victorian and other traditional styles characteristic of the Mid-western United States and with historic buildings characteristic of Livingston County. Typical elevations shall be approved by the Planning Commission as part of the development's design guidelines or a pattern book. Identical or similar buildings or elevations may not be repeated more frequently than every sixth house along the same side of any street.	Townhouses with traditional architectural style. Pedestrian orientation towards street with front porch or front stoop. Garages located to rear or side not visible from street frontage.
Front façade	All residential units shall provide a pedestrian door facing the front lot line. A stoop or porch (plus steps) shall not extend any nearer than 3 feet to the sidewalk in front of the lot. All dwellings shall include a front porch or front stoop with steps. The front façade of all residential units shall be at least 15% windows or doors. The finished floor elevation shall be no less than 2 feet and no more than 7 feet above the exterior sidewalk elevation in front of the building or from the ground elevation once construction is complete. ADA accessible ramps may project into all yard setbacks.	
Building material	All buildings shall utilize high-quality building materials that are in keeping with traditional architectural styles. Permitted wall materials include, brick, stone, wood and fiber cement siding. Vinyl siding shall not be utilized, except the Planning Commission may permit limited use of vinyl siding on facades not visible from the street.	
Garages	Detached garages shall be located in the rear yard and may be accessed by a rear alley or in single family dwellings by a driveway that runs from the front yard to the rear along the side of the dwelling. Attached garages may be permitted; provided the garage is setback at least 5 feet behind the front building line of the living portion of the dwelling and the garage wall facing the street is less than 50% of the total length of the street-facing building façade.	

(as amended 3/5/10)

9.05.03 **Modifications.** The Township Board may approve deviations to the architectural requirements of this section, following the recommendation of the Planning Commission, in order to achieve the objectives of this article through the use of creativity and flexibility in development and design. Each deviation shall require a finding that the design standard sought to be deviated from would, if no deviation was permitted, prohibit an enhancement that would be in the public interest. A front elevation drawing of the proposed building shall be provided superimposed on a color drawing or photograph of the entire block showing the relation of the proposed building design to other buildings along the block, which shall be utilized to evaluate the proposed building design based upon all of the following criteria:

(a) Innovations in architectural design may be permitted, provided the building design shall be in keeping with the desired character of the Town Center, as articulated in the Master Plan, and the proposed building fits within the context of adjacent buildings along the block.

(b) The building shall be oriented towards the front sidewalk and maintain or enhance the continuity of the pedestrian oriented environment.

(c) The roof design shall not be out of character with other buildings along the block and shall be within the minimum and maximum height requirements of the overlay district.

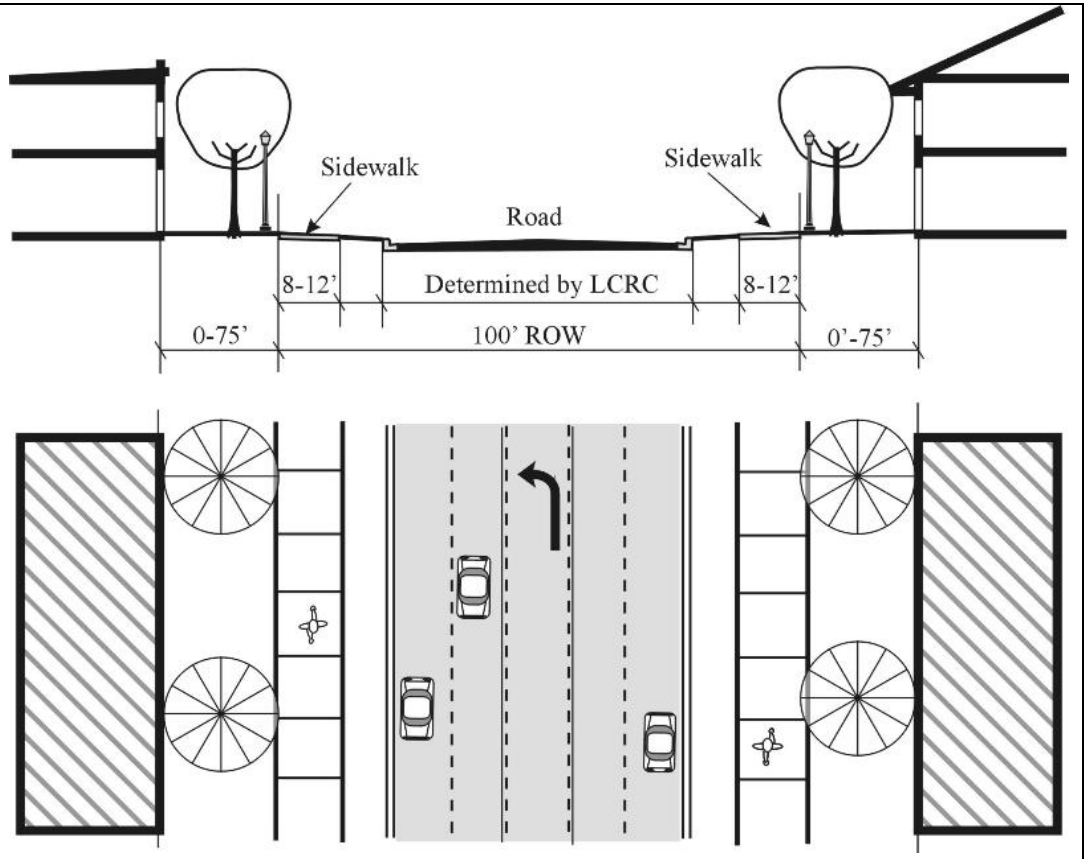
(d) The exterior finish materials shall be of equal or better quality and durability as those permitted herein, with the intent to allow for new technologies in building material while maintaining the desired character of the Town Center.

(e) Ground floor windows shall be provided along the front sidewalk to maintain the pedestrian orientation of the streetscape and upper story windows shall not be incompatible with the rhythm and proportions of windows on other buildings along the block.

Sec. 9.06 STREETSCAPE REQUIREMENTS

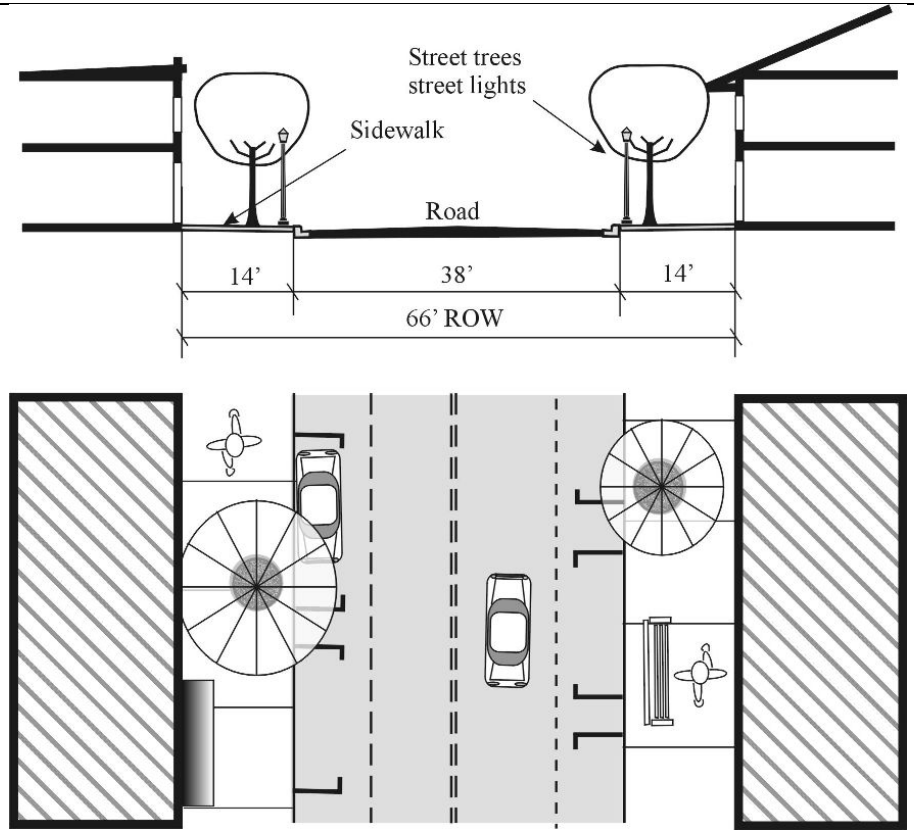
9.06.01 **Streets:** An interconnected street and sidewalk network shall be provided to unify neighborhoods and provide more convenient access to businesses and community facilities. Streets shall be designed to meet the following requirements based upon the frontage of the site:

Grand River Avenue and Dorr Road Frontages	
Street width	As determined by Road Commission.
Right-of-Way width	As determined by Road Commission.
On-street parking	Permitted with Road Commission approval. Permitted on parallel service drives.
Sidewalks	Sidewalks shall be a minimum of 12 feet wide concrete and provided on both sides of the street. The planning commission may allow the sidewalk width to be reduced to not less than 8 feet for frontages that will not be occupied by uses having sidewalk cafes.
Street trees	One canopy tree for every 40 feet of frontage planted within a 20 foot wide greenbelt.
Street lights	Pedestrian scale ornamental street lighting shall be provided along all sidewalks and within parking areas. Street lighting shall be spaced no more than 80 feet. The Planning Commission, based on a recommendation from the Township Planner, shall approve the street light fixture type and intensity.



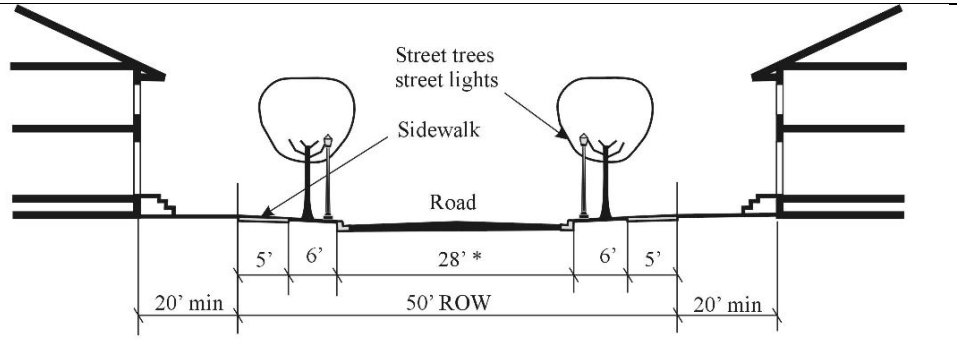
(as amended 3/5/10)

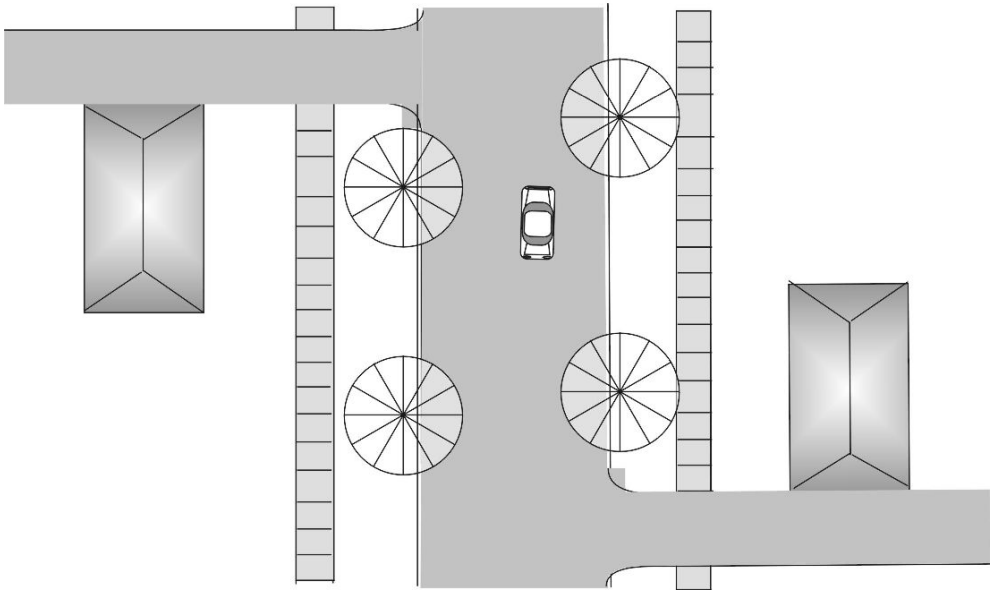
Town Center Street Frontage	
Street width	Minimum 38 feet wide measured back to back of curb.
Right-of-Way width	Minimum 66 feet.
On-street parking	Permitted on both sides.
Sidewalks	Sidewalks shall be a minimum of 14 feet wide concrete and provided on both sides of the street. The planning commission may allow the sidewalk width to be reduced to not less than 8 feet for frontages that will not be occupied by uses having sidewalk cafes.
Street trees	One canopy tree for every 40 feet of frontage planted within a planters or tree grates within sidewalk.
Street lights	Pedestrian scale ornamental street lighting shall be provided along all sidewalks and within parking areas. Street lighting shall be spaced no more than 80 feet. The Planning Commission, based on a recommendation from the Township Planner, shall approve the street light fixture type and intensity.



(as amended 3/5/10)

Neighborhood Street Frontage	
Street width	Minimum 28 feet wide measured back to back of curb * The Planning Commission may reduce the width of a street serving only single family residential uses to no less than 24 feet where parking is only allowed on one side of the street and no parking signs are posted on the other side of the street.
Right-of-Way width	Minimum 50 feet
On-street parking	Permitted on both sides
Sidewalks	Sidewalks shall be a minimum of 5 feet wide concrete and provided on both sides of the street. Sidewalks shall be 7 feet wide where abutting a parking space or a road curb
Street trees	One canopy tree for every 40 feet of frontage planted within a 5 foot wide green planting strip located between the curb and sidewalk
Street lights	Pedestrian scale ornamental street lighting shall be provided along all sidewalks and within parking areas. Street lighting shall be spaced no more than 300 feet. The Planning Commission, based on a recommendation from the Township Planner, shall approve the street light fixture type and intensity.

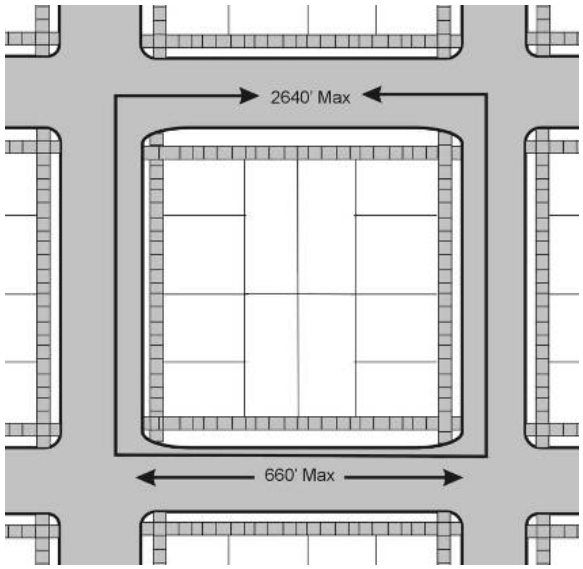




(as amended 3/5/10)

9.06.02 **Street Design Standards.** All streets shall be constructed to meet the requirements of the Livingston County Road Commission or the Genoa Township private road standards of Article 15, except as provided for in this Article. Streets shall meet the width requirements noted in the tables above; provided, bump-outs may be permitted at intersections, crosswalks and at intermediate points along long blocks to enhance pedestrian safety. Sidewalks shall be constructed to meet the requirements of 12.05, except as provided for in this Article.9.06.03 **Traffic Calming.** The use of traffic

calming devices such as raised intersections, lateral shifts, and traffic circles are encouraged as alternatives to conventional traffic control measures. Whenever an irreconcilable conflict exists among vehicular and pedestrian usage, the conflict should be resolved in favor of the pedestrian unless in the best interest of public safety.

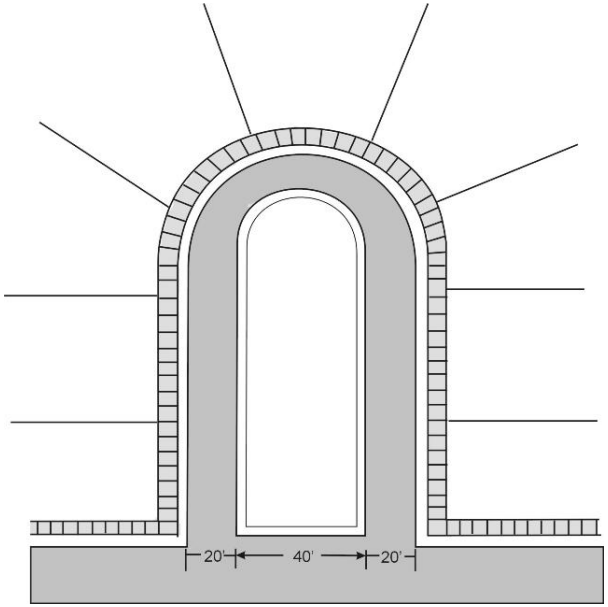


9.06.04 **Alleys.** Alleys shall be permitted in all areas of the Genoa Town Center Overlay Zone and shall be required where necessary to provide access to parking lots, loading areas and garages on the rear of dwelling units. Alleys serving as access to residential garages shall have a minimum pavement width of 20 feet and be located within a 30 foot wide easement. Alleys accessing commercial parking lots and loading areas shall have a minimum width of 28 feet.

9.06.05 **Sidewalk Cafes.** For uses with outdoor seating or temporary display areas a minimum of 5 feet of sidewalk along the curb and leading to the entrance to the establishment shall be maintained. Pedestrian circulation and access to the building entrance shall not be impaired by tables, chairs, and other encumbrances.

9.06.06 **Maximum Block Size.** The maximum length of any block shall be 660 feet and the maximum perimeter of any block shall be 2,640 feet, measured along the right-of-way lines. The Planning Commission may allow larger block sizes where a block will contain recreational areas or natural features that would be impacted by road crossings. (as amended 8/24/07)

9.06.07 **Street Connections.** The Genoa Town Center Overlay District shall be developed as an integrated area with an interconnected street network. Street connections shall be provided to all adjacent parcels within the Overlay Districts. The use of cul-de-sacs and dead-end streets shall be prohibited. In locations where it is not possible to provide a through street, the Planning Commission may allow a looped drive with a common green in the center. The circular drive around the green shall be at least 20 feet wide, measured face to face of curb. The green shall be no less than 40 feet at its narrowest dimension.



9.06.08 **Street Furniture.** Benches and trash receptacles shall be provided in park, and plaza areas and along sidewalks where the Planning Commission determines that pedestrian activity will benefit from these facilities.

9.06.09 **Bicycle Facilities.** Developments shall be designed to accommodate bicycle travel, including the provision of bike paths, bike lanes and bike racks at destination points such as shopping and recreational facilities.

9.06.10 **Street Trees.** Streets shall be designed with street trees planted in a manner appropriate to their function. Commercial streets shall have trees which compliment the face of the buildings and which shade the sidewalk. Residential streets shall provide for an appropriate canopy, which shades both the street and sidewalk, and serves as a visual buffer between the street and the home. Street trees shall meet the landscape plant material and size requirements of Article 12.**Sec. 9.07 PARKING AND LOADING**

9.07.01. **Parking Requirements.** Parking lots shall conform to the requirements of Article 14, Off-street Parking and Loading. Because the regulations of this section are intended to encourage pedestrian/transit friendly design and compact mixed-use development that requires less reliance on automobiles, the Planning Commission shall have the discretion to reduce the number of parking spaces required by Article 14 by up to 30%.

9.07.02 **On-street Parking.** On-street parking shall be permitted in all areas of the Genoa Town Center and may be credited towards meeting off-street parking requirements of Article 14.

9.07.03 **Location.** Off-street parking shall be located in the rear yard to the maximum extent practical. Parking may be permitted in the side yard where it is setback a distance equal to the building, does not occupy more than 40% of the frontage along a single block (50% along Grand River or Dorr) and a 3 foot tall brick screenwall that serves as an extension of the adjacent building is provided between the parking and the sidewalk.

9.07.04 **Grand River Avenue.** A single (1) row of parking may be provided along the Grand River Avenue frontage. This parking shall be along a parallel service drive that is separated from Grand River Avenue by a 20-foot deep greenbelt.

9.07.05 **Screening & Landscaping.** Where parking is visible from a street, it shall be screened by a 3 foot tall brick screenwall located between the parking lot and the sidewalk. Where a parking lot for a non-residential use is adjacent to a residential use, a 6 foot tall brick screen wall shall be provided between the parking lot, including drives, and the residential use instead of the greenbelt required by Article 12. Where the commercial parking lot is separated from the residential use by an alley, then the screenwall may be reduced to 3 feet in height; provided however, the Planning Commission may also require a 6 foot tall brick wall or wood/vinyl fence on the residential side of the alley. Parking lot landscaping shall be provided as required by Article 12, except the area of landscape islands and number of parking lot trees may be reduced to half the normal requirement for parking that is located in the rear yard.

9.07.06 **Loading Areas.** Loading areas shall be provided for uses required to have loading areas by Article 14, Off-street Parking and Loading. The Planning Commission may allow shared loading areas and waste receptacles between adjacent uses where shared use and maintenance easements are provided. All loading areas shall be screened from any adjacent residential areas and from view of any street by a 6 foot tall brick wall. Waste receptacle enclosures shall meet the requirements of Article 13.

Sec. 9.08 OPEN SPACE REQUIREMENTS

The proposed development shall be designed to create cohesive community neighborhoods through a network of spaces such as parks, plazas and common open space areas for passive or active recreation and resident interaction. All site plan submissions shall include an open space and landscape plan that provides all of the following:

9.08.01. **Residential Open Space.** Areas dedicated to or associated with residential uses shall set aside a minimum of 25% of the land area for open space, which shall contain some form of active recreational facility such as a park or play-area. Each open space area shall be of a design, shape, size and location with street frontage to allow for use by residents for both active and passive recreation. Recreational improvements such as playground equipment, benches, picnic tables, gazebos and pathways shall be provided.

9.08.02 **Non-residential Open Space.** Areas dedicated to non-residential or mixed-use shall set aside a minimum of 15% of the land area for open spaces such as plazas, common greens or parks; provided the Planning Commission may permit a portion of this open space to be transferred into an adjacent residential area that is part of the same development. The Township Board may approve use of open plaza areas for temporary open air markets, band-shells or ice-skating rinks. Where open space is provided for public events, the Township Board may require the provision of public restroom facilities.

9.08.03 **Common Green Focal Point.** Open space needs to include at least one area that provides a focal point for the neighborhood and town center, such as the provision of one or more central squares or common greens.

9.08.04 **Natural Areas.** The Planning Commission shall require any natural areas with significant mature woodlands or landmark trees to be preserved as open space or otherwise incorporated into the development's design to ensure the preservation of these natural features.

9.08.05 **Public Art.** Art shall be incorporated in the form of sculptures, fountains or murals as part of the open space system, within plazas and along sidewalks at key, highly visible locations.

Sec. 9.09 OTHER REQUIREMENTS AND REVIEW PROCESS

9.09.01 **Other Regulations.** The proposed development shall be in accordance with all other applicable regulations of this ordinance. Where there is a conflict between the requirements of the Genoa Town Center Overlay District and the requirements of another article of the Zoning Ordinance, then the requirements of the Genoa Town Center Overlay District shall govern.

9.09.02 **Fences.** The fence requirements of section 11.04.04 shall apply to all residential uses, except that maximum 6-foot tall privacy fences may be permitted on the side and rear lot lines of any residential lot behind the front building line of the dwelling. All fencing shall be constructed of wood, vinyl with the appearance of painted wood, wrought iron or aluminum with the appearance of wrought iron. Brick or stone walls shall also be permitted in locations and to the height of permitted fencing. As part of the approval for any residential development, the Planning Commission shall approve a pattern book that illustrates typical fencing types, materials and colors that will be used for individual lots.

9.09.03 **Signs.** The sign requirements of Article 16 shall apply to all uses, except marquee signs, blade or projecting signs and sandwich board signs (or A-frame signs) may be permitted instead of free standing monument signs. Marquee, blade and projecting signs may project over the public sidewalk with a minimum 8 foot vertical clearance provided from the sidewalk, but may not extend beyond the street curb. Sandwich board signs (or A-frame signs) may be placed on the sidewalk; provided they do not block pedestrian passage on the sidewalk.

9.09.04 **Review Process.** The site plan review procedures and requirements of Article 18 shall be followed for all development proposals within the Genoa Town Center Overlay District, except all final site plans shall be approved by the Township Board, based upon the recommendation of the Planning Commission. All special land uses shall be reviewed following the procedures and requirements of Article 19.

ARTICLE 10
PLANNED UNIT DEVELOPMENT

Sec. 10.01 PURPOSE

10.01.01 **Purpose.** The purpose of this Section is to permit the coordinated development on larger sites, protect significant natural features present which the property owner and Township wish to preserve, to provide the opportunity to mix compatible uses or residential types, or allow clustering of residential units to preserve common open space and natural features.

10.01.02 **Innovation in Land Use.** The PUD standards are provided as a design option to permit flexibility in the regulation of land development; to encourage innovation in land use, form of ownership and variety in design, layout, and type of structures constructed; to preserve significant natural features and open space; to promote efficient provision of public services and utilities; to minimize adverse traffic impacts; to provide adequate housing and employment; to encourage development of convenient recreational facilities; and to encourage the use and improvement of existing sites when the uniform regulations contained in other zoning districts alone do not provide adequate protection and safeguards for the site or its surrounding areas. The PUD standards are not intended to avoid the imposition of standards and requirements of other zoning classifications rather than to achieve the stated purposes herein set forth.

10.01.03 **Flexibility in Design.** For properties approved for PUD designation, these PUD standards provide the developer with flexibility in design and permit variation of the specific bulk, area, and in some specified situations the density requirements of this Ordinance on the basis of the total PUD plan, subject to the approval of the PUD plan by the Planning Commission and Township Board in accordance with the requirements as herein set forth.

10.01.04 **Types of PUD's.** This article provides for five (5) types of PUD: a residential overlay, a planned industrial/corporate district, a mixed use PUD district, a redevelopment PUD, and a non-residential PUD District. The residential PUD, planned industrial PUD and redevelopment PUD are overlay districts that include supplementary standards, which apply simultaneously, or replace, standards of the underlying residential zoning district. The mixed use PUD, and non-residential PUD are separate zoning districts.

(as amended 12/31/06)

Sec. 10.02 QUALIFYING CONDITIONS

The following provisions shall apply to all planned unit developments:

10.02.01 **Single Ownership.** The planned unit development site shall be under the control of one owner or group of owners and shall be capable of being planned and developed as one integral unit.

10.02.02 **Initiated by Petition.** A PUD zoning classification may be initiated only by a petition.

10.02.03 **Minimum Site Area.** The site shall have a minimum area of twenty (20) acres of contiguous land, provided such minimum may be reduced by the Township Board as follows:

(a) The minimum area requirement may be reduced to five (5) acres for sites served by both public water and sanitary sewer.

(b) The minimum lot area may be waived for sites zoned for commercial use (NSD, GCD or RCD) where the site is occupied by a nonconforming commercial, office or industrial building, all buildings on the site are proposed to be removed or rehabilitated and a use permitted within the underlying zoning district is proposed. The Township Board shall only permit the PUD on the smaller site where it finds that the flexibility in dimensional standards is necessary to allow for innovative design in redeveloping the site and an existing blighted situation will be eliminated. (as amended 12/31/06)

10.02.04 **Benefits.** The PUD site plan shall provide one or more of the following benefits not possible under the standards of another zoning district, as determined by the Planning Commission:

(a) preservation of significant natural or historic features;

(b) a complementary mixture of uses or a variety of housing types;

(c) common open space for passive or active recreational use;

(d) mitigation to offset impacts; or,

(e) redevelopment of a nonconforming site where creative design can address unique site constraints. (as amended 12/31/06)

10.02.05 **Sewer and Water.** The site shall be served by public sewer and public water. The Township may approve a residential PUD that is not served by public sewer or water, provided all lots shall be at least one (1) acre in area and the requirements of the County Health Department shall be met.

Sec. 10.03 TYPES OF PUD ZONING DESIGNATION

A property meeting the qualifying conditions may be rezoned to an appropriate PUD District, based on the standards shown in the following table and appropriate standards contained elsewhere in this Zoning Ordinance. The rezoning shall be concurrent with the approval of a PUD Conceptual Plan. The PUD designation shall be noted in the application, and on the Official Zoning Map upon approval.

District Name	Type of District	Permitted Uses	Special Land Uses	Additional Provisions
Residential Planned Unit Development (RPUD)	Overlay of a residential district	Open space or cluster housing projects with one or more types of residential uses	Same as underlying residential district	Sec. 10.03.01
Planned Industrial Parks (PID)	Overlay district of an Industrial District	Uses permitted in the Industrial and Office-Service Districts	Special land uses of the Industrial and Office-Service District	Sec. 10.03.02
Mixed Use Planned Unit Development (MU-PUD)	Separate zoning district	A mixture of public, residential, commercial, recreational or open space uses.	Special land uses of the zoning districts applicable to each PUD component.	Sec. 10.03.03
Redevelopment Planned Unit Development (RDPUD)	Overlay of a commercial district	Same as underlying district	Same as underlying district	Sec. 10.03.04
Non-residential Planned Unit Development (NR-PUD)	Separate zoning district	A mixture of public, office, commercial, light industrial, recreational and open space uses. See Sec. 10.03.05(c).	Special land uses of the zoning districts applicable to each PUD component.	Sec. 10.03.05

(as amended 12/31/06)

10.03.01 Residential PUD

(a) Density: Residential density shall be determined by a parallel plan that illustrates how the site could be developed as a conventional subdivision or site plan, meeting all applicable township and county zoning and subdivision requirements. The Township shall review the design and determine the number of buildable lots that could be feasibly constructed, taking into consideration any wetlands or other non-buildable land. This number shall be the maximum number of dwelling units allowable for the RPUD. Where the underlying zoning is multiple family, density shall be determined based upon the underlying zoning district and the definition of density. Where the Township Master Plan recommends a different zoning district that the current zoning, a rezoning of the underlying zoning district consistent with the Master Plan may be considered concurrently with the Residential PUD overlay.

(b) Dimensional Standards: The dimensional standards of the underlying zoning district shall be complied with, provided the lot area, lot width and setback requirements may be reduced with the resultant area preserved as open space. A table shall be provided on the site plan indicating the cumulative reduction in lot areas and the corresponding amount of open space being preserved. Wetland setbacks may not be reduced. The Planning Commission may approve an RPUD without public water and sewer provided all lots shall be at least one (1) acre in area and the requirements of the County Health Department are met.

(c) Open Space: All land within an RPUD that is not devoted to a residential unit, roadway or other improvement shall be set aside as common open space for

recreation or conservation. The amount of open space shall be at least equal to the total area that proposed lots are reduced below the underlying zoning's minimum lot area; provided a minimum of twenty five percent (25%) of the site shall be open space. Common open space shall be planned in locations that are visible and accessible. The open space shall contain some form of active recreational facility such as a play-area. The common open space shall be located to preserve significant natural features, central to the residents of the development, along the county road frontage, adjacent to adjoining residential or to connect open spaces throughout the development. The open space along the exterior public roads shall generally have a depth of at least one hundred (100) feet, either landscaped or preserved in a natural wooded condition. The PUD agreement shall set forth open space protection measures as provided for in section 10.05.04.

10.03.02 **Planned Industrial District (PID)**

(a) Dimensional Standards: All buildings, structures, accessory structures and parking areas shall meet the minimum setback standards of the Industrial District, as specified in the Table of Dimensional Standards, along the exterior boundaries of the PID site. Internal setbacks shall be determined by the Planning Commission during review of the PID concept plan. Maximum building height shall be consistent with the standards for the Industrial District.

(b) Lot Areas: Minimum lot area shall be two (2) acres except up to twenty five percent (25%) of the total number of lots may be between one and one-half (1-1/2) and two (2) acres in area.

(c) Design Standards: Buildings shall utilize high quality architecture and landscaping that create a research and office-park environment with primary use of masonry material, such as brick, stone or split face block, and glass on buildings and landscaping along internal roadways and around the perimeter of the PID. Metal paneling and plain concrete masonry units shall constitute no more than twenty-five percent (25%) of the facades of buildings visible from the internal roadway or any adjoining public roadway. (as amended 12/31/06)

10.03.03 **Mixed Use PUD**

(a) Uses: A mixed use PUD shall include a mixture of uses that are considered by the Planning Commission to be consistent with the Master Plan. A concept plan shall be prepared for the PUD that divides the PUD into components for various uses. Each component of the PUD shall be designated as a specific zoning district (e.g. Medium Density Residential or Office-Service). Areas devoted to each type of use shall be designated on the PUD Concept Plan. The concept plan may provide for vertical mixture of uses, such as office or residential above commercial. The mixed use PUD can be a mixture of housing types such as single family and multiple family or a mixture of uses such as residential and non-residential. The Planning Commission shall determine the appropriate mixture of uses and how much of the PUD land area shall be occupied by residential uses, nonresidential uses, recreational area, or open space. The Planning Commission shall make this determination based upon the concept plan's ability to provide an integrated mixture of uses, maintain compatibility with surrounding uses, and meet the standards of section 10.07. The list of permitted uses shall be established by the Planning Commission in the PUD agreement. Not more than fifty percent (50%) of the PUD acreage shall be devoted

to commercial, office or industrial and not less than fifty percent (50%) of the PUD acreage shall be devoted to open space, preserved natural features or residential use.

(b) Open Space: A minimum twenty five percent (25%) of the site shall be open space. Such open space shall be dispersed throughout the site and linked through greenway or pedestrian corridors or located along road frontages. A minimum of 50% of the required open space shall be usable upland area.

(c) Dimensional Requirements: All area and bulk dimensional standards shall comply with the dimensional standards for the associated zoning district designated on the PUD concept plan. To encourage flexibility and creativity consistent with the intent of the PUD, the Township may permit specific departures from the requirements of the Zoning Ordinance as a part of the approval process. Any regulatory modification shall be approved through a finding by the Township that the deviation shall result in a higher quality of development than would be possible using conventional zoning standards. Residential portions of a PUD shall comply with section 10.03.01.

(d) Parking. To encourage a true integration of mixed uses and improved efficiency in land use, the Planning Commission may permit the overlap in parking requirements between uses that have alternating peak-parking demands or where the mixture of uses on a site would result in multi-purpose trips. Approval for the parking reduction shall be based upon documentation submitted by the applicant indicating the types of uses, intensity and characteristics of the parking demands for such uses.

10.03.04 **Redevelopment PUD**

(a) A redevelopment PUD overlay shall only be applied to sites that have been previously developed for the purpose of a commercial, office, or industrial use, where redevelopment of the site will be an enhancement to the site and surrounding area, where all buildings on the site are proposed to be removed or renovated and a use permitted within the underlying zoning district is proposed. The redevelopment PUD shall only be applied to a site where the Township determines that flexibility in dimensional standards is necessary to allow for innovative design in redeveloping a site with constraints and where a clear public benefit is being derived.

(b) To encourage flexibility and creativity consistent with the intent of the PUD, the Township may permit specific departures from the requirements of the Zoning Ordinance as a part of the approval process. Any regulatory modification shall be approved through a finding by the Township that the deviation shall result in a higher quality of development than would be possible using conventional zoning standards. A parallel plan shall be provided showing how the site could be redeveloped without the use of the PUD to allow the Planning Commission to evaluate whether the modifications to dimensional standards are the minimum necessary to allow redevelopment of the site, while still meeting the spirit and intent of the ordinance.

(c) A table shall be provided on the site plan that specifically details all deviations from the zoning regulations. This specification should include ordinance provisions from which deviations are sought, the reasons the deviations are necessary and mechanisms to be utilized to mitigate any impacts. Only those deviations consistent with the intent of this ordinance shall be considered. As a condition of approving such deviations, the Township may attach such additional conditions deemed

necessary for the protection of the public health, safety, and welfare in lieu of the regulations. (as amended 12/31/06)

10.03.05 **Non-residential Planned Unit Developments**

(a) Size of Uses:

(1) A maximum sixty percent (60%) of the site, exclusive of public rights of way shall contain retail commercial uses such as shopping centers or freestanding retail/department stores including areas required for storm water, setbacks, parking and landscaping associated with such uses. The remainder of the site shall include open space, manufacturing, research and development, office, lodging, restaurants and/or entertainment related uses.

(2) No more than two retail uses shall have an individual floor area of 100,000 square feet or more, and no other individual commercial use shall have a floor area over 60,000 square feet.

(b) A minimum twenty five percent (25%) of the site shall be open space. Such open space shall be dispersed throughout the site and linked through greenway or pedestrian corridors. Open space is defined as undisturbed areas of key natural features, landscaped open space or pedestrian plaza areas, which commonly include outdoor seating and gathering areas. Detention areas shall comprise no more than 50% of the required open space and if visible from the roadway, parking lot, residential dwellings, primary entrances to buildings or other predominant views shall only be counted toward this requirement if designed to provide a natural appearance as described below.

(c) Permitted Uses: All uses permitted by right or by special land use approval in the Commercial, Office and Public and Recreational Facilities Districts (NSD, OS, GCD, RCD and PRF) are permitted by right or special use under the PUD. Permitted uses shall also include Manufacturing Research or Research and Development Uses, defined as low intensity industrial uses that include a large office or laboratory component and that manufacture, package, assemble or treat finished or semi finished products from previously prepared material but do not process raw materials. The following are exceptions to the list of permitted uses:

(1) Auto sales, new and used

(2) Auto/gasoline service stations of any type, principal or accessory

(3) Auto maintenance or repair establishment of any type

(4) Automobile wash, automatic or self serve

(5) Banquet halls, assembly halls, dance halls, private clubs, fraternal order halls, lodge halls or similar places of assembly except where accessory to a permitted office or lodging use

(6) Carnivals, fairs, commercial cider mills and amusement parks

(7) Churches

(8) Convenience stores with gasoline sales

(9) Permanent or temporary dome structures

(10) Fruit stands (outdoor sales of fruit and nursery goods) except when accessory to a permitted use

(11) Kennels, of any kind

(12) Laundromats

(13) Leasing or sales or display of trucks, trailers, boats, recreational vehicles, construction equipment and similar vehicles

(14) Mini storage warehouses

(15) Outdoor commercial display, sales, storage or temporary staging of items as a principal or accessory use, unless screened from public view

(16) Outdoor private recreation facilities such as, but not limited to, miniature golf, driving ranges, batting cages, go cart tracks, and in line skating rinks

(17) Restaurants with drive through facilities, except Township Board may approve up to one upon determination that the project shall be integrated into the design concept for the overall PUD

(18) Educational establishments including public schools, parochial schools, vocational trade schools, colleges, universities and commercial schools such as dance academies or martial arts studios

(19) Industrial uses, except for a research and development uses, and micro breweries associated with a restaurant

(20) Any other use not specifically authorized under the appropriate zoning district

(d) Traffic Circulation, Operations and Access

(1) A traffic impact study shall be provided as described in Article 18. Such study shall evaluate the impact of the project at each access point and existing major intersections where volumes from the PUD are projected increase daily or hourly volumes by 5% or more. The traffic study shall include methods to mitigate impacts, and describe timing and responsibility for funding such improvements.

(2) Access shall be limited to one major entrance along any arterial, excluding an entrance designed solely for truck traffic. Additional access points shall only be considered if spaced at least 500 feet apart and a traffic impact study demonstrates overall traffic operations and safety will be improved.

(3) Access points shall be at least 600 feet from the intersection of arterial roadways or interchange ramps provided the spacing may modified by the Township, with input from road agency staff, to minimize conflicts with traffic operations at intersections or existing access points, or to meet signal spacing standards if it is determined the access may require signalization.

(4) Main access points shall be spaced from existing signalized intersections to ensure proper spacing and progression if the main access point is signalized in the future. The site design shall direct traffic flow to use the main access points.

(5) Interior drives shall provide circulation between uses.

(6) Stacking or queuing depth at site access points shall be sufficient to accommodate expected peak hour volumes without conflict to inbound or internal circulation.

(7) Additional right of way shall be provided to accommodate improvements to the existing arterial roadway system that are planned or required to mitigate traffic associated with the PUD.

(8) A pedestrian circulation system shall be provided throughout the site and along existing arterials.

(e) Site Design. The following site elements shall be provided:

(1) An extensively landscaped greenbelt shall be provided along existing public streets. Said greenbelt shall include closely spaced street trees and hedge rows to screen the parking lot. Low, undulating (horizontal and vertical) berms or an architectural feature (decorative stone or brick wall, wrought iron fencing, or combination) may be permitted.

(2) Site design and landscaping shall diminish the prominence of parking lots as viewed from public streets

(3) A Township entranceway landmark shall be provided near the intersection of any arterial streets or expressway ramps. The type and design of said landmark shall be determined as part of the conceptual plan approval.

(4) Pedestrian gathering and seating plazas, greenways and tree lined drives shall be within parking lots and throughout the site to provide an inviting pedestrian environment, protection of the pedestrian from vehicular circulation for improve traffic operations and views.

(5) One parking lot tree shall be provided for each 2000 square feet of paved parking, including aisles, service areas, driveways and drives. At least 1/2 of the parking lot trees shall be within the parking lot inside islands or medians. A majority of the islands shall be a minimum 18 feet wide. Landscape areas shall be irrigated.

(6) Ornamental lighting shall be provided along arterials and throughout major circulation drive within the site.

(7) Other site amenities to create a pedestrian scale environment shall be provided such as bike racks, benches, information kiosks, art, planters or streetscape elements to separate mainline buildings from the parking lots.

(8) Any detention areas visible from the roadway, parking lot, residential dwellings, primary entrances to buildings or other predominant views shall have a maximum 6:1 slope and be designed to have a natural appearance, such as variable shape, natural arrangement of landscape materials, aerated fountains, and use of boulder accent walls or other similar design features.

(9) Unless otherwise provided in the PUD agreement, Signs shall comply with the standards of Article 16, provided sign types and materials shall be consistent with the overall architectural design of the PUD, and all freestanding signs shall be monument type with a base to match the building materials and landscaping around the sign integrated into the overall landscape plan. Wall and monument signs shall be channel cut letters on non illuminated background panels. Temporary window signs shall be prohibited.

(f) Architecture. Information on architecture and building design (elevations or perspectives, materials and description of design standards) shall be submitted with the concept plan and comply with the following:

(1) Architecture throughout the development shall be compatible based on a design theme established with the Concept Plan and described in the PUD Agreement.

(2) Buildings shall utilize high quality architecture with variable building lines, peaked roofs, architectural accents, and brick facades. Peaked roof lines shall not be designed to create false, parapet style facades.

(3) The depth of the front building line shall be varied to break up the building massing.

(4) The predominant material utilized on facades that are visible from a public right of way or parking lots shall be brick. Other materials may be used for architectural accents, provided such materials shall have the appearance of wood or cut or cast stone.

(5) A building or buildings shall face (front facade or side elevation with appearance of a front facade) the intersection of existing arterial streets. The building(s) shall have distinct architecture that creates a prominent landmark at the intersection, with no loading or utility areas that face the intersection. There shall be a landscaped plaza in front of the building or between buildings. Parking shall be behind this building where practical.

(g) Utilities. The Concept Plan shall include a Utility Master Plan, based on guidelines provided by the Township Engineer. The Utility Master Plan shall show connection points to existing utilities, and concepts for the layout, size and phasing of utilities.

Sec. 10.04 APPLICATION AND REVIEW PROCEDURE

10.04.01 **Process for rezoning to appropriate PUD designation, Conceptual PUD Plan, Environmental Impact Statement and PUD Agreement.**

(a) An optional pre-application workshop with the Planning Commission may be requested by the applicant to discuss the appropriateness of a PUD concept, solicit feedback and receive requests for additional materials supporting the proposal. An applicant desiring such a workshop shall request placement on the Planning Commission agenda.

(b) The applicant shall prepare and submit to the Zoning Administrator a request for rezoning to the appropriate PUD designation. The application shall include all Conceptual Submittal items listed in Section 10.05 and shall be submitted in accordance with the procedures and requirements set by resolution of the Township Board.

(c) The Planning Commission shall review the rezoning request, the Conceptual PUD Site Plan, the Impact Statement and PUD Agreement, conduct a public hearing, and make a recommendation to the Township Board and Livingston County Planning Commission based on the review standards of Section 10.07. Notice of public hearing shall be provided for in accordance with section 21.05.

(d) Within thirty (30) days following receipt of a recommendation from the Planning Commission, the Livingston County Planning Commission shall conduct a public hearing on the requested PUD rezoning and make a recommendation for approval or denial to the Township Board.

(e) The applicant shall make any revisions to incorporate conditions noted by the Planning Commission and submit the required copies to the Zoning Administrator to provide sufficient time for review prior to the Township Board meeting.

(f) Within ninety (90) days following receipt of a recommendation from the Planning Commission and Livingston County, the Township Board shall conduct a public hearing on the requested PUD rezoning, Conceptual PUD Site Plan and PUD Agreement and either approve, deny or approve with a list of conditions made part of the approval. Notice of public hearing shall be provided for in accordance with section 21.05. The Township Board may require a resubmittal of the application reflecting the conditions for approval by the Zoning Administrator, and Township consultants if appropriate. (as amended 12/31/06)

10.04.02 **Expiration:** Approval of the Conceptual PUD Site Plan by the Township Board shall confer upon the owner the right to proceed through the subsequent planning phase for a period not to exceed two (2) years from date of approval. If application for Final PUD Site Plan approval is not requested within this time period, resubmittal of a new PUD concept plan and application shall be required. The Township Board may extend the period up to an additional two (2) years, if requested in writing by the applicant prior to the expiration date.

10.04.03 **Process for Final PUD Site Plan(s)**

(a) The applicant shall submit the required copies of all necessary information meeting the requirements of Section 10.06 of this ordinance to the Zoning Administrator at

least thirty (30) days prior to the Planning Commission meeting at which the Planning Commission shall first review the request. If the PUD involves a platted subdivision, the Final Site Plan may be processed concurrently as a Preliminary Plat.

(b) Upon submission of all required materials and fees, the Planning Commission shall review the Final PUD Plan, the Impact Statement, and PUD Agreement and make a recommendation to the Township Board based on the review standards of Section 10.08.

(c) The applicant shall make any revisions to incorporate conditions noted by the Planning Commission and submit the required copies to the Zoning Administrator to provide sufficient time for review prior to the Township Board meeting.

(d) Within ninety (90) days following receipt of a recommendation from the Planning Commission, the Township Board shall conduct a public hearing on the requested Final PUD Plan, the Environmental Impact Statement, and PUD Agreement and either approve, deny or approve with a list of conditions made part of the approval. The Township Board may require a resubmittal of the application reflecting the conditions for approval by the Zoning Administrator, and Township consultants if appropriate. (as amended 3/5/10)

(e) If the Final PUD Site Plan was approved with conditions, the applicant shall submit a revised site plan to the Zoning Administrator for approval prior to the issuance of any building permits.

Sec 10.05 CONCEPTUAL SUBMITTAL REQUIREMENTS

The purpose of the conceptual review is to provide a mechanism whereby the applicant can obtain a substantial review of the proposed project in order to prepare final site engineering and architecture plans, and to execute necessary agreements between the applicant and the Township. The required number of copies of each of the following items shall be submitted by the applicant or as required by the Township:

10.05.01 Current proof of ownership of the land to be utilized or evidence of a contractual ability to acquire such land, such as an option or purchase agreement.

10.05.02 A completed application form, supplied by the Zoning Administrator, and an application fee. A separate escrow deposit may be required for administrative charges to review the PUD submittal.

10.05.03 An Impact Assessment meeting the requirements of Article 18. A traffic impact study may be required at the discretion of the Township or as otherwise stated in this ordinance which meets the requirements of Article 18.

10.05.04 A complete PUD Agreement for review which shall:

(a) Set forth the conditions upon which the approval is based, with reference to the approved Site Plan or Plat Plan and Impact Statement and a description of all deviations from Township regulations that have been requested and approved.

(b) When open space or common areas are indicated in the PUD plan for use by the residents, the open space or common areas shall be conveyed in fee, placed under a

conservation easement or otherwise committed by dedication to an association of the residents, and the use shall be irrevocably dedicated in perpetuity and retained as open space for park, recreation, conservation or other common uses.

(c) Set forth a program and financing for maintaining common areas and features, such as walkways, signs, lighting and landscaping.

(d) Assure that trees and woodlands will be preserved as shown on the site plan, or replaced on a caliper for caliper basis.

(e) Assure the construction, improvement and maintenance of all streets and necessary utilities (including public water, wastewater collection and treatment) to mitigate the impacts of the PUD project through construction by the developer, bonds or other satisfactory means, for any and all phases of the PUD. In the case of phased PUD's this requirement shall be reviewed at the time of any final site plan approval.

(f) Address any other concerns of the Township regarding construction and maintenance.

10.05.05 Sheet size of submitted drawings shall be at least 24-inches by 36 inches, with graphics at an engineer’s scale.

10.05.06 Cover Sheet providing:

(a) the applicant's name;

(b) the name of the development;

(c) the preparer's name and professional seal of architect, engineer, surveyor or landscape architect indicating license in the State of Michigan;

(d) date of preparation and any revisions;

(e) north arrow;

(f) property lines and dimensions;

(g) complete and current legal description and size of property in acres;

(h) small location sketch of the subject site and area within one-half mile; and scale;

(i) zoning and current land use of applicant’s property and all abutting properties and of properties across any public or private street from the PUD site;

(j) lot lines and all structures on the property and within one-hundred (100) feet of the PUD property lines;

(k) location of any access points on both sides of the street within one-hundred (100) feet of the PUD site along streets where access to the PUD is proposed.

10.05.07 A Plan Sheet(s) labeled Existing Site Conditions, including the location of existing buildings and structures, rights-of-way and easements, significant natural and historical features,

existing drainage patterns (by arrow), surface water bodies, floodplain areas, wetlands over two acres in size, the limits of major stands of trees and a tree survey indicating the location, species and caliper of all trees with a caliper over eight (8) inches, measured four feet above grade. This sheet shall also illustrate existing topography of the entire site at two (2) foot contour intervals and a general description of grades within one-hundred (100) feet of the site. A reduced copy of this sheet may be included in the Impact Statement.

10.05.08 For projects with a residential component, a concept plan that illustrates how the site could be practically developed under current zoning standards. This drawing may be used to determine the base density of the project.

10.05.09 A Conceptual PUD Site Plan Sheet including:

(a) Conceptual layout of proposed land use, acreage allotted to each use, residential density overall and by underlying zoning district (calculations shall be provided for both overall and useable acreage), building footprints, structures, roadways, parking areas, drives, driveways, pedestrian paths, gathering areas and identification signs. Calculations of the size of uses to confirm compliance with Section 10.03.04 for the Non-residential PUD option.

Note: Useable area is total area less public road rights-of-way, year-round surface water bodies, and MDNR regulated wetlands.

(b) Building setbacks and spacing.

(c) General location and type of landscaping proposed (evergreen, deciduous, berm, etc.) noting existing trees over eight inches in caliper to be retained, and any woodlands that will be designated as “areas not to be disturbed” in development of the PUD.

(d) A preliminary layout of contemplated storm water drainage, detention pond location, water supply and wastewater disposal systems, any public or private easements, and a note of any utility lines to be removed.

(e) Calculations to demonstrate compliance with minimum open space requirements shall be provided.

(f) Preliminary architectural design information shall be provided to the satisfaction of the Township.

(g) If a multi-phase Planned Unit Development is proposed, identification of the areas included in each phase. For residential uses identify the number, type, and density proposed by phase.

(h) A Utility Master Plan shall be required based on guidelines provided by the Township Engineer. The Utility Master Plan shall show connection points to existing utilities, and concepts for layout, size and phasing of utilities.

Sec. 10.06 FINAL PUD SITE PLAN SUBMITTAL REQUIREMENTS

The final submittal shall include the required number of copies of each of the following items:

(a) All materials required by Article 18, Site Plan Review, including an Impact Statement and Traffic Impact Statement as required.

(b) A hydrologic impact assessment describing the existing ground and surface water resources including, but not limited to, a description of the water table, direction of groundwater flow, recharge and discharge areas, lake levels, surface drainage, floodplains, and water quality as well as the projected impact of the proposed development on such resources, in particular impacts associated with water supply development, wastewater disposal, and storm water management.

(c) A final copy of the approved PUD Agreement that meets the requirements outlined in Section 10.05.04.

(d) Non-Residential Projects: Additional information required for a complete review under the standards of Section 10.03.04.

(e) Any other additional information deemed appropriate by the Township.

Sec. 10.07 STANDARDS FOR APPROVAL OF CONCEPTUAL PUD SITE PLAN

10.07.01 **Standards for Approval.** Based upon the following standards, the Planning Commission may recommend denial, approval, or approval with conditions, and the Township Board may deny, approve, or approve with conditions the proposed planned unit development.

(a) The planned unit development meets the qualification requirements.

(b) The uses proposed shall have a beneficial effect, in terms of public health, safety, welfare, or convenience, on present and future potential surrounding land uses. The uses proposed will not adversely affect the public utility and circulation system, surrounding properties, or the environment. The public benefit shall be one which could not be achieved under the regulations of the underlying district alone, or that of any other zoning district.

(c) The planned unit development is generally consistent with the goals, objectives and land use map of the Master Plan.

(d) Judicious effort has been used to preserve significant natural and historical features, surface and underground water bodies and the integrity of the land.

(e) Public water and sewer facilities are available or shall be provided for by the developer as part of the site development. The Planning Commission may approve an RPUD without public water and sewer, provided all lots shall be at least one (1) acre in area and the requirements of the County Health Department are met.

(f) Safe, convenient, uncongested, and well-defined vehicular and pedestrian circulation within and to the site is provided. Roads and driveways shall comply with the Township Subdivision Control Ordinance, Livingston County Road Commission

standards and the private road regulations of Article 15, as applicable. Drives, streets and other elements shall be designed to discourage through traffic, while promoting safe and efficient traffic operations within the site and at its access points. The site shall provide for inter-connection of roads and the future integration of circulation between adjacent sites.

(g) Common open space shall be provided including natural areas, community greens, plazas and recreation areas. The open space and all other elements shall be in an appropriate location, suitably related to each other, the site and surrounding lands. The common open space may either be centrally located along the road frontage of the development, located to preserve significant natural features, or located to connect open spaces throughout the development. Connections with adjacent open space, public land or existing or planned pedestrian/bike paths may be required by the Township. Grading in the open space shall be minimal, with the intent to preserve existing significant topographic features, where such resources exist.

(h) Any deviations from the applicable zoning regulations are reasonable and meet the intent of this Article.

10.07.02 **Conditions.** The Township Board may impose additional reasonable conditions to: 1) insure that public services and facilities affected by a Planned Unit Development will be capable of accommodating increased service and facility loads caused by the Planned Unit Development, 2) protect the natural environment and conserve natural resources and energy, 3) insure compatibility with adjacent uses of land, and 4) promote the use of land in a socially and economically desirable manner.

Sec. 10.08 FINAL PUD SITE PLAN APPROVAL STANDARDS

Based upon the following standards, the Planning Commission may recommend denial, recommend approval, or approval with conditions, and the Township Board may deny, approve with conditions the proposed planned unit development.

10.08.01 **Consistency with Preliminary PUD.** The Final PUD Plan and associated documents shall be reviewed for consistency with the approved Conceptual PUD Plan, PUD Agreement and associated documents and any conditions required by the Township.

10.08.02 **Final Site Plan Review.** The Final PUD Plan and associated documents shall be reviewed in accordance with Article 18 Site Plan Review, Township Subdivision Regulations, Township Condominium Ordinance and any other applicable regulatory document.

10.08.03 **Non-residential.** Non-residential PUD projects shall be reviewed for compliance with the standards set forth in Section 10.03.04.

10.08.04 **Conditions.** The Township may impose additional reasonable conditions to: 1) insure that public services and facilities affected by a Planned Unit Development will be capable of accommodating increased service and facility loads caused by the Planned Unit Development, 2) protect the natural environment and conserve natural resources and energy, 3) insure compatibility with adjacent uses of land, and 4) to promote the use of land in a socially and economically desirable manner.

10.08.05 **Phases.** For a PUD that is being developed in phases, final site plan approval for each phase shall be conditioned upon continued compliance of all phases with the Conceptual PUD Plan

and PUD Agreement, as may be amended by the Township. The Township Board may postpone the approval of any final site plan for subsequent phases until previously approved phases of the PUD are brought into compliance with the requirements of the Conceptual PUD Plan and PUD Agreement.

Sec. 10.09 SCHEDULE OF CONSTRUCTION

10.09.02 **Construction.** Final site plan approval of a PUD, PUD phase or a building within a PUD shall be effective for a period of three (3) years. Further submittals under the PUD procedures shall be accepted for review upon a showing of substantial progress in development of previously approved phases, or upon a showing of good cause for not having made such progress.

10.09.04 **Residential Phasing.** In the development of a PUD, the percentage of one-family dwelling units under construction, or lots sold, shall be at least in the same proportion to the percentage of multiple family dwelling units under construction at any one time, provided that this Section shall be applied only if one-family dwelling units comprise twenty-five (25%) percent or more of the total housing stock proposed for the PUD. Non-residential structures designed to serve the PUD residents shall not be built until the PUD has enough dwelling units built to support such non-residential use. The Planning Commission may modify this requirement in their conceptual or final submittal review process.

Sec. 10.10 APPEALS AND VIOLATIONS

10.10.01 **Zoning Board of Appeals:** The Zoning Board of Appeals shall have the authority to hear and decide appeal requests by individual lot owners for variances from the Genoa Township Zoning Ordinance following final approval of the PUD. However, the Zoning Board of Appeals shall not have the authority to reverse the decision of the Township Board on a PUD concept, or final site plan, change any conditions placed by the Planning Commission, or Township Board or grant variances to the PUD site plan, written PUD agreement or the requirements of this article.

10.10.02 **Violations:** A violation of the PUD plan or agreement shall be considered a violation of this Ordinance.

Sec. 10.11 AMENDMENTS AND DEVIATIONS FROM APPROVED FINAL PUD SITE PLAN

10.11.01 **Deviations following approval:** Deviations following approval of the Final PUD Site Plan may occur only when an applicant or property owner who was granted Final PUD Site Plan approval notifies the Zoning Administrator of the proposed amendment to such approved site plan in writing, accompanied by a site plan illustrating the proposed change. The request shall be received prior to initiation of any construction in conflict with the approved Final PUD Site Plan.

10.11.02 **Procedure:** Within fourteen (14) days of receipt of a request to amend the Final PUD Site Plan, the Zoning Administrator shall determine whether the change is major, warranting review by the Planning Commission, or minor, allowing administrative approval, as noted below.

10.11.03 **Minor changes:** The Zoning Administrator may approve the proposed revision upon finding the change would not alter the basic design nor any conditions imposed upon the original plan approval by the Planning Commission. The Zoning Administrator shall inform the Planning

Commission of such approval in writing. The Zoning Administrator shall consider the following when determining a change to be minor.

(a) For residential buildings, the size of structures may be reduced; or increased by five percent (5%), provided the overall density of units does not increase and the minimum square footage requirements are met.

(b) Gross floor area of non-residential buildings may be decreased; or increased by up to five percent (5%) or 10,000 square feet, whichever is smaller.

(c) Floor plans may be changed if consistent with the character of the use.

(d) Horizontal and/or vertical elevations may be altered by up to five percent (5%).

(e) Relocation of a building by up to five (5) feet, if consistent with required setbacks and other standards.

(f) Designated "Areas not to be disturbed" may be increased.

(g) Plantings approved in the Final PUD Landscape Plan may be replaced by similar types of landscaping on a one-to-one or greater basis. Any trees to be preserved which are lost during construction may be replaced by at least two (2) trees of the same or similar species.

(h) Improvements or slight relocation of site access or circulation, such as inclusion of deceleration lanes, boulevards, curbing, pedestrian/bicycle paths, etc.

(i) Changes of building materials to another of higher quality, as determined by the Zoning Administrator.

(j) Slight modification of sign placement or reduction of size.

(k) Internal rearrangement of parking lot which does not affect the number of parking spaces or alter access locations or design.

(l) Changes required or requested by the Township, County or state for safety reasons.

10.11.04 **Major Changes:** Where the Zoning Administrator determines the requested amendment to the approved Final PUD Site Plan is major, resubmittal to the Planning Commission shall be required. Should the Planning Commission determine that the modifications to the Final PUD Site Plan significantly alter the intent of the Conceptual PUD Site Plan, a revised conceptual PUD Site Plan shall be submitted according to the procedures outlined in Section 10.04 illustrating the modification shall be required.

ARTICLE 11
GENERAL PROVISIONS

Sec. 11.01 GENERAL DIMENSIONAL STANDARDS

11.01.01 **Calculation of (Buildable) Lot Area:** In the calculation of areas required to maintain specific densities, open space requirements and similar needs, no lot or parcel or portion of same shall be used more than once in such calculation, nor shall adjacent outlots or other open space be used in lieu of space contained within the stated boundaries of the subject lot or parcel. In calculating density for residential developments, twenty-five percent (25%) of wetlands area shall be included in computing gross density. Submerged lands shall not be counted towards minimum lot area or density calculations.

11.01.02 **Required Area or Space to be Maintained:** No lot or lots in common ownership and no yard, court, parking area, or other space shall be divided, altered or reduced to make such area or dimension less than the minimum required under this Ordinance. If already less than the minimum required, said area or dimension shall not be further divided or reduced.

11.01.03 **Access to Dedicated Streets:** Any lot created after the effective date of this Ordinance shall have frontage upon a public street right-of-way or legally recorded access easement meeting the private road or shared driveway requirements of Article 15. Additional access requirements for specific types of uses:

(a) Single family dedicated lots or condominiums within a planned unit development may have secondary access to a dedicated street through a private road built to Township standards.

(b) Multiple family developments, mobile home parks and other types of medium-high density residential development shall have as a minimum, secondary access to a thoroughfare as noted in the Township Master Plan from a private road constructed to Township standards.

(d) The Planning Commission may allow secondary access to a dedicated street through a private frontage road, service drive or private road within an approved access easement.

11.01.04 **Projections into Yards:** Certain architectural features may project into the required yards as follows:

PERMITTED PROJECTIONS INTO REQUIRED YARDS

Projection	Front Yard	Rear/ Waterfront Yard	Interior Side Yard	Corner Side Yard
Air conditioning equipment shelters	--	5 ft.	3 ft.	3 ft.
Arbors and trellises	Permitted up to 4 feet from any lot line			
Awnings and canopies	3 ft.	5 ft.	3 ft.	3 ft.
Bay windows	3 ft.	5 ft.	3 ft.	3 ft.
Decks, open or enclosed*	See Section 11.04.02			
Eaves, overhanging	3 ft.	5 ft.	3 ft.	3 ft.
Fences and walls*	See Section 11.04.04			
Flagpoles	Permitted up to 4 feet from any lot line			
Gardens and landscaping	Permitted in all yards			
Gutters	3 ft.	5 ft.	3 ft.	3 ft.
Laundry drying equipment	--	5 ft.	3 ft.	--
Light standard, ornamental	Permitted in any yard			
Mechanical equipment such as HVAC	--	5 ft.	3 ft.	--
Paved terraces	Permitted up to 4 feet from any lot line			
Unroofed porches and stoops*	3 ft.	5 ft.	3 ft.	3 ft.
Approved signs*	See Article 16			
Stairways, open unroofed	3 ft.	5 ft.	3 ft.	3 ft.
Steps	3 ft.	5 ft.	3 ft.	3 ft.
Television or radio towers or antennas*	--	5 ft.	3 ft.	3 ft.
Window air conditioning units	3 ft.	5 ft.	3 ft.	3 ft.

* See additional regulations in this ordinance.

11.01.05 **Supplementary Height Regulations:** The following kinds of structural appurtenances may be permitted to exceed the height limitations for authorized use.

(a) Schools, churches, hospitals and other institutional buildings may be erected to a height not exceeding sixty (60) feet provided the front, side and rear yards shall not be less than the height of the building wall abutting on such yard.

(b) Chimneys, church spires, cupolas, domes, towers, penthouses, water tanks, monuments may be erected to a height up to sixty (60); flag poles may be up to forty (40) feet tall. The Township shall be provided with sufficient evidence to assure that adjacent uses and structures are not threatened due to a collapse of the structure for any reason.

(c) Any mechanical equipment, including water and gas meters, elevator housings, stairways, tanks, heating, ventilation and air conditioning equipment, and other similar equipment, located on the roof of any building shall comply with the following standards:

(1) All such equipment shall be screened by a solid wall, fence, landscaping and/or architectural feature that is constructed of the same material and compatible in appearance with the principal building.

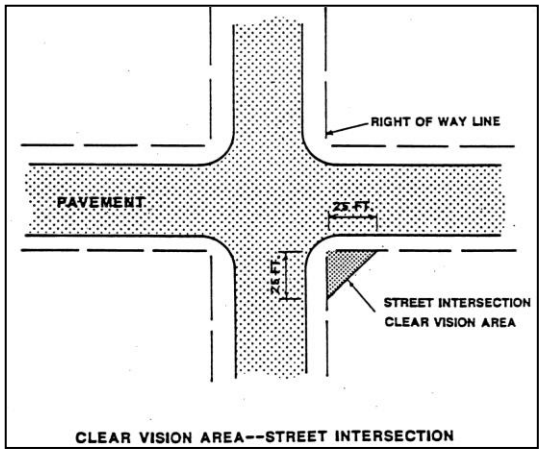
(2) Roof-mounted equipment shall not exceed a height of ten (10) feet above the surrounding roof surface, and shall occupy no more than fifteen percent (15%) of the total roof area. When roof-mounted equipment is located on a building that is adjacent to a residential use or is in view from the adjacent roadway, appropriate architectural screening shall be required.

(d) Structural extensions appropriate to the building design, such as cornices, shall be limited to five feet above the stated height limit.

(e) Silos and other farm features shall be limited to fifteen (15) feet above the principal structure height limit.

11.01.06 **Intersection Clear Vision Triangle:** No fence, wall, or structure shall be erected, established, or maintained on any lot which will obstruct the view of drivers in vehicles approaching the intersection adjacent to a corner lot or a driveway on any lot. Fences, walls, or structures located in the triangular area described below shall not be permitted to exceed a height of thirty six (36) inches above the lowest point of the intersecting road(s). The unobstructed triangular area is described as follows:

(a) The area formed at the corner intersection of two road right of way or easement lines, the two (2) sides of the triangular area being twenty five (25) feet in length measured along abutting public right of way lines, and third side being a line connecting these two sides, or



CLEAR VISION AREA--STREET INTERSECTION

(b) The area formed at the corner intersection of a road right of way or easement and a driveway, the two (2) sides of the triangular area being ten (10) feet in length measured along the right of way line and edge of the driveway, and the third side being a line connecting these two sides.

Sec. 11.02 USES

11.02.01 **Principal Building, Structure or Use:** No lot may contain more than one (1) principal building, structure or use, except groups of multiple-family dwellings, under the same ownership, site condominium projects, mobile home parks, farm worker housing, unified retail/business centers, auto dealerships, office complexes or other groups of buildings the Zoning Administrator deems to be a principal use collectively.

11.02.02 **Determination of "Similar Uses":** Since every type of potential use cannot be addressed in the zoning ordinance, each district provides for "similar uses", referencing this section. All applications for a use not specifically addressed in any zoning district shall be submitted to the Planning Commission for review at a public hearing, based on the following standards.

(a) A finding the proposed use is not listed as a Permitted or Special Land Use in any zoning district.

(b) If the use is not addressed in the Zoning Ordinance, the Planning Commission shall select the use listed in the zoning ordinance which most closely resembles the proposed use using criteria such as the nature of the use, aesthetics, traffic generated, potential impact on property values, noise, vibration, dust, smoke, odor, glare and other objectionable impacts in terms of health, safety and welfare in the Township.

(c) Once a similar use is determined, the proposed use shall comply with any conditional use standards that apply to the similar use.

(d) Where the Planning Commission determines a proposed use is not similar to a use addressed in the Zoning Ordinance, the applicant may petition for an amendment to the Zoning Ordinance, as described in Article 22.

(e) The determination as to whether a proposed use is similar in nature and class to another Permitted or Special Land Use within a district should be considered as an expansion of the use regulations, not a variance applying to a particular situation. Any use determined by the Planning Commission to be similar shall thereafter be included in the enumeration of the uses.

(f) Any use that would constitute a violation of any other Federal, State or local law or regulation shall be prohibited. (as amended 12/31/06)

11.02.03 **Changes in Tenancy/Ownership:** All structures or uses which are conforming uses, nonconforming uses, or approved special uses, planned unit developments or site plans with conditions attached for approval, shall comply with these regulations, special approvals or conditions regardless of change of tenancy or ownership of the property or use. Regulations in this Ordinance pertaining to the discontinuance of nonconforming uses, as provided for elsewhere in this Article, shall continue to be met.

11.02.04 **Voting Place:** The provisions of this Ordinance shall not be so construed as to interfere with the temporary use of any property as a voting place in connection with Township, school or other public election.

11.02.05 **Temporary Construction Buildings and Structures:** Temporary buildings and structures, including trailers, incidental to construction work on a lot, may be placed on such lot subject to the restrictions of this section.

(a) Temporary buildings and structures may only be used in conjunction with an approved construction project for the storage of construction materials, tools, supplies and equipment, for construction management and supervision offices, sales and for temporary on-site sanitation, solid waste or fuel facilities, related to construction activity on the same lot. No temporary building or structure shall be used as a dwelling unit.

(b) A land use permit for such building or structure shall be issued by the Zoning Administrator prior to installation.

(c) Temporary buildings and structures shall be removed from the lot within fifteen (15) days after an occupancy permit is issued by the Building Department for the permanent structure on such lot, or within fifteen (15) days after the expiration of a building permit issued for construction on such lot.

11.02.06 **Open Storage, Parking and Repair of Vehicles:** Except as otherwise provided in this Section, no boat, tractor, trailer, recreation vehicle, commercial vehicle or other equipment and supplies may be parked or stored on a residentially zoned lot unless they are parked or stored in an enclosed structure, or may be permitted as follows:

(a) Boats, trailers and recreational vehicles of twenty-four (24) feet or less in length may be parked or stored in a rear or side yard. Boats, trailers and recreational vehicles more than twenty-four (24) feet in length shall not be parked or stored within the minimum required rear or side yard setback.

(b) Recreation trailers or recreation vehicles may be parked in the front yard for loading, unloading and cleaning purposes for a maximum of 48 hours (see also Section 11.03.03).

(c) On waterfront lots, no tractor, trailer, commercial vehicle, recreation vehicle or similar equipment and supplies may be parked or stored in the waterfront yard within twenty-five (25) feet of the shoreline except boats, boating supplies and docking equipment. Recreational vehicles may be parked in the front yard driveways of waterfront lots from May 1st through September 30th of each year.

(d) The parking, carrying out of repair, restoration and maintenance procedures or projects on vehicles in any residential zoning district, when such work is not conducted entirely within the interior of the vehicle, shall be subject to the following limitations:

(1) All vehicles parked or being worked on outside shall be on an improved driveway surface, licensed and operable.

(2) Procedures exceeding forty eight (48) hours in duration or which require the vehicle to be inoperable in excess of forty eight (48) hours shall be conducted within an enclosed building.

(3) Inoperable vehicles and vehicle parts shall be stored inside an enclosed building.

(e) Parking of commercial vehicles with a rated capacity over one (1) ton shall be prohibited in all residential districts; except this restriction shall not apply to essential public service vehicles, and parking, and storage of larger vehicles for farming or lumbering operations is permitted in agricultural, and residential districts if the Zoning Administrator determines the vehicle is used exclusively for uses or activities permitted in the district.

(f) It shall be unlawful for the owner, tenant or lessee of any lot to permit the open storage or outdoor parking of semi-tractor (WB-50 or larger) trucks and/or semi-trailers, bulldozers, earth carriers, cranes or any other similar equipment or machinery, unless the storage or display of such vehicles is an approved use or unless the vehicles are temporarily parked while in use for approved construction on such lot (i.e., active land use permit). (as amended 8/24/07)

11.02.07 **Essential Public Services**

(a) Essential services shall be permitted as authorized under any franchise in effect within the Township, subject to regulation as provided in any law of the State of Michigan or in any ordinance of the Township, provided it is the intent of this section to ensure conformity of all structures and uses to the requirements of this Zoning Ordinance wherever such conformity shall be practicable and not in conflict with the specific requirements of such franchise, state legislation or Township Ordinance. In the absence of such conflict, the Zoning Ordinance shall prevail. Appeal from the application of this Ordinance in regard to any essential service may be made to the Zoning Board of Appeals. Wireless communication facilities shall be subject to the requirements of Section 11.02.08.

(b) Necessary utility services shall be provided for all uses. Prior to obtaining a plumbing permit for sewer or water, a land use permit shall be obtained from the Township. On-site septic systems shall be designed in accordance with the standards of the Livingston County Health Department.

11.02.08 **Wireless Communication Facilities**

(a) Purpose and Intent. The regulations of this Section are intended to conform with federal laws and administrative rules governing facilities needed to operate wireless communication systems and to set forth procedures and standards for review and approval for the location of such facilities within Genoa Township. It is the Township's intent to reasonably regulate the location and design of such facilities to retain the integrity of neighborhoods and the character, property values and aesthetic quality of the township. Given the increase in the number of wireless communication facilities requested as a result of the new technology and the Federal Telecommunications Act of 1996, it is the policy of the township that all users should co-locate on Attached Wireless Communication Facilities and Wireless Communication Support Structures. Collocation is proposed in order to assure the most economic use of land and to prevent the proliferation of duplicative services. In recognition of the Township's concern that technological advances may render certain Wireless Communication Facilities obsolete or unnecessary in the future, requirements are set forth for the removal of unused or unnecessary facilities in a timely manner and provide security for removal.

(b) Definitions. The following definitions shall apply in the interpretation of this Section:

(1) Wireless Communication Facilities. All structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals. This may include, but shall not be limited to, radio towers, television towers, telephone devices, personal communication transmission equipment and exchanges, microwave relay towers, telephone transmission equipment building and commercial mobile radio service facilities. This definition does not include "reception antenna" for an individual lot as otherwise defined and regulated in this zoning ordinance.

(2) Attached Wireless Communication Facilities. Wireless communication facilities affixed to existing structures, including but not limited to existing buildings, towers, water tanks, or utility poles.

(3) Wireless Communication Support Structures. Structures erected or modified to support wireless communication antennas. Support structures within this definition include, but shall not be limited to, monopoles, lattice towers, light poles, wood poles and guyed towers, or other structures which appear to be something other than a mere support structure.

(4) Collocation. Location by two (2) or more wireless communication providers of wireless communication facilities on a common structure, tower, or building, to reduce the overall number of structures required to support wireless communication antennas within the township.

(c) Zoning Districts and Approval Process for Wireless Communication Facilities. Wireless Communication Facilities may be located within the Township in accordance with the Table set forth below.

Type/Location of Wireless Communication Facility	**Districts Permitted**	**Approval Procedure**
1. Attached to existing structures:		
- Attached to an existing conforming structure that will not be materially altered or changed in appearance	All non-single family residential districts	Administrative Land Use Permit approval by the Zoning Administrator
- Attached to an existing utility pole that will not be modified or materially alter the pole or impair sight lines or compromise safety	All districts	Administrative Land Use Permit approval by the Zoning Administrator, provided letter of acceptance is provided by the utility company
- Collocation upon an attached wireless communication facility previously approved for such collocation	All districts	Administrative Land Use Permit approval by the Zoning Administrator
2. Located on a municipally owned site:		
-Monopole up to 150 feet in height[1]	All districts	Special Land Use and Site Plan approval by the Township Board in accordance with Article 19.
3. Located on a site owned by another governmental entity, religious institution, or public school		
-Monopole up to 100 feet in height[1]	All districts	Special Land Use and Site Plan approval by the Township Board in accordance with Article 19.
4. New facility not addressed above:		
- Monopole up to 120 feet tall [1]	PRF, OSD, GCD & RCD Districts	Special Land Use and Site Plan approval by the Township Board in accordance with Article 19.
- Monopole any height	IND District	Special Land Use and Site Plan approval by the Township Board in accordance with Article 19.
- Lattice tower where it can be demonstrated that a monopole is not feasible.	IND District	Special Land Use and Site Plan approval by the Township Board in accordance with Article 19.

1. Height may be increased ten (10) feet where determined necessary to provide future collocation.
(as amended 12/31/06)

(d) Application Requirements. The following information shall be provided with the application, in addition to other submittal requirements for sketch plan or site plan, as required in Article 18.

(1) Signed certification by a professional engineer licensed by the State of Michigan with regard to the manner in which the proposed structure will fall in the event of damage, accident or injury (i.e. "fall zone"), and that the setback area provided shall accommodate the structure should it fall or break and provide a reasonable buffer in the event the structure fails.

(2) A description of performance guarantee to be posted at the time of receiving a land use permit for the facility to ensure removal of the facility when it is abandoned or is no longer needed. The applicant shall demonstrate that funds will be available to the Township for removal of any structure used for wireless communication in an amount which reasonably reflects the cost of removal of the facility and restoration of the property or structure upon which the facility is located or placed. Adequate funds shall also be provided to cover the Township's administrative costs in the event that the applicant or its successor does not remove the Wireless Communication Facility in a timely manner.

The security shall, at the election of the Township Board, be in the form of: (1) cash; (2) security bond; (3) letter of credit; or, (4) an agreement in a form approved by the Township Attorney and recordable at the office of the Register of Deeds, establishing a promise of the applicant and owner of the property, or their successors, to remove the facility in a timely manner as required under this section of the ordinance. It shall further be provided that the applicant, owner or successor, shall be responsible for payment of any costs or attorney fees incurred by the Township in securing removal.

(3) A map that illustrates existing and known proposed wireless communication facilities within Genoa Township and adjacent communities, which are relevant in terms of potential collocation or to demonstrate the need for the proposed facility. If and to the extent the information in question is on file with the township, the applicant shall be required only to update as needed. Any such information which is trade secret and/or other confidential commercial information which, if released would result in commercial disadvantage to the applicant, may be submitted with a request for confidentiality in connection with the development of governmental policy MCL 15.243(l)(g). This ordinance shall serve as the promise to maintain confidentiality to the extent permitted by law. The request for confidentiality must be prominently stated in order to bring it to the attention of the community.

(4) For all new facilities, in recognition of the township's policy to promote collocation, a written agreement, transferable to all assessors and assigns, that the operator shall make space available on the facility for collocation.

(5) The name, address and phone number of the person to contact for engineering, maintenance and other notice purposes. This information shall be continuously updated during all times the facility is on the premises.

(e) Design Standards Applicable to All Facilities. In addition to the Criteria of Site Plan Review listed in Article 18 and Special Land Use Review listed in Article 19, all wireless communication facilities shall be constructed and maintained in accordance with the following standards:

(1) Facilities shall be located and designed to be harmonious with the surrounding areas. The Planning Commission may require unique design of the structure to either diminish the visual impact or to create an architectural feature that will contribute to or enhance community character.

(2) A permit for the construction and use of a new wireless communication facility shall not be granted until the applicant demonstrates a feasible collocation is not available for the coverage area and capacity needs.

(3) All new and modified wireless communication facilities shall be designed and constructed to accommodate collocation, with a written agreement in a format approved by the Township Attorney.

(4) Landscaping shall be provided to screen the structure base, accessory buildings and enclosure from adjacent uses and public rights-of-way.

(5) Elevations of the accessory buildings shall be provided. All accessory buildings shall be constructed of brick, provided the Planning Commission may waive this requirement for a building that is located in the Industrial district and is not visible from a public right-of-way or non-industrial zoning district.

(6) Fencing shall be provided for protection of the support structure and security from children and other persons who may otherwise access facilities.

(7) Any nonconforming situations on the site, such as, but not limited to, outdoor storage, signs, inadequate landscaping, unpaved parking, lack of a sidewalk, improper lighting or similar conditions shall be brought into conformance prior to the erection of the wireless communication facility. If existing buildings or structures are not in conformance with the current zoning standards, improvements shall be made to decrease the nonconformity or additional landscaping shall be provided to reduce the impact of the nonconformity and the wireless facility.

(8) The operator shall comply with applicable federal and state standards relative to the environmental effects of radio frequency emissions.

(9) The applicant shall demonstrate that the requested height of the new or modified support structure and antenna shall be the minimum height necessary for reasonable communication by the applicant, including additional height to accommodate future collocation where appropriate.

(10) Minimum required setbacks for new facility or support structure.

a. From any residential district - the height of the structure, plus twenty five (25) feet, provided the engineering information required in (d)(1) is provided. The person or body with authority to approve the facility may decrease this setback to that provided in c below upon a finding that no residential use exists or is expected on the adjacent site.

b. From any existing or proposed rights-of-way or other publicly traveled roads or non-motorized improved pathways - half the height of the structure, plus twenty five (25) feet, provided the engineering information required in (d)(1) is provided; otherwise the setback shall be the height of the facility.

c. From non-residential district - one half the height of the structure, plus ten (10) feet, provided the engineering information required in (d)(1) above demonstrates such setback is adequate.

(11) Accessory buildings shall be a maximum of fourteen (14) feet high and shall be set back in accordance with the requirements for principal buildings in that zoning district.

(12) There shall be unobstructed access to the support structure, for operation, maintenance, repair and inspection purposes, which may be provided through or over an easement. This access shall have a width and location determined by such factors as: the location of adjacent thoroughfares and traffic and circulation within the site; utilities needed to service the tower and any attendant facilities; the location of buildings and parking facilities; proximity to residential districts and minimizing disturbance to the natural landscape; and the type of equipment which will need to access the site.

(13) Where an attached wireless communication facility is proposed on the roof of a building if the equipment enclosure is proposed as a roof appliance or penthouse on the building, it shall be designed, constructed and maintained to be architecturally compatible with the principal building. The equipment enclosure may be located within the principal building or may be an accessory building. If proposed as an accessory building, it shall conform with all district requirements for principal buildings, including yard setbacks.

(14) The support system shall be constructed in accordance with all applicable building codes and shall include the submission of a soils report from a geotechnical engineer, licensed in the State of Michigan. This soils report shall include soil borings and statements confirming the suitability of soil conditions for the proposed use.

(15) The requirements of the Federal Aviation Administration, Federal Communication Commission, and Michigan Aeronautics Commission shall be noted. Any aviation hazard lighting shall be detailed on the plans.

(16) A maintenance plan, and any applicable maintenance agreement, shall be presented and approved as part of the site plan for the proposed facility. Such plan shall be designed to ensure the long term, continuous maintenance to a reasonably prudent standard.

(f) Removal. As a condition of every approval of a wireless communication facility, adequate provision shall be made for removal of all or part of the facility by users and owners upon the occurrence of one or more of the following events:

(1) When the facility has not been used for one hundred eighty (180) days or more. For purposes of this section, the removal of antennas or other

equipment from the facility, or the cessation of operations (transmission and/or reception of radio signals) shall be considered as the beginning of a period of non-use.

(2) Six (6) months after new technology is available at reasonable cost, as determined by the Township Board, which permits the operation of the communication system without the requirement of the support structure.

(3) The situations in which removal of a facility is required, as set forth in paragraph 1 above, may be applied and limited to portions of a facility.

(4) Upon the occurrence of one or more of the events requiring removal, specified in paragraph (1) above, the property owner or persons who had used the facility shall immediately apply or secure the application for any required demolition or removal permits, and immediately proceed with and complete the demolition/removal, restoring the premises to an acceptable condition as reasonably determined by the Zoning Administrator.

(5) If the required removal of a facility or a portion thereof has not been lawfully completed within sixty (60) days of the applicable deadline, and after at least thirty (30) days written notice, the Township may remove or secure the removal of the facility or required portions thereof, with its actual cost and reasonable administrative charge to be drawn or collected and/or enforced from or under the security posted at the time application was made for establishing the facility.

(g) Collocation.

(1) Statement of Policy. It is the policy of Genoa Township to minimize the overall number of newly established locations for Wireless Communication Facilities and Wireless Communication Support Structures within the Township and to encourage the use of existing structures for Attached Wireless Communication Facilities. If a provider fails or refuses to permit collocation on a facility owned or controlled by it, where collocation is feasible, the result will be that a new and unnecessary additional structure will be required, in contradiction with Township policy. Collocation shall be required unless an applicant demonstrates that collocation is not feasible.

(2) Feasibility of Collocation. Collocation shall be deemed "feasible" for the purpose of this section where all of the following are met:

a. The wireless communication provider or property owner where collocation is proposed will accept market rent or other market compensation for collocation and the wireless communication provider seeking the facility will pay such rates.

b. The site on which collocation is being considered, taking into consideration reasonable modification or replacement of a facility, is able to provide structural support.

c. The collocation being considered is technically reasonable, e.g. the collocation will not result in unreasonable interference, given

appropriate physical and other adjustments in relation to the structure, antennas and the like.

(h) Nonconforming facilities and penalties for not permitting collocation. If a party who owns or otherwise controls a wireless communication facility shall fail or refuse to alter a structure to accommodate a proposed and otherwise feasible collocation, such facility shall thereupon and thereafter be deemed to be a nonconforming structure and use, and shall not be altered, expanded or extended in any respect. In addition, if a party refuses to allow collocation in accordance with the intent of this Section, and this action results in construction of a new tower, the township may refuse to approve a new wireless communication support structure from that party for a period of up to five (5) years. Such a party may seek and obtain a variance from the Zoning Board of Appeals if and to the limited extent the applicant demonstrates entitlement to variance relief which, in this context, shall mean a demonstration that enforcement of the five (5) year prohibition would unreasonably discriminate among providers of functionally equivalent wireless communication services, or that such enforcement would have the effect of prohibiting the provision of personal wireless communication services.

(i) Variances. The Zoning Board of Appeals may consider a variance from the standards of this Section, based upon a finding that one or more of the following factors exist, as appropriate for the type of variance requested:

(1) For location, the applicant has demonstrated that a location within a district or location in accordance with the standards of this Section can not reasonably meet the coverage or capacity needs of the applicant.

(2) For no collocation the applicant has demonstrated that a feasible collocation is not available for the coverage area and capacity needs because existing structures can not support the facility, that collocation would result in unreasonable interference, or that reasonable financial terms are not available for collocation.

(3) For setback, the applicant has provided engineering information that documents that the tower is self collapsing and that the setback area provided shall accommodate the structure should it fall or break and provide a reasonable buffer in the event the structure fails.

(4) For height, the height requested is due to signal interference due to topography, tall buildings, masses of trees, or other obstructions, or would reduce the number of towers to the benefit of the township.

(5) For all, the applicant has proposed means to mitigate any negative impacts through provision for future collocation, if found to be appropriate by the township, and special design of the facility and site.

(6) For all, the wireless communication and accessory facilities shall be designed to be compatible with the existing character of the proposed site, neighborhood and general area such as a steeple, bell tower, or similar form.

Sec. 11.03 DWELLINGS

11.03.01 **Single Family Dwelling Design Standards:** Single family dwellings and mobile homes located outside a mobile home park or manufactured housing subdivision shall conform to the standards of this section.

(a) Certification: If the dwelling unit is a mobile home, the mobile home must either be (i) new and certified by the manufacturer and/or appropriate inspection agency as meeting the Mobile Home Construction and Safety Standards of the U.S. Dept. of Housing and Urban Development, as amended, or any similar successor or replacement standards which may be promulgated, or (ii) used and certified by the manufacturer and/or appropriate inspection agency as meeting the standards referenced in (i) above, and found, on inspection by the Zoning Administrator or his/her designee, to be in excellent condition and safe and fit for residential occupancy.

(b) Dimensional Standards: Each such dwelling unit shall comply with the minimum standards listed in Article 3 for the Zoning District in which it is located, including minimum lot area, minimum lot width, minimum floor area, required setbacks and maximum building height.

(c) Dimensions: Each such dwelling unit shall have a minimum width across any front, side or rear elevation of 20 feet and comply in all respects with the Michigan State Construction Code Commission, including minimum heights for habitable rooms. Where a dwelling is required by law to comply with any federal or state standards or regulations for construction and where such standards or regulations for construction are different than those imposed by the Michigan State Construction Code Commission, then such federal or state standard or regulation shall apply.

(d) Foundation: Each such dwelling unit shall be firmly attached to a permanent foundation constructed on the site in accordance with the Michigan State Construction Code Commission and shall have a wall of the same perimeter dimensions of the dwelling and constructed of such materials and type as required in the applicable building code for single-family dwellings. If said dwelling is a mobile home, the dwelling shall be securely anchored to the foundation to prevent displacement during windstorms.

(e) Undercarriage: In the event that such dwelling unit shall be a mobile home, the wheels, tongue, hitch assembly and other towing appurtenances shall be removed before attachment to a permanent foundation. The foundation or masonry skirting shall fully enclose the undercarriage and chassis prior to occupancy.

(f) Sewage disposal and water supply: Each such dwelling unit shall be connected to a public sewer and water supply approved by the Township or to such private facilities approved by the Livingston County Health Department.

(g) Code compliance: Each such dwelling unit shall comply with all pertinent building and fire codes. In the case of a mobile home, all construction and all plumbing, electrical apparatus and insulation within and connected to said mobile home shall be of a type and quality conforming to the "Mobile Home Construction and Safety Standards" as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, and as from time to time such standards may be

amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.

(h) Storage area: Each such dwelling unit shall contain a storage area equal to 10% of the square footage of the dwelling or 100 square feet, whichever shall be less. This storage area shall consist of a basement, attic, closet areas or attached garage, or in a separate detached accessory structure which complies with the standards of this Article regarding accessory buildings and structures.

(i) Compatible Building Design: All newly constructed single family and two family homes shall be aesthetically compatible in design and appearance with other residences in the vicinity. This shall be accomplished by maintaining the architectural styles, details, building materials and design themes of dwelling units on both sides of the street, within five hundred (500) feet of the subject lot and in the same zoning district. Similarity and compatibility with surrounding dwelling units in terms of the following design requirements and features must be provided in order to meet this requirement:

(1) roof drainage systems that concentrate roof drainage at collection points along the sides of the dwelling;

(2) minimum of two exterior doors with one facing the front lot line and the second one being in either the rear or side of the dwelling;

(3) steps connected to exterior door areas or to porches connected to the door areas where a difference in elevation requires the same;

(4) roof pitch of no less than four (4) feet of rise for each twelve (12) feet of horizontal run;

(5) front facade appearance that is manifestly designed as a front façade containing a door, windows and other architectural features customary of the front facade of a residence; and

(6) exterior building materials compatible with surrounding dwellings;

(j) Compatibility determination: The compatibility of design and appearance shall be determined in the first instance by the Township Zoning Administrator. An applicant may appeal to the Board of Zoning Appeals within a period of fifteen (15) days from the receipt of notice of said Zoning Administrator's decision. The determination of compatibility shall be based upon the building compatibility design standards listed in Section 11.03.01(i) above and all other design standards outlined in this Section. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard designed home.

(k) Additions: Each such dwelling unit shall contain no addition or room or other area which is not constructed with similar quality workmanship as the original structure, including permanent attachment to the principal structure and construction of a foundation as required herein. In addition, the dwelling unit shall have no less than two (2) exterior doors, with one being either at the rear or side of the dwelling unit.

(l) Building permit: All construction required herein shall be commenced only after a building permit has been obtained in accordance with the applicable Michigan State Construction Code provisions and requirements.

(m) Exceptions: The foregoing standards shall not apply to a mobile home located in a licensed mobile home park except to the extent required by state or federal law or otherwise specifically required in this ordinance and pertaining to such parks. Mobile homes which do not conform to the standards of this section shall not be used for dwelling purposes within the Township unless located within a mobile home park or a mobile home subdivision district for such uses, or unless used as a temporary residence as otherwise provided in this Ordinance.

11.03.02 **Dwellings Outside of the Agricultural and Residential Districts:**

(a) The construction of dwellings in nonresidential districts is prohibited except for housing used exclusively by security, custodial maintenance or management personnel and approved by the Planning Commission. The use of trailers and recreational vehicles for housing such security and custodial personnel, or other persons, is prohibited.

(b) The use of recreation vehicles and trailers is permitted as a temporary residence between May 1st and October 1st each year provided the vehicles and trailers are located in a designated recreation vehicle/trailer park, and that they are connected to appropriate sewer, water and electric facilities serving the park.

Sec. 11.03.03 **Regulations on Accessory Dwellings**

(a) Recreational vehicles or camping trailers may be used for living purposes when accessory to single-family or two-family dwellings, provided such use shall only be permitted for a cumulative total of no more than twenty one (21) days in any twelve (12) month period. Any such recreational vehicle parked in a front yard shall be parked in the driveway.

(b) For lots of 120 acres or more in the Agricultural District, one additional principal building (a total of two) shall be permitted if the additional principal building is occupied by a member of the family who occupies the principal building, or employees working on the property for farming purposes, raising livestock or training horses, provided each accessory dwelling unit meets the minimum size for a one (1) bedroom unit as specified in Section 3.04.

(c) The use of any portion of the basement of a partially completed building, or any detached garage or accessory building for dwelling or sleeping purposes in any zoning district is prohibited.

Sec. 11.04 ACCESSORY BUILDINGS AND STRUCTURES

11.04.01 **Accessory Buildings, Structures and Uses in General**

(a) Relation to Principal Building: Accessory buildings, structures and uses are permitted only in connection with, incidental to and on the same lot with a principal building, that is occupied by a use permitted in the particular zoning district. In the Agricultural District an accessory building or structure may be permitted on a

separate lot in conjunction with activity of a permitted use on another lot under same ownership. No accessory building, structure or use shall be occupied or utilized unless the principal structure to which it is accessory is occupied or utilized.

(b) Permit Required: Any accessory building shall require a land use permit, except one (1) accessory building one hundred twenty (120) square feet or less shall be allowed without a land use permit.

(c) Restrictions in Front Yard: Detached accessory buildings shall not be erected in any front yard, except accessory buildings are permitted in the front yards as follows:

(1) Waterfront lots in the Lakeshore Resort Residential District.

(2) Lots of at least five (5) acres when the front setback is equal to or greater than the average setback of established buildings on adjoining lots, as determined by the Zoning Administrator. If the adjacent lots are undeveloped, then front yard accessory buildings are permitted with a minimum front yard setback of two hundred (200) feet.

(3) In the case of attached residential dwelling complexes, detached parking garages or carports may be permitted in the non-required front yard provided the Planning Commission approves the site plan, elevation drawings and construction materials. In reviewing such structures, the Planning Commission shall consider the impact of headlights and views from nearby public streets and adjacent properties.

(d) Required Setbacks (Attached): Where the accessory building, structure or use is structurally attached to a principal building, structure or use, it shall be subject to all the regulations of this section applicable to principal buildings, structures and uses, except for unenclosed decks as noted in Section 11.04.02 and privacy walls as noted under section 11.04.04 "Fences, Walls and Screens."

(e) Required Setbacks (Detached, one hundred twenty (120) square feet or less total floor area): Detached accessory buildings or structures with one hundred twenty (120) square feet or less total floor area shall be at least four (4) feet from any principal building, and at least four (4) feet from any lot line.

(f) Required Setbacks (Detached, over one hundred twenty (120) square feet total floor area): Detached accessory buildings and structures over one hundred twenty (120) square feet of total floor area shall be at least ten (10) feet from any principal building, and at least ten (10) feet from any side or rear lot line; except as follows:

(1) On lots greater than one (1) acre detached accessory buildings and structures over one hundred twenty (120) square feet of total floor area shall meet the setback requirements for principal structures.

(2) On lots in the Lakeshore Resort Residential District a detached accessory building over one hundred twenty (120) square feet of total floor area shall be allowed to reduce one (1) side yard setback to at least five (5) feet as follows:

a. The accessory building shall be setback at least ten (10) feet from the other side lot line.

b. There shall be a minimum of ten (10) feet of separation from buildings on adjacent lots.

(g) Setback from Shoreline: Detached accessory buildings shall be setback at least fifty (50) feet from the nearest edge of any lake shoreline, except in the Lakeshore Resort Residential District where accessory buildings shall meet the shoreline setback requirements for the principle structure as specified in Table 3.04.02. Detached accessory buildings shall be setback at least twenty-five (25) feet from the edge of any wetland.

(h) Maximum Size: The combined total of all accessory buildings in any residential district shall be a maximum of nine hundred (900) square feet in area for lots less than two (2) acres and one thousand two hundred (1200) square feet in area for lots equal to or greater than two (2) acres. Accessory buildings and structures located on conforming lots in Agricultural and Country Estates Districts shall not be limited by size, provided all required setback are met.

(i) Maximum Number: No more than two (2) detached accessory buildings shall be permitted on any lot in any district except the Agricultural and Country Estate Districts.

(j) Maximum, Height: The maximum building height of any detached accessory building shall be fourteen (14) feet (see Article 25 for calculation of building height), except as follows:

(1) Antenna heights may be as noted in Section 11.04.06

(2) Accessory buildings on conforming lots in the Agricultural, Country Estate Districts and Rural Residential districts may exceed the maximum height restrictions for principal buildings by up to fifteen (15) feet.

(k) Restrictions on Use: Accessory garages shall only be used to store vehicles or equipment associated with a Permitted Use.

(l) Not used for dwelling/business: Accessory buildings shall not be occupied for dwelling purposes nor used for any business profession, trade or occupation except for agricultural uses in an Agricultural District as permitted in Section 3.03 and home occupations as provided for in Section 3.03.02(a). (as amended 12/31/06, 3/5/10, and 2/25/11)

11.04.02 **Decks**

(a) Attached or unattached uncovered decks and porches without a roof, walls or other form of enclosure shall be permitted to extend a maximum of twenty five (25) feet from the rear building line of the principal building, provided they shall be at least four (4) feet from any side lot line and ten (10) feet from any rear lot line. Covered or enclosed decks and porches with a roof or walls shall be considered to be part of the principal building for purposes of determining setbacks. One pergola or gazebo as regulated in (d) is permitted.

(b) For condominiums, the placement of decks shall be stipulated in the Condominium Master Deed and Exhibit B Site Plan, in conformance with the regulations of this section. Where there are no property (site condominium) lines between the two condominium units, decks shall be setback a minimum of four (4) feet from the halfway point between the two units, provided the decks are separated a minimum of eight (8) feet (combined four (4) foot setback of both decks).

(c) Shoreline Lots: Decks without roofs on a waterfront lot shall extend a maximum fifteen (15) feet from the rear building line of the principal structure. A minimum fifteen (15) foot wide open space greenbelt shall be provided between the deck and the closest edge of the shoreline. A separate deck or patio of one hundred (100) square feet or less shall be permitted along the shoreline, with a maximum length along the shoreline of ten (10) feet and a maximum height of six (6) inches above the mean grade.

(d) Gazebos/Pergolas: Decks may include a covered or enclosed pergola or gazebo with a maximum size of one hundred fifty (150) square feet and a maximum height of fourteen (14) feet (see Article 25 for calculation of building height). (as amended 5/13/05 and 3/5/10)

11.04.03 **Swimming Pools**

(a) Requirement for Fence: Every person owning land on which there is located a swimming pool, spa, hot tub, or similar device (below ground or above ground) which contains twenty-four (24) inches or more of water in depth at any point, shall erect and maintain thereon a fence or enclosure approved by the Building Official surrounding the device sufficient to make such device inaccessible to small children. Such fence or enclosure, including the gates, shall not be less than four (4) feet or greater than (6) feet above grade. All gates shall be self-latching with latches placed no less than four (4) feet above grade or otherwise made inaccessible from the outside to small children. A hot tub with a locking cover shall not require a fence.

(b) Relationship of Height to Setback: Swimming pools, spas, hot tubs, similar facilities and surrounding decks with an elevation measured from the mean grade at any point adjacent to such facility of three (3) feet or less shall be at least ten (10) feet from any lot line. Where the elevation is greater than three (3) feet above grade at any point, the setback shall be at least fifteen (15) feet from any lot line.

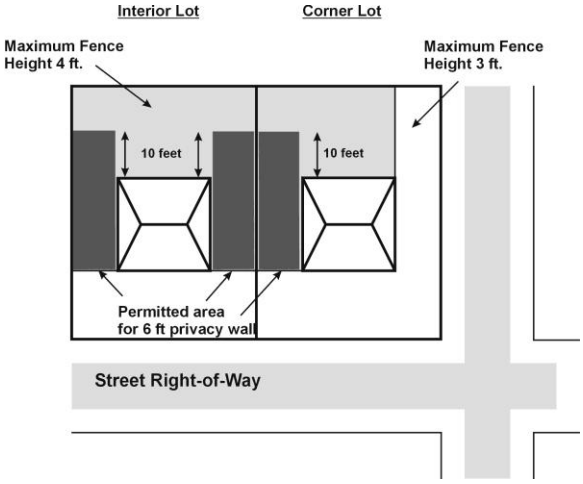
(c) Restriction from Front Yard: Swimming pools, spas, hot tubs and similar devices shall not be located in any front yard.

11.04.04 **Fences, Walls and Screens**

(a) Unless specifically authorized elsewhere in this Ordinance, fences, walls or screens located within the front yard in any residential zoning district shall not exceed three (3) feet in height, or be in excess of forty nine (49) percent (%) solid or impervious.

(b) Chain link fences shall not be erected in any front yard within a residential district, unless enclosing a retention pond that has been approved by the Planning Commission. Fences shall not be permitted in the required waterfront yard.

(c) Unless specifically authorized elsewhere in this Ordinance, fences, walls or screens located within the required side yard or required rear yard in any zoning district shall not exceed a height of four (4) feet, except the Zoning Administrator may approve the following:



(1) A privacy fence or wall up to six (6) feet high within the required side yard provided the wall does not extend beyond the front building line or more than ten (10) feet beyond the rear building line;

(2) A six (6) foot high dog run or pet enclosure enclosing a maximum of twenty percent (20%) of the required rear yard or two hundred (200) square feet maximum area within the required rear yard, whichever is less

(3) A six (6) foot high fence in an Agricultural or Country Estate District, which does not exceed forty nine percent (49%) solid or impervious area except as provided for in 11.04.04(c).;

(4) An eight (8) foot high security fence of a permitted essential public service building, essential public service storage yard, towers, commercial use or industrial use, which may also include a maximum of one (1) additional foot of barb wire.

(d) Fences, walls or screens shall not be erected within any public right-of-way or maintained in such a way as to obstruct the vision of motorists exiting driveways or within the triangular area formed by the intersection of the street right-of-way lines and a line connecting two points located on those intersecting right-of-way lines twenty-five (25) feet from the point of intersection with the right-of-way lines.

(e) The use of electric current or charge on any fence or part thereof is prohibited, except for low voltage fences in the Agricultural and Country Estate Residential District, intended to enclose permitted livestock, or electronic fences buried beneath the ground. (as amended 12/31/06 and 3/5/10)

11.04.05 **Waterfront Accessory Structures:** Waterfront structures and appurtenances are permitted structures on waterfront property, subject to the requirements of this section. The following requirements apply to all structures and appurtenances within the required waterfront yard (i.e. the minimum required setback from the ordinary high water mark.) in all zoning districts.

(a) Only the following structures and appurtenances shall be permitted within the required waterfront yard:

(1) docks and mooring apparatus;

(2) decks, subject to the requirements of Section 11.04.02(c);

(3) no more than one gazebo, subject to the requirements of Section 11.04.02(d).

(b) Allowable accessory use of the waterfront in a single family residential district shall be limited to not more than (1) dock per lot or per dwelling unit. Boat houses shall not be permitted.

(c) No more than one (1) boat slip per dwelling unit shall be permitted for multiple-family dwellings.

(d) Commercial boat rental shall be prohibited in residential districts.

(e) Boat launching sites and boat docks within a common use riparian lot and dockominiums shall comply with the provisions of Section 13.03.

11.04.06 **Reception Antennas and Towers:** Radio or television antennas or towers, including satellite dish antennas and transmission or reception antennas erected or installed in any zoning district as an accessory structure to a permitted use shall comply with the standards below. Wireless communication facilities, such as cellular antenna and commercial broadcasting antenna, shall be subject to the requirements of Section 11.02.08

(a) Intent and Exceptions: The intent of this section is to provide reasonable regulations for reception antenna facilities to achieve the objectives listed below.

(1) Promote safety and prevent hazards to persons and property resulting from accidents involving antenna facilities which could fall from building or structural mountings due to wind load, snow load or other factors.

(2) Promote utilization of ground mounting for antennae facilities where reasonably feasible.

(3) Require screening of ground-mounted facilities and minimize visibility to roof or structure mounted facilities to maintain architectural integrity and aesthetic quality of property improvements and preserve property values.

(4) Exclude from provisions of this section are conventional VHF and UHF television antennae, satellite dishes less than one (1) meter in diameter and short wave radio antennae based upon the following findings: there is relatively minor concern for wind and snow load issues due to an established safety record; there has been an historical acceptance of such facilities from architectural and aesthetic standpoints; and the cost of complying with the procedure for application and review would be unreasonable in relation to the cost of purchasing and installing the facility.

(5) Balance regulations on the placement and manner of reception antenna installation to the minimum required to achieve the objectives herein.

(6) Promote and protect the public health, safety and welfare by the exercise of Township police powers in relation to a property owner's right to construct and use reception antennae to receive signals without reasonable restriction.

(b) Requirements: A ground mounted regulated reception antenna or tower, shall be located only in a rear yard and shall not be within the required side yard setback. For lots with lake frontage, regulated reception, antenna and towers shall be located in the side or front (street side) yard. A roof mounted regulated reception antenna shall be placed on a section of the roof in the rear yard.

(1) Conventional VHF and UHF television antennae, satellite dishes less than one (1) meter in diameter and short wave radio antennae shall be exempt from the regulations of this section and not require a land use permit, provided the equipment is not located in the front yard or on the portion of the building facing the front lot line.

(2) No portion of a regulated reception antenna shall be located closer than six (6) feet, measured on a horizontal plane, from any side or rear lot line or placed on any easement.

(3) Ground-mounted antenna in a front yard within one hundred (100) feet of a public street or within fifty (50) feet of a residential lot line shall be screened from such street by landscaping or a wall with a sketch plan approved by the Zoning Administrator prior to erection of the antenna. If there is no conforming location on the property where the facility may be so obscured from view, screening shall be accomplished to the extent reasonably feasible, as approved by the Zoning Administrator or if the antenna is mesh type, screening need not exceed six (6) feet in height.

(4) The color of all antennae shall be of tones similar to the surroundings. Ground-mounted antennae shall not be white unless they are of a mesh type or unless the background consists primarily of a white building. Bright or pastel colors shall not be used in any instance.

(5) Ground mounted reception antenna shall be secured to the ground with cement or similar material.

(6) The diameter of a regulated reception antenna shall not exceed twelve (12) feet.

(7) Regulated reception antenna and towers shall extend a maximum of twenty (20) feet above the rooftop.

(8) No advertising or identification display shall be placed on any portion of a reception antenna or tower, except for the name of the manufacturer and serial number.

(9) All electrical and antenna wiring shall be placed underground, where applicable.

(10) The antenna shall be located and designed to meet the manufacturer specifications to withstand a wind force of one hundred (100) miles per hour.

(11) If a usable signal cannot be obtained by locating the antenna in the rear yard, the antenna may be located in the side yard of the property subject to the submission of a written affidavit and approval of the Zoning Board of

Appeals provided the placing of an antenna in a side yard shall remain subject to all other conditions set forth in this section.

(12) Erection of regulated reception antenna or towers shall require a land use permit from the Township Zoning Administrator.

11.04.07 **Outdoor Furnaces:**

(a) **Purpose.** Although outdoor furnaces may provide an economical alternative to conventional heating systems, concerns have been raised regarding the safety and environmental impacts of these heating devices, particularly the production of offensive odors and potential health effects of uncontrolled emissions. This section is intended to ensure that outdoor furnaces are utilized in a manner that does not create a nuisance or hazard and is not detrimental to the health, safety and general welfare of the residents of Genoa Charter Township.

(b) **Definitions.** The following definitions shall apply to the terms used in this section:

(1) **Firewood.** Trunks and branches of trees and bushes, but does not include leaves, needles, vines or brush smaller than three inches in diameter.

(2) **Outdoor Furnace.** Any equipment, device or apparatus, or any part thereof, which is installed, affixed or situated outdoors for the primary purpose of combustion of fuel to produce heat or energy used as a component of a heating system providing heat for any interior space.

(3) **Untreated Lumber.** Dry wood that has been milled and dried but which has not been treated or combined with any petroleum product, chemical, preservative, glue, adhesive, stain, paint or other substance.

(4) **Stack.** A vertical structure enclosing a flue or flues that carry off smoke or exhaust from an outdoor furnace, including that part of the structure extending above a roof.

(c) **Requirements.** Outdoor furnaces located outside the principal building may be permitted in any zoning district as an accessory structure to a permitted use only under the following conditions:

(1) The outdoor furnace shall be for the purpose of providing heat to a dwelling or accessory structure on the same lot.

(2) The outdoor furnace shall be a minimum of forty (40) feet from all structures on the lot.

(3) The outdoor furnace shall be a minimum of one hundred (100) feet from all property lines.

(4) The outdoor furnace may only be located in a rear or side yard and shall not be located in the front yard.

(5) An area at least thirty (30) feet in diameter around the outdoor furnace shall be free of ignitable materials or debris; except that fuel for the outdoor furnace may be stored within this area.

(6) The outdoor furnace shall utilize a stack with a minimum height of fifteen (15) feet and shall not exceed fifteen (15) feet above the height of the principal structure height limit. All outdoor furnaces shall be equipped with properly functioning spark arrestors.

(7) Only materials meeting outdoor furnace manufacturer's specifications are permitted to be burned in the outdoor furnace, such as firewood, untreated lumber, natural gas, propane or pellets. Burning of any and all other materials in an outdoor furnace is prohibited. Trash, garbage, plastics, gasoline, rubber, naphtha, material treated with petroleum products (particle board, railroad ties and pressure treated wood), painted or stained wood, leaves, paper products, cardboard, and material that could pose a hazard to surrounding residents shall not be used for fuel. Lighter fluids, gasoline or chemicals to start the furnace are prohibited.

(8) The outdoor furnace shall not be located where smoke will create a nuisance to neighboring properties pursuant to Section 13.05.

(9) The outdoor furnace shall be from a manufacturer with a safety certification from a qualified independent laboratory that has tested the furnace and certified that it complies with safety standards established by Underwriters Laboratory (UL 391-1955).

(10) Use of the outdoor furnace must follow all operating instructions supplied by the manufacturer.

(11) The outdoor furnace must also comply with all applicable county, state or federal guidelines. (as amended 2/25/11)

Sec. 11.05 WIND ENERGY CONVERSION SYSTEMS (WECS)

11.05.01 General:

(a) **Intent:** The intent of these regulations is to provide for sustainable energy sources by allowing the development of Wind Energy Conversion Systems (WECS), while providing regulations that limit the impact of these facilities as follows:

(1) Protect public health, safety, welfare, and quality of life by minimizing the potential adverse impacts of a WECS.

(2) Protect the aesthetic quality of the natural, rural open spaces of the Township.

(3) Protect neighboring property owners from noise and safety impacts.

(4) Protect waterfowl and birds.

(5) Ensure structures do not exceed a height that would impact aviation safety.

(6) To establish standards and procedures by which the siting, design, engineering, installation, operation, and maintenance of a WECS shall be governed.

(b) **Applicability:** WECS shall comply with the standards below.

(1) On-site use WECS up to a height of seventy two (72) feet shall be allowed in any zoning district as an accessory structure, subject to the requirements of Section 11.05.02.

(2) On-site use WECS over a height of seventy two (72) feet shall be allowed in certain zoning districts as an accessory structure, subject to the requirements of Section 11.05.03.

(3) A utility grid WECS shall be allowed as a principal use of land in certain zoning districts, subject to the requirements of Section 11.05.03.

(c) **Definitions:** For the purpose of this section, the following words and phrases shall have the meanings respectively ascribed to them as follows:

(1) **Ambient Noise:** The amount of background noise at a given location prior to the installation of a WECS which may include, but is not limited to, traffic, machinery, lawnmowers, general human activity and the interaction of the wind with the landscape. Ambient Sound Level is measured on the Decibel – dB (A) – weighted scale as defined by the American National Standards Institute (ANSI). Such noise levels shall be measured on the property line or on the adjacent property, which is receiving the noise.

(2) **Anemometer tower:** A freestanding tower containing instrumentation such as anemometers that is designed to provide present moment wind data for use by the supervisory control and data acquisition (SCADA) system used by utility companies to monitor energy production from a central control unit, which is an accessory land use to a utility grid WECS.

(3) **ANSI:** The American National Standards Institute.

(4) **dB (A):** dB (A) means the sound pressure level in decibels measured on the "A" scale of a standard sound level meter having characteristics defined by the American National Standards Institute, Publication ANSI s1.4-1971.

(5) **Decibel:** The unit of measure used to express the magnitude of sound pressure and sound intensity (dB).

(6) **Horizontal axis WECS:** A WECS which converts wind energy into electricity through the use of a wind turbine generator with a horizontal axis of rotation. This type of WECS is directional in that it achieves optimal energy production while pointed into or away from the direction of the wind.

(7) **IEC:** The International Electrotechnical Commission.

(8) **ISO:** The International Organization for Standardization.

(9) **Lease unit boundary:** The boundary around property leased for purposes of a WECS, including adjacent parcels to the parcel on which the WECS tower or equipment is located. For purposes of setback, the lease unit boundary shall not cross road right-of-ways**.**

(10) **On site WECS:** A land use for generating electric power from wind that is accessory to a legal principal use and intended to primarily serve the needs of the electric power consumer at that site.

(11) **Rotor:** An element of a WECS that acts as a multi-bladed airfoil assembly, thereby extracting through rotation, kinetic energy directly from the wind.

(12) **Shadow flicker:** Alternating changes in light intensity caused by the moving blades of a WECS casting shadows on the ground and stationary objects, such as but not limited to a window at a dwelling.

(13) **Tower height**: The vertical distance as measured from the ground level of the base of a wind energy conversion system tower to the uppermost vertical extension of a rotor blade, or the maximum height reached by any part of a WECS.

(14) **Utility grid WECS:** The use of wind power to generate electric power for the principal purpose of supplying electric power to the energy grid, with little or no on-site use of the generated power.

(15) **Vertical axis WECS:** A WECS which converts wind energy into electricity through the use of a wind turbine generator with a vertical axis of rotation. This type of WECS is not directional in that it does not need to be pointed into or away from the direction of the wind in order to achieve optimal energy production.

(16) **Wind energy conversion system (WECS):** A land use for generating power by use of wind; utilizing wind turbine generators, including the turbine, blades, and tower as well as related electrical equipment. This does not include wiring to connect the WECS to the electric utility grid. See also on-site WECS and utility grid WECS.

(17) **Wind site assessment**. An assessment to determine the wind speeds at a specific site and the feasibility of using that site for construction of a WECS.

11.05.02 **On-site Use WECSs:** An On-site Use WECS up to seventy two (72) feet tall is an accessory use which shall meet the following standards:

(a) **Locations Where System Allowed:** An accessory WECS up to seventy two (72) feet tall shall be permitted in all districts with administrative land use permit approval by the Zoning Administrator.

(b) **Number of Systems:** An on-site use WECS is to be designed to primarily serve the needs of a home, farm, or on-site business. One (1) on-site use WECS shall be permitted per property.

(c) **Clearance above Ground:** The minimum blade or rotor clearance will be at least ten (10) feet from the ground.

(d) **System Attached to a Structure or Roof:** A WECS may be attached to an existing structure. Roof-mounted equipment shall not exceed a height of fifteen (15) feet above the surrounding roof surface.

(e) **Property Setback:** The minimum distance between an on-site use WECS and the owner's property lines shall be equal to the height of the WECS tower including the top of the blade in its vertical position. No part of the WECS structure, including guy wire anchors, may extend closer than ten (10) feet to the owner's property lines, or the distance of the required setback in the respective zoning district, whichever results in the greater setback. Where a WECS is located in the front yard, it shall be setback two hundred (200) feet from the front lot line.

(f) **Color:** WECS shall be painted a non-obtrusive (light color such as white, beige or light gray) color that is non-reflective. No striping or color shall be visible on the blades or tower. No lettering, company insignia, advertising, or graphics shall be on any part of the tower, hub, or blades. Nacelles may have lettering that exhibits the manufacturer's identification.

(g) **Towers:** WECS shall use tubular towers. Lattice towers shall be prohibited.

(h) **Sound Pressure Level:** On site use WECS shall not create noise levels that exceed sixty (60) dB (A) measured at the property line.

(i) **Construction Codes, Towers, & Interconnection Standards:** On-site use WECS, including towers shall comply with all applicable state construction and electrical codes and local building permit requirements. On-site use WECS including towers shall comply with Federal Aviation Administration requirements, the Michigan Airport Zoning Act (Public Act 23 of 1950, MCL 259.431 *et seq*.), and the Michigan Tall Structures Act (Public Act 259 of 1959, MCL 259.481 *et seq*.).

(j) **Connection to Energy Grid:** An interconnected on-site use WECS shall comply with Michigan Public Service Commission and Federal Energy Regulatory Commission standards. Off-grid systems are exempt from this requirement.

(k) **Safety:** An on-site use WECS shall have automatic braking, governing, or a feathering system to prevent uncontrolled rotation or over speeding. All wind towers shall have lightning protection. If a tower is supported by guy wires, the wires shall be clearly visible to a height of at least eight (8) feet above the guy wire anchors.

(l) **Accessibility:** Towers shall be designed and constructed in such a manner that integrated tower climbing devices are a minimum of twelve (12) feet above the base of the tower and only accessible by using a separate climbing device.

(m) **Labeling of WECS Tower Subsystem:** The following information shall be provided on labels attached to the tower in a visible, easily read, and easily accessible location:

(1) Equipment weight of the tower subsystem;

(2) Manufacturer's name and address;

(3) Model number;

(4) Serial number;

(5) The survival wind speed in miles per hour and meters per second;

(6) Name of installer;

(7) Name of person responsible for maintenance;

(8) Emergency telephone number in force for (6) and (7) above.

(n) **Labeling of WECS Power Conversion Subsystem:** The following information shall be provided on labels attached to the WECS power conversion subsystem in a visible, easily read, and easily accessible location:

(1) Maximum power input (KW), rated voltage (volts) and rated current output (amperes) of the generator, alternator, etc.;

(2) Manufacturer's name and address;

(3) Model number;

(4) Serial number;

(5) Emergency and normal shutdown procedures;

(6) Underwriters label, where appropriate.

(o) **Utilities:** Power lines shall be placed underground. If the WECS is connected to a public utility system for net metering purposes, it shall meet the requirements for interconnection and operation as set forth in the public utility's current service regulations that meet federal, state and industry standards applicable to wind power generation facilities. Any such connection shall be inspected and approved by the appropriate utility company.

(p) **Removal of Abandoned Facilities:** Any WECS that is not operated for a continuous period of twelve (12) months shall be considered abandoned and the owner of such WECS shall remove the WECS within ninety (90) days of receiving an abandonment notification from the Township. Failure to remove an abandoned WECS within ninety (90) days shall be grounds for the Township to remove the WECS at the owner's expense.

11.05.03 **Utility Grid WECS, Anemometer Towers and On-site Use WECS Over Seventy Two (72) Feet High:** A utility grid WECS and anemometer towers, or on-site use WECS over seventy two (72) feet high shall meet the following standards:

(a) **Locations Where System Allowed:** Utility grid WECS and on-site WECS over seventy two (72) feet in height shall be permitted in the AG, CE, PRF and IND districts with special land use approval by the Township Board in accordance with

Article 19 and site plan approval by the Planning Commission in accordance with Article 18.

(b) **Clearance above Ground:** The minimum blade or rotor clearance for a horizontal axis tower mounted WECS will be at least twenty (20) feet above ground or above any outdoor areas intended for human use. The minimum rotor clearance for a vertical axis WECS installed on-grade will be at least ten (10) feet above ground.

(c) **System attached to a Structure or Roof:** A WECS may be attached to an existing structure so that the appearance of the structure will not be materially altered or changed. Roof-mounted equipment shall not exceed a height of twenty (20) feet above the surrounding roof surface. The equipment shall not be attached to a portion of the roof that is highly visible.

(d) **Height:** No utility grid WECS or on-site use WECS shall exceed one hundred fifty (150) feet in height.

(e) **Property Setback:** The minimum distance between a WECS and the property lines shall be equal to the height of the WECS tower including the top of the blade in its vertical position. The minimum distance between an anemometer tower and the owner's property lines shall be equal to the height of the tower. No part of the WECS structure, including guy wire anchors, may extend closer than ten (10) feet to the owner's property lines, or the distance of the required setback in the respective zoning district, whichever results in the greater setback. Any operations and maintenance office building, a sub-station, or ancillary equipment shall comply with any property set-back requirement of the respective zoning district. Where a WECS is located in the front yard, it shall be setback two hundred (200) feet from the front lot line.

(f) **Color:** WECS shall be painted a non-obtrusive (light color such as white, beige or light gray) color that is non-reflective. No striping or color shall be visible on the blades or tower.

(g) **Sound Pressure Level:** WECS shall not create noise levels that exceed sixty (60) dB (A) measured at the property line.

(h) **Safety Requirements:** WECS shall be designed to prevent unauthorized access to electrical and mechanical components and shall have access doors that are kept securely locked at all times when service personnel are not present. All spent lubricants and cooling fluids shall be properly and safely removed in a timely manner from the site of the WECS. A sign shall be posted near the tower or operations and maintenance office building that will contain emergency contact information. Signage placed at the road access shall be used to warn visitors about the potential danger of falling ice.

(i) **Accessibility:** Towers shall be designed and constructed in such a manner that integrated tower climbing devices are a minimum of twelve (12) feet above the base of the tower and only accessible by using a separate climbing device.

(j) **Performance Security:** Performance guarantee, pursuant to Section 21.03 of this Ordinance, shall be provided for the applicant making repairs to public roads damaged by the construction of the WECS.

(k) **Utilities:** Power lines shall be placed underground. If the WECS is connected to a public utility system for net metering purposes, it shall meet the requirements for interconnection and operation as set forth in the public utility's current service regulations that meet federal, state and industry standards applicable to wind power generation facilities. Any such connection shall be inspected and approved by the appropriate utility company. Utility grid WECS shall comply with applicable utility, Michigan Public Service Commission, and Federal Energy Regulatory Commission interconnection standards.

(l) **Permits:** WECS shall comply with all applicable state construction and electrical codes and County building permit requirements.

(m) **Aviation Hazard:** WECS shall comply with Federal Aviation Administration (FAA) requirements, the Michigan Airport Zoning Act (Public Act 23 of 1950 as amended, M.C.L. 259.431 et seq.), and the Michigan Tall Structures Act (Public Act 259 of 1959 as amended, M.C.L. 259.481 et seq.). The minimum FAA lighting standards shall not be exceeded. All tower lighting required by the FAA shall be shielded to the extent possible to reduce glare and visibility from the ground. The tower shaft shall not be illuminated unless required by the FAA.

(n) **Standards:** The following standards apply only to utility grid WECS:

(1) **Visual Impact:** Utility grid WECS projects shall use tubular towers and all utility grid WECS in a project shall be finished in a single, non-reflective matte finished color. A project shall be constructed using WECS of similar design, size, operation, and appearance throughout the project. No lettering, company insignia, advertising, or graphics shall be on any part of the tower, hub, or blades. Nacelles may have lettering that exhibits the manufacturer's and/or owner's identification.

(2) **Decommissioning:** A decommissioning plan for the WECS and any anemometer towers shall be provided that indicates 1) the anticipated life of the project, 2) the estimated decommissioning costs net of salvage value in current dollars, 3) the method of ensuring that funds will be available for decommissioning and restoration, 4) the anticipated manner in which the project will be decommissioned and the site restored and 5) performance guarantee, pursuant to Section 21.03 of this Ordinance.

(3) **Electromagnetic Interference:** Utility grid WECS shall not be installed in any location where its proximity to existing fixed broadcast, retransmission, or reception antennae for radio, television, or wireless phone or other personal communication systems would produce electromagnetic interference with signal transmission or reception unless the applicant provides a replacement signal to the affected party that will restore reception to at least the level present before operation of the WECS. No utility grid WECS shall be installed in any location within the line of sight of an existing microwave communications link where operation of the WECS is likely to produce electromagnetic interference in the link's operation unless the interference is proven to be insignificant.

(o) **Site Plan:** Site plan requirements for utility grid WECS and on-site WECS over seventy two (72) feet in height are as follows:

(1) Documentation that sound pressure level, construction code, tower, interconnection (if applicable), and safety requirements have been reviewed and the submitted site plan is prepared to show compliance with these issues.

(2) Proof of the applicant's general liability insurance for at least three million dollars ($3,000,000) for the project to cover the operator, the landowner and the Township.

(3) A copy of that portion of all the applicant's lease(s) with the land owner(s) granting authority to install the anemometer tower and/or utility grid WECS; legal description of the property(ies), lease unit(s); and the site plan shows the boundaries of the leases as well as the boundaries of the lease unit boundary.

(4) The phases, or parts of construction, with a construction schedule.

(5) The project area boundaries.

(6) The location of all dwellings within three hundred (300) feet of the system.

(7) The location of all guy wires or other support devices.

(8) The location, height, and dimensions of all existing and proposed structures and fencing.

(9) The location, grades, and dimensions of all temporary and permanent on-site and access roads from the nearest county or state maintained road.

(10) All new above ground infrastructure related to the project.

(11) A copy of manufacturers' material safety data sheet(s) which shall include the type and quantity of all materials used in the operation of all equipment including, but not limited to, all lubricants and coolants.

(12) For utility grid WECS only:

a. A copy of a noise modeling and analysis report and the site plan shall show locations of equipment identified as a source of noise. Equipment shall be placed so that the WECS will not exceed the maximum permitted sound pressure levels. The noise modeling and analysis shall conform to IEC 61400 and ISO 9613. After installation of the utility grid WECS, sound pressure level measurements shall be done by a third party, qualified professional according to the procedures in the most current version of ANSI S12.18. All sound pressure levels shall be measured with a sound meter that meets or exceeds the most current version of ANSI S1.4 specifications for a Type II sound meter. Documentation of the sound pressure level measurements shall be provided to Genoa Township within sixty (60) days of the commercial operation of the project.

b. A visual impact simulation showing the completed site as proposed on the submitted site plan. The visual impact simulation shall be from four viewable angles and conducted adjacent to property lines or the lease unit boundaries.

c. A copy of an environment analysis by a qualified professional to identify and assess any potential impacts on the natural environment including, but not limited to wetlands and other fragile ecosystems, historical and cultural sites, and antiquities. The applicant shall take appropriate measures to minimize, eliminate or mitigate adverse impacts identified in the analysis, and shall show those measures on the site plan. The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts.

d. A copy of an avian and wildlife impact analysis by a qualified professional to identify and assess any potential impacts on wildlife and endangered species. The applicant shall take appropriate measures to minimize, eliminate or mitigate adverse impacts identified in the analysis, and shall show those measures on the site plan. The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts. (Sites requiring special scrutiny include wildlife refuges, other areas where birds are highly concentrated, bat hibernacula, wooded ridge tops that attract wildlife, sites that are frequented by federally and/or state listed endangered species of birds and bats, significant bird migration pathways, and areas that have landscape features known to attract large numbers of raptor.)

1. At a minimum, the analysis shall include a thorough review of existing information regarding species and potential habitats in the vicinity of the project area. Where appropriate, surveys for bats, raptors, and general avian use should be conducted. The analysis shall include the potential effects on species listed under the federal Endangered Species Act and Michigan's Endangered Species Protection Law.

2. The analysis shall indicate whether a post construction wildlife mortality study will be conducted and, if not, the reasons why such a study does not need to be conducted.

e. A copy of a shadow flicker analysis for residential buildings and livestock areas within one thousand (1,000) feet of the proposed system. The analysis shall to identify the locations of shadow flicker that may be caused by the project and the expected durations of the flicker at these locations from sun-rise to sun-set over the course of a year. The analysis shall identify problem areas where shadow flicker may affect residents and livestock within one thousand (1,000) feet. The analysis shall also show measures that shall be taken to eliminate or mitigate the problems.

f. A second site plan which shows the restoration plan for the site after completion of the project which includes the following supporting documentation:

1. The anticipated life of the project.

2. The estimated decommissioning costs net of salvage value in current dollars.

3. The method of ensuring that funds will be available for decommissioning and restoration.

4. The anticipated manner in which the project will be decommissioned and the site restored.

g. A description of the complaint resolution process developed by the applicant to resolve complaints from nearby residents concerning the construction or operation of the project. The process may use an independent mediator or arbitrator and shall include a time limit for acting on a complaint. The process shall not preclude the local government from acting on a complaint. During construction the applicant shall maintain and make available to nearby residents a telephone number where a project representative can be reached during normal business hours.

(as amended 3/5/10)

ARTICLE 12
SITE DEVELOPMENT REGULATIONS

Sec. 12.01 MULTIPLE FAMILY, COMMERCIAL, OFFICE AND INDUSTRIAL ARCHITECTURE

12.01.01 **Purpose:** The purpose of this Section is to provide a set of exterior building wall material standards, the intent of which is to enhance the visual environment of the Township. Furthermore, the review of exterior building wall design and the consistent administration of standards can help to maintain the Township's sense of place by encouraging consistent quality and character when structures are built or redeveloped. All development shall utilize quality architecture to ensure that a building is compatible with surrounding uses, protects the investment of adjacent landowners, blends harmoniously into the streetscape, and maintains a positive image for the Township's various commercial shopping districts.

12.01.02. **Applicability:** This Section shall apply to all construction, except single family residential structures, for all exterior building walls and shall consist of those materials and combinations of materials as set forth in this section. Architecture shall be reviewed by the Planning Commission as a part of site plan review under the requirements of this section.

12.01.03 **Wall materials:** The use of exterior wall materials on walls that are visible from a public, or private road or a parking lot shall be in compliance with the maximum percentages permitted in the "Schedule of Regulating Exterior Building Wall Materials."

Table 12.01.03
Schedule of Exterior Building Wall Materials.

	Maximum Percent of Wall That May be Covered by Certain Building Materials by Zoning District (a)			
Building Materials	Multiple Family Residential (b)	Office Service District (OSD), Public & Rec. Fac. District (PRF)	Commercial Districts (NSD, GCD, RCD) (c)	Industrial District (IND)
Brick or face brick	100 %	100 %	100 %	100 %
Stone	100 %	100 %	100 %	100 %
Split face block	0 %	25 %	25 %	100 %
Scored concrete block	0 %	25 %	25 %	100 %
Plain concrete block	0 %	25 %	25 %	25 %
Cast stone	100 %	100 %	100 %	100 %
Precast concrete	0 %	25 %	25 %	100 %
Concrete formed in place	0 %	25 %	25 %	25 %
Metal (d)	0 %	25 %	25 %	25 %
Reflective glass	0 %	100 %	50 %	75 %
Glass block	25 %	50 %	50 %	50 %
Wood siding	25 %	25 %	25 %	0 %
Vinyl or fiber cement siding	25 %	25 %	25 %	25 %
Finishes (e)	25 %	25 %	25 %	75 %

(as amended 3/5/10)

(a) Does not include areas of façade consisting of doors and windows.

(b) For all multiple family dwellings, all walls exposed to public view from a street shall be constructed of not less than seventy five percent (75%) brick, face brick or stone. The following materials are not permitted in the multiple family districts on building

elevations that are visible from the street: split face block, scored concrete block, plain concrete block, precast concrete, concrete formed in place, metal and reflective glass.

(c) Within all commercial districts, all walls exposed to public view from the street or an adjacent residential area shall be constructed of not less than seventy five (75%) brick, face brick, stone or cast stone.

(d) Flat sheets and seamed or ribbed panels, including aluminum, porcelain and stainless steel and similar material. Such materials shall not be used where contact with vehicles may occur, such as parking areas, traffic ways, and loading areas, unless such walls are adequately protected to prevent damage.

(e) Includes fiberglass, reinforced concrete, polymer plastic (fypon), exterior insulation and finishing systems (EIFS), plaster, stucco and similar materials. Such materials shall not be used where contact with vehicles may occur, such as parking areas, traffic ways, and loading areas, unless such walls are adequately protected to prevent damage. (as amended 12/31/06)

12.01.04 **Allowance for other materials:** When a particular building design and the materials or combinations of materials proposed to be used are found by the Planning Commission to be in keeping with the intent and purpose of this Section, in consideration of the character of surrounding uses and the design recommendations of the master plan, but which may differ from the strict application of the schedule regulating materials use of this section (e.g. use of new materials not covered in the Schedule of Exterior Building Wall Materials), the Planning Commission may waive the requirements of this Section pertaining to materials.

12.01.05 **Compatible Design:** Building and sign materials and colors shall relate well and be harmonious with the surrounding area. Buildings shall consider the scale and proportion of existing structures in the area. Roof shape and materials shall be architecturally compatible with adjacent buildings and enhance the predominant streetscape. Subtle earth tone colors shall be used for building and roofing material.

12.01.06 **Design Standards:** Buildings shall possess architectural variety, but enhance the overall cohesive community character. All buildings shall provide architectural features, details and ornaments such as archways, colonnades, cornices, peaked roof lines or towers. Building walls over 100 feet in length shall be broken up with varying building lines, windows, architectural accents and trees. Building entrances shall utilize windows, canopies and awnings; provide unity of scale, texture, and color; and provide a sense of place. Building rear facades shall be constructed to a finished quality comparable to the front facade. Rooftop equipment shall be screened from public view by a full parapet wall unless the Planning Commission determines that alternate screening is acceptable. (as amended 3/5/10)

12.01.07 **Site Elements:** Signs and other site features shall be designed and located on the site so that the proposed development is aesthetically compatible and harmonious with nearby developments. Sign bases shall be constructed of material which is compatible with the principal building. Developments shall provide site features such as decorative entry signs, ornamental lighting, pedestrian furniture and/or fountains. (as amended 12/31/06)

12.01.08 **Existing buildings:** Where additions or remodeling of existing buildings is proposed, the following standards shall apply:

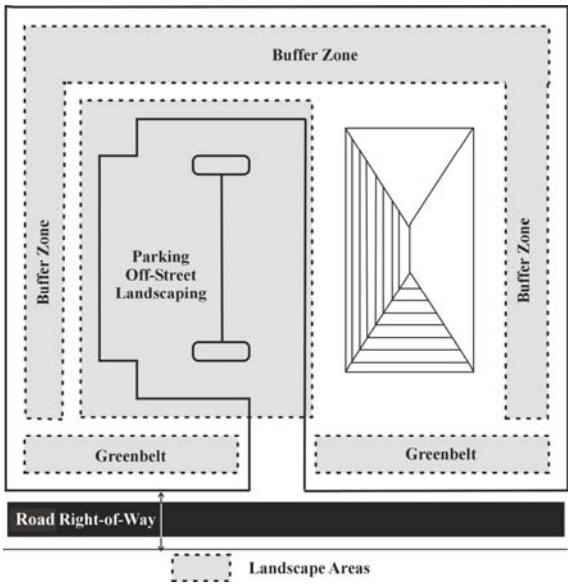
(a) Where a new wall material is proposed for an existing building wall, only that portion of the building being altered shall be subject to the standards of this section. However, in considering the proposed alteration, the Planning Commission may modify the material requirements of the section where it will be consistent with the architecture of the entire building.

(b) Where an addition is proposed to an existing building, the Planning Commission may allow the use of existing wall materials for the addition provided that the design of the alteration is consistent with the existing building wall design.

Sec. 12.02 GREENBELTS, LANDSCAPE MATERIALS AND SCREENING

The following section is intended to establish minimum standards for the design installation and maintenance of landscaping, greenbelts and buffer zones. Landscaping, greenbelts, and buffer zones are necessary for the continued protection and enhancement of all land uses. Landscaping and greenbelts enhance the visual image of the Township, preserve natural features, improve property values, and alleviate the impact of noise, traffic, and visual distraction. Buffer zones protect less intense uses from the noise, light, traffic, litter and other impacts.

12.02.01 **Required Greenbelt along Street Frontage:** Within all multiple family residential, mobile home park, office-service, commercial and industrial districts, a twenty (20) foot wide greenbelt shall be planted along each public street right-of-way including the equivalent of one (1) canopy tree, rounded upward, for every forty (40) linear feet of frontage. The Planning Commission may approve substitution of evergreen trees for up to fifty percent (50%) of the required trees. All greenbelt trees shall be arranged to simulate a natural setting such as staggered rows or massings. The remaining greenbelt shall include only living materials with the exception of permitted driveways, sidewalks, signs, and utilities. For sites that abut I-96, buffer zone B landscaping, under section 12.02.03, shall be provided along I-96.



12.02.02 **Residential Street Trees:** Two (2) canopy street trees shall be provided along a public street or private road for each residential unit. The trees shall be provided within the front yard on each lot or site condominium development for single family residential projects. For detached or attached condominium projects, the trees shall be provided within the front yard area of the units. The Planning Commission may allow existing trees three (3) inch caliper or greater, preserved in good condition, to be counted towards this requirement. Where the installation of trees is deferred until after construction of housing units, the Township shall require a performance guarantee for tree planting. The Planning Commission may also require landscaping within cul-de-sacs, road medians and at site entrances.

12.02.03 **Required Buffer Zones:** The following buffer zones shall be required where a proposed use shares a common lot line with an adjacent use as required in the following table12.02.03.A and landscaped in accordance with table 12.02.03.B:

Table 12.02.03.A
Buffer Zone Requirements

PROPOSED USE:	Adjacent to SF Residential District	Adjacent to MF Residential or MHP District	Adjacent to Office or Commercial District	Adjacent to PRF District
Agricultural	None	None	None	None
Single Family Residential	None	None	None	None
Two Family Residential	None	None	None	None
Multiple Family Residential	B	None	C	None
Mobile Home Park	B	B	C	None
Neighborhood Service	B	B	C	C
Office-Service	B	C	None	None
General/Regional Commercial	B	B	C	C
Industrial	A	A	B	A
Public/recreational Facilities	None	None	None	None
Planned Unit Development	Determined during PUD Plan approval using above as a guide			

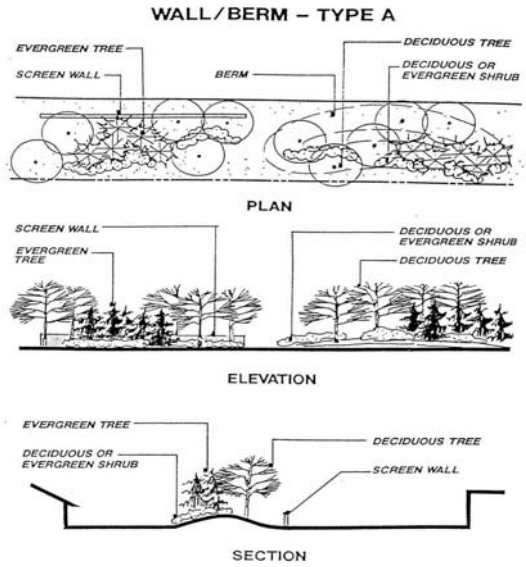
(as amended 12/31/06)

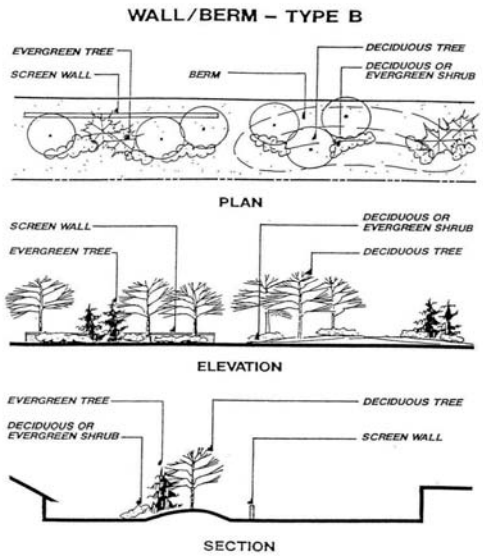
Table 12.02.03.B
Description of Required Buffer Zones

BUFFER ZONE	Minimum Width	Wall/Berm [a]	Minimum Plant Materials [b, c, d]
A	50 feet	6 foot high continuous wall or 4 foot high berm	1 canopy tree, 2 evergreen trees and 4 shrubs per each twenty (20) linear feet along the property line, rounded upward
B	20 feet	6 foot high continuous wall or 3 foot high berm	1 canopy tree, 1 evergreen tree and 4 shrubs per each thirty (30) linear feet along the property line, rounded upward
C	10 feet	None Required	1 canopy or evergreen tree or 4 shrubs per each twenty (20) linear feet along the property line, rounded upward

Note: The Planning Commission may waive or reduce the above requirement for if equivalent screening is provided by existing or planned parks, parkways, recreation areas, or by existing woodlands on the lot, and topographic or other natural conditions. Existing quality trees (hickory, oak, maple) with a caliper at least eight (8) inches shall count as two (2) trees toward the above requirements.

Footnotes:
a berms shall have a maximum slope of one foot of vertical rise to three feet of horizontal distance 1:3 with a crest area at least four (4) feet wide.
b canopy trees shall have a minimum caliper of 2.5 inches at time of planting.
c evergreens shall have a minimum height of six (6) feet at time of planting
d at least 50% of the shrubs shall be 24 inches tall at planting, with the remainder over 18 inches





12.02.04 Required Parking Area Landscaping

(a) Off-street parking areas containing ten (10) or more parking spaces shall be provided with landscaping in accordance with the following table. A minimum of one-third (1/3) of the trees shall be placed on the interior of the parking area and the remaining may be placed surrounding the parking lot within eighteen (18) feet, as illustrated on Figure 12.02.04. (as amended 12/31/06)

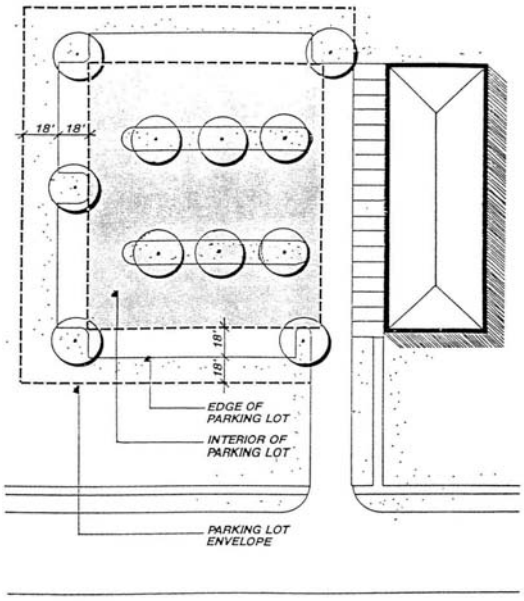
Minimum trees in the parking area	
10 through 100 spaces:	1 Canopy tree and 100 sq. ft. of landscaped area per 10 spaces.
101 through 200 spaces:	1 Canopy tree and 100 sq. ft. of landscaped area per 12 spaces.
201 spaces or more:	1 Canopy tree and 100 sq. ft. of landscaped area per 15 spaces.

(b) Where off-street parking areas are located within the required front yard, a hedge row, three (3) foot tall masonry wall or berm shall be provided between the parking spaces and the road way. The hedge row shall be planted with two (2) foot tall evergreen or deciduous shrubs, 2-1/2 feet on center.

(c) In no case shall any buffer zones or greenbelts be calculated toward meeting the required parking area landscaping.

(d) Landscaping shall be installed such that, when mature, it does not obscure traffic signs, fire hydrants, lighting, drainage patterns on site or adjacent properties, or obstruct vision for safety of ingress or egress.

LANDSCAPING REQUIRED IN PARKING AREA



(e) Landscaping shall be dispersed throughout the parking lot in order to break up large expanses of pavement.

(f) All landscaped areas shall be protected by a raised standard or rolled concrete curb, except where landscape islands are being utilized as part of a stormwater detention or conveyance system.

(g) The minimum standards for landscaped islands are provided below:

Minimum size	One hundred (100) square feet
Minimum width	Ten (10) feet; at least half of the islands shall be twenty (20) feet wide in parking lots with over 200 spaces
Required depth	Two (2) feet shorter than adjacent parking space to improve maneuvering
Required radii	Minimum ten (10) feet at ends facing main aisles, fifteen (15) feet preferred. One (1) foot for radii not adjacent to main circulation aisles
Planting type	Canopy trees with a mature caliper not over five (5) inches, with a clear area between the ground and a height of four feet, six inches.
Tree location	Located so as not to be damaged by maneuvers or door swing of any surrounding vehicle.

12.02.05 **Detention/retention pond landscaping:** Detention/retention ponds shall be landscaped to provide a natural setting in open space areas.

(a) Where possible, ponds or basins shall be "free form" following the natural shape of the land to the greatest practical extent. Side slopes shall not exceed one (1) foot vertical for every three (3) feet horizontal.

(b) One (1) deciduous shade or evergreen tree and ten (10) shrubs shall be planted for every fifty (50) lineal feet of pond perimeter as measured along the top of the bank elevation. The required trees and shrubs shall be planted in a random pattern or in groupings. The placement of required landscaping is not limited to the top of the pond bank, where the plant species is adapted to saturated soil conditions however materials shall not be planted inside the banks below the freeboard level.

(c) Detention and retention ponds shall be landscaped in character with properties and shall be required to provide lawn areas, shrubs and trees to accomplish a suitable appearance compatible with development on the property and on nearby properties. Landscaping shall be required on all areas disturbed by grading to establish detention/retention ponds. (as amended 3/5/10)

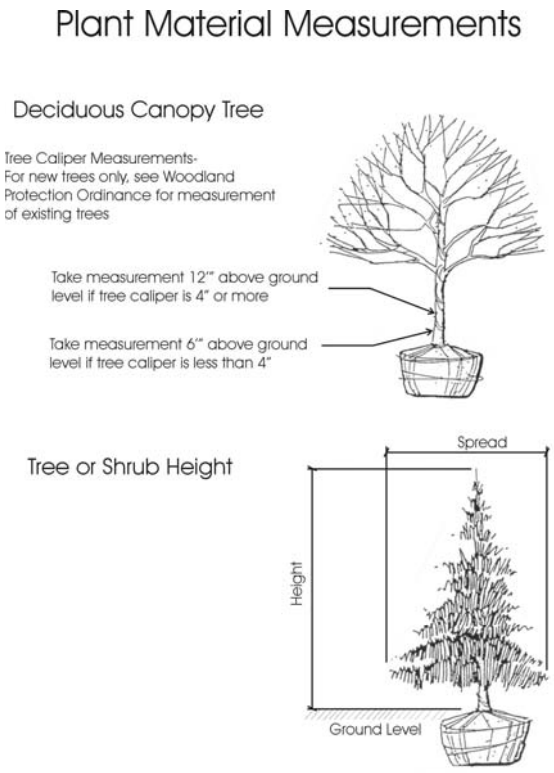
12.02.06 **Accessory Structure Landscaping:** The Planning Commission may require accessory structures and utility structures such as waste receptacle enclosures, air conditioning units, transformers, utility substations and clustered mailboxes that are in a visible location on the site, to be landscaped with shrubs.

12.02.07 **Minimum Plant Material Standards:** All plant material shall be hardy to Livingston County, be free of disease and insects and conform to the American Standard for Nursery Stock of the American Association of Nurserymen.

12.02.08 **Minimum Sizes:** Minimum plant sizes at time of installation shall be according to the following:

Deciduous Canopy Tree: 2 1/2" caliper
Deciduous Ornamental Tree: 2" caliper
Evergreen Tree: 6' height
Deciduous Shrub: 2' height
Upright Evergreen Shrub: 2' height
Spreading Evergreen Shrub: 18" - 24" spread

12.02.09 **Mixing of Species:** The overall landscape plan shall not contain more than 33% of any one plant species. The use of trees native to the area, and mixture of trees from the same species association, is encouraged.



12.02.10 **Prohibited Species:** The following trees are not permitted as they split easily; their wood is brittle and breaks easily; their roots clog drains and sewers; and they are unusually susceptible to disease or insect pests:

Common Name	Horticultural Name
Ash	Faxinus
Box Elder	Acer Negundo
Ginkgo	Ginkgo Biloba (female only)
Honey Locust	Gleditsia Triacanthos (with thorns)
Mulberry	Morus Species
Poplars	Populus Species
Black Locust	Robinia Species
Willows	Salix Species
American Elm	Ulmus Americana
Siberian Elm	Ulmus Pumila
Slippery Elm; Red Elm	Ulmus Rubra
Chinese Elm	Ulmus Parvifola

12.02.11 **Installation and Maintenance Provisions:** All landscaping shall be maintained in a healthy, neat and orderly state free from refuse and debris. Any dead or diseased plants shall be removed and replaced within six (6) months. Landscaped areas shall be covered by grass or other living ground cover. Irrigation shall be provided for all landscaped areas. Trees required on the site plan must be maintained so long as they remain healthy and shall not be removed unless approved by the Planning Commission as a site plan amendment.

12.02.12 **Financial Guarantee:** The Planning Commission may require a financial guarantee of sufficient amount to insure the installation of all required landscaping.

12.02.13 **Waiver from Landscaping and Screening Requirements:** The Planning Commission during Site Plan review may determine that existing landscaping or screening intended to be preserved would provide adequate landscaping and screening. The Planning Commission may also determine dimensional conditions unique to the parcel would prevent development of off-street parking area landscaping, greenbelts or buffer zones. If such determination is made, the Planning Commission may waive, in whole or in part, the landscaping provisions of this section. Criteria which shall be used when considering a waiver shall include, but shall not be limited to:

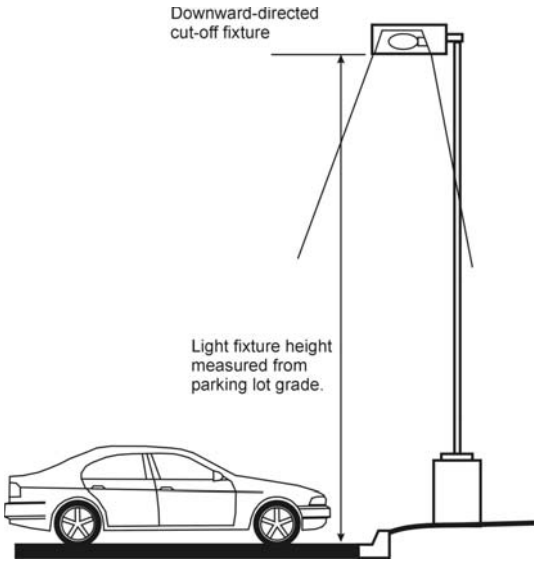
(a) Existing natural vegetation;
(b) Topography;
(c) Existing wetland, floodplain and poor soils areas;
(d) Existing and proposed building placement;
(e) Building heights;
(f) Adjacent land uses;
(g) Distance between land uses;
(h) Dimensional conditions unique to the parcel;
(i) Traffic sight distances;
(j) Traffic operational characteristics on and off site;
(k) Visual, noise and air pollution levels;
(l) Presence of utility easements and adjacent utility corridors
(m) Health, safety and welfare of the township;

Sec. 12.03 EXTERIOR LIGHTING

12.03.01 **Light levels:** All outdoor lighting in all use districts used to light the general area of a specific site shall be shielded to reduce glare and shall be arranged to reflect lights away from all adjacent residential districts or adjacent residences. Light shall not exceed more than 0.5 footcandles at a residential lot line. Light shall not exceed more than 1.0 footcandle at a non-residential lot line, except along the road frontage. The maximum light level on the site shall be ten (10) footcandles. All fixtures shall be metal halide.

12.03.02 **Light fixtures:** Outdoor lighting in all zoning districts shall be directed toward and confined to the ground areas of lawns or parking lots except as noted elsewhere in this section. Lighting shall utilize cutoff fixtures that are recessed sufficiently such that the light source is not visible from off site. Bollard lights are permitted to light driveways and pedestrian areas. Floodlight type fixtures shall not be permitted except for building accent and sign lighting.

12.03.03 **Fixture height:** Light fixtures shall have a maximum height of twenty (20) feet where adjacent to a residential district. Light fixtures shall have a maximum height of thirty (30) feet where adjacent to non-residential districts.



12.03.04 **Ornamental lighting:** The requirement for downward directed may be waived for ornamental lighting which is part of an overall architectural theme, as approved by the Planning Commission. The Planning Commission may require ornamental lighting for commercial sites along Grand River Avenue, with a style of lighting consistent with surrounding sites.

12.03.05 **Sign and building lighting:** All lighting in nonresidential districts used for external illumination of buildings to feature said buildings or to illuminate a permitted sign, shall be placed and shielded so not to interfere with the vision of persons on adjacent highways or adjacent property.

12.03.06 **Sign lighting:** Illumination of signs shall comply with the requirements of Article 16, Signs.

12.03.07 **Photometric plan:** The Planning Commission may require the submission of a photometric plan prepared by an electrical engineer graphically illustrating the planned layout and footcandles of the site lighting. The evaluation of the photometric is intended to permit the Planning Commission and Township Board to determine potential adverse effects the site lighting may have on adjoining properties and motorists. Compliance with the lighting design criteria shall be demonstrated by submitting the following for review:

(a) Lighting plan showing light fixture locations and type designations;
(b) Photometric plan showing horizontal luminance levels in a point by point format with contour lines. The photometric plan shall be provided for a full parking lot within a automobile dealership. Canopy lighting will also be included in luminance levels;
(c) Lighting equipment specifications and data sheets; and
(d) Any other presentations required to convey the intent of the design.

Sec. 12.04 DUMPSTERS AND WASTE RECEPTACLES

Dumpsters, including waste receptacles and compactors, shall be designed, constructed and maintained according to the standards of this section. Dumpster location and details of construction shall be shown on site plans. A change in dumpster location or size shall require modification to the enclosure, as warranted by this section.

12.04.02 **Location:** Dumpsters shall be located in the rear yard or non-required side yard, unless otherwise approved by the Planning Commission. For commercial and industrial sites adjoining residential district, the waste receptacle enclosure shall be as far as practical, and in no case be less than twenty (20) feet from any adjacent residential district.

12.04.04 **Access:** Dumpsters shall be easily accessed by refuse vehicles without potential to damage automobiles parked in designated parking spaces.

12.04.06 **Base:** The dumpster base shall be at least nine (9) feet by nine (9) feet, constructed of six (6) inches of reinforced concrete pavement. The base shall extend six (6) feet beyond the dumpster pad or gate to support the front axle of a refuse vehicle.

12.04.08 **Screening:** Dumpsters shall have an enclosing lid or cover and be enclosed on three (3) sides with a wood gate on the fourth side. The enclosure shall be a berm or constructed of brick or decorative concrete material with a maximum height of six (6) feet or at least one (1) foot higher than the dumpster and spaced at least three (3) feet from the dumpster. The Planning Commission may approve a wooden enclosure provided the lumber is treated to prevent decay or is determined to be durable and suitable for outdoor use. Suggested timber materials include Cedar, No. 2 Cedar rough sawn seasoned, Redwood, No. 2 Common Finish (S4S), Douglas Fir-larch or Southern Pine.

Sec. 12.05 NON-MOTORIZED PATHWAYS AND SIDEWALKS

12.05.01 **Applicability:** Sidewalks or bike paths shall be required for any site plan, sketch plan, condominium or subdivision plat under the following circumstances:

(a) Any residential subdivision or site condominium with at least one lot equal to or less than 22,000 square feet in area, or condominium or multiple family development with an overall density of 2 units per acre or greater shall provide five (5) foot wide sidewalks along all streets internal to the development.

(b) For all uses along all site frontages on major roadways identified in the pathways plan contained in the Township Master Plan as follows:

(1) Five-foot wide sidewalks shall be provided along both sides of Grand River Avenue east of the Interstate-96 exit 141 Interchange.

(2) Eight-foot wide bike paths shall be provided along both sides of Grand River Avenue west of the Interstate-96 exit 141 Interchange.

(3) Eight-foot wide bike paths shall be provided along county primary roads where designated on the pathways plan contained in the Township Master Plan.

(c) Other locations where the Planning Commission determines that a separate pedestrian pathway is needed to meet the site plan standards of 18.08.

12.05.02 **Construction standards:** The following construction standards shall apply to all pedestrian facilities:

(a) All sidewalks shall be a minimum five (5) feet wide concrete and constructed to the Township Engineering standards and specifications of the American Society of Highway and Transportation Officials (AASHTO).

(b) All bike paths shall be at least eight (8) feet wide concrete and constructed to the Township Engineering standards and in accordance with the specifications of the AASHTO.

(c) Eight-foot wide bike paths provided along county primary roads as contained in the pathways plan in the Township Master Plan shall be constructed of concrete however, asphalt may be permitted upon approval by the Planning Commission based on the recommendation of the Township Planner and Engineer. Asphalt paths shall be constructed to the Township Engineering standards and in accordance with the specification of the AASHTO.

(d) The Planning Commission may require walking trails within open space areas of residential developments. Trails shall be six (6) foot wide crushed aggregate stone or asphalt, or wooden boardwalks in areas with sensitive environmental features. The path shall provide direct access to all lots where the Planning Commission waives the requirement for paved sidewalks.

(e) Sidewalks and bike paths shall be installed by the developer within the dedicated street right-of-way, private road access easements or special easement where grades or other factors prevent placement within the right-of-way or access easement.

(f) Crosswalk pavement markings and signs may be required.

(g) An inclined approach shall be required where sidewalks and bike paths intersect curbs for barrier free access to the sidewalk.

(h) A performance guarantee, in lieu of sidewalk/pathway construction, may be required by the Planning Commission in instances where significant site constraints such as where there are significant grade changes to adjacent undeveloped property or when utility and other infrastructure improvements are planned for the site in the near future. Under these circumstances, the sidewalk/pathway shall be constructed once the site constraints can be eliminated. (as amended 3/5/10)

12.05.03 **Residential Sidewalk requirements:** Sidewalks and bike paths shall meet the following requirements:

(a) The Planning Commission may eliminate the sidewalk requirement for special situations such as along short cul-de-sacs, or where another type of pedestrian trail system is being provided by the developer.

(b) Public walkways may be required by the Planning Commission in the middle of any block over 1350 feet in length to obtain satisfactory pedestrian circulation within the

subdivision, to provide access to parks or open space, to provide links with an adjacent subdivision, or to provide access to an activity center. Where such walkways are required, an easement at least twenty (20) feet wide shall be provided. The Township may require placement of a fence along the easement to ensure the location is visible and to protect the adjacent property owners.

(c) Required sidewalks may be installed along a residential lot's frontage following construction of the dwelling unit.

(d) Where an approved subdivision plat or site plan contains sidewalks, a certificate of occupancy shall not be issued until the required sidewalk is installed along that individual lot's frontage.

Sec. 12.06 PRIVATE PARKS IN RESIDENTIAL SUBDIVISION PLATS & CONDOMINIUMS

12.06.01 **Recreational area requirement:** Any residential subdivision or condominium comprising twenty (20) or more lots or dwelling units, either as a single subdivision or as a group of adjacent subdivisions offered by a single proprietor, shall provide a children's playground, pedestrian trail system or combination thereof which shall contain an area equal in size to fifteen hundred (1,500) square feet for each lot or dwelling unit in the subdivision or condominium project.

12.06.02 **Improvement:** Said playground, pedestrian trail system or combination thereof shall be well drained, graded, seeded or sodded, safe from hazard, accessible to all lots, and the location shall be determined prior to tentative approval of the preliminary plat by the Planning Commission and Township Board.

12.06.03 **Preservation:** Reservation of playground, pedestrian trail system or combination thereof shall be achieved through deed restrictions or dedication to a subdivision homeowner's association.

Sec. 12.07 CONDOMINIUM DEVELOPMENT REGULATIONS

The intent of this section is to provide regulatory standards for condominiums and condominium subdivisions similar to those required for projects developed under other forms of ownership within a zoning district. This article is not intended to prohibit or treat a proposed or existing condominium project differently than a project or development under another form of ownership.

12.07.02 **Submittal Requirements:** For all condominium projects within the Township, concurrently with notice required to be given to the Township pursuant to Section 71 of Michigan Public Act 59 of 1978, as amended (MCL 559.171), a person, firm, corporation or other legal entity intending to develop a condominium project shall file with the Township Clerk the information required for site plan review, a copy of the proposed Master Deed and all information required by the Condominium Act.

12.07.04 **Area, Height and Bulk Requirements:** The areas and setbacks required for condominium buildings shall be based on the density provisions contained in the Schedule of Regulations of the zoning district.

12.07.06 **Review and Approval:** All condominium plans shall be reviewed under the following procedure:

(a) Preliminary Approval: A full site plan and impact assessment, meeting the requirements of Article 18, Site Plan Review and Impact Assessment, shall be submitted for preliminary condominium site plan approval by the Township Board, based upon a recommendation by the Planning Commission. The Planning Commission shall review the site plan following the procedures of Article 18 and make a recommendation to the Township Board to approve, approve with conditions or deny. If a condominium site plan is incomplete, the Planning Commission may table the request and direct the applicant to prepare additional information or revise the plan.

An application for final condominium site plan must be submitted within one (1) year after the date of preliminary condominium site plan approval by the Township Board, or such preliminary approval shall be deemed null and void. The proprietor may be granted one six (6) month extension with approval from the Township Board.

No installation or construction of any improvements or land balancing or grading shall be made or begun until the final condominium site plan has been approved. No removal of trees and/or other vegetation shall be started at this time except for minor clearing required for surveying and staking purposes.

(b) Agency Reviews: Upon receipt of preliminary site plan approval, the proprietor shall submit the preliminary condominium site plan to all authorities for necessary permits, as required by local and state regulations, and shall deliver two (2) copies of the preliminary condominium site plan to the Superintendent of the school district in which the condominium project is to be located.

(c) Final Approval: The following information shall be submitted for final condominium site plan approval by the Township Board, based upon a recommendation by the Planning Commission. The Planning Commission shall review the site plan following the procedures of Article 18 and make a recommendation to the Township Board to approve, approve with conditions or deny. If a condominium site plan is incomplete, the Planning Commission may table the request and direct the applicant to prepare additional information or revise the plan.

(1) Full site plan and impact assessment meeting the requirements of Article 18. Within a phased project, the final plan shall constitute only that portion of the approved preliminary plan which the proprietor proposes to record and develop at that time.

(2) Necessary county and state permits.

(3) Condominium master deed and bylaws.

12.07.08 **Requirements for Roads and Easements:** Condominium projects with private roads shall comply with all street requirements found in the Township regulations pertaining to private roads and driveways and shall include all necessary easements granted to the Township for constructing, operating, inspecting, maintaining, repairing, altering, replacing or removing pipelines, mains, conduits and other installations of a similar character for the purpose of providing public utilities, including but not limited to conveyance of sewage, water and storm water runoff across, through and under the property subject to said easement, and excavating and filling ditches and trenches necessary for the location of said structures.

12.07.10 **Site Condominium Design Standards:** All site condominium projects shall comply with the design standards contained in Article IV of the Genoa Township Subdivision Regulations Ordinance and are herein incorporated by reference. Where private roads are proposed, Section 15.05 shall apply instead of the street standards contained in the Subdivision Regulations Ordinance. The intent of this section is to require that condominium subdivisions (site condominiums) meet design standards similar to those required for projects developed as a subdivision plat.

12.07.12 **Condominium Design Standards:** All condominium projects that are not being developed as site condominiums shall comply with the design standards applicable to multiple family residential.

ARTICLE 13
ENVIRONMENTAL PROTECTION REGULATIONS

Sec. 13.01 CLEARING OF WOODLANDS AND EARTH CHANGES PRIOR TO DEVELOPMENT

Any property owner or their representative proposing to clear more than twenty-five percent (25%) of the trees of eight (8) inch caliper or larger on a site or any cut, fill or grading that would change the topography of the site by more than three (3) feet on average over the site shall first notify the Zoning Administrator of the intent of such clearing and/or earth change. The Zoning Administrator may require submittal of a proposed site plan for review and approval by the Planning Commission in accordance with the terms of this Ordinance. This section shall not prevent tree clearing or site grading for building envelopes, swimming pools, decks, utility lines or construction drives, provided necessary land use permits have been obtained; nor shall this ordinance prohibit site changes for farming purposes. This section shall not require Planning Commission approval for grading on an established residential lot; provided the area of disturbance is less than one (1) acre. The Zoning Administrator may waive this section for select clearing of lower quality species including Ash, Box Elder, Elms, Poplars, Willows and Cottonwoods. (as amended 12/31/06)

Sec. 13.02 WETLAND PROTECTION STANDARDS

The standards of this section are intended to protect the valuable wetlands in Genoa Township. The standards may also help ensure compliance with the Goemaere-Anderson Wetland Protection Act, Public Act 203 of 1979 through coordination with the Michigan Department of Environmental Quality (MDEQ) wetland protection and permit program. The standards of this section exceed the MDEQ regulations by requiring a setback from MDEQ regulated wetlands and encouraging the placement of buildings to protect non-MDEQ regulated wetlands between two acres and five acres in size.

The standards of this section acknowledge the unique and valuable attributes of wetlands as a stormwater retention areas to control runoff, improve groundwater quality and provide erosion control; for their visual assets as open space; and for their value as habitat for plants, fish and wildlife. The standards of this section strive to preserve these valuable resources while protecting the property owners' right to develop their property.

13.02.01 Applicability

(a) No permit shall be issued for any construction, reconstruction, erection, expansion and/or change in use requiring site plan or plat approval except in accordance with the standards of this Section. Any state or federal legislation, policies, standards or procedures which are more stringent than the standards of this section shall supersede the appropriate provisions of this Section.

(b) The standards of this Section apply to both new and existing development (including grading, parking, storage, building construction, etc.). The standards also apply to any drainage structure or basin within an MDEQ regulated wetland and/or use of a MDEQ regulated wetland as a retention or detention ponds/basin; which, if constructed below the Ordinary High Water Mark of an inland lake or stream, will require an MDEQ permit under the Inland Lakes & Streams Act, PA 346 of 1972. The following activities are specifically exempt from the standards of this Section:

(1) Fishing, trapping, hunting or bird watching.

(2) Swimming, boating, or canoeing.

(3) Hiking.

(4) Grazing and/or watering of animals.

(5) Farming, horticulture, silviculture, lumbering, and ranching activities, including plowing, irrigation, irrigation ditching, seeding, cultivating, minor drainage, harvesting for the production of food, fiber, and forest products, or upland soil and water conservation practices. Wetland altered under this subdivision shall not be used for a purpose other than a purpose described in this subsection without a permit obtained from the MDEQ.

(6) Maintenance or operation of serviceable structures in existence on the effective date of this amendment or constructed pursuant to this ordinance.

(7) Construction or maintenance of farm or stock ponds.

(8) Maintenance, operation, or improvement which includes straightening, widening, or deepening of the following which is necessary for the production or harvesting of agricultural products:

a. An existing private agricultural drain.

b. That portion of a drain legally established pursuant to the drain code of 1956, Act. No. 40 of the Public Acts of 1956, as amended, being section 280.1 to 280.630 of the Michigan Compiled Laws, which has been constructed or improved for drainage purposes.

c. A drain constructed pursuant to other provisions of this Ordinance.

(9) Construction or maintenance of farm roads, forest roads, or temporary roads for moving mining or forestry equipment, if the roads are constructed and maintained in a manner to assure that any adverse effect on the wetland will be otherwise minimized.

(10) Drainage necessary for the production and harvesting of agricultural products if the wetland is owned by a person who is engaged in commercial farming and the land is to be used for the production and harvesting of agricultural products. Except as otherwise provided in this Ordinance, wetland improved under this section after the effective date of this amendment shall not be used for nonfarming purposes without a permit from the Township. This shall not apply to a wetland which is contiguous to a lake or stream, or to a tributary of a lake or stream, or to a wetland which the Township has determined by clear and convincing evidence to be a wetland which is necessary to be preserved for the public interest, in which case a permit shall be required.

(11) Maintenance or improvement of public streets, highways, or roads, within the right of way and in such a manner as to assure that any adverse effect on the wetland will be otherwise minimized. Maintenance or improvement does not

include adding extra lanes; increasing the right of way; or deviating from the existing location of the street, highway, or road.

(12) Maintenance, repair, or operation of gas or oil pipelines and construction of gas or oil pipelines having a diameter of 6 inches or less, if the pipelines are constructed, maintained, or repaired in a manner to assure that any adverse effect on the wetland will be otherwise minimized.

(13) Maintenance, repair, or operation of electric transmission and distribution power lines and construction of distribution power line if the distribution power lines are constructed, maintained, or repaired in a manner to assure that any adverse effect on the wetland will be otherwise minimized.

(14) Operation or maintenance, including reconstruction of recently damaged parts, of serviceable dikes and levees in existence on the effective date of this amendment or constructed pursuant to this Ordinance.

(15) Construction of iron and copper mining tailings basins and water storage areas.

13.02.02 **Applicant Responsibility for Compliance/Definition of a Wetland**

The applicant is responsible for the accurate delineation/determination of the wetland area, as defined. The petitioner or his/her agent shall supply the following information:

(a) The name, address and telephone number of the petitioner.

(b) The name, address and telephone number of the petitioner's agent or the individual responsible for making the wetland determination.

(c) The owner of the property if different from the petitioner, and the petitioner's interest in the property.

(d) A legal description of the property, including the total area, exclusive of public road right-of-way, accurate to the nearest hundredths of an acre.

(e) An accurate graphic description of the wetlands complete with:

(1) a written summary of how and when the wetland was delineated,

(2) what major plant species and animal breeding habitat are present and an estimation of how the wetland functions or relates to its general environment,

(3) the presence of any hills or springs,

(4) an accurate measurement of the wetland area to the nearest hundredth of an acre, and

(5) any proposed remedial or mitigating actions to be completed as part of the activity proposed in the land use request.

The study shall be prepared by an experienced consultant in the delineation and composition of wetlands. The MDEQ shall review all wetlands found to be greater than five (5) acres or other regulated wetlands according to their wetland determination and permit procedures. MDEQ findings will be an integral part of the Township review.

13.02.03 **Compliance with State and Federal Wetland Protection Acts**

(a) Should available sources of wetland information, consultants report or the MDEQ determine potential or known presence of a wetland, the township may require a wetland determination by a recognized expert prior to approving a site plan. Upon finding site development is likely to disturb a MDEQ regulated wetland, includes a stormwater outfall structure or catch basin in a regulated wetland or includes use of a regulated wetland as a retention basin, the Planning Commission may condition approval on submittal of an MDEQ permit, including any attached conditions and mitigation plan, prior to the issuance of a land use permit.

(b) Genoa Township may not issue a permit for activity (such as dredging or filling) or a land use permit where wetlands are believed to exist that may be regulated by the MDEQ unless sufficient wetlands information is provided by the applicant.

(c) Should the MDEQ deny an application for permit which is necessary to develop the site plan, the site plan shall be resubmitted according to the standards of this Section. (as amended 12/31/06)

13.02.04 **Genoa Township Wetland Protection Standards**

(a) Limits on site activity: Any disturbance of soils, removal of stumps or landmark trees (deciduous over eight (8) inch caliper or evergreens over six feet in height), grading, alteration of water flowing into or from an MDEQ regulated wetland, or any prohibited activity as listed in Section 5 of Public Act 203 of 1979, without a permit from the MDEQ, will result in a stop work order issued by Genoa Township and/or require restoration of the wetland in accordance with MDEQ standards.

(b) Buildable area calculations: Twenty five percent (25%) of wetland acreage shall be credited toward buildable acreage for purposes of determining maximum density for residential developments as a means of encouraging their preservation. The Planned Unit Development Districts are further intended to preserve large and small wetlands by offering flexibility in site design, such as open space/cluster housing developments.

(c) Restrictions on land divisions: Article 20 stipulates land shall not be divided in a manner creating parcels or lots which cannot be used based on zoning district area, setback and dimensional requirements and in conformance with the requirements of this Section or the MDEQ regulations.

(d) Required 25-foot setback: An undisturbed natural setback shall be maintained twenty-five (25) feet from a MDEQ determined/regulated wetland. Trails and recreational areas may be allowed in the wetland setback. Any site grading or storage within the wetland protection setback area shall require a Special Land Use Permit according to Article 19; provided that no such activity shall be allowed within ten (10) feet of a regulated wetland unless specifically approved by the Planning Commission.

(e) Preservation of nonregulated wetlands: Judicious effort shall be made through site plan design to preserve non-MDEQ regulated wetlands which exceed two (2) acres in size. Use of non-MDEQ regulated wetlands as detention or retention ponds may be allowed, following review of such plans by the Township Engineer.

13.02.05 **Variances from the Wetland Setback Requirement**

In considering a variance for the wetland setback, the applicant must demonstrate to the Board of Appeals:

(a) the setback is not necessary to preserve the wetland's ecological and aesthetic value.

(b) the natural drainage pattern to the wetland will not be significantly affected;

(c) the variance will not increase the potential for erosion, either during or after construction;

(d) no feasible or prudent alternative exists and the variance distance is the minimum necessary to allow the project to proceed; or

(e) MDEQ permit requirements have been met and all possible avoidable impacts to wetlands have been addressed.

Sec. 13.03 **RIPARIAN LOT COMMON USE (KEYHOLE)**

13.03.01 **Intent:** The purpose of these regulations is to protect the public heath safety and welfare which could be threatened by the over usage of inland lakes, and avoid situations which may create a nuisance, impair important irreparable natural resources and destroy property values. These regulations are intended to reinforce the implementation of the Michigan Inland Lakes and Streams Act (Public Act 346 of 1972).

13.03.02 **Applicability:** The regulations shall apply to the following lots, parcels, sites and easements to be held in common by a subdivision, condominium, association, similar agency, or group of individuals (i.e. more than one individual or family):

(a) Lots created after the effective date of this section (4/15/95).

(b) Lots of record existing prior to the effective date of this section (4/15/95) that did not provide common use access to a water body (riparian rights to non-riparian land owners) prior to the effective date of this ordinance.

(c) These regulations shall apply to the establishment of a dockominium.

13.03.03 **Existing Keyholes:** Lots of record which existed prior to the effective date of this section (4/15/95) that provided common use access to a water body may continue to provide riparian rights subject to the marina operating permit requirements of the Michigan Department of Environmental Quality (MDEQ) under the Michigan Inland Lakes and Streams Act (Public Act 346 of 1972).

13.03.04 **Easements:** An easement over a residential riparian lot shall not be utilized to provide boat access or docking for an individual who is not a resident of such residential riparian lot.

13.03.05 **Special Land Use Approval:** Boat launching sites and boat docks within a common use riparian lot shall be permitted in any district as a Special Land Use upon review and approval in accordance with the general standards of Article 19.

13.03.06 **Standards:** Waterfront sites dedicated to common use for boat launching and docking shall conform in all respects to the area and bulk requirements of the districts which they are located. In addition, common use riparian lots shall have the following minimum lot dimensions:

(a) Such riparian lot shall have a minimum of fifty (50) feet of riparian frontage for each non-riparian lot served. Riparian frontage shall be measured by a straight line which intersects each side lot line at the water's edge. Artificially created shoreline may not be used to increase the calculated riparian frontage.

(b) Such riparian lot or parcel shall have a minimum lot depth of 100 feet, measured as the minimum distance between the water's edge and the lot line which is opposite the water's edge.

(c) The deed to such lot or parcel shall specify the non riparian lots or parcels which shall have rights to its use.

(d) All structures and appurtenances shall comply with the requirements of Section 11.04.05.

13.03.07 **Developments:** For condominiums, site condominiums, multiple family residential or Planned Unit Developments where there are common areas with riparian frontage, there shall be a minimum of fifty (50) feet of riparian frontage for each boat docked within the common area. The Planning Commission has the discretion to modify this standard within Planned Unit Developments provided that the overall number of boats from the PUD accessing the lake remains constant. This shall be determined based upon the total number of boats with access to the lake from both private and common use sites, and the Planned Unit Development's overall riparian frontage.

13.03.08 **Marina Operating Permit:** Any boat dock facility within a common use riparian lot must obtain a permit for marina operation from the MDEQ in accordance with Administrative Rules of the Michigan Inland Lakes and Streams Act (P.A. 346 of 1972, as amended). Design for a boat dock facility shall meet all of the MDEQ standards for marinas. Public access sites owned and operated by the State of Michigan are exempt from Township Common Use/Keyhole regulations.

13.03.09 **Dockominiums:** The establishment of a dockominium shall comply with the standards of this section and the condominium requirements of Section 12.07.

Sec. 13.04 SEWER AND SEPTIC SYSTEMS

13.04.01 **Requirement for Water and Sanitary Facilities:** No permit shall be issued for the construction of a building that is to have drinking water and sanitary facilities unless such facility is connected to a public sanitary sewer system approved by the Township, a septic system approved by the County Health Department or a common community sanitary drainfield approved under this section.

13.04.02 **Community Sanitary Drainfield:** Any form of common community sanitary drainfield or similar common system that serves more than two (2) dwelling units shall be granted final approval by the Township Board, following the approval of the County Health Department and/or the Michigan Department of Environmental Quality, as applicable prior to any land use permits being issued for any building. Any common community sanitary drainfield or similar commons system shall meet the following minimum requirements:

(a) The system shall be designed to meet all requirements of the County Health Department, the Michigan Department of Environmental Quality and Township Engineering Standards.

(b) Common sanitary treatment systems shall only be allowed where connection to a public sanitary sewer system is not possible and soil conditions preclude the use of individual sewage treatment systems.

(c) All systems shall be located and installed so that the systems function in a sanitary manner, are capable of accommodating the wastewater flow, and contaminant load, do not create sanitary nuisances, or health hazards and do not endanger the safety of any water supply, ground water, or surface waters.

(d) A maintenance agreement shall be prepared assigning responsibility of maintaining the private system with the owners of the development. The following requirements shall apply:

(1) The petitioner shall submit a recordable private system maintenance agreement as part of the site plan. The private system maintenance agreement shall detail the operating requirements, maintenance procedures, a schedule for routine maintenance and monitoring requirements. The private system maintenance agreement shall meet the requirements of the Township engineer.

(2) The owners shall have a written contract with a licensed maintenance provider to inspect and maintain the treatment system. The wastewater system shall be maintained in accordance with the approved management plan and permits, with periodic inspections of the system.

(3) The private system maintenance agreement shall be in the form approved by the Township Board and shall be recorded at the office of the County Register of Deeds after approval by the Township. The maintenance agreement shall not be changed without Township approval and shall contain language to that effect.

(4) The agreement shall provide that expenses incurred for inspection and maintenance shall be paid by the petitioner or the homeowner's association, as applicable and that the petitioner or association shall be responsible to pay for any damages or losses occurring to neighboring properties resulting from a failure of the private system.

(5) The provisions of the maintenance agreement shall be included in a separate disclosure document and shall be delivered to the prospective purchaser of a unit or lot served by a private system prior to the execution of a purchase agreement.

(e) A perpetual fund shall be established with sufficient cash for the long-term maintenance and replacement of the system. The fund shall be provided in a form approved by the Township Board in an amount sufficient to replace the system.

(f) The Township may require the applicant to petition the Township Board to establish a special assessment district for the development prior to granting final approval. The purpose of the special assessment district would be to provide for assessment of the units or lots for the costs of inspection, maintenance or repair of the private system in the event the developer or homeowner's association, as applicable fails to properly perform such work or the cost of connection to a public system should the private system fail. However, the responsibility for maintaining the system shall be the responsibility of the developer or homeowner's association, as applicable and nothing therein shall obligate the Township to conduct any inspection, monitoring, maintenance, repair, operation or replacement of the private system.

(g) The Township may require that the community system be dedicated to the County or other public agency for operation and maintenance. (as amended 3/5/10)

13.04.03 **Reservation of Alternative Drainfield:** For sites with individual septic systems or community sanitary drainfields, an area of land shall be designated on the site plan as reserved as an alternate location for a septic disposal system to provide for the possible failure of a septic disposal system.

Sec. 13.05. PERFORMANCE STANDARDS

No use otherwise allowed within any use district shall be permitted which does not conform to the following standards of use, occupancy, and operation.

13.05.01 **Smoke:** It shall be unlawful for any person, firm or corporation to permit the emission of smoke from any source in an amount which shall be injurious or substantially annoying to persons in the affected area.

13.05.02 **Airborne Solids:** It shall be unlawful for any person, firm or corporation to operate and maintain, or cause to be operated and maintained, any process or activity which shall be productive of dust, dirt, fly ash or other airborne matter which shall be injurious or substantially annoying to persons in the vicinity of such activity or process, or which shall cause injury to neighboring business or property.

13.05.03 **Odor:** The emission of odors which shall be found to be obnoxious to any considerable number of persons in the area shall be prohibited.

13.05.04 **Gases:** The emission or release of corrosive or toxic gases, in amounts which are injurious or substantially annoying to persons living or working in the affected area, shall be prohibited.

13.05.05 **Vibration:** Machines or operations which cause vibration shall be permitted in Industrial Districts, provided vibrations emanating there from shall not be discernable and substantially annoying or injurious to property beyond the lot lines of the affected premises.

13.05.06 **Noise:** The noise permitted under any use of land shall be no greater than the normal level of traffic noise existing in the area at the time of such emission, when determined at the boundary of the property. Industrial districts may have higher levels of noise within their industrial premises, provided berms, walls or other sound barriers of equal effect shall prevent their being substantially annoying to adjacent areas.

13.05.07 **Glare and Radioactive Materials:** Glare from any process or operation shall be shielded to be invisible beyond the property lines of the premises on which the process is performed. Radiation, including radioactive materials and electro-magnetic radiation such as that emitted by the x-ray process or diathermy, shall not be emitted to exceed quantities established as safe by the U.S. Bureau of Standards when measured at the property line.

13.05.08 **Fire and Safety Hazards:** The storage and handling of flammable liquids, liquefied petroleum gases and explosives shall comply with all regulations of the Township and with all state rules and regulations. Further, all storage tanks for flammable liquid materials above ground shall be located at least one hundred and fifty (150) feet from all property lines, and shall be completely surrounded by earth embankments, dikes or other types of retaining wall which will contain the total capacity of all tanks so enclosed.

13.05.09 **Underground Storage Tanks:** Storage of flammable liquids below ground shall be located not closer to a lot line than the greater depth to the bottom of the buried tank, and shall be enclosed by an impervious envelope adequate to prevent a liquid from contaminating the groundwater in an event of a rupture of the tank.

13.05.10 **Above Ground Storage of Toxic and Hazardous Material:** The above ground storage of toxic and hazardous material shall be located on an impervious and containing surface which will prevent a leak of the tank from flowing onto the soil in order to protect against groundwater contamination. The area of the impervious surface shall be of sufficient size to contain the total capacity of the tank.

13.05.11 **Violations:** The violation of any of these standards constitutes a public nuisance, and as such, may be abated by court action to be undertaken by the injured party or parties and/or by the Township.

Sec. 13.06 FLOOR DRAINS

General purpose floor drains in work and storage areas of commercial or industrial facilities are prohibited except in facilities which do not store or use flammable or combustible materials and under one of the following conditions:

13.06.01 **Holding Tank.** The drain(s) are connected to a holding tank or sump which is pump out and hauled away for proper disposal.

13.06.02 **Permit from Township.** A permit is obtained from the Township to permit the drain(s) to be connected to the sanitary sewer system.

13.06.03 **Permit from State.** A state ground water discharge permit is obtained.

Sec. 13.07 HAZARDOUS MATERIALS AND FUEL STORAGE

Any use that involves fuel services and use or storage of large quantities of hazardous materials shall comply with the following requirements:

13.07.01 **Above Ground Storage Tanks:** Above ground storage tanks shall be limited to three hundred (300) gallon capacity, shall be located not less than seventy-five (75) feet from any occupied building or any lot line and shall be mounted on a solid concrete slab to prevent overturn and spilling;

13.07.02 **Below Ground Fuel Storage Tanks:** Below ground fuel storage tanks shall be at least two thousand (2,000) feet from any drinking water well serving two or more residential units.

13.07.03 **Secondary Containment:** Uses utilizing, storing or handling hazardous material have provided secondary containment facilities and provide documentation of compliance with state and federal regulations, as required.

13.07.04 **Pollution Incident Prevention Plan:** A Pollution Incident Prevention Plan (PIPP) shall be submitted that provides documentation for the following, with appropriate correspondence from the MDEQ, Michigan State Police Fire Marshall, local fire department, and Livingston County Health Department:

(a) Description of any discharge of any type of wastewater to a storm sewer, drain, lake, stream, wetland, other surface water body or into the groundwater;

(b) Description of storage of any salt, oil or other potentially hazardous materials including common name, name of chemical components, location, maximum quantity expected on hand at any time, type of storage containers or base material, and anticipated procedure for use and handling;

(c) Description of any transportation, on-site treatment, storage or disposal of hazardous waste generated in quantities of 250 gallons or 2200 pounds per month;

(d) Description of any secondary containment measures proposed including design, construction materials and specifications, volume and security measures;

(e) Name and phone number(s) of person(s) responsible for materials and available 24 hours, in case of detected spill.

13.07.05 **Permits:** Any discharge of wastewater to a storm sewer, drain, lake, stream or other surface water shall be documented and appropriate permits obtained from the MDEQ, Surface Water Quality Division. Any discharge of liquids, sludge, wastewater and/or wastewater residuals into or onto the ground shall be documented and appropriate permits obtained from the MDEQ, Waste Management Division. If flammable or combustible liquids are to be stored in fixed aboveground storage containers with a capacity greater than 1,100 gallons, this shall be documented and appropriate permits obtained from the State Police Fire Marshal Division. Storage of pesticide or fertilizer in quantities greater than 55 gallons or 100 pounds shall be documented and appropriate permits obtained from the Michigan Department of Agriculture, Pesticide and Plant Pest Division.

Sec. 13.08 STORMWATER MANAGEMENT

13.08.01 **Engineering Standards.** All site plans shall provide for stormwater management meeting the requirement of the Genoa Township Engineering Standards. Where possible, and upon recommendation by the Township Engineer and approval by the Planning Commission, the Township encourages the implementation of Low Impact Development (LID) tools and techniques. (as amended 3/5/10)

13.08.02 **Underground Stormwater Detention.** The Planning Commission may permit underground stormwater detention systems as an alternative to surface detention for stormwater control, based upon the recommendation of the Township engineer, in the Town Center District or for

space-limited sites where there is not adequate land for surface detention areas, such as infill development or redevelopment of existing developed lots.

(a) Underground stormwater detention systems must be used in conjunction with other water quality control structures as required by the Township Engineering Standards.

(b) The petitioner shall be responsible for removal of any trash/debris and sediment buildup in the underground vaults or tanks on no less than an annual basis and perform structural repairs to inlet and outlets as needed based on inspection. The petitioner shall submit an annual maintenance plan for the Township engineer's approval during the site plan review process.

(c) The petitioner shall be required to submit a recordable development agreement as part of the site plan that outlines requirements for periodic inspection and maintenance. The development agreement shall meet the requirements of the Township engineer.

(d) The agreement shall provide that expenses incurred for inspection and maintenance shall be paid by the petitioner and that the petitioner shall be responsible to pay for any damages or losses occurring to neighboring properties resulting from a failure of the underground stormwater detention system. (as amended 12/31/06 and 3/5/10)

ARTICLE 14
PARKING AND LOADING-UNLOADING STANDARDS

Sec. 14.01 STATEMENT OF PURPOSE

The purpose of this Section is to reduce or prevent traffic congestion and a shortage of parking facilities in the Township at the time of erection, enlargement or change in use, of any principal building or structure. Off-street parking and loading areas are to be designed, maintained and operated in a manner that will ensure their efficient use, promote public safety, improve aesthetics and, where appropriate, protect surrounding uses from undesirable impacts.

Sec. 14.02 GENERAL REQUIREMENTS

14.02.01 **Single Family Residential Parking.** Off-street parking spaces for single family detached units on individual lots shall consist of a parking strip, driveway, garage, or combination thereof, and shall be located on the premises they are intended to serve.

14.02.02 **Non-single family Residential Parking.** Parking areas other than for single family detached homes or duplexes on individual lots shall be approved as part of a site plan. Minor changes to the parking layout, as determined by the Zoning Administrator, shall require submittal of a parking plan which indicates property lines, existing and proposed ground elevations at two (2) foot contour intervals, the number of spaces, calculations for meeting the minimum space requirements of this Article, dimensions of aisles, driveways and typical parking stalls, location of curbs and curb blocks, location and size of signs, existing and proposed landscaping, existing and proposed lighting and drainage facilities.

14.02.03 **Parking Location.** Parking spaces shall be provided either on the same lot, within lots under the same ownership or where a shared parking easement is provided on an adjacent lot within three-hundred (300) feet of the building it is intended to serve, measured from the nearest public building entrance to the nearest parking space of the off-street parking lot.

14.02.04 **Shared Parking.** Where two or more uses are present on the premises, parking requirements shall be calculated for each use, unless a shared parking arrangement is approved by the Planning Commission. Two (2) or more buildings or uses may collectively provide the required off-street parking, in which case the required number of parking spaces for the uses calculated individually may be reduced by up to thirty percent (30%) if a signed agreement is provided by the property owners, and the Planning Commission determines that the peak usage will occur at different periods of the day.

14.02.05 **Banked Parking.** Where the property owner can demonstrate that the required amount of parking is excessive, the Planning Commission may approve a smaller parking area, provided that area of sufficient size to meet the parking space requirements of this Article, along with required drainage, is retained as open space, and the owner agrees to construct the additional parking at the direction of the Planning Commission based on observed usage within six (6) months of being informed of such request in writing by the Zoning Administrator. The site plan shall note the area where parking is being deferred, including dimensions and dotted parking lot layout.

14.02.06 **Limits on Excessive Parking.** In order to minimize excessive areas of pavement which reduces aesthetic standards and contribute to high rates of storm water runoff, exceeding the minimum parking space requirements by more than twenty percent (20%) shall only be

allowed with approval by the Planning Commission. In granting such additional space, the Planning Commission shall determine that such parking will be required, based on documented evidence, to accommodate the use on a typical day.

14.02.07 **Carports and Garages.** Carports and garages for multiple-family dwellings shall be calculated as parking spaces on a one to one basis. Carports and garages in multiple-family dwelling developments shall have a maximum height of fourteen (14) feet, measured from the grade to the peak of the structure. Carports shall be at least partially screened on the sides or front end facing any public or internal street or drive.

Sec. 14.03 FLOOR AREA UNITS OF MEASUREMENT FOR PARKING

14.03.01 **Gross Floor Area.** Where floor area is the unit for determining the required number of off-street parking and loading spaces, said unit shall mean the gross floor area (GFA), unless otherwise noted.

14.03.02 **Gross Leasable Floor Area.** Where the floor area measurement is specified as gross leasable floor area (GLA), parking requirements shall apply to all internal building areas excluding the floor area used for incidental service, storage, mechanical equipment rooms, heating/cooling systems and similar uses, and other areas nor intended for use by the general public. Where these areas are not yet defined, leasable floor area shall be considered to be eighty-five percent (85%) of the gross floor area.

14.03.03 **Bench Seating.** In calculating bench seating for places of assembly, each twenty-four (24) inches of benches, pews or other such seating shall be counted as one seat.

14.03.04 **Employees.** Where the number of spaces required is based on the number of employees, calculations shall be based upon the maximum number of employees likely to be on the premises during the peak shift.

14.03.05 **Fractional Requirements.** When units of measurements determining the number of required parking or loading spaces result in a fractional space, any fraction shall be counted as one (1) additional space.

Sec 14.04 PARKING SPACE NUMERICAL REQUIREMENTS

The minimum number of off-street parking spaces shall be determined by the type of use in accordance with the following schedule. For uses not specifically listed below, the required parking shall be in accordance with that of a similar use as determined by the Zoning Administrator, or determined by the Planning Commission based on documentation regarding the specific parking needs of the use.

Use	**Minimum Number of Parking Spaces Per Unit of Measure**
Residential	
Single-family and two-family residential	2 for each dwelling unit
Multiple-family residential	1.5 spaces per each efficiency or 1 bedroom dwelling unit, 2.0 spaces per each unit with 2 or more bedrooms
Manufactured housing park	2 for each mobile home unit or site and 1 for each employee of the mobile home park
Housing for the Elderly	
Senior independent units	1.5 spaces per unit

Use	Minimum Number of Parking Spaces Per Unit of Measure
Senior "interim care" and" intermediate care" units retirement villages, etc.	1 space per each room or two beds, whichever is less, plus 1 space per each employee expected during the peak shift
Convalescent/nursing home	1 space per each three beds or two rooms, whichever is less plus 1 space for each employee during the peak shift
Institutional	
Churches and similar places of worship	1 space for each 3 seats or 6 feet of pews in the main unit of worship
Municipal office buildings	1 space per 250 sq. ft. gross floor area
Elementary and junior high schools	1 space for each 1 teacher, employee, or administrator in addition to the requirements for auditorium or stadium
Senior high schools, colleges and commercial schools	1 for each one teacher, employee, or administrator, and 1 for each 10 students, in addition to the requirements of the auditorium or stadium, whichever seats more
Auditoriums, assembly halls and outdoor arenas/stadiums	1 space per each 3 seats or 6 feet of bleachers
Community Centers	1 space per 100 square feet of gross floor area
Public recreation centers	1 space per 200 square feet of gross floor area
Private clubs, lodge halls, union halls, fraternal orders, civic clubs and similar uses	1 space for each 3 persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes
Library	1 space for each 350 square feet of gross floor area
Child care centers	2 spaces plus 1 additional space for each 8 children of licensed authorized capacity
Group day care and foster care group homes	1 space per 4 clients plus 1 space per each employee
Office	
Banks credit union or savings and loans	1 space for each 200 square feet of gross floor space, plus 2 spaces for each ATM. Drive-up windows shall be provided 4.0 stacking spaces for the first window, plus 3.0 spaces for each additional window
Business offices or professional offices except medical offices	1 space for each 300 square feet of gross floor area
Medical offices of doctors, dentists or similar professions	1 space for each 200 square feet of gross floor area
Medical clinics, outpatient centers, 24 hour urgent care centers, etc.	2 spaces per exam or outpatient procedure/operating room, plus, 1 space per laboratory or recovery room, plus 1 space for each 2 rooms for employee parking
Hospitals	2 spaces per inpatient bed plus 1 space per each 200 square feet of office or outpatient area
Retail	
Retail stores except as otherwise specified herein	1 space for each 250 square feet of gross floor space
Shopping centers with multiple tenants	1 space for each 250 square feet of gross retail floor area for the first 50,000 square feet. One for each 275 square feet for the next 50,000 to 450,000 square feet of gross retail floor area. One for each 300 square feet for that area in excess of 450,000 square feet of gross retail floor area. Non-retail uses such as restaurants, bars and theaters shall be calculated separately based upon their respective requirements
Home appliance and electronics stores	1 space per 250 sq. ft. gross leasable floor area
Furniture/carpet stores	1 spaces per 700 sq. ft. gross leasable floor area
Auto service (gas) stations	2 spaces per each service bay, plus 2 spaces per employee, plus 1 space per each tow truck, plus 1 space for each 500 square feet devoted to sales of automotive goods or convenience items

Use	Minimum Number of Parking Spaces Per Unit of Measure
Automobile and motor cycle sales	1 space per 200 sq. ft. gross leasable floor area, plus 3 spaces per each auto service bay
Recreational vehicle, boat, mobile home and similar sales	1 space per 800 sq. ft. gross leasable floor area, plus 2 spaces per each vehicle sales service bay
Home improvement centers	1 space per 300 square feet of useable floor area
Outdoor commercial display & sales	1 space for each 800 square feet of land area being used for display
Wholesale establishments	1 space per each 500 sq. ft. of gross floor area
Food and Beverage	
Bars, lounges, taverns, nightclubs (majority of sales consist of alcoholic beverages)	1 space per each 60 square feet of useable floor area or 1 per two seats, whichever is greater
Drive-in Restaurant	1 space for each employee in addition to spaces for customers at service stations, plus any parking required for indoor seating
Drive-through restaurant	1 space per 70 sq. ft. gross leasable floor area or 0.5 spaces per seat, whichever is greater, plus 3 designated drive-through short term waiting spaces, plus 10 stacking spaces for drive through service which do not conflict with use of required spaces, plus at least 2 longer spaces designated for recreational vehicles and semi-trucks
Carry-out Restaurant with less than 6 tables)	6 spaces per service or counter station, plus 1 space for each employee
Coffee house	1 space per 70 sq. ft. gross leasable floor area
Open front Restaurants such as: dairy bars and fruit, and vegetable stands	10 spaces plus 1 space per employee
Standard sit-down restaurants without liquor license	1 space for each 100 square feet of gross floor area or one for each two seats, whichever is the greater, plus up to 5 longer spaces designated for recreational vehicles and semi-trucks
Standard sit-down restaurants with liquor license	1 space for each 70 square feet of gross floor area or 1 per two seats, whichever is greater
Commercial Services	
Automobile repair	2 spaces per each service bay, plus 1 spaces per employee, plus 1 space per each tow truck
Automobile quick oil change	2 stacking spaces for each service stall, rack or pit plus 1 space for each employee
Automobile wash	2 spaces plus 1 space per each employee on peak shift, plus 15 stacking spaces per bay for a semi- or fully automatic car wash, 2 stacking spaces per bay for a self-serve car wash
Barber shop/beauty salons	2.5 spaces per each barber or beautician's chair/station
Dry Cleaners	1 space per 500 square feet of useable floor area
Laundromats and coin-operated dry cleaners	1 space for each 2 washing machines
Funeral homes	1 space per 50 sq. ft. of service parlors, chapels and reception area, plus 1 space per each funeral vehicle stored on premise
Motels/hotels with lounge, restaurant and conference	1 space per guest room plus 1 space per 100 sq. ft. of lounge, restaurant, conference or banquet rooms or exhibit space or banquet rooms
Motels with restaurant/lounge	1 space per guest room, plus 12 spaces per 1,000 sq. ft. of restaurant/lounge space
Motels without restaurant/ lounge; bed-and breakfast inn	1 space per guest room, plus 2 spaces

Use	Minimum Number of Parking Spaces Per Unit of Measure
Conference rooms, exhibit halls and similar uses	1 space per every two persons of capacity authorized by the Uniform Building Code, or 1 space per 100 sq. ft. gross floor area, whichever is greater plus the requirements of each individual use (i.e.; hotels, restaurants, etc.)
Self-storage mini-warehouse	minimum of 6 spaces
Video Rental Establishments	1 space per 150 square feet of useable floor area
Recreational	
Health fitness centers, athletic clubs, martial art schools and other similar uses	1 space for each 200 square feet of useable floor area
Bowling centers	5 spaces per lane plus 25% of the required parking for any lounge
Commercial outdoor recreation facilities (such as archery ranges, batting cages, etc.)	2 spaces for each batting cage, archery range or similar activity
Dancehalls, pool or billiard parlors, exhibition halls, and assembly halls without fixed seats	1 space for each three persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes or 1 space for each 200 square feet of gross floor area, whichever is greater
Golf course driving ranges	2 spaces per each 3 tees
Golf courses, miniature	1 space per each course hole
Golf courses, par three	3 spaces per each course hole
Golf course/country clubs	6 spaces per each course hole
Golf course banquet hall/lounges	0.5 spaces per seat, less spaces required for golf course
Ice/roller skating rinks	1 space per 165 sq. ft. gross floor area
Swimming pools	1 space per each 3 persons of capacity authorized by the building code
Racquetball/tennis centers	1 space per 1,000 sq. ft. gross floor area or 6 spaces per court, whichever is greater
Theaters and auditoriums	1 space for each 3 seats plus 1 space for each employees
Video Arcades	1 space per 50 sq. ft. gross leasable floor area, with a minimum of 6 spaces required
Industrial	
Light industrial, manufacturing, testing labs, research and development centers	1.5 spaces per 1,000 sq. ft. gross floor area, or 1.2 spaces per employee at peak shift, whichever is greater; plus 1 space for each corporate vehicle
Warehousing	1 space per each 1500 sq. ft. gross floor area, or 1 space per employee at peak shift, whichever is greater; plus 1 space for each corporate vehicle (separate standard provided for mini-storage)

Sec. 14.05 BARRIER FREE PARKING REQUIREMENTS

14.05.01 **Barrier Free Parking.** Within each parking lot, signed and marked barrier free spaces measuring twelve (12) feet in width shall be provided at a convenient location, in accordance with the following table. Barrier Free Parking Space Requirements shall be in accordance with the Michigan Department of Labor, Construction Code Commission, Barrier Free Design Division.

Total Spaces	# Required	Total Spaces	# Required
1 - 25	1	101 - 150	5
26 - 50	2	151 - 200	6
51 - 75	3	201 - 300	8
76 - 100	4	301 - 400	12
		over 400	12 plus 2 for every 250 or fraction thereof over 400

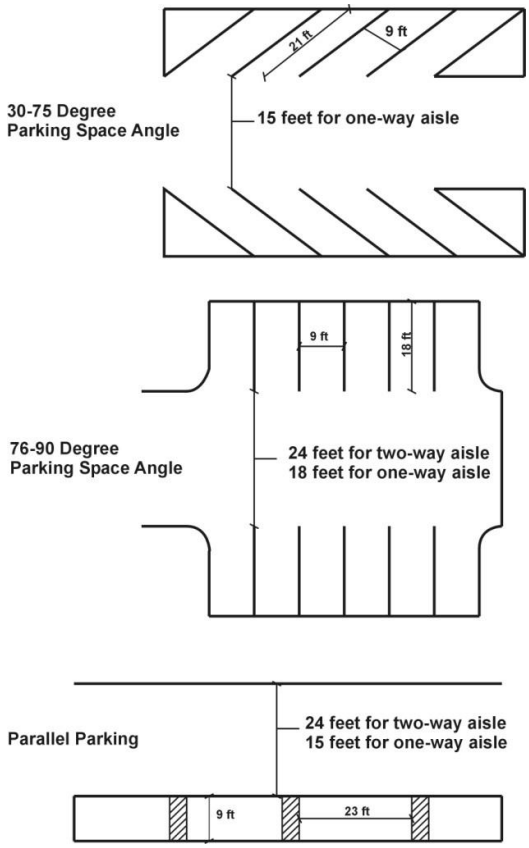
14.05.02 **Barrier Free Route.** Where a curb exists between a parking lot surface and a sidewalk entrance, an inclined approach or curb cut with a gradient of not more than a 1:12 slope and width of a minimum four (4) feet shall be provided for wheelchair access.

Sec. 14.06 OFF-STREET PARKING SPACE DESIGN STANDARDS AND SETBACK REQUIREMENTS

Where required, off-street parking facilities shall be designed, constructed and maintained according to the engineering design standards and regulations as follows.

14.06.01 **Pavement.** All driveways and parking lots, with the exception of those serving detached single family homes, shall be hard-surfaced with concrete or asphalt and shall have concrete curbing on all sides. Bumper blocks shall not be used in parking lots except where the Planning Commission determines they are necessary. The Planning Commission may approve Low Impact Development alternatives , such as permeable/grass pavers, and bioretention, based upon the review and recommendation of the Township engineer. (as amended 3/5/10)

14.06.02 **Drainage.** All parking lots shall be graded or drained to dispose of stormwater runoff. The Planning Commission may permit openings in the curbing for drainage purposes. No surface water from a commercial or industrial parking lot shall be permitted to drain directly onto adjoining property unless a drainage easement has been obtained. Discharge of drainage into a public right-of-way or municipal storm sewer shall require written approval of the County Drain Commission, the appropriate road agency and Township Engineer. Parking lot pavement, curbing and drainage shall be in accordance with Township specifications or approved by Township Engineer.



14.06.03 **Access.** Adequate ingress and egress to the parking facility shall be provided by clearly defined driveways. Parking lots shall be designed to prevent vehicles from backing into the street or requiring use of the street for maneuvering between parking rows.

14.06.04 **Dimensions.** All parking spaces and maneuvering aisles shall be designed and marked with dimensions described below.

	Parking space dimension		Aisle width	
	Width	Length	Two-way	One-way
76-90 degree	9 ft.	18 ft.	24 ft.	18 ft.
30-75 degree	9 ft.	21 ft.	24 ft.	15 ft.
Parallel pkg.	9 ft.	23 ft.	24 ft.	15 ft.

(as amended 12/17/10)

14.06.05 **Stacking Spaces.** Businesses that provide drive-through facilities are required to provide spaces for vehicles waiting in line. Required stacking spaces shall be a minimum nine (9) feet wide and twenty (20) feet in length with direct forward access to a service window of a drive-through facility. A stacking space shall be located to prevent any vehicles from extending onto the public right-of-way, or interfering with any pedestrian circulation, traffic maneuvering, or other parking space areas. Stacking spaces for drive-through or drive-in uses may not be counted as required parking spaces. (as amended 3/5/10)

14.06.06 **Parking Abutting Sidewalk.** Where a parking space abuts a sidewalk, the minimum parking space depth shall be measured from the edge of the curb. Where parking spaces overhang a seven (7) foot wide sidewalk or a curbed landscape area, two (2) feet may be deducted from the required length of the parking space.

14.06.07 **Parking Space Striping.** All parking spaces shall be marked with double (or loop) stripes at three (3) to four (4) inches wide and spaced 18 to 24 inches apart.

14.06.08 **Illumination.** All illumination of parking lots or display areas shall be designed, installed and/or shielded to prevent spillover onto adjacent properties, and shall be arranged to prohibit adverse affect on motorist visibility on adjacent public roadways. Parking lot lighting shall comply with the requirements of Section 12.03.

14.06.09 **Front Setbacks.** Parking lots and related maneuvering aisles shall meet the minimum setbacks from adjacent street right-of-way as shown in the Schedule of Regulations. Parking lot landscaping shall be provided in accordance with Section 12.02.

14.06.10 **Side and Rear Setbacks.** Parking lots shall have a minimum rear and side yard setback, which shall include either berming, and landscaping or a wall to screen headlights, designed according to the standards of Section 12.02.

14.06.11 **Waiver of Parking Lot Setbacks with Shared Access.** Side or rear parking lot setbacks may be reduced or waived by the Planning Commission where a shared access driveway, connected parking lots, frontage road, or rear service drive is provided.

Sec. 14.07 PARKING LOT CONSTRUCTION AND MAINTENANCE

14.07.01 **Plans.** Plans and specifications for parking areas shall be submitted to the Zoning Administrator prior to the issuance of a Building Permit. These plans shall include:

(a) Existing and proposed grades;

(b) Indication that stormwater run-off shall be accommodated on-site through approved drainage facilities, including catch basins, runoff calculations, pipe sizes and connections to existing drainage structures.

(c) Indication of surface and base materials to be used during construction.

14.07.02 **Installation.** Required parking lots shall be installed and completed before issuance of an occupancy permit by the Livingston County Building Department. The Zoning Administrator may grant a single extension for an additional six (6) months in the event of adverse weather conditions or unusual delays beyond the control of the property owner.

14.07.03 **Maintenance.** Pavement shall be maintained in good condition. The visibility of pavement markings delineating parking spaces and directional control shall be maintained.

Sec. 14.08 OFF-STREET LOADING AND UNLOADING AREAS

On premise space for standing, loading and unloading vehicles shall be provided for each use involving the receipt or distribution of goods. The Planning Commission may permit central loading areas to be shared by multiple uses, such as in a retail shopping center or office park.

14.08.01 **Traffic Flow.** The size of the loading area shall be sufficient to prevent undue interference with adjacent required parking spaces, maneuvering aisles, or traffic flow on public streets.

14.08.02 **Alleys.** Where an alley exists at the rear of the building, the required loading area may be computed from the centerline of the alley.

14.08.03 **Location.** Loading/unloading areas and docks shall not be provided in the front yard or on any building side facing and directly visible to a public street. Where possible, loading areas shall be integrated into the design of the building to minimize visibility.

14.08.04 **Screening.** Loading docks and loading areas facing a residential district shall be adequately screened by a wall and/or landscaping.

14.08.05 **Not Included with Parking.** Required loading areas shall not be included in calculations for off-street parking space requirements.

14.08.06 **Size.** The size of all required loading/unloading spaces shall be at least ten (10) feet by fifty (50) feet or five-hundred (500) square feet in area, with a clearance of at least fourteen (14) feet in height. The Planning Commission may modify this requirement for uses that will involve smaller delivery trucks such as offices.

14.08.07 **Pavement.** Loading dock approaches shall be constructed of an asphalt or Portland cement binder with a base sufficient to accommodate expected vehicle weight.

14.08.08 **Number.** The minimum number of loading spaces shall be provided in accordance with the following table:

Institutional, Commercial and Office Uses	
Up to 5,000 sq. ft. GFA	1 space
5,001 - 60,000 sq. ft. GFA	1 space, plus 1.0 space per each additional 20,000 sq. ft. GFA
60,001 sq. ft. GFA and over	3 spaces, plus 1.0 space per each additional 50,000 sq. ft. GFA
Industrial Uses	

up to 1,400 sq. ft. GFA	0
1,401 - 20,000 sq. ft. GFA	1 space
20,001 - 100,000 sq. ft. GFA	1 space, plus 1.0 space per each additional 20,000 sq. ft. GFA in excess of 20,000 sq. ft.
100,001 sq. ft. GFA and over	5 spaces

Sec. 14.09 MAINTENANCE AND RESTRICTIONS ON THE USE OF PARKING LOTS AND LOADING AREAS

14.09.01 **Prohibition on Storage.** The use of required parking and loading areas for material storage, refuse storage stations/dumpsters, storage or display of vehicles and/or merchandise, or for vehicle or machinery repair or maintenance is expressly prohibited. The use of semi-trailers for storage purposes on the premises for five (5) or more consecutive days is prohibited.

14.09.02 **Garage Use.** Accessory garages shall only be used to store vehicles or equipment associated with a Permitted Use unless a private leasing garage or storage area is approved by the Planning Commission.

14.09.03 **Change to Parking.** Any area once designated as required off-street parking shall not be changed to any other use unless and until equal facilities meeting the standards of this Section are provided elsewhere or the parking requirements of the site change.

14.09.04 **Maintenance of Parking.** All off-street parking and loading facilities required by this Article shall be maintained free of accumulated snow, debris or other materials which prevent full use and occupancy of such facilities in accordance with the intent of this Article, except for temporary periods of no more that five (5) days in the event of heavy rainfall or snowfall.

(as amended 12/31/06)

ARTICLE 15
PRIVATE ROADS AND ACCESS MANAGEMENT

Sec. 15.01 STATEMENT OF PURPOSE

15.01.01 **Intent of Access Management.** The intent of this Article is to establish standards for driveway spacing and the number of driveways for application during the site plan review process. The standards of this Article are intended to promote safe and efficient travel within the township; minimize disruptive and potentially hazardous traffic conflicts; separate traffic conflict areas by reducing the number of driveways; provide efficient spacing standards between driveways, and between driveways and intersections; implement recommendations of the Master Plan and Township Engineering Standards; protect the substantial public investment in the street system; and to ensure reasonable access to properties, though not always the most direct access. (as amended 3/5/10)

15.01.02 **Applicability of Township, County and MDOT Standards.** The standards of this Article apply to areas outside the right-of-way, which are under Township jurisdiction through site plan review. The driveway standards herein may be more restrictive than the standards of the Livingston County Road Commission and Michigan Department of Transportation, which have jurisdiction within the right-of-way. Construction within the public right-of-way under the jurisdiction of Livingston County must also meet the permit requirements of the County. Where any conflicts arise, the more stringent standard shall apply.

15.01.03 **Intent of Private Roads.** Genoa Township generally discourages the establishment of private roads. However, standards for private roads are provided for instances where severe topography or important natural features, such as wetlands and woodlands, would be compromised by construction of streets to public standards. The owners accessing private roads assume full liability and maintenance responsibilities for private roads.

Sec. 15.02 DEFINITIONS

15.02.01 **Commercial Driveway:** For the purposes of this Article, a commercial driveway is defined as any vehicular access except those serving dwelling units, or serving just an essential public service structure.

15.02.02 **Limited Access Driveway:** For the purposes of this Article, a limited access driveway is defined as any vehicular access where turning movements are restricted to right turn in and out only. Left turns are prohibited.

15.02.03 **Private Road:** A road owned and maintained by the owners of the property it serves and provides access to five (5) or more dwelling units or parcels; or two (2) or more non-residential principal buildings or lots. Private roads include roads within site condominium projects, roads serving two family dwelling units and roads within office or industrial complexes. A private road may be used to provide public services such as utility easements, waste collection and emergency services. The definition of "private road" does not include drives serving multiple family buildings with three (3) or more attached dwelling units, parking lot aisles or drives connecting parking lots to internal roads.

15.02.04 **Shared residential driveway (private):** A residential driveway that provides vehicular access to two (2) to four (4) single family dwelling units.

Sec. 15.03. ACCESS TO DEDICATED STREETS

15.03.01 **Lot Frontage.** Any lot created after the effective date of this Ordinance shall have frontage upon a public street right-of-way or legally recorded access easement meeting the standards of this Article.

15.03.02 **Additional access requirements for specific types of uses:**

(a) Single family dedicated lots or condominium sites within a planned unit development may have secondary access to a dedicated street through a private road built to County Road standards.

(b) The Planning Commission may allow secondary access to a dedicated street through a private frontage road, service drive or private road within an approved access easement.

(c) Multiple family developments, mobile home parks and other types of medium-high density residential development shall have access to a County Primary Road or a thoroughfare with a right-of-way at least eighty-six (86) feet wide.

Sec. 15.04 STANDARDS FOR SHARED RESIDENTIAL DRIVEWAYS

Two (2) to four (4) single family lots may have access from a private driveway when the following conditions are met:

15.04.01 **Width.** The driveway surface shall be a uniform minimum sixteen (16) feet wide, measured edge to edge. The width may be reduced to twelve (12) feet if the length of the shared driveway is less than three hundred (300) feet or if there are significant topographic, wetland, or other natural features on the site and sixteen (16) foot wide passing flares are provided at least every three hundred (300) feet.

15.04.02 **Construction.** The driveway shall be constructed of materials suitable to accommodate emergency vehicles.

15.04.03 **Easement.** There is a recorded shared access agreement and easement that is a minimum of thirty three (33) feet wide. This easement may be included in the calculation for minimum lot area and width.

15.04.04 **Access Permits.** If the driveway accesses a public right-of-way under the jurisdiction of Livingston County, then all permit requirements of the County must be met, in addition to the above.

Sec. 15.05. PRIVATE ROAD STANDARDS

15.05.01 **Applicability of Public vs. Private Road Standards:** All private roads in Genoa Township, as defined above, shall be constructed to the standards of the Livingston County Road Commission unless the Planning Commission and Township Board determine that all of the following apply:

(a) There is no indication of a need for the roadway to be dedicated as a public road in the future.

(b) Dedication of the road as a public street would not result in continuity in the public street system at the present time or in the future.

(c) The expected traffic volumes along the roadway are not expected to exceed five hundred (500) vehicles per average weekday, based an accepted trip generation figures.

(d) Significant natural features such as mature trees, natural slopes, wetlands or other water bodies would be preserved through construction and maintenance as a private road.

(e) The property owners are providing financial and administrative mechanisms to ensure maintenance of the private road. A copy of a Private Road Maintenance Agreement shall be provided to the Township in a manner acceptable to the Township Attorney and approved by the Township Board.

15.05.02 **Private Road Application:** The following shall be submitted to the Township, either separately or in conjunction with a site plan according to Article 18.

(a) Parcel number and name of owner for all properties having legal interest in the private road.

(b) Plans designed by a registered engineer showing location, dimension and design of the private road. The plan shall identify existing and proposed elevation contours within all areas to be disturbed or altered by construction of the private road.

(c) Location of all public or private utilities located within the private road right-of-way or easement, or within twenty (20) feet including, but not limited to: water, sewer, telephone, gas, electricity, and television cable.

(d) Location of any lakes, streams, drainageways, MDNR regulated wetlands, or trees with a caliper of eight (8) inches or greater, within 100 feet of the proposed private road right-of-way or easement;

15.05.03 **Private Road Design Standards:** Private roads which the Township has determined do not need to comply with all of the standards of the Livingston County Road Commission as noted above shall be constructed to the following standards:

(a) Compliance with AASHTO standards: Except as otherwise provided in this Section, private road design plans shall meet the design criteria outlined in the most recent edition of the American Association of State Highway and Transportation Officials (AASHTO) Manual "A Policy on Geometric Design for Highways and Streets."

(b) Access easement width: The site plan shall provide an easement or easements sixty-six (66) feet in width. The Planning Commission may reduce the required width to not less than fifty (50) feet when all of the following criteria are met:

(1) the width is determined to be adequate for the necessary pavement and utilities;
(2) adequate clear sight distance can be maintained;
(3) there is no desire or reasonable expectation that the road, as shown could become a public street or potentially extended in the future;

(4) is not expected to accommodate over three hundred (300) vehicle trips per average weekday based on accepted traffic generation figures.

(5) if, in addition to the above, the easement will only provide access to a maximum of four (4) single family lots or dwelling units, the width may be reduced to forty (40) feet.

(c) Road design: All private roads shall meet the public street base, pavement width, surface, slope and drainage system standards of the Livingston County Road Commission, except as provided herein. The pavement material, width and curbing requirement shall be based upon the density of the proposed development as follows:

Lot Size	Roadway Function (1)	Min. Road Width (2)	Pavement Type (3)	Curb and Gutter (4)
Five acres or more	Local	22 ft.	May be gravel	Not required
Two acres or more	Local	22 ft.	Paved; may be gravel if serving 18 or fewer lots	Not required
One acre or more	Local	22 ft.	Paved	Not required
18,000 square feet or more	Local	26 ft.	Paved	Required
	Collector	30 ft.	Paved	Required
Less than 18,000 square feet per lot or multiple family	Local	28 ft.	Paved	Required
	Collector	30 ft.	Paved	Required
Commercial, office or industrial	n.a.	30 ft.	Paved	Required

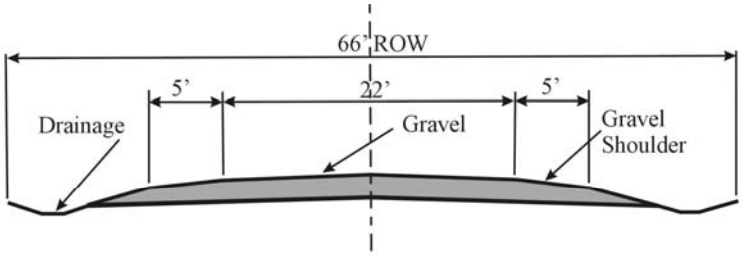
(1) A collector road shall be required for any development containing 80 or more dwelling units, which shall serve as the principal access road for the development. Other local roads that access the collector road shall be permitted at the narrower local road width.

(2) The width of the road required in the above table shall be measured from back to back of curb for roads with curbing and shall be measured as the pavement width for roads that do not have curbing.

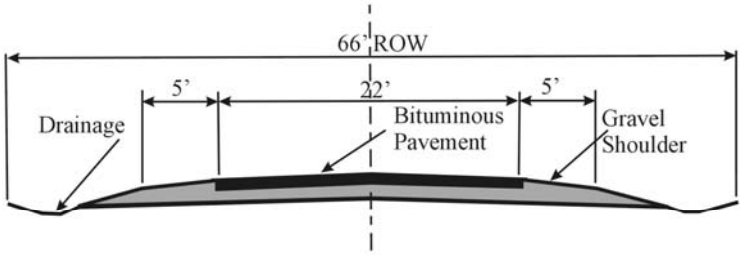
(3) The design of private roads shall be reviewed by the Township Engineer for conformance with Township engineering standards. Where pavement is required, the road shall be paved with asphalt or concrete meeting the material thickness and base requirements of the Livingston County Road Commission. Where a gravel road is permitted, it shall be constructed of eight (8) inches of compacted MDOT 22AA gravel.

(4) Where the road is required to have curb and gutter, it shall be concrete and meet Township engineering standards. Where curb and gutter is not required, a minimum of five (5) foot wide gravel shoulder shall be provided on both sides of the road. The Planning Commission may waive the requirement for curb and gutter based upon the review and recommendation of the Township engineer and planner.

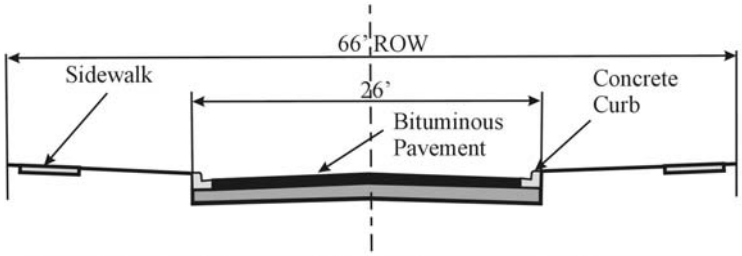
(5) The standards above are minimum and a petitioner shall be allowed to propose a higher classification of road in terms of width, pavement or curbing, subject to approval by the Township engineer.



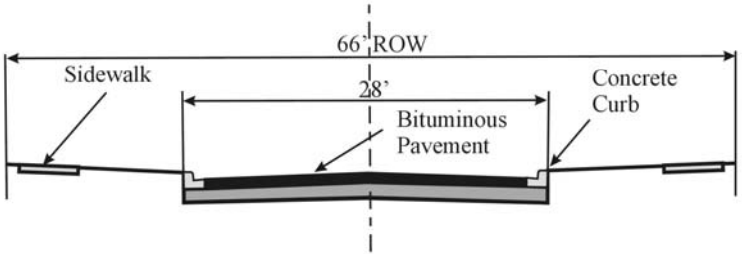
Country Estate with 5+ acre residential lots
Rural Residential Road serving 18 or fewer 2+ acre residential lots



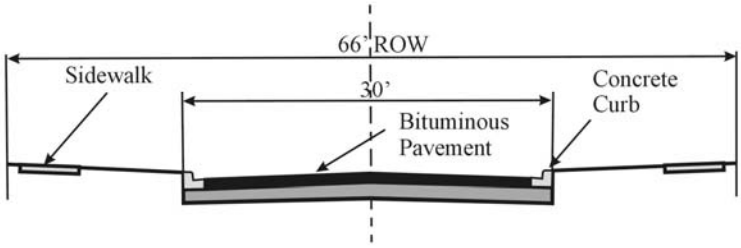
Low Density Residential Road with 1+ acre residential lots
Rural Residential Road serving more than 18 - 2+ acre residential lots



Suburban/Urban Residential Local Road with 18,000+ sq. ft. residential lots



Medium/High Density Residential Local Road with less than 18,000 sq. ft. Lots & multiple family



Residential Collector, Commercial and Industrial Road

(d) Maximum length, cul-de-sac turnarounds: Maximum length of a private road shall be one thousand (1000) feet with a maximum twenty-four (24) lots or dwelling units served by a single means of access. Any single means of access serving more than five (5) lots or dwelling units shall include a turn-around with a center landscaped island or a continuous loop layout in compliance with the Township Engineering standards. A larger turnaround may be required for commercial and industrial private roads. These standards may be adjusted by the Planning Commission in particular cases, with input from the fire department and Township staff or consultants, provided there is a finding that traffic impacts are adequately mitigated and a second means of emergency access can be required by the Planning Commission.

(e) Grade: Grades shall comply with the Township Engineering standards.

(f) Horizontal curve: The minimum horizontal curve radius shallcomply with the Township Engineering standards. The Planning Commission may reduce the radius on local residential streets if the design would accommodate expected vehicle speeds and truck/bus traffic, as determined by the Township Engineer and Planner, in cases where a significant number of mature trees would be preserved or where the width of the parcel would not accommodate wider radii.

(g) Intersection design standards: Private roads which intersect with existing or proposed private roads or public street rights-of-way shall comply with the Township Engineering standards and should intersect at a ninety (90) degree angle. Where constrained by environmental features, the Township Engineer may allow a reduced angle of intersection..

(h) Minimum offsets: Intersection offsets from public streets and along private roads and driveways shall comply with the Township Engineering standards. The standard for intersection offsets from public streets may be reduced upon review and recommendation by the Township Engineer and approval by the Livingston County Road Commission.

(i) Boulevard medians: Where a boulevard median is proposed, the median shall have a minimum width of eight (8) feet and the roadways on both sides of the median shall have a width of at least eighteen (18) feet. Intersections shall meet the LCRC standards for median approaches and shall be designed to accommodate truck turning radii.

(j) Vertical Clearance: In order to provide adequate access for emergency vehicles, fifteen (15) feet of overhead tree clearance shall be provided within the width of the gravel or pavement.

(k) Street names: Street names shall be approved by Livingston County following review by the Planning Commission and fire department.

(l) Signs: All signs within the private road or access easement shall be identified on the site plan and be in accordance with the Michigan Manual of Uniform Traffic Control Devices, unless the Planning Commission approves another type of design for consistency with the character of the development. Street signs shall be provided at

all intersections. These signs shall contrast in terms of color with public street signs, and shall clearly indicate the road is private.

(m) Yard Setback: A private road easement shall not abut the property line of an adjacent site unless adequate provisions are made for drainage and screening. (as amended 3/5/10)

15.05.04 **Existing Nonconforming Private Roads and Access Easements**

(a) The Township recognizes there exist private roads, service roads and access easements which were lawful prior to the adoption of this Article that do not fully conform with the standards herein. Such roads are declared by this Section to be legal nonconforming roads or easements. The intent of this Section is to permit legal nonconforming roads and easements to continue and undergo routine maintenance for safety purposes, as determined by the Zoning Administrator. This Section is also intended to allow new construction to occur on existing lots which front along such a road on the effective date of this Article (October 7, 1991), if the roads are reasonably capable of providing sufficient access for the uses permitted in the zoning district and for provision of emergency service vehicles as determined by the Township. It shall be the responsibility of the land owner to maintain this access.

However, this Section is also intended to discourage the extension of nonconforming roads or increase the number of lots or building sites served by such a road, except in platted subdivisions, divisions of land or site condominium projects existing on the adoption date of this Section, unless provisions are made to upgrade such road to comply with the standards herein. Any reconstruction, widening or extension of a non-conforming private road or access easement shall be in conformity with this Article.

(b) For purposes of determining whether a lot along a private road or access easement qualifies as an "existing lot" as used in this Section, at least one of the following conditions must have existed at the time this Article was adopted.

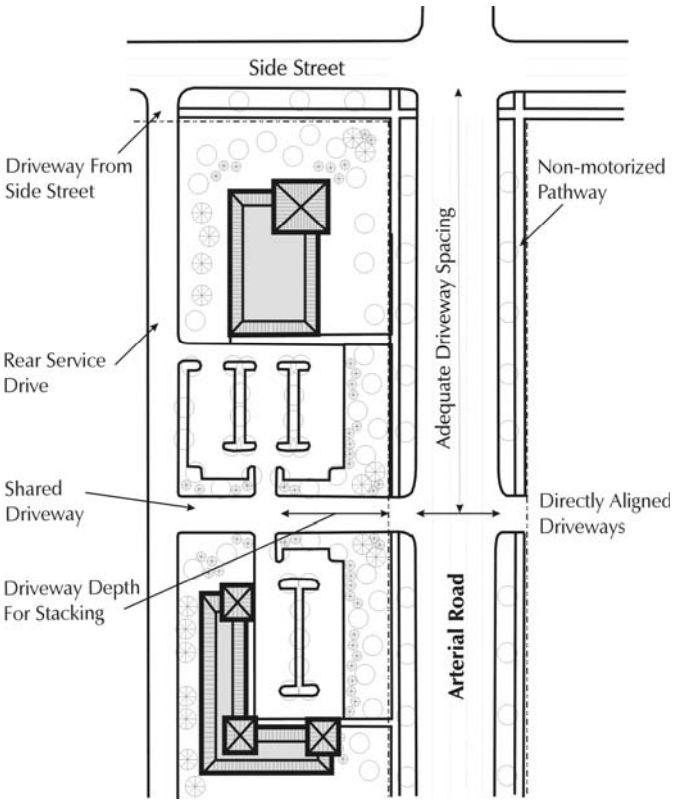
(1) The lot consists of a "condominium unit" for which a master deed had been recorded with the Livingston County Register of Deeds in accordance with the requirements of the Michigan Condominium Act and other applicable laws and ordinances.

(2) The lot consists of a parcel that was described by metes and bounds as recorded by a deed or as a land contract, and registered with the Livingston County Register of Deeds.

(3) The lot had been assigned a unique parcel number by the Livingston County Register of Deeds and was individually assessed and taxed on that basis.

Sec. 15.06 ACCESS MANAGEMENT

15.06.01. Driveway Location in General



(a) Driveways shall be located so as to minimize interference with the free movement of traffic, to provide adequate sight distance, and to provide the most favorable driveway grade.

(b) Driveways, including the radii but not including right turn lanes, passing lanes and tapers, shall be located entirely within the right-of-way frontage, unless otherwise approved by the Livingston County Road Commission and upon written certification from the adjacent property owner agreeing to such encroachment. (as amended 12/31/06)

15.06.02. Driveway Spacing Standards

(a) Minimum spacing requirements between a proposed commercial driveway and an intersection either adjacent or on the opposite side of the street may be set on a case-by-case basis but in no instance shall be less than the distances listed below. The following measurements are from the near edge of the proposed driveway, measured at the throat perpendicular to the street, to the near lane edge of the intersecting street or pavement edge for uncurbed sections.

MINIMUM COMMERCIAL DRIVEWAY SPACING FROM STREET INTERSECTIONS [1,2]		
Location of Driveway	Minimum Spacing for a Full Movement Driveway	Minimum Spacing for a Channelized Driveway Restricting Left Turns
Along Major Thoroughfare, intersecting street is a Major Thoroughfare	250 feet	125 feet
Along Major Thoroughfare, intersecting street is not a Major Thoroughfare	200 feet	125 feet
Along other Roads	75 feet	50 feet

1 Major Thoroughfares include: Grand River Avenue, Latson Road, Chilson Road, Brighton Road and any other County Primary Roads, State trunklines or roads with a right-of-way of at least eight-six (86) feet.

2 For sites with insufficient street frontage to meet the above criterion, the Planning Commission may require construction of the driveway along a side street, a shared driveway with an adjacent property, construction of a driveway along the property line farthest from the intersection or require a service road.

(b) Minimum spacing between two commercial driveways shall be determined based upon posted speed limits along the parcel frontage. The minimum spacing indicated below are measured from centerline to centerline.

Posted Speed Limit (MPH)	Minimum Driveway Spacing (In Feet)
25	125
30	155
35	185
40	225
45	300
50 and higher	330

(c) To reduce left-turn conflicts, new commercial driveways shall be aligned with those across the roadway where possible. If alignment is not possible, driveways shall be offset a minimum of two- hundred-fifty (250) feet along arterial streets and one-hundred-fifty (150) feet along collector and local streets from those on the opposite side of the roadway. These standards may be reduced by the Planning Commission if approved by the Michigan Department of Transportation or the Livingston County Road Commission, as appropriate. Longer offsets may be required depending on the expected inbound left-turn volumes of the driveways.

(d) In the case of expansion, alteration or redesign of an existing development where it can be demonstrated that pre-existing conditions prohibit adherence to the minimum commercial driveway spacing standards, the Planning Commission may modify the driveway spacing requirements. Such modifications shall be of the minimum amount necessary, but in no case shall spacing of a full-access driveway be less than sixty (60) feet, measured centerline to centerline.

15.06.03. **Number of Commercial Driveways**

(a) The number of commercial driveways serving a property shall be the minimum number necessary to provide reasonable access and access for emergency vehicles, while preserving traffic operations and safety along the public roadway.

(b) Access shall be provided for each separately owned parcel. This access may be an individual driveway, shared driveway or via a service drive. Additional driveways may be permitted for property only as follows:

(1) One (1) additional driveway may be allowed for properties with a continuous frontage of over three-hundred (300) feet, and one (1) additional driveway for each additional three-hundred (300) feet of frontage, if the Planning Commission determines there are no other reasonable access opportunities.

(2) The Planning Commission determines additional access is justified without compromising traffic operations along the public street, based upon a traffic impact study as described in Article 18.

(3) Two one-way driveways may be permitted where the frontage is at least one-hundred-twenty-five (125) feet.

15.06.04 **Commercial Driveway Design**

(a) All commercial driveways shall be designed according to the standards of the Livingston County Road Commission or Michigan Department of Transportation, as appropriate.

(b) For high traffic generators, or for commercial driveways along roadways experiencing or expected to experience congestion, the Planning Commission may require two egress lanes.

(c) Where a boulevard entrance is desired by the applicant or Planning Commission, a fully curbed island shall separate the ingress and egress lanes. The radii forming the edges on this island shall be designed to accommodate the largest vehicle that will normally use the driveway. The minimum area of the island shall be one-hundred-eight (180) square feet. The Planning Commission may require landscaping on the section outside the public right-of-way. Such landscaping shall be tolerant of roadway conditions.

15.06.05 **Shared Driveways, Frontage Roads and Service Drives**

(a) Warrants: Where noted above, or where the Planning Commission determines that reducing the number of access points may have a beneficial impact on traffic operations and safety while preserving the property owner's right to reasonable access, a shared commercial driveway, frontage road or rear service drive connecting two or more properties or uses may be required. In particular, service drives may be required where recommended in the Grand River Avenue Area Corridor Plan or other sub-area master plans; near existing traffic signals or near locations having potential for future signalization; along major arterial roadways with high traffic volumes; and along segments with a relatively high number of accidents or limited sight distance.

(b) Shared commercial driveways and service roads shall be within an access easement recorded with the Livingston County Register of Deeds. A draft of the access easement shall be provided to the Township for review prior to filing.

The number of accesses along a service road shall be according to the standards of this Section. The Planning Commission may allow temporary access where the service road is not completed if a performance bond or other financial guarantee is provided which assures elimination of the temporary access upon completion of the service road. Land use permits shall not be issued until such financial guarantee has been submitted to the Township.

(c) Service Road Design Standards (see Figure 15.06.02).

(1) Location: Service roads shall generally be parallel or perpendicular to the front property line and may be located either in front of, adjacent to, or behind, principal buildings. In considering the most appropriate alignment for a service road, the Planning Commission shall consider the setbacks of existing buildings and anticipated traffic flow for the site and the Grand River Avenue Area Corridor Plan.

(2) Access Easement: The service road shall be within an access easement permitting traffic circulation between properties. This easement shall be

sixty-six (66) feet wide, except an access easement parallel to a public street right-of-way may be forty (40) feet wide, if approved by the Planning Commission. The required width shall remain free and clear of obstructions, unless otherwise approved by the Planning Commission.

(3) Construction and Materials: Service roads shall have a base, pavement and curb with gutter in accordance Livingston County Road Commission standards for public streets, except the width of the service road shall have a minimum pavement width of twenty-six (26) feet.

(4) Parking: The service road is intended to be used exclusively for circulation, not as a parking maneuvering aisle. The Planning Commission may require the posting of "no parking" signs along the service road. In reviewing the site plan, the Planning Commission may permit temporary parking in the easement area where a continuous service road is not yet available, provided that the layout allows removal of the parking in the future to allow extension of the service road.

(5) Access to Service Road: The Planning Commission shall approve the location of all accesses to the service road, based on the driveway spacing standards of this Section, provided the Planning Commission may allow additional driveways if approved by the Livingston County Road Commission or the Michigan Department of Transportation, and consistent with purpose of this Article.

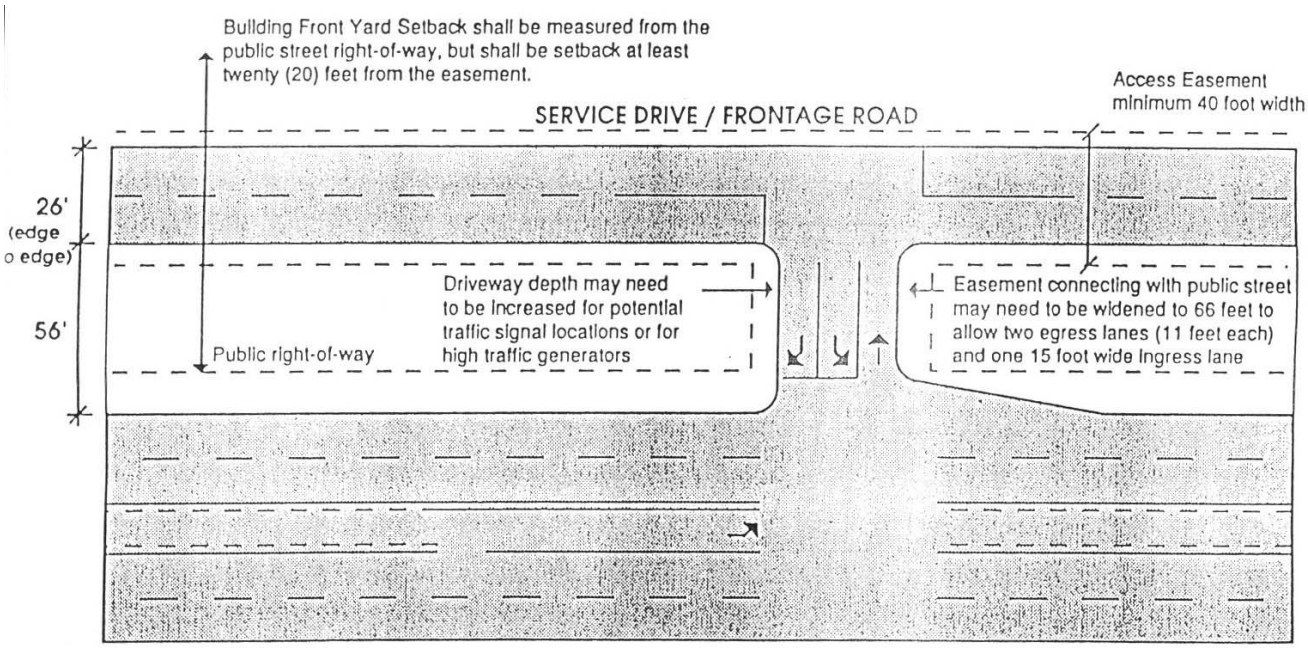
(6) Temporary Access: The Planning Commission may approve temporary accesses where a continuous service road is not yet available and a performance bond or escrow is created to assure elimination of temporary access when the service road is continued. Land use permits shall not be issued until monies have been deposited with Genoa Township.

(7) Elevation: The site plan shall indicate the proposed elevation of the service road at the property line and the Township shall maintain a record of all service road elevations so that their grades can be coordinated.

(8) Landscaping: The area between a service road and the public street right-of-way shall be landscaped greenbelt as specified in Section 12.02.

(9) Maintenance: Each property owner shall be responsible for maintenance of the easement and service drive.

Figure 15.06.02 Service Drive/Frontage Road Design Standards



ARTICLE 16
SIGN STANDARDS

Sec. 16.01 STATEMENT OF PURPOSE

The purpose of this article is to regulate signs and outdoor advertising within Genoa Township to protect public safety, health and welfare; minimize abundance and size of signs to reduce motorist distraction and loss of sight distance; promote public convenience; preserve property values; support and complement objectives of the Township Master Plan and this Zoning Ordinance; and enhance the aesthetic appearance within the Township. The standards contained herein are intended to be content neutral. These objectives are accomplished by establishing the minimum amount of regulations necessary concerning the size, placement, construction, illumination and other aspects of signs in the Township in order to:

16.01.01 Recognize that the proliferation of signs is unduly distracting to motorists and non-motorized travelers, reduces the effectiveness of signs directing and warning the public, causes confusion, reduces desired uniform traffic flow, and creates potential for accidents.

16.01.02 Prevent signs that are potentially dangerous to the public due to structural deficiencies or disrepair.

16.01.03 Eliminate potential conflicts between business signs and traffic control signs, which could create confusion and hazardous consequences.

16.01.04 Recognize that the principal intent of commercial signs, to meet the purpose of these standards and serve the public interest, should be for identification of an establishment on the premises, and not for advertising special events, brand names or off-premise activities, as these can be advertised more appropriately by other methods.

16.01.05 Enable the public to locate goods, services and facilities without excessive difficulty and confusion by restricting the number and placement of signs.

16.01.06 Prevent placement of signs which will conceal or obscure signs of adjacent uses.

16.01.07 Protect the public right to receive messages, especially non-commercial messages such as religious, political, economic, social, philosophical and other types of information protected by the First Amendment of the U.S. Constitution.

16.01.08 Prevent off-premise signs from conflicting with land uses.

16.01.09 Maintain and improve the image of the Township by encouraging signs of consistent size which are compatible with and complementary to related buildings and uses, and harmonious with their surroundings.

16.01.10 Prohibit portable commercial signs in recognition of their significant negative impact on traffic safety and aesthetics.

Sec. 16.02 DEFINITIONS

16.02.01 **Business center:** a grouping of two or more business establishments on one or more parcels of property which may share parking and access and are linked architecturally or otherwise present the appearance of a unified grouping of businesses. A business center shall be considered one use for the purposes of determining the maximum number of monument signs. A vehicle dealership shall be considered a business center regardless of the number or type of models or makes available, however, used vehicle sales shall be considered a separate use in determining the maximum number of signs, provided that the used sales section of the lot includes at least twenty-five percent (25%) of the available sales area.

16.02.02 **Banner:** a fabric, plastic or other non-rigid material sign without enclosing structural framework.

16.02.03 **Canopy sign:** a non-rigid fabric marquee or awning-type structure which is attached to the building by supporting framework, which includes a business identification message, symbol and/or logo.

16.02.04 **Changeable message sign, electronic:** a sign that provides a display created by electronic means such as lights, television, or liquid crystal display.

16.02.05 **Changeable message sign, manual**: a reader board attached to a sign or the exterior of a wall where copy is changed manually.

16.02.06 **Construction sign:** a sign identifying the name(s) of project owners, contractors, developers, architects, designers, engineers, landscape architects and financiers of a project being constructed or improved; and not including advertising of any product or announcement of space availability.

16.02.07 **Directional sign:** a sign which assists motorists in determining or confirming a correct route; specifically enter, exit and parking signs.

16.02.08 **Menu board:** a restaurant sign that displays menu items and prices and may include a communication system for placing food orders and digital display of order. (as amended 12/17/10)

16.02.09 **Monument sign:** A three-dimensional, self-supporting, solid base-mounted freestanding sign, consisting of two (2) or more sides extending up from the base, and upon which a message, business, group of businesses or center name is affixed.

16.02.10 **Moving Sign:** A sign in which the sign itself or any portion of the sign moves or revolves. A "rotating sign" is a type of moving sign. Such motion does not refer to the method of changing the message on the sign.

16.02.11 **Nit:** A unit of illuminative brightness equal to one (1) candela per square meter (cd/m^2), measured perpendicular to the rays of the source. (as amended 12/17/10)

16.02.12 **Off-premise sign:** a sign which identifies a use or advertises products and services not available on the site or parcel on which the sign is located; a sign which directs travelers or provides a message unrelated to the site on which the sign is located, e.g. billboards.

16.02.13 **On-premise sign:** a sign providing the address and name of owner of a parcel of land; a sign advertising a business, service or product sold or produced on the same site or parcel.

16.02.14 **Pole sign:** a sign supported on the ground by a pole and not attached to any building or other structure.

16.02.15 **Political sign:** a temporary sign used in connection with local, state or national elections.

16.02.16 **Portable sign:** a sign designed to be moved from place to place, whether or not it is permanently attached to the ground or structure. This includes hot-air and gas filled balloons, sandwich boards, banners, pennants, streamers, festoons, ribbons, tinsel, pinwheels, non-governmental flags and searchlights; but excludes political signs, real estate signs, construction signs, permanent changeable message signs, and regulatory/government signs.

16.02.17 **Projecting sign:** a sign, other than a wall sign, that is affixed to any building or wall and whose leading edge extends more than twelve (12) inches beyond such building or wall.

16.02.18 **Real estate sign:** an on-premise temporary sign advertising the availability of property or structures for sale or lease.

16.02.19 **Regulatory sign:** a sign installed by a public agency to direct traffic flow, regulate traffic operations and provide information that conforms to the Michigan Manual of Uniform Traffic Control Devices.

16.02.20 **Roof sign:** a sign that is located above the top of the wall of a flat roof building, above the eave on a pitched roof building or above the deck line of a mansard roofed building.

16.02.21 **Sign:** any device, structure, fixture, figure, banner, pennant, flag, balloon or placard consisting of written copy, symbols, logos and/or graphics, designed for the purpose of identifying or bringing attention to an establishment, product, goods, services or other message to the general public.

16.02.22 **Temporary grand opening signs:** a temporary sign used to announce the grand opening of businesses which are new to a particular location or under new ownership.

16.02.23 **Wall sign:** a sign attached parallel to and extending not more than twelve (12) inches from the wall of the building. Painted signs, signs which consist of individual letters, cabinet signs, and signs mounted on the face of a mansard roof shall be considered wall signs.

16.02.24 **Window sign:** signs which are affixed to a window or are positioned within two (2) feet of the inside of a window so that they are visible from the outside.

Sec. 16.03 APPLICATION OF STANDARDS: EXEMPT SIGNS

The following signs are specifically exempt from obtaining a sign permit but shall be required to comply with all other requirements of this ordinance:

16.03.01 **Business affiliation signs:** signs not exceeding a total of two (2) square feet per business indicating acceptance of credit cards or describing business affiliations and are attached to a permitted sign, exterior wall, building entrance or window.

16.03.02 **Construction signs:** provided that there shall be only one such sign per development project; with a maximum height of six (6) feet and not exceeding sixteen (16) square feet in area for residential projects; a maximum height of six (6) feet and not exceeding thirty-two (32) square feet in area for non-residential projects; setback a minimum fifteen (15) feet from any property line or public street right-of-way; and that such signs shall be erected during the construction period only and shall be removed fourteen (14) days after an occupancy permit is issued.

16.03.03 **Flags:** insignia of any nation, state, community organization, college or university.

16.03.04 **Garage sale and estate sale signs:** provided that they are not attached to public utility poles and do not exceed six (6) square feet in area; and that they are erected no more than ten (10) business days before and are removed within one (1) business day after the announced sale. Garage and estate sale signs may be placed within the public street right-of-way provided that the signs does not obstruct visibility. (as amended 3/5/10)

16.03.05 **Gas station pump island signs:** attached to the pumps, provided that there are no more than two (2) such signs per pump island and that such signs do not exceed four (4) square feet in area. (as amended 12/17/10)

16.03.06 **Historical marker:** plaques or signs describing state or national designation as an historic site or structure and/or containing narrative, not exceeding twelve (12) square feet in area.

16.03.07 **Integral signs:** names of buildings, dates of erection, monumental citations, commemorative tablets when carved into stone, concrete or similar material or made of bronze, aluminum or other noncombustible material and made an integral part of the structure and not exceeding twenty-five (25) square feet in area.

16.03.08 **Miscellaneous signs:** on vending machines, gas pumps, and ice containers indicating the contents or announcing on-premise sales, provided that the sign on each device does not exceed two (2) square feet in area.

16.03.09 **Model signs:** temporary signs directing the public to a model home or unit, which do not exceed six (6) square feet in area and are located onsite.

16.03.10 **Non-commercial signs:** signs containing non-commercial messages, such as those designating the location of public telephones, restrooms, restrictions on smoking and restrictions on building entrances, provided that such signs do not exceed two (2) square feet in area.

16.03.11 **Municipal and non-profit organization signs:** local government, church, school, museum, library, public park or other non-profit institution permanent signs with a minimum setback from the street right-of-way of ten (10) feet, which do not exceed twenty-five (25) square feet and are a maximum of six (6) feet in height. (as amended 12/17/10)

16.03.12 **Owner/tenant signs:** address or occupant name and other signs of up to two (2) square feet in area mounted on the wall of an office building.

16.03.13 **Parking lot signs:** indicating restrictions on parking, when placed within a permitted parking lot, are a maximum of six (6) feet in height, and do not exceed four (4) square feet in area.

16.03.14 **Political signs:** provided such signs are not placed within the public street right-of-way line in a manner that obstructs visibility. (as amended 12/31/06)

16.03.15 **Real estate signs:** provided that there shall be only one real estate sign per parcel. For corner lots or through lots there may be one real estate sign located within the front yard of each street frontage. The maximum height of any such sign shall be eight (8) feet and the maximum size of any such sign shall be twenty (20) square feet in all single family residential districts and thirty-six (36) square feet in multiple family, commercial and industrial districts. One additional open house shall be permitted for a period not to exceed two (2) days on the lot where the sale is taking place. (as amended 12/31/06)

16.03.16 **Regulatory, directional and street signs:** erected by a public agency in compliance with Michigan Manual of Uniform Traffic Control Devices Manual. Regulatory, directional and street signs shall be allowed within the required setback area provided such signs are not placed within the public street right-of-way line in a manner that obstructs visibility. (as amended 3/5/10)

16.03.17 **Rental office directional signs:** Up to two (2) signs identifying or directing motorists to a rental or management office in a multiple family development, provided that such signs are a maximum of four (4) feet in height, are setback a minimum of fifteen (15) feet from any property line or public right-of-way, and do not exceed three (3) square feet in area.

16.03.18 **Roadside stand signs:** provided that they meet the standard of Section 3.03.02(f) regarding their removal, that there are a maximum of three on any parcel and none exceed thirty-two (32) square feet in area.

16.03.19 **Street address signs (street numbers)**. (as amended 12/31/06) Street address signs shall be allowed within the required setback area provided such signs are not placed within the public street right-of-way line in a manner that obstructs visibility. (as amended 3/5/10)

16.03.20 **Warning signs:** such as no trespassing, warning of electrical currents or animals, provided that such signs do not exceed six (6) square feet. Warning signs shall be allowed within the required setback area provided such signs are not placed within the public street right-of-way line in a manner that obstructs visibility. (as amended 3/5/10)

16.03.21 **Window signs:** window signs shall be permitted to occupy no more than twenty five (25%) of the area of each individual window except as provided for in 16.07.02(d). (as amended 12/17/10)

Sec. 16.04 **PROHIBITED SIGNS**

The following signs shall be prohibited in any district in the Township:

16.04.01 **Commercial vehicles.** Commercial vehicles may not be used as signs. As determined by the Zoning Administrator, a commercial vehicle may be parked on a business premises or an industrial lot for a time period not exceeding forty-eight (48) hours for the intended purpose of advertising a product or serving as a business sign. (as amended 12/17/10)

16.04.02 **String lights.** Exterior string lights used in connection with a commercial enterprise shall be prohibited, other than holiday decorations which are strung no more than sixty (60) days before the holiday and removed within ten (10) days following the holiday for which they were erected.

16.04.03 **Signs in right-of-way.** Non-regulatory signs placed in any public right-of-way, attached to a utility pole or affixed to a tree shall be prohibited. No sign in any zoning district shall be erected or placed in the public right-of-way except as may otherwise be expressly authorized by this Ordinance. The Township retains the right to remove any signs found to be in violation of this section. (as amended 12/17/10)

16.04.04 **Off-premise signs.** Signs shall only be permitted as an accessory use on the same lot as a principal permitted use. Off-premise signs that are not located on the same lot as the principal use they serve shall be prohibited. (as amended 3/5/10) No sign in any zoning district shall be erected or placed in the public right-of-way except as may otherwise be expressly authorized by this Ordinance. The Township retains the right to remove any signs found to be in violation of this section. (as amended 12/17/10)

16.04.05 **Pole signs.** Pole signs shall be prohibited.

16.04.06 **Portable signs.** Portable signs shall be prohibited unless otherwise provided for in this ordinance.

16.04.07 **Roof signs.** Roof signs shall be prohibited.

16.04.08 **Moving.** Signs having moving members, or parts or emitting a sound shall be prohibited.

16.04.09 **Lights.** Signs using high intensity lights or flashing lights, spinners or animated devices; neon signs in agricultural or residential districts shall be prohibited.

16.04.10 **Obstruct vision.** Signs that obstruct vision or impair the vision of motorists or non-motorized travelers at any intersection, driveway, within a parking lot or loading area shall be prohibited. No sign in any zoning district shall be erected or placed in the public right-of-way except as may otherwise be expressly authorized by this Ordinance. The Township retains the right to remove any signs found to be in violation of this section. (as amended 12/17/10)

16.04.11 **Emergency or traffic.** Signs that simulate or could in any way be confused with the lighting of emergency vehicles or traffic signals shall be prohibited.

16.04.12 **On Towers.** Any type of signage including logos shall not be permitted on a public or private radio, television, cellular phone, or water towers with the exception of the name of the municipality, unless approved by the Township Board as described in section 6.02.02(p)(5).

16.04.13 **Costumed people.** Any person dressed with a business logo or as a representation of a business logo/mascot for the purpose of drawing attention and advertising that business. (as amended 12/31/06)

16.04.14 **Exceeding size limits.** Any sign that exceeds the height or area limits of this article shall be prohibited. (as amended 3/5/10)

Sec. 16.05 **REQUIRED ADDRESS SIGN**

All residences and commercial/industrial buildings shall have an address sign which is clearly visible from the adjacent street.

Sec. 16.06 GENERAL STANDARDS FOR PERMITTED SIGNS

Signs which are permitted as accessory uses serving a commercial or informational purpose may be permitted subject to the requirements of this section; provided that no such sign shall be erected or altered until approved by the Zoning Administrator and until a permit has been issued.

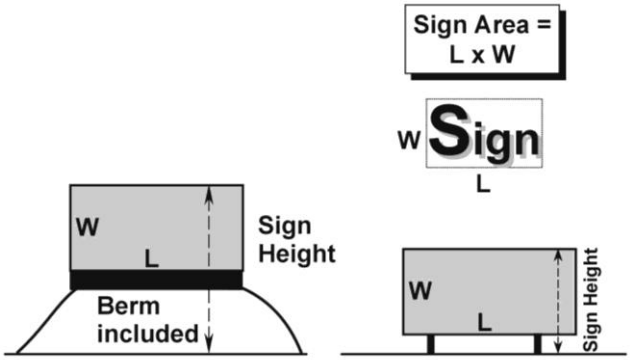
16.06.01 **Measurement of sign area:**

(a) The area for signs shall be measured by calculating the square footage of the sign face, measured by enclosing the most protruding points or edges of a sign within a parallelogram or rectangle including any frame. On a monument sign, a decorative masonry base shall not be included in the sign area measurement.

(b) Where a sign has two or more faces, the area of only the larger face shall be considered when calculating maximum size, provided all faces are part of the same structure, back-to-back, contain the same message and are separated by no more than two (2) feet.

(c) The wall sign area square footage shall be determined by enclosing the portion of the wall which contains a message, lettering, symbol and/or logo within a parallelogram or rectangle. Signs placed on canopies shall also be counted towards the allowable wall sign area.

16.06.02 **Sign height:** The height of the sign shall be measured from the average grade to the upper-most point of the sign. Average grade shall be measured fifty (50) feet along the frontage from both sides of the sign. Placing a sign on top of a berm is permitted only if the berm is long enough to meet the average grade requirement and landscaping is provided on the berm.



16.06.03 **Sign setbacks:**

(a) All signs, unless otherwise provided for, shall be setback a minimum of ten (10) feet from any public street right-of-way or property line. This distance shall be measured from the nearest edge of the sign, measured at a vertical line perpendicular to the ground to the right-of-way.

(b) In order to ensure adequate sight distance for motorists, bicyclists and pedestrians, a minimum clear vision area shall be maintained between a height of two (2) feet and six (6) feet within a triangular area measured twenty-five (25) feet back from intersection of public right-of-way lines. Greater clear vision areas may be required by the Michigan Department of Transportation or the Livingston County Road Commission in particular areas. Furthermore, signs shall not be permitted where they obstruct motorist vision of regulatory signs, traffic control devices or street signs.

16.06.04 **Sign materials:** as permitted in the various zoning districts, signs shall be designed to be compatible with the character of building materials and landscaping to promote an overall

unified and aesthetic effect in accordance with the standards set forth herein. Signs shall not be constructed from materials that are remnants or manufactured for a different purpose.

16.06.05 **Illumination:** Sign illumination shall comply with all of the following requirements:

(a) Signs shall be illuminated only by steady, stationary shielded light sources directed solely at the sign, or internal to it.

(b) Use of glaring undiffused lights or bulbs shall be prohibited. Lights shall be shaded so as not to project onto adjoining properties or thoroughfares.

(c) Sign illumination that could distract motorists or otherwise create a traffic hazard shall be prohibited.

(d) Illumination by bare bulbs or flames is prohibited.

(e) Underground wiring shall be required for all illuminated signs not attached to a building.

(f) Electronic changeable message signs may be permitted subject to Section 16.07.02. (as amended 12/17/10)

16.06.06 **Construction and maintenance:** Every sign shall be constructed and maintained in a manner consistent with the building code provisions and maintained in good structural condition at all times. All signs shall be kept neatly painted, stained, sealed or preserved including all metal parts and supports.

16.06.07 **Sign safety:** All signs erected, constructed, reconstructed, altered or moved shall be constructed in such a manner and of such materials so that they shall be able to withstand wind pressure of at least twenty (20) pounds per square foot. All signs, including any cables, guy wires or supports shall have a minimum clearance of four (4) feet from any electric fixture, street light or other public utility pole or standard.

Sec. 16.07 SPECIFIC SIGN STANDARDS

The number, display area and height of signs within the various zoning districts is provided in table 16.1 and its accompanying set of footnotes. Some additional standards for specific types of signs are given below:

16.07.01 **Canopy signs:** Canopy signs may project a maximum of six (6) feet from the edge of the building, measured horizontally parallel to the ground. Any sign area on the canopy shall be included in calculations of maximum wall sign square footage. (as amended 12/31/06)

16.07.02 **Changeable message signs:** Changeable message signs shall be permitted on any non-residential sign, subject to the following regulations:

(a) Only one changeable message signs shall be permitted per business. Changeable message signs shall only be part of one of the following types of conforming signs and shall be subject to the area, height, and placement requirements for that sign:

(1) A monument sign; or

(2) A window sign.

(b) Changeable message signs may not be added to a nonconforming sign.

(c) The changeable message portion of a monument sign shall not exceed one-third (1/3) of the sign area and the remainder of the sign shall be of a permanent character.

(d) Changeable message signs affixed or hung in a window shall be limited to one (1) per business or two (2) for businesses in corner units or lots and shall be a maximum of two (2) square feet in area.

(e) Electronic changeable message signs shall meet all of the following requirements, in addition to (a) - (d) above:

(1) Electronic changeable message signs shall not exceed the following illuminative brightness:

Time of Day	**Brightness**	
	Within 300 feet of residential district or use	**At least 300 feet from residential district or use**
Night time	300 nits (cd/m2)	500 nits (cd/m2)
Day time	3,500 nits (cd/m2)	5,000 nits (cd/m2)

(2) The message on an electronic changeable message sign may change a maximum of four (4) times per hour, except for time or temperature displays. At all other times the sign message and background must remain constant. If the sign is within 300 feet of a residential use or zoning district, the message shall remain static from dusk until dawn.

(3) The lettering and/or message components on an electronic changeable message sign shall be comprised of one (1) color with a black or dark background. The lettering and/or message components being displayed at any given time shall not change, flash or fade to another color. The changeable message sign shall have a default design that will freeze the sign in a dark or blank position if a malfunction occurs.

(4) Electronic changeable message signs shall not contain any moving, blinking, flashing, scrolling or animated parts nor have the appearance of having any movement or animation. Only static messages shall be displayed.

(5) Electronic changeable message signs shall be located with a minimum separation distance of one hundred fifty (150) feet from any other electronic changeable message sign.

(6) Electronic changeable message signs shall only be permitted in non-residential zoning districts. (as amended 12/17/10)

16.07.03 **Directional signs:** No more than one (1) directional sign shall be permitted per approved driveway, with a maximum sign area of four (4) square feet per sign, and a maximum height of three (3) feet. Any area of a directional sign that includes a business name, symbol or logo shall be calculated as part of the allowable monument sign square footage, as specified in table 16.1.

16.07.04 **Menu board:** Up to two (2) menu board signs shall be permitted per drive-through restaurant, which display menu items and may include a communication system for placing food orders and digital display of order. Each menu board shall be a maximum of sixteen (16) square feet Menu board sign(s) shall not be located in the front yard. (as amended 12/17/10)

16.07.05 **Monument signs:** A minimum setback of ten (10) feet shall be provided from the right-of-way, when located to ensure adequate sight distance for motorists. Dimensional standards for monument signs are given in table 16.1.

16.07.06 **Residential community or development identification signs:** One permanent sign per driveway which does not exceed thirty-six (36) square feet in area and a maximum height of six (6) feet identifying developments such as office complexes, a college, a subdivision, an apartment complex, condominium communities, senior housing complexes, mobile home parks and similar uses.

16.07.07 **Temporary signs:** One temporary sign may be permitted on the site for a period not to exceed fourteen (14) days. A business shall only be allowed to use a temporary sign once during its stay at the same location or have new owners. The sign shall be no larger than thirty-five (35) square feet in surface display area per side and shall not exceed six (6) feet in height. Wind-blown devices, such as pennants, spinners, and streamers shall also be allowed on the site of the business advertising a grand opening for the fourteen day time period designated for the temporary sign.

16.07.08 **Wall signs:** Signs shall not project beyond or overhang the wall or any permanent architectural feature by more than one (1) foot and shall not project above the roof or parapet. (as amended 12/17/10)

Table 16.1 Sign Dimensional Standards and Regulations

DISTRICT (7)	WALL OR CANOPY SIGN		MONUMENT SIGN		
	MAX. NO. OF SIGNS (1)	MAX SIZE	MAX. NO. OF SIGNS (3)	MAX. SIZE(3,4,5)	MAX. HEIGHT
Agricultural Districts	1	10 sq. ft.	1	10 sq. ft.	6 ft.
Single Family Residential (6)	N/A	N/A	(See Exempt Signs)		
Multiple Family Residential	N/A	N/A	(See Exempt Signs)		
Mobile/Manufactured Home District	N/A	N/A	(See Exempt Signs)		
Neighborhood Service District	1 per business	10% of front facade (2)	1 (4)	72 sq. ft.	6 ft.
General Commercial District Regional Commercial District	1 per business	10% of front facade (2)	1 (4)	72 sq. ft.	6 ft.
Office-Service District	1 per business	10% of front facade (2)	1	72 sq. ft.	6 ft.
Recreational Facilities District	1	10% of front(2) facade	1 (4)	72 sq. ft.	6 ft.
Industrial District	1	10% of front(2) facade	1	60 sq. ft.	6 ft.
Planned Industrial and PUD Districts (7)	1	10% of front(2) facade	1	60 sq. ft.	6 ft.

Footnotes to Table 16.1:

(1) One wall sign shall be allowed per business with its own public entrance. The sign may be attached to the façade that faces the street or on another façade where the business provides a public entrance; in either case, however, the sign may only be attached to a portion of the building that is occupied by the business. For a multi-tenant office building with common entrances, one (1) building identification sign shall be allowed.

(2) The maximum wall sign shall not exceed ten percent (10%) of the facade of the building that the sign is attached to and is occupied by the business or one-hundred (100) square feet, per use or business establishment whichever is less. The maximum allowable wall sign area may be utilized in the following manner:

a. Two wall signs may be permitted for businesses located on a corner or through-lot. One sign, meeting the maximum allowable sign area, shall be permitted on each side of the building that fronts along the public right-of-way, including I-96.

b. At the discretion of the Planning Commission, two wall signs may be permitted for businesses located on an interior lot (non-corner lot) which under certain circumstances, such as obstructed views and building orientation, require additional visibility. The total collective sign area of the two signs may not exceed one-hundred (100) square feet.

c. Commercial structures containing one use or business establishment use, as determined by the Planning Commission, the size of the wall sign may be increased up to the maximum square footage given in the following table.

1. 201 - 400 linear feet of building frontage facing a public street and having a public entrance = 150 square foot maximum wall sign area.

2. Over 400 linear feet of building frontage facing a public street and having a public entrance = 200 square foot maximum wall sign area.

3. The maximum wall sign can be increased by up to twenty percent (20%) if required number or size of landscape materials is exceeded by at least twenty percent (20%).

(3) For buildings or lots having frontage and vehicular access along a second public street, I-96, or a business/retail shopping center, office center, or industrial park with a combined gross floor area over 60,000 square feet, a second sign or a larger sign may be permitted by the Planning Commission provided that the total sign area does not increase the maximum signs square footage listed for that district in the table above by more than fifty percent (50%). The Planning commission may also approve one (1) additional monument sign for each outlot with at least one hundred (100) feet of public street frontage provided the site provides shared access.

(4) Any logo or business identification on any directional sign, or any logo or business identification area on a second sign at any driveway shall be included when calculating maximum sign area.

(5) A ten (10) percent increase in the maximum permitted monument sign area is permitted if extensive landscaping and a decorative brick base consistent with the materials of the principal building are provided.

(6) Refer to Section 16.07.06 for residential identification signs.

(7) PUD District development agreements may provide for specific sign standards.

(as amended 12/31/06, 8/24/07 and 3/5/10)

ARTICLE 17
RESERVED FOR FUTURE USE

ARTICLE 18
SITE PLAN REVIEW

Sec. 18.01 STATEMENT OF PURPOSE

18.01.01 This Article is intended to insure a thorough evaluation of a site and the potential impacts on public health, safety and welfare in relationship to the Township Master Plan and Grand River Avenue Corridor Study, drainage, utilities, natural resources, traffic patterns, adjacent parcels, landscaping, signs and the character of future development.

18.01.02 **Site Plan Review.** The site plan review standards and procedures provide an opportunity for the Planning Commission to review a proposed use in terms of site preparation and grading, building footprint, parking supply and design, service areas, easements, access points, vehicular and pedestrian traffic flow, landscape design, relationship to adjacent uses, adequacy of utilities, stormwater management, placement of signs and lighting fixtures, preservation of significant natural features and aesthetics. This article is also intended to assist the Township in ensuring that buildings, structures, and uses are in conformity with the provisions of this zoning ordinance, other ordinances of the Township, and state or county or federal statutes.

18.01.03 **Impact Assessment.** The impact assessment is intended to accompany a site plan to specifically address the anticipated impact of a proposed use on the natural features, economic climate, social environment, public infrastructure and public services in the Township. The impact assessment is intended to allow reasonable use of property while ensuring the long term community benefits associated with preserving environmentally sensitive lands and aesthetic resources; preventing erosion, excessive runoff or siltation; preventing flooding or water pollution; preserve natural water collection areas for purposes of protecting water quality and quantity; preserve certain habitats for wildlife; prevent excessive runoff and maintain water levels so as not to destroy vegetation; protect woodlands which moderate climatic extremes, recharge ground and surface water; buffer sight and sound; and, protect soils and watersheds.

18.01.04 **Approval Required.** Approval of a site plan by the Planning Commission and impact assessment by the Township Board shall be required prior to issuance of a land use permit for certain buildings, structures, and uses that may have an adverse impact. For impact assessments and special land uses, where approval by the Township Board is required, the site plan shall also be reviewed to determine if any changes are needed to comply with the impact assessment standards of Section 18.08 or the special land use standards of Article 19.

Sec. 18.02 USES REQUIRING SITE PLAN REVIEW AND IMPACT ASSESSMENT

Site Plan Review and approval shall be required for the following list of proposed types of construction or improvement. The level of approval varies between Township Board (TB), Planning Commission (PC) or Zoning Administrator (ZA) approval depending upon the extent of construction proposed. An environmental impact assessment is required to accompany any full site plan for approval by the Township Board, based upon the recommendation of the Planning Commission. Sketch plans are less detailed and do not require an environmental impact assessment. Items that are exempt from site/sketch plan approval still require a land use permit. All construction or building modification is subject to county building permit requirements.

Table 18.2
Site Plan and Sketch Plan Review Requirements

	Site Plan Approval	Sketch Plan Approval	Land Use Permit
New Construction			
Construction of any building or structure in any zoning district for a non-residential use, except a farm	PC		
Construction of any building or structure containing three or more dwelling units in any zoning district	PC		
Public or essential service buildings or structures including. public utility buildings and structures, telephone exchange buildings, electric transformer stations and substations, gas regulator stations, natural gas distribution or storage facilities and transmission towers	PC		
Establishment of a new special land uses (see Article 19)	TB		
Planned Unit Development (see Article 10)	TB		
Establishment of a condominium (see Section 12.07)	TB		
Construction, reconstruction, erection and/or expansion of a single-family or two-family dwelling on a single lot or parcel			ZA
Construction of farm buildings or structures, when permitted in the particular zoning district			ZA
Construction or extension of a private road (see Article 15)	PC		
Expansion/Modification to Existing Building			
A cumulative expansion of more than 10% from the original site plan of the square footage of the non-residential building, provided that any previous minor expansions be considered in making the determination	PC		
A cumulative expansion of no more than 10% from the original site plan of the square footage of the building		PC	
Construction solely on the building interior that does not increase usable floor area			ZA
Upgrades to building façade to meet architectural standards of section 12.01			ZA
Expansion of an existing special land use (see Article 19)	Sec. 19.06		
Change in Use			
Any change of use in land or building to a more intensive use, as determined by the Zoning Administrator, that may involve substantial change in such features as parking, traffic flow, hours of operation, public services, effluent discharge, that may entail substantial alteration of an important physical aspect of the site	PC		
Change in use to a special land use (see Article 19)	TB		
Reuse of an existing building where no building expansion is proposed only if the Zoning Administrator determines the new use is similar or less intense than the past use in terms of parking, traffic generation, drainage, utility needs, noise, aesthetics and other external impacts		ZA	
Family day care and foster care family homes in any zoning district			ZA
Accessory Structures and Site Improvements			
Non-residential accessory structures		PC	
Construction of a new parking lot or addition to an existing parking lot that results in more than 5 new spaces	PC		
Paving or expansion to an existing parking lot that results in 5 or fewer new spaces		ZA	
Construction or erection of signs, retaining walls, fences, buffer walls, refuse storage stations, sidewalks, antennas, lights, poles, cooling/heating or other mechanical equipment			ZA
Permitted accessory buildings and structures which are accessory to a single family or two-family dwelling in any zoning district			ZA

Sec. 18.03 SITE PLAN REVIEW PROCEDURES.

The process for site plan and impact assessment review is illustrated in Figure 1.03.01.

18.03.01 **Optional Conceptual Review.** The applicant has the option to meet with the Planning Commission at a regularly scheduled meeting to present a conceptual site plan. The purpose of this meeting is to allow the applicant to introduce the site plan concept, and receive comments or direction from the Planning Commission on the site plan or the need for additional material to evaluate the impacts of the use, such as a traffic or environmental studies. No formal action shall be taken. The applicant shall submit the following information in accordance with the review schedule and procedures adopted by the Planning Commission:

(a) Application form;

(b) Conceptual review fee;

(c) The name and address of the owner and any designated representative of the owner;

(d) Written description of the proposed use;

(e) Conceptual site plan, illustrating existing site features, lot dimensions, general footprints for proposed buildings and parking, and relationship to adjacent land uses; and,

(f) A location map.

18.03.02 **Application.** Any person with legal interest in a lot or parcel may apply for review of a site plan and impact assessment by filing completed application forms, review fee and copies of the site plan and impact assessment with the Zoning Administrator in accordance with the review schedule and procedures adopted by the Planning Commission.

18.03.03 **Transmission.** The Zoning Administrator shall transmit the site plan and impact assessment to the Planning Commission and staff prior to the meeting.

18.03.04 **Review.** The Planning Commission shall review the site plan and environmental impact studies for compliance with the standards of Section 18.08, the requirements of this ordinance and other appropriate ordinances and statutes, staff, and consultant reports and shall either:

(a) Approve the site plan pending approval of the Impact Assessment by the Township Board. The Planning Commission shall provide the Township Board with comments on the Impact Assessment.

(b) Approve the site plan with conditions which the Planning Commission determines are reasonable and necessary to ensure conformance with applicable ordinances and statues. These conditions shall be listed in the motion. The applicant shall submit a revised site plan to the Township that incorporates the conditions imposed by the Planning Commission. The Zoning Administrator shall have the authority to sign the final site plan as approved upon determination that the conditions have been met. If the Zoning Administrator determines that the conditions have not been met, the site

plan shall be referred back to the Planning Commission. The Township Board shall not consider the Impact Assessment until a revised site plan has been submitted.

(c) Upon determining that the site plan does not meet the standards, spirit and intent of this zoning ordinance and other appropriate ordinances and statutes, the Planning Commission shall deny the site plan or table action and direct the applicant to make modifications and resubmit the site plan. The applicant shall be required to prepare revised plans accompanied by a complete list of all changes with a certification, by the applicant's design professional that no other changes have been made. The Impact Assessment would receive no further action. If revisions are requested for the Impact Assessment, the revised document shall highlight all modified text.

(d) Implementation. The adopted minutes of the Planning Commission shall serve as the official record of the Planning Commission's decision on a site plan, including any conditions of approval. The applicant shall be responsible for obtaining a copy of the adopted minutes, and submittal of revised plans and documents that demonstrate compliance with any conditions. Any question on the decision should be made in writing to the Planning Commission prior to adoption of the minutes.

18.03.05 **Impact Assessment Approval by Board.** Upon approval of the site plan by the Planning Commission, the Township Board shall receive the environmental impact assessment for action at a regularly scheduled meeting. The Township Board shall have final authority on approving the Impact Assessment, giving consideration to the comments of the Planning Commission. Final action by the Township Board on the Impact Assessment shall constitute final site plan approval. The Township Board shall either.

(a) Approve the Impact Assessment. The applicant may then submit the necessary plans and documents for a land use permit(s).

(b) Approve the Impact Assessment with conditions. The Township Board shall specify the conditions and may grant authority for administrative approval by the Zoning Administrator if a revised Impact Assessment meeting the conditions is received within thirty (30) days or another specified time period.

(c) Deny the Impact Assessment as not meeting the standards of Section 18.08.

18.03.06 **Amendments or Deviations.** The site plan and impact assessment may be amended through the same procedure followed in the original granting of approval. Minor changes may be approved by the Zoning Administrator, as outlined in Section 18.10.

18.03.07 **Special Uses.** For site plans associated with Special Land Uses the standards of both this Article and Article 19 "Special Land Uses" shall be applied.

Sec. 18.04 REQUIRED SITE PLAN CONTENTS

Each Site Plan submitted to the Township Planning Commission shall be in accordance with the provisions of this Ordinance. No site plan shall be considered until reviewed by the Zoning Administrator. The following information shall be included in the site plan submittal packet:

18.04.01 **Application form and fee.** A completed application form and payment of a non-refundable application fee.

18.04.02 **Applicant information.** The name and address of the property owner and applicant, interest of the applicant in the property, the name and address of developer, and current proof of ownership of the land to be utilized or evidence of a contractual ability to acquire such land, such as an option or purchase agreement.

18.04.03 **Scale.** The site plan shall be drawn at an engineers scale on sheets measuring 24 x 36 inches at the scale noted below. Where a larger development is shown on more than one sheet, a composite sheet of the overall site shall also be provided.

Acreage	Scale
160 or more	1" = 200'
5 - 159.9	1" = 100'
2 - 4.99	1" = 50'
1 - 1.99	1" = 30'
0 - .99	1" = 20'

18.04.04 **Cover Sheet containing:**

(a) The name and address of the project.

(b) The name, address and professional seal of the architect, engineer, surveyor or landscape architect responsible for preparation of the site plan.

(c) A complete and current legal description and size of property in acres and square feet. Where a metes and bounds description is used, lot line angles or bearings shall be indicated on the plan. Lot line dimensions and angles or bearings shall be based upon a boundary survey prepared by a registered surveyor and shall correlate with the legal description.

(d) A small location sketch of sufficient size and scale to locate the property within the Township.

(e) Title block with north arrow, date of preparation and any revisions.

18.04.05 **Existing Conditions Sheet(s) illustrating:**

(a) All existing lot lines and dimensions, including setback lines and existing or proposed easements.

(b) Existing topography (minimum contour interval of two feet).

(c) Existing natural features such as streams, marshes, ponds; wetlands labeled with size and type (upland, emergent, etc.).

(d) Existing woodlands shall be shown by an approximate outline of the total canopy; individual deciduous trees of eight (8) inch caliper or larger and individual evergreen trees six (6) feet in height or higher, where not a part of a group of trees, shall be accurately located and identified by species and size (caliper for deciduous, height for evergreens).

(e) Soil characteristics of the parcel to at least the detail as provided by the Soil Conservation Service Soil Survey of Livingston County. A separate map or overlay at the same scale as the site plan map may be used.

(f) Zoning and current land use of applicant's property and all abutting properties and of properties across any public or private street from the site.

(g) Indication of existing drainage patterns, surface or water bodies.

(h) The limits of any wetland regulated by the MDEQ, including attachment of any MDEQ approved wetland determination or documentation that an application for MDEQ review has been submitted. If an MDEQ regulated wetland is to be impacted, an indication of the status of application for an MDEQ wetland permit or copy of such a permit including description of any wetland mitigation required, shall be attached.

(i) Aerial photograph indicating the limits of the site, surrounding land uses and street system.

18.04.06 **Proposed Project Information:**

(a) Base information. The location of all existing buildings, structures, street names and existing right-of-way, utility poles, towers, drainage ditches, culverts, pavement, sidewalks, parking areas and driveways on the property and within one-hundred (100) feet of the subject property (including driveways on the opposite side of any street). Notes shall be provided indicating those which will remain and those which are to be removed.

(b) Building information. Footprints, dimensions, setbacks, typical floor plans to scale.

(c) Building elevations. Elevations drawings shall be submitted illustrating the building design and height, and describing construction materials for all proposed structures. Elevations shall be provided for all sides. Any rooftop or ground mounted equipment shall be shown. The Planning Commission may require color renderings of the building. Proposed materials and colors shall be specified on the plan and color chips or samples shall also be provided at the time of site plan review. These elevations, colors and materials shall be considered part of the approved site plan.

(d) Building and lot coverage. Percentage of building coverage and impervious surface ratio (all paved areas and buildings v. total lot area) compared to the percentages specified in the zoning district.

(e) Residential developments. Number of residential units for each project phase divided by acreage exclusive of any public right-of-way or private road access easement; lot area for each lot; recreation area and a description of the number of each unit by size and number of bedrooms; if a multi-phase development is proposed, identification of the areas included in each phase. For condominium developments, the building envelope shall be illustrated on a site plan.

(f) Commercial and office uses: The gross floor area and useable floor area of each use or lease space. For industrial uses: The floor area devoted to industrial uses and the area intended for accessory office use.

(g) Streets, driveways and circulation. The layout and dimensions of streets and drives (including grades, existing or proposed right-of-way or easement and pavement width, number of lanes and typical cross section showing surface and subbase materials and dimensions, grades of all entrances and exits, location and typical detail of curbs, intersection radii), access points (including deceleration or passing lanes, distance from adjacent driveways or street intersection), sidewalks (width, pavement type and distance from street) and recreation areas. Written verification of any access easements or agreements for shared access or driveway curb return extending beyond the property line shall be required.

(h) Utilities. Existing and proposed locations of utility services (with sizes),; location of electricity and telephone poles and wires; location and size of surface mounted equipment for electricity and telephone services; location and size of underground tanks where applicable; location and size of outdoor incinerators; location and size of wells, septic tanks and drain fields; location of manholes, catch basins and fire hydrants; location, size, and inverts for storm and sanitary sewers, any public or private easements; notes shall be provided clearly indicating which existing services will remain and which will be removed.

(i) Grading and drainage. A site grading plan for all developments where grading will occur, with existing and proposed topography at a minimum of two (2) foot contour intervals and with topography extending a minimum of twenty (20) feet beyond the site in all directions and a general description of grades within fifty (50) feet, and further where required to indicate stormwater runoff into an approved drain or detention/retention pond so as to clearly indicate cut and fill required. A general description and location of the stormwater management system shall be shown including degrees of slope of sides of retention/detention ponds and calculations for size of storm drainage facilities. The Township Engineer may require detailed design information for any retention/detention ponds and stormwater outfall structures or basins. If MDEQ regulated wetlands are to be used, status of MDEQ permit application or copy of permit with attached conditions shall be provided.

(j) Landscape and screening. A landscape plan indicating proposed ground cover and plant locations and with species, and common plant name, number and size at installation. For any trees to be preserved, a detail shall be provided to illustrate protection around the tree's drip line. Berms, retaining walls or fences shall be shown with elevations from the surrounding average grade. The location, type and height of proposed fences or walls shall be described.

(k) Waste receptacles. Location of proposed outdoor trash container enclosures; size, typical elevation, and vertical section of enclosures; showing materials and dimensions.

(l) Parking and loading. Parking, storage and loading/unloading areas, including the dimensions of a typical space, aisle, and angle of spaces. The total number of parking and loading/unloading spaces to be provided and the method by which the required parking was calculated shall be noted.

(m) Lighting. Details and specifications of exterior lighting including location, height, method of shielding and style of fixtures.

(n) Signs. Locations of all signs including location, size, area, type, height and method of lighting. Note that all regulatory signs shall meet the standards from the Michigan Manual of Uniform Traffic Control Devices (MMUTCD).

18.04.07 **Site flagged.** The applicant shall erect flagged stakes at the perimeter points of the property to assist Township officials and staff in reviewing the site.

Sec. 18.05 WAIVER FROM REQUIRED SITE PLAN SUBMITTAL ITEMS

The Zoning Administrator may waive particular site plan submittal item(s) upon determination that the item is not required for review of the project. In particular, the comprehensive list of submittal items may not be required for a minor revision or improvement to an existing site. A statement explaining the waiver shall be provided to the Planning Commission or Township Board when material is distributed for review.

18.06 SKETCH PLANS

18.06.01 **Sketch Plans.** Sketch plan approval shall follow the procedures outlined for site plan review, with separate review fees as established by the Township Board.

18.06.02 **Sketch plan contents.** Minimum contents of a sketch plan include:

(a) Drawn to an engineers scale.

(b) Application form and fee.

(c) Proof of ownership.

(d) Legal description of the property.

(e) Property lines.

(f) Existing and proposed buildings and parking lots with dimensions and setbacks.

(g) Existing and proposed parking calculations.

(h) Existing and proposed driveways.

(i) Existing and proposed signs.

(j) Existing and proposed landscaping illustrated on a plan and described in a plant list.

(k) Layout of proposed changes to utilities.

(l) Any proposed changes to grading, lighting, dumpsters, protected or landmark trees.

(m) Architectural perspective or elevations of proposed changes to buildings.

(n) Any other items requested by Township staff or the Planning Commission to assist in the review.

Sec. 18.07 WRITTEN IMPACT ASSESSMENT REQUIREMENTS

A written impact assessment shall accompany the site plan submittal and include at least the following information:

18.07.01 **Preparer.** Name(s) and address (es) of person(s) responsible for preparation of the impact assessment and a brief statement of their qualifications.

18.07.02 **Location.** Map(s)and a written description/analysis of the project site including all existing structures, manmade facilities, and natural features. The analysis shall also include information for areas within 100 feet of the property. An aerial photograph or drawing may be used to delineate these areas.

18.07.03 **Impact on natural features.** A written description of the environmental characteristics of the site prior to development and following development, i.e., topography, soils, geology, wildlife, woodlands, mature trees (eight inch caliper or greater), ground water (depth to aquifer(s), impermeable soil layers and identification of nearby wells), wetlands, drainage, lakes, streams, creeks, ponds, and surface and ground water quality. Documentation by a qualified wetland specialist shall be required wherever the Township determines that there is a potential regulated wetland. Written material may be accompanied by reduced copies of the Existing Conditions Map(s) or aerial photographs.

18.07.04 **Impact on stormwater management.** Description of natural drainage patterns, and soil infiltration and water capacity. A description of changes to site drainage and stormwater management facilities to be installed. Description of measures to control soil erosion and sedimentation during grading and construction operations and until a permanent ground cover is established. Recommendations for such measures may be obtained from the County Drain Commissioner.

18.07.05 **Impact on surrounding land uses.** Description of the types of proposed uses and other man made facilities, including any project phasing, hours of operation and an indication of how the proposed use conforms or conflicts with existing and potential development patterns. Compatibility with current and planned adjacent development, as well as the proposal's conformance with the Master Plan shall be described. A description shall be provided of any increases in light, noise or air pollution that could negatively impact adjacent properties. The description shall include the hours sites will be illuminated on the interior and exterior of the building and the intensity. In addition, methods to be used to control dust during construction must be described to address air pollution. Any increase or reduction in air pollutants (sulfur dioxide, nitrogen dioxide, carbon monoxide, ozone, and lead total suspended particulate matter) shall be documented. Noise levels generated by the use with a level exceeding 65 decibel at the property line shall be documented. The suitability of the site's ambient noise levels for the proposed use shall be described. Modification to the aesthetic character of the area, obstruction of views or sunlight shall be identified. Compliance with the site performance standards contained in Section 13.05 shall be described.

18.07.06 **Impact on public facilities and services.** Describe the number of expected residents, employees, visitors or patrons, and the anticipated impact on public schools, recreation facilities, police protection, fire protection and emergency services. Letters from the appropriate agencies may be provided, as appropriate.

18.07.07 **Impact on public utilities.** Describe the method to be used to serve the development with water and sanitary sewer facilities; the method to be used to control drainage on the site and

from the site, including runoff control during periods of construction. For sites served with or expected to be served with public sanitary sewer or public water systems, calculations for pre- and post development flows shall be provided in comparison with sewer line capacity. Expected sewage rates shall be provided in equivalents to a single family home. Where septic systems or private individual water supply systems are proposed, final approval from the Livingston County Health Department shall be provided. The discharge of sump pumps or backwash from water conditioning devices shall not be discharged to the sanitary sewer system. All sites are required to utilize a potassium based softening agent; salt or sodium based regenerates are prohibited. Other utilities serving the site shall be identified. The method of solid waste disposal shall be documented. (as amended 3/5/10)

18.07.08 **Storage and handling of any hazardous materials.** A description of any hazardous substances expected to be used, stored or disposed of on the site. The information shall describe the type of materials, location within the site and method of containment. Documentation of compliance with federal and state requirements, and a Pollution Incident Prevention Plan (PIPP) shall be submitted, as appropriate. A detailed description of any underground storage tanks and the materials to be stored shall be documented and appropriate permits obtained from the State Police Fire Marshal Division, Hazardous Materials Section. If flammable or combustible liquids are to be stored in fixed aboveground storage containers with a capacity greater than 1,100 gallons, this shall be documented and appropriate permits obtained from the State Police Fire Marshal Division. Storage of pesticide or fertilizer in quantities greater than 55 gallons or 100 pounds shall be documented and appropriate permits obtained from the Michigan Department of Agriculture, Pesticide and Plant Pest Division. All necessary permits shall be included within the appendix of the Environmental Impact Assessment.

18.07.09 **Traffic Impact Study.**

(a) Traffic impact studies shall be required as follows:

(1) A Traffic Impact Assessment that evaluates current and future traffic operations at site access points shall be required for projects which could generate 50-99 directional trips during a peak hour.

(2) A traffic Impact Statement that evaluates current and future traffic operations at site access points and major signalized or non-signalized intersections in proximity to the site shall be required for any proposed development which would be expected to generate over one hundred (100) directional trips during the peak hour of the traffic generator or the peak hour on the adjacent streets, or over seven hundred fifty (750) trips in an average day. The exact study area of a Traffic Impact Statement shall be established by the Township Engineer.

(b) Traffic Impact Statement or Assessment shall also be required for new phases or changes to a development where a traffic study is more than two (2) years old and roadway conditions have changed significantly (volumes increasing more than 2 percent annually); or for a change or expansion at an existing site where the increased land use intensity is expected to increase traffic by at least fifty (50) directional trips in a peak hour or result in at least 750 vehicle trips per day for the entire project.

(c) The contents of the traffic impact study shall include:

(1) Illustrations and a narrative which describes the characteristics of the site and adjacent roadway system (right-of-way, functional classification, lane configuration, speed limits, any sight distances limitations, current traffic conflicts, etc.) This description should include surrounding land uses, expected development in the vicinity which could influence future traffic conditions, special site features and a description of any committed roadway improvements. The study should define and justify the study area selected for analysis.

(2) For a rezoning, a description of the potential uses which would be allowed, compared to this allowed under current zoning. For a site plan review, mobile home park, condominium project, a subdivision tentative preliminary plat, or specified Special Land Uses; a description of factors such as the number and types of dwelling units, the gross and usable floor area, the number of employees and shift change factors. Intended phasing or future expansion should also be noted.

(3) Existing traffic conditions including existing peak-hour traffic volumes (and daily volumes if applicable) on street(s) adjacent to the site. Existing counts and levels of service for intersections in the vicinity which are expected to be impacted, as identified by the Planning Commission or its staff/consultants shall be provided for projects requiring a Traffic Impact Statement. Traffic count data shall be collected using accepted practices and shall not be over two (2) years old.

(4) The existing right-of-way shall be identified along with any planned or desired expansion of the right-of-way requested by the applicable road agency.

(5) The traffic study shall include traffic generated by other projects in the vicinity which have been approved or are under construction.

(6) 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 forecast traffic at date of completion along the adjacent street network using a forecast based on a network traffic assignment model (if available), historic annual percentage increases and/or future development in the area which has been approved.

(7) Forecasted trip generation of the proposed use for the a.m. (if applicable) and p.m. peak hour and average day. The forecasts shall be based on the data and procedures outlined in the most recent edition of Trip Generation published by the Institute of Transportation Engineers (ITE). The applicant may use other commonly accepted sources of data or supplement the standard data with data from at least three (3) similar projects in Michigan.

(8) Any trip reduction for pass-by trips, transit, ridesharing, other modes, internal capture rates, etc. shall be based both on ITE findings and documented survey results acceptable to the Township and applicable road agency. The community may elect to reduce the trip reduction rates used.

(9) For projects intended to be developed in phases, the trip generation by phase shall be described.

(10) Trip Distribution. 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 access points, and nearby intersections where required. Projected turning movements shall be illustrated in the report. A description of the application of standards engineering procedures for determining the distribution should be provided (trip distribution model, market studies, counts at existing driveways, etc.).

(11) Level of service or "capacity" analysis at the proposed access points using the procedures outlined in the most recent edition of the Highway Capacity Manual published by the Transportation Research Board. For projects requiring a Traffic Impact Statement or Regional Traffic Analysis, before and after capacity analyses shall also be performed for all street intersections where the expected traffic generated at the site will comprise at least five percent (5%) of the existing intersection capacity, unless other intersections are identified by the Township. Gap studies for unsignalized intersections shall be provided where applicable.

(12) The report shall include a map and description of the location and design of proposed access (driveways or new street intersections) including. any sight distance limitations, dimensions from adjacent driveways and intersections within 250 feet on either side of the main roadway, potential for shared access facilities, data to demonstrate that the number of driveways proposed is the fewest necessary, support that the access points will provide safe and efficient traffic operation and be in accordance with the standards of Article 15 and the applicable road agency. Comments shall also be provided on internal circulation design such as the adequacy of queuing (stacking) at site access points and other features which may affect traffic operations and safety.

(13) The study shall outline mitigation measures and demonstrate any changes to the level of service achieved by these measures. Any alternatives or suggested phasing of improvements should be described. The mitigation measures may include items such as roadway widening, need for bypass lanes or deceleration tapers/lanes, changes to signalization, use of access management techniques or a reduction in the proposed intensity of use. Proposed mitigation measures should be discussed with the Livingston County Road Commission and Michigan Department of Transportation, as applicable. The responsibility and timing of roadway improvements shall be described.

(d) Qualifications of Preparer. The person responsible for the preparation of the study shall have a degree or specific professional training in the preparation of traffic impact studies. The preparer shall have at least three (3) years of recent experience in the preparation of traffic impact studies, provide evidence of ongoing experience and familiarity with the Highway Capacity Manual and other traffic operation evaluation techniques, be an associate (or higher) member of one or more professional transportation-related organizations, and be either a registered professional engineer (PE) or a planner with AICP or PCP certification. Any study

involving roadway or traffic signal design work shall be prepared by or under the supervision of a registered engineer (PE) with specific training in traffic engineering.

(e) The requirement for a traffic impact study, or the specific study elements required may be waived or modified by the Planning Commission based on input from Township staff and consultants or a representative of the applicable road agency. Reasons for the waiver or modification shall be documented. Factors to be considered include:

(1) Roadway improvements are scheduled which are expected to mitigate any impacts associated with the proposed project.

(2) The existing level of service along the roadway is not expected to drop below C due to the proposed project.

(3) The existing level of service is not expected to be significantly impacted by the proposed project due to specific conditions at this location.

(4) A similar traffic study was previously prepared for the site and is still considered applicable.

18.07.10 **Historic and Cultural Resources.** If the proposal involves the alteration or demolition of structures 50 years old, or older, the historic significance of the structure on a local, regional and state level shall be identified. If a structure to be altered or demolished is on the State or National Register of Historic Places, all necessary documentation shall be provided to the Michigan Department of State, Bureau of Michigan History, State Historic Preservation Office.

18.07.11 **Special Provisions.** General description of any deed restrictions, protective covenants, master deed or association bylaws shall be included or attached as an exhibit.

18.07.12 A list of all sources shall be provided.

18.07.13 Any impact assessment previously submitted relative to the site and proposed development which fulfills the above requirements may be submitted to satisfy the Impact Assessment requirement.

Sec. 18.08 STANDARDS FOR APPROVAL OF SITE PLAN AND IMPACT ASSESSMENT

Based upon the following standards, the Planning Commission or Township Board, as applicable, may approve, or approve with conditions or deny the site plan and impact assessment.

18.08.01 **Building relationships.** Buildings and structures will meet or exceed setback standards, height and other dimensional standards, and be placed to preserve environmentally sensitive areas. Maximum building and lot coverage (impervious surface ratios) are consistent with the standards required by the zoning district.

18.08.02 **Impact on surrounding land uses and zoning.** The proposed site plan will be harmonious with, and not harmful, injurious, or objectionable to, existing and planned future uses in the immediate area. The proposed development will be coordinated with improvements serving the subject property and with the other developments in the vicinity.

18.08.03 **Views.** Placement and height of buildings, structures and parking shall preserve existing views of lakes, woodlands and other significant visual resources to the greatest extent reasonable.

18.08.04 **Architecture.** Proposed architecture shall complement the character of the surrounding area and comply with the standards of Section 12.01.

18.08.05 **Preservation of wetlands.** Regulated and non-regulated wetlands, and organic soils are preserved or modified in an acceptable manner. Required wetland setbacks are provided.

18.08.06 **Stormwater management and Soil Erosion Control.** The development will not substantially reduce the natural retention storage capacity of any watercourse, thereby increasing potential for flooding. Provisions have been made to accommodate stormwater which complements the natural drainage patterns and wetlands, prevents erosion and the formation of dust. On-site storage or sedimentation ponds may be required to reduce or filter stormwater runoff. Stormwater runoff on paved areas will be collected at intervals not obstructing the flow of vehicular or pedestrian traffic, create standing water or cause unnecessary erosion of soil or other material.

18.08.07 **Preservation of topography.** The site plan and impact assessment demonstrate judicious effort to preserve the integrity of the land, existing topography and natural drainage patterns. Grading or filling will not destroy the character of the property or the surrounding area and will not adversely affect the adjacent or neighboring properties. All finished grades are to match existing grades at the property lines unless grading easements are obtained from adjacent property owners.

18.08.08 **Preservation of woodlands and trees.** The site plan has been designed to preserve existing woodlands and individual quality trees with a caliper of eight (8) inches or greater to the greatest extent reasonable. In particular, the applicant has strived to preserve mature oak, hickory, beech and maple trees. Woodlands, trees and natural areas to be preserved will be protected during construction by fencing or other barrier obvious to construction personnel. If any trees are to be transplanted, the applicant has described transplant methods adequately.

18.08.09 **Greenbelts, landscaping and screening.** Greenbelts along public street frontage and buffer zones from adjacent zoning districts have been provided in accordance with Section 12.02. Required parking lot landscaping is provided. The amount, type and minimum size of landscaping are identified in a plant list and appropriate labeling. Trees and shrubs native to Michigan have been used where appropriate. The overall design promotes the impression of a rural, natural landscape. Groundcover is primarily living material.

18.08.10 **Traffic impacts and mitigation.** Traffic impacts are thoroughly addressed in the Impact Assessment, including detailed analysis where required. Traffic improvements, where warranted, are provided in accordance with the recommendations of the Township Engineer and in accordance with the standards of the Livingston County Road Commission and Michigan Department of Transportation. (as amended 3/5/10)

18.08.11 **Access, internal streets and circulation.** Safe, convenient, uncongested, and well defined vehicular and pedestrian circulation is provided within and accessing the site. Access to the site is designed to minimize conflicts between vehicles and with traffic using adjacent streets and driveways. All streets driveways will be in accordance with the standards of Article 15,

the Livingston County Road Commission and the Michigan Department of Transportation, as applicable.

18.08.12 **Pedestrian Circulation.** Required sidewalks and nonmotorized pathways are provided in accordance with Section 12.05. Safe pedestrian circulation is provided with the site is designed to minimize conflicts between vehicles and pedestrians.

18.08.13 **Emergency vehicle access.** Adequate access will be provided for emergency vehicles to the site and all buildings or groups of buildings, and has been approved by the Fire Department.

18.08.14 **Parking and Loading Spaces.** The number and dimensions of off-street parking and loading/unloading spaces, and the design of parking and loading areas, meets the standards of Article 14.

18.08.15 **Waste receptacles.** Waste receptacles (dumpsters, compactors and individual recycle stations) meet the standards of Section 12.04.

18.08.16 **Exterior lighting.** Exterior lighting meets the standards of Section 12.03.

18.08.17 **Signs.** Proposed signs meet the standards of Article 16 and are generally complementary with surrounding signs and traffic operations.

18.08.18 **Storage of potentially hazardous materials or waste.** Information has been provided to help insure compliance with the Special Land Uses standards for hazardous waste storage and handling and Section 13.07, to minimize adverse affects on adjacent properties, the lakes, wetlands, and drinking water. Commercial and industrial facilities comply with the site performance standards of Section 13.05 and the floor drain requirements of Section 13.06.

18.08.19 **Utilities.** The development provides adequate sanitary sewer, either through on-site septic systems, connections to public or publicly approved sewer facilities, or by providing separate sewer facilities. All new utility distribution lines will be placed underground. The proposed utilities have been approved by the Township Engineer. As a condition of approval, permits shall be required from the Livingston County Health Department for on-site septic or individual private water supply.

18.08.20 **Phasing.** Any phases of development are in logical sequence so that any phase will not depend upon a subsequent phase for adequate access, public utility services, drainage, or erosion control.

18.08.21 **Agency Coordination.** The applicant has demonstrated the site plan meets the standards of other government agencies, where applicable.

Sec. 18.09 VALIDITY OF APPROVED SITE PLAN

18.09.01 **Valid Period.** Approval of the site plan and Impact Assessment is valid for a period of twelve (12) months following Township Board approval of the Impact Assessment. If actual physical construction of a substantial nature of the improvements included in the approved site plan has not commenced and proceeded meaningfully toward completion within twelve (12) months following Township Board approval of the Impact Assessment, and if a written request for extension of the approval has not been submitted by the applicant, the approval of the final site plan shall be deemed null and void.

18.09.02 **Extensions.** The Township may grant extensions to the site plan approval where written application for an extension is filed with the Zoning Administrator prior to the termination of the twelve (12) month approval period. The Zoning Administrator shall review the site plan for compliance with any Zoning Ordinance amendments adopted since the site plan and impact assessment were approved.

(a) If there have been no changes to the Zoning Ordinance that would affect the site plan, then the Zoning Administrator may grant the extension. The Zoning Administrator may grant up to two (2) extensions; extensions beyond two (2) shall require Planning Commission approval.

(b) If there have been changes to the zoning ordinance that could affect the site plan, then the request for extension shall be reviewed by the Planning Commission, for the site plan, and Township Board, for the impact assessment and special land use, if applicable, to determine if an extension should be granted or if an amended site plan must be submitted for approval to comply with the new ordinance amendments.

(c) Each extension shall be for a further period of not more than twelve (12) months. (as amended 8/24/07)

Sec. 18.10 DEVIATIONS FROM APPROVED SITE PLAN

Minor changes to the approved final site plan may be approved by the Zoning Administrator without requiring a resubmittal to the Planning Commission or Township Board, as applicable, provided that the applicant or property owner notifies the Zoning Administrator of any proposed amendment to such approved site plan prior to making said change on the site and the Zoning Administrator determines the proposed revision does not alter the basic design, compliance with the standards of approval, nor any specified conditions of the approved site plan. Where the modifications are not determined to be minor, then the site plan shall require resubmittal to the Planning Commission or Township Board, as applicable, for approval as a site plan amendment. For purposes of interpretation, the following shall be considered minor changes.

18.10.01 The size of structures may be reduced, or increased by up to five percent (5%) provided the overall density of units does not increase.

18.10.02 Movement of a building or buildings by no more than ten (10) feet.

18.10.03 Plantings approved in the landscape plan may be replaced by similar types and sizes of landscaping which provides a similar screening effect on a one-to-one or greater basis.

18.10.04 Trees to be preserved that were damaged or lost during construction may be replaced by trees of a similar species with a minimum caliper of 2 inches, with two new trees required for each tree replaced.

18.10.05 Improvements to site access or circulation, such as deceleration lanes, boulevards, curbing, pedestrian/bicycle paths, etc.

18.10.06 Changes of building materials to another of higher quality, as determined by the Zoning Administrator.

18.10.07 Changes in floor plans which do not alter the character of the use.

18.10.08 Slight modification of sign placement or reduction of size.

18.10.09 Changes required or requested by the Township, county, state or federal agency for safety reasons.

18.10.10 Situations similar to the above.

Sec. 18.11 APPEALS OF FINAL SITE PLAN

18.11.01 **Appeal.** Any person aggrieved by the decision of the Planning Commission or Township Board in granting or denial of a site plan approval shall have the right to appeal the decision to the Zoning Board of Appeals. The appeal shall be filed with the Township Clerk within five business days of the final decision by the Planning Commission or Township Board. The appeal shall state the aggrieved parties' grounds for appeal.

18.11.02 **Filing.** The filing of an appeal of a decision of the Planning Commission concerning a site plan shall act to stay any land use permit issued for improvements on the property which is the subject of the appeal.

18.11.03 **Hearing.** On hearing such appeal, the Zoning Board of Appeals shall review the record before the Planning Commission or Township Board and shall determine whether or not there was support on the record for the original decision. The appellant shall not have the right to present new evidence. The Zoning Board of Appeals shall approve the site plan if the requirements of this zoning ordinance, other applicable Township ordinances and applicable state and federal statutes are met, and prepare written findings on its decision on the appeal.

18.11.04 **Remedies.** An appeal of a Zoning Board of Appeals decision concerning a site plan shall be to the Circuit Court of Livingston County.

Sec. 18.12 PROPERTY MAINTENANCE AFTER APPROVAL

18.12.01 **Maintenance.** It shall be the responsibility of the owner of a property for which site plan approval has been granted to maintain the property in accordance with the approved site design on a continuing basis until the property is razed, or until new zoning regulations supersede the regulations upon which site plan approval was based, or until a new site design is approved. Any property owner who fails to so maintain an approved site design shall be deemed in violation of the use provisions of this Ordinance and shall be subject to the same penalties appropriate for a violation.

18.12.02 **Inspections.** The Zoning Administrator may make periodic investigations of developments for which site plans have been approved. Non-compliance with the requirements and conditions of the approved site plan shall constitute grounds for the Planning Commission to terminate said approval following a public hearing.

18.12.03 **Condominium Association.** With respect to condominium projects, the Master Deed shall contain provisions describing the responsibilities of the condominium association, condominium owners, and public entities, with regard to maintenance of the property in accordance with the approved site plan on a continuing basis. The Master Deed shall further establish the means of permanent financing for required maintenance and improvement activities which are the responsibility of the condominium association. Failure to maintain an

approved site plan shall be deemed in violation of the use provisions of this Ordinance and shall be subject to the same penalties appropriate for a use violation.

ARTICLE 19
SPECIAL LAND USES

Sec 19.01 STATEMENT OF PURPOSE

This Article is intended to provide regulations for Special Land Uses which may be compatible with permitted uses in zoning district, under specific locational and site criteria This Article provides standards for the Planning Commission to determine the appropriateness of a given Special Land Use covering factors such as: compatibility with adjacent zoning, location, design, size, intensity of use, impact on traffic operations, potential impact on groundwater, demand on public facilities and services, equipment used and processes employed. Approval of any Special Land Use requires a Special Land Use Permit.

Sec 19.02 APPLICATION AND REVIEW PROCEDURES

19.02.01 **Applicant.** Any person owning or having an interest in the subject property may file an application for one or more special land use permits as provided in this Ordinance.

19.02.02 **Application.** The following materials shall be submitted to the Zoning Administrator in accordance with the review schedule and procedures adopted by the Planning Commission:

(a) Payment of the required fee.

(b) Copy of completed application forms.

(c) Copies of a site or sketch plan and Impact Assessment that meet the requirements of Article 18.

19.02.03 **Technical Review.** The special land use application shall be reviewed by township staff and consultants for completeness and compliance with appropriate sections of this Ordinance. Technical reviews may be submitted to the Planning Commission.

19.02.04 **Review.** The request for special land use approval shall be reviewed as follows:

(a) The special land use request and related documents shall be forwarded to the Planning Commission.

(b) The Planning Commission shall review the Special Land Use application, the Impact Assessment, and the Site or Sketch Plan in terms of the requirements of the Special Land Use General Review Standards Section 19.03, any specific conditions required for the use and the site plan review standards of Section 18.08.

(c) The Planning Commission shall hold a public hearing on the special land use application in accordance with the Michigan Zoning Enabling Act (Public Act 110 of 2006). Notice of public hearing shall be provided for in accordance with section 21.05. (as amended 12/31/06)

(d) The Planning Commission shall recommend approval, approval with conditions or denial of the Special Land Use Request, Site/Sketch Plan and Impact Assessment to the Township Board.

If the application is determined to be incomplete or more information is required, then the Planning Commission may either: 1) table the request and direct the applicant to prepare additional information or revise the plan; 2) return the request for additional staff review or analysis; or 3) recommend denial of the request. If the plan revisions are determined to be significant by the Planning Commission, they may elect to conduct another public hearing.

(e) For any use requiring special land use approval, the site or sketch plan for such use shall require Township Board approval, based upon a recommendation of the Planning Commission.

(f) Township Board Action: Following receipt of the Planning Commission's recommendation, the Township Board shall take one of the following actions on the Special Land Use, Site/Sketch Plan and Impact Assessment.

(1) Table: If the application is determined to be insufficient, does not fully respond to Planning Commission conditions or more information is required, then the request may be tabled. The Township Board shall direct the applicant to prepare additional information, revise the plan or direct the Township staff or consultant's to conduct additional analysis.

(2) Reconsideration: If the Township Board believes there is new information which might modify the recommendation of the Planning Commission, the Board may return the application with the new information to the Planning Commission for reconsideration.

(3) Approval: Upon determination that a special land use and plan proposal is in compliance with the standards and requirements of this Ordinance and other applicable ordinances and laws, the Township Board shall approve the application.

(4) Conditional Approval: The Township Board may impose reasonable conditions with the approval of a special land use, to mitigate impacts associated with the proposed use or activity to ensure that public services and facilities affected by a proposed special land use or activity will be capable of accommodating increased service and facility loads generated by the new development; protect the natural environment; ensure reasonable compatibility with adjacent uses of land and the overall character of the Township, to the extent practical for the use; ensure the standards of this Article and the Zoning Ordinance are met.

(5) Denial of Special Land Use and Site/Sketch Plan Application: Upon determination that a special land use or site/sketch plan proposal does not comply with standards and regulations set forth in this Ordinance, or requires extensive revision in order to comply with said standards and regulations, the Township Board shall deny the application. Resubmittal of an application which was denied shall be considered a new application.

(g) For Special Land Uses which are temporary by nature, such as sand and gravel mining or carnivals, the Planning Commission shall also recommend time limits for the operation to the Township Board. The Township Board shall specify time limits

with any approval and state procedures for renewal of the Special Use Permit, if applicable.

(h) Compliance with conditions: The applicant shall submit information and plans which demonstrate compliance with the conditions for administrative approval by the Zoning Administrator within sixty (60) days of the date of conditional approval and prior to issuance of a special land use or land use permit, or the submission shall be considered null and void. The Zoning Administrator may submit the revised plan to the Planning Commission for comments or approval.

(i) Recording of decision: Records of the reasons for the actions of the Planning Commission and the Township Board, and any conditions attached approvals, shall be kept and made a part of the minutes of the Planning Commission and the Township Board. A record of conditions imposed shall be maintained. The conditions shall remain unchanged unless an amendment to the special land use permit is approved by the body which approved the original special land use permit.

(j) Conditions of any approval are attached to the land and will remain through subsequent owners, except an expiration date for the special land use may be specified if the special land use is considered to be temporary in nature.

(k) Inspections: The Zoning Administrator shall make periodic investigations of developments authorized by special land use permit to determine continued compliance with all requirements imposed by the Planning Commission or Township Board and this Ordinance. Non-compliance with the requirements and conditions approved for the special land use shall constitute grounds for the Township Board to terminate said approval following a public hearing. The hearing shall be as required by section 19.02.04(c). (as amended 3/5/10)

Sec 19.03 REVIEW AND APPROVAL OF SPECIAL LAND USES: GENERAL REVIEW STANDARDS

Prior to approving a special land use application the Planning Commission shall require the following general standards shall be satisfied for the use at the proposed location, in addition to specific standards for individual special land uses listed in the districts. The proposed special land use shall:

19.03.01 **Master Plan.** Be compatible and in accordance with the goals, objectives and policies of the Genoa Township Master Plan and promote the Statement of Purpose of the zoning district in which the use is proposed;

19.03.02 **Compatibility.** Be designed, constructed, operated and maintained to be compatible with, and not significantly alter, the existing or intended character of the general vicinity;

19.03.03 **Public Facilities and Services.** Be served adequately by essential public facilities and services such as: highways, streets, police and fire protection, drainage structures, water and sewage facilities, refuse disposal and schools;

19.03.04 **Impacts.** Not involve uses, activities, processes, or materials detrimental to the natural environment, public health, safety or welfare by reason of excessive production of traffic, noise, vibration, smoke, fumes, odors, glare or other such nuisance; and

19.03.05 **Mitigation.** Provide mitigation necessary to minimize or prevent negative impacts.

Sec. 19.04 **VARIANCES**

The Zoning Board of Appeals shall not have the authority to grant a variance to allow a special land use which was denied by the Township Board. If dimensional or site design variances are requested for a special land use, the request shall first be reviewed by the Planning Commission which shall provide a recommendation to the Zoning Board of Appeals. Any variances shall be approved by the Zoning Board of Appeals prior to Township Board action on the site plan and special land use

Sec. 19.05 **VALIDITY OF PERMIT**

19.05.02 **Start of Construction.** Where actual physical construction of a substantial nature of structures authorized by a special land use permit has not commenced within one (1) year of issuance, and a written application for extension of the approval has not been filed as provided below, the permit shall become null and void and all rights there under shall terminate.

19.05.04 **Extensions.** Upon written application filed prior to the termination of the one (1) year period as provided above, the Township may authorize extensions to the special land use and site plan following the procedures in Section 18.09.02. (as amended 8/24/07)

19.05.05 **Conforming Use.** Any use for which a special land use permit may be granted shall be deemed a use permitted in the district in which it is located and is not to be considered a non-conforming use.

19.05.08 **Abandonment.** Any use for which a special land use permit has been granted and which ceases to continuously operate for a twelve (12) month period shall be considered abandoned, and the special land use permit shall become null and void.

Sec. 19.06. **AMENDMENTS, EXPANSIONS OR CHANGE IN USE**

19.06.01 **Major Amendments:** Any person or agency who has been granted a special land use permit shall notify the Zoning Administrator of any proposed amendment to the approved site plan of the special land use permit. A major amendment to a special land use permit shall require submittal of a new application for special land use and follow the review procedures contained in this Article. The Zoning Administrator shall determine whether the proposed amendment constitutes a minor or major amendment based on the following standards:

(a) Changes increase the buildings usable floor area by more than twenty five percent (25%);

(b) Parking lots are expanded by more than twenty five percent (25%);

(c) The occupancy, capacity or membership of the use is increased by more than twenty five percent (25%);

(d) The use is expanded to occupy an additional twenty five percent (25%) or more land area;

(e) The expansion will result in a twenty five percent (25%) or more increase in traffic generation based upon the traffic impact assessment standards contained in Article 18;

(f) The expansion will result in a twenty five percent (25%) or more increase in the demand for public water or sewer; or,

(g) Other similar types of changes deemed by the Zoning Administrator to be "major."

19.06.02 **Minor Amendment:** Minor amendment to an approved special land use does not require submittal of a new application for a special land use, but may require submittal of a site plan or sketch plan following the requirements of Article 18.

19.06.03 **Change in Use:** Change to another special land use shall require submittal of a new application for special land use and follow the review procedures contained in this Article.

19.06.04 **Separate Approval.** A separate Special Land Use Permit shall be required for each use which requires special Land Use review on a lot.

Sec. 19.07. RESTRICTIONS ON RESUBMITTAL OF A SPECIAL LAND USE REQUEST

No application for a special land use permit which has been denied wholly or in part shall be resubmitted for a period of one (1) year from the date of denial, except on the grounds of new evidence or proof of changed conditions relating to all of the reasons noted for the denial found to be valid by the Township Board. A resubmitted application shall be considered a new application.

ARTICLE 20
LAND DIVISIONS

Sec. 20.01 STATEMENT OF PURPOSE

This Article is intended to establish an orderly procedure and standards of review for divisions of land within the Township in a manner consistent with: the Master Plan, the purpose of this Zoning Ordinance, the protection of property values, the need to insure adequate vehicular access to lots and as a means to promote compliance with the Michigan Land Division Act, Michigan Public Act 288 of 1967, as amended, and the Genoa Township Subdivision Control Ordinance.

Sec. 20.02 APPLICABILITY

This Article regulates divisions of land for sale or lease of more than one (1) year, or for building site development, as follows:

20.02.01 **Number of Splits.** An application for division of land shall not be approved unless it is in compliance with Section 108 of the Michigan Land Division Act, Michigan Public Act 288 of 1967, as amended. Accordingly, a parcel that is not part of a subdivision plat may be divided as follows:

(a) For a parcel, the division, together with any previous divisions of the same parent parcel or parent tract, shall result in a number of parcels not more than the sum of the following, as applicable:

(1) For the first ten (10) acres or portion thereof in the parent parcel or parent tract, four (4) parcels.

(2) For each whole ten (10) acres in excess of the first ten (10) acres in the parent parcel or parent tract, one (1) additional parcel, for up to a maximum of eleven (11) additional parcels.

(3) For each whole 40 acres in excess of the first 120 acres in the parent parcel or parent tract, one (1) additional parcel.

(b) For a parent parcel or parent tract of not less than twenty (20) acres, the division may result in a total of two (2) parcels in addition to those permitted by subsection (a) above if one or both of the following apply:

1. Because of the establishment of one or more new roads, no new driveways to an existing public road for any of the resulting parcels under subsection (a) of this subsection are created or required.

2. One of the resulting parcel(s) under subsections (a) and this subsection comprises not less than 60% of the area of the parent parcel or parent tract.

(c) A parcel of 40 acres or more created by the division of a parent parcel or parent tract shall not be counted toward the number of parcels permitted under Subsections (a) and (b) and is not subject to the approval requirements of this ordinance, if the parcel is accessible.

(d) A parcel or tract created by an exempt split or a division is not a new parent parcel or parent tract and may be further partitioned or split without being subject to the platting requirements of the Land Division Act, Michigan Public Act 288 of 1967, as amended, if all of the following requirements are met:

(1) Not less than ten (10) years have elapsed since the parcel or tract was recorded.

(2) The partitioning or splitting does not result in more than the following number of parcels, whichever is less.

a. Two (2) parcels for the first ten (10) acres or fraction thereof in the parcel or tract plus one additional parcel for each whole ten (10) acres in excess of the first ten (10)acres in the parcel or tract.

b. Seven (7) parcels or ten (10) parcels if one of the resulting parcels under this subsection comprise not less than sixty percent (60%) of the area of the parcel or tract being partitioned or split.

(3) The partitioning or splitting satisfies the requirements of this ordinance and the Michigan Land Division Act

(e) A parcel or tract created under the provisions of Subsection (c) above may not be further partitioned or split without being subject to the platting requirements of this act, except in accordance with the provisions of Subsection (d).

20.02.02 **Divisions within Subdivisions.** A lot within a recorded subdivision plat may be divided into not more than four (4) parcels.

20.02.03 **Approval Under Other Ordinances.** Approval shall not be required under this article where the division of land is proposed under one of the following methods:

(a) A parcel is proposed to be subdivided as a plat under the Land Division Act, Michigan Public Act 288 of 1967, as amended, and the Township Subdivision Control Ordinance.

(b) A site condominium is established on a parcel subject to the Michigan Condominium Act, Michigan Public Act 59 of 1978, as amended and section 12.07 of this ordinance.

(c) An exempt split where all resulting parcels are at least forty (40) acres in area or result in a quarter-quarter section that is approximately forty (40) acres in area.

Sec. 20.03 **PROCEDURE**

20.03.01 **Application.** The applicant shall submit an application requesting to divide property including the information listed below.

20.03.02 **Review.** The Zoning Administrator shall review the request in consideration of the standards of this Article, standards of the zoning district of the subject site and the Genoa Township Subdivision Ordinance. The Zoning Administrator shall not take action if any variances are needed until a decision has been made by the Board of Appeals. The land division

application shall be approved within forty-five (45) days of a complete application being submitted.

20.03.03 **Approval.** The Zoning Administrator may approve the land division if all the standards of Sec. 20.05 "Standards for Review" are met. If the land division involves a private road, the request and site plan for the private road shall be submitted to the Planning Commission for review and approval. If the land division includes private roads, the Township Attorney and Engineer shall review any easements, private road maintenance agreements and related documents.

20.03.04 **Recording.** If the land division is approved, the applicant shall provide the Zoning Administrator with documentation of the recording the land division by the Livingston County Register of Deeds.

Sec. 20.04 **SUBMITTAL REQUIREMENTS**

If the land division can be approved by the Zoning Administrator, as outlined above, four (4) copies of a site plan shall be submitted. If the land division requires private road review by the Planning Commission, the applicant shall submit a site plan to the Zoning Administrator in accordance with the review schedule and procedures adopted by the Planning Commission. The submittal shall include all of the following:

20.04.01 **Owner.** The name and signatures of all owners of any legal or equitable interest in the property(ies), and their signatures.

20.04.02 **Survey.** A legal description of each parcel into which the property is to be divided prepared by a Registered Land Surveyor.

20.04.03 **Taxes.** A copy of the most recent tax bill pertaining to the land.

20.04.04 **Deed Restrictions.** A statement indicating any restrictions or covenants which apply to or run with the land, having bearing upon the proposed division.

20.04.05 **Access.** Documentation from the Livingston County Road Commission stating the proposed lot(s) has adequate sight distance.

20.04.06 **Septic and Well.** Documentation from the Livingston County Health Department on the suitability of the lot(s) to accommodate safe installation of a septic tank, reserve area and individual well if public utilities are not available. Locations must be shown on the site plan.

20.04.07 **Easement Rights.** For easements providing access for public utilities or services, an accurate legal description, prepared by a Registered Land Surveyor or Civil Engineer, shall be provided that includes recitation of the purpose of the easement, with grant to the Township, its successors and assigns, in perpetuity, of the right to occupy and use such easement for installation, maintenance and operation of public utilities.

20.04.08 **Survey.** A survey and plan of the property to be divided, accurately drawn at a scale of not smaller than one inch equals one hundred feet (1" = 100'), prepared by a Registered Land Surveyor or Civil Engineer licensed to practice in the State of Michigan and showing at least:

(a) Topography at two (2) foot contour intervals extending to the opposite right-of-way line of any abutting street or highway and extending at least twenty-five (25) feet onto all abutting property.

(b) All existing buildings and structures on the site, and buildings and structures located on abutting property within fifty (50) feet of the lot to be divided.

(c) For non-single family lots, existing access points within 150 feet of the lot frontage, including access points on the opposite side of the street.

(d) Boundaries of any water body or wetland, all woodlots which will not be disturbed by building construction and trees with a caliper of eight (8) inches or more which may be disturbed indicating size and species. Boundaries of any wetland which may be regulated by the Michigan Department of Natural Resources shall be illustrated, with supporting documentation by a qualified wetland consultant.

(e) Boundaries of all proposed divisions, with complete dimensions and area of each proposed resultant parcel.

(f) Proposed easements locations, with dimensions.

(g) Proposed limits within which principal structure and auxiliary buildings shall be confined on such parcel, with dimensions.

Sec. 20.05 STANDARDS FOR REVIEW

In reviewing a requested land division regulated by this Article, the following shall be considered:

20.05.01 **Net area and width:** The minimum lot frontage, width and lot area of each parcel resulting from the proposed land division shall be at least the minimum required for a lot in the zoning district. The easement area required for a private road may not be included in calculation for minimum lot width and area.

20.05.02 **Depth to Width Ratio:** The ratio of the depth to width of any parcel created by the division does not exceed a four to one ratio exclusive of access roads or easements.

20.05.03 **Accessibility:** The lot shall be accessible by means of having frontage on a public road or a private road, or shared driveway easement meeting the requirements of Article 15. In addition, the lot width shall be adequate to meet sight distance standards of the applicable road agency, and the Township access spacing standards.

20.05.04 **Building envelope:** Within each parcel shown on such site plan, there shall be delineated and fully dimensioned an area within which the principal structure shall be confined (building envelope). The building envelope shall not infringe on any lake, stream, drain, wetland or easements; shall demonstrate compatibility with existing development in the vicinity; and shall be of sufficient size to meet minimum setbacks from lot lines, wetlands and water bodies.

20.05.05 **Elimination of Nonconforming Situations:** The land division or combination shall not create and shall attempt to eliminate any nonconforming situation, such as a nonconforming accessory building or a nonconforming setback, to the degree deemed practical by the Zoning Board of Appeals.

ARTICLE 21
ADMINISTRATION AND ENFORCEMENT

Sec. 21.01 DUTIES OF ZONING ADMINISTRATOR & OTHERS

21.01.01 **Zoning Administrator:** Except where herein otherwise stated, the provisions of this Ordinance shall be administered by the Zoning Administrator or the Zoning Administrator's designee; provided that site plan review shall be carried out by the Township Planning Commission, and special land uses by the Township Board and shall precede an issuance of permits.

21.01.02 **Zoning Compliance:** The Zoning Administrator shall have the power to grant zoning compliance permits, to make inspection of buildings or premises necessary to carry out his duties in the enforcement of this Ordinance.

21.01.04 **Ordinance Requirements:** Under no circumstances is the Zoning Administrator permitted to make changes to this Ordinance nor to vary the terms of this Ordinance in carrying out his duties as Zoning Administrator.

21.01.05 **Compliance With Ordinance:** The Zoning Administrator shall not refuse to issue a permit when conditions imposed by this Ordinance are complied with by the applicant, despite violations of contracts, such as covenants or private agreements, which may occur upon the granting of said permit.

21.01.06 **Discontinuance of Illegal Uses:** The Zoning Administrator shall order discontinuance of illegal uses of land, buildings or structures, removal of illegal buildings or structures, discontinuance of any illegal construction, or shall take any other lawful action authorized by this Ordinance to ensure compliance with, or prevent violations of its provisions.

Sec. 21.02 REQUIREMENT FOR PERMIT

21.02.01 **Land Use Permits:** A land use permit shall be secured from the Zoning Administrator prior to activities regulated by this Zoning Ordinance. In reviewing a request for a land use permit, the Zoning Administrator shall determine that such activity or use is in accordance with the requirements of this Ordinance. The Zoning Administrator may issue such permit following determination that appropriate action, sanctioning such use, has been taken by the Zoning Board of Appeals; and further provided that Site Review has been completed, where such review is required by this Ordinance.

The land use permit signifies that, in the opinion of the Zoning Administrator, the intended use, building or structure complies with all provisions of this zoning ordinance. Any change in the use of land, type of use or occupancy of any non-residential building or structure shall require a land use permit. Where a building permit is also required, application for a land use permit shall precede the application for building permit. In cases in which a building permit is not required for construction of a new or enlarged building or structure, the application for a land use permit shall be made prior to the date when construction is intended to begin.

21.02.02 **Special Land Use Permits:** A separate Special Land Use Permit is required for certain uses, as described in Article 19.

21.02.03 **County Permits:** No application shall be made to the Livingston County Building Department or Department of Health for appropriate permits until the Land Use Permit has been secured.

21.02.04 **Permits for New Use of Land:** A certificate of occupancy shall be required before any vacant or occupied land may be used or occupied by a new or different use.

21.02.05 **Permits for New Use of Buildings:** No building or structure or use for which a building or land use permit has been issued shall be used or occupied until the building official has, after final inspection, issued a certificate of occupancy. The issuance of a certificate of occupancy shall in no case be construed as waiving any provisions of this chapter.

21.02.06 **Permits Required:** No building or structure, or part thereof shall be hereafter erected, altered, moved or repaired unless a land use permit shall have been first issued for such work and a building permit shall have been first issued for such work. The terms "altered" or "repaired" shall include any changes in structural parts, stairways, fences, type of construction, type, class or kind of occupancy, light or ventilation, means of egress and ingress, or other changes affecting or regulated by the Township of Genoa, except for minor repairs or changes not involving any of the aforesaid features.

21.02.07 **Sewer and Water Permits:** Where public sewer and/or water is provided or required, a permit shall be issued prior to installation of such facilities only after review and approval of the construction plans by the Township Engineer.

Sec. 21.03 PERFORMANCE GUARANTEE

To ensure compliance with the provisions of this Ordinance and any conditions imposed by the Township Board, Zoning Board of Appeals, Planning Commission or Zoning Administrator, the Township may require that a performance guarantee be deposited with the Township to ensure faithful completion of improvements. The performance guarantee shall meet the following requirements:

21.03.01 **Performance Guarantee:** The performance guarantee may be in the form of a cash deposit, irrevocable letter of credit, certified check, cash escrow, or similar instrument acceptable to the Township. If the applicant posts a letter of credit, the credit shall require only that the Township present the credit with a sight draft and an affidavit signed by the Township Attorney attesting to the Township's right to draw funds under the credit. If the applicant posts a cash escrow, the escrow instructions shall provide that the escrow agent shall have a legal duty to deliver the funds to the Township whenever the Township Attorney presents an affidavit to the agent attesting to the Township's right to receive funds whether or not the applicant protests that right.

21.03.02 **Submittal:** The performance guarantee shall be submitted at the time of issuance of the permit authorizing the activity or project. The performance guarantee shall be in a form found acceptable to the Township.

21.03.03 **Amount:** The amount of the performance guarantee shall be sufficient to cover the estimated cost of the improvements associated with a project for which site plan approval is sought. The applicant shall provide an itemized schedule of estimated costs to complete all such improvements.

21.03.04 **Refund:** The entire performance guarantee, including interest accrued, shall be returned to the applicant upon satisfactory and timely completion of the required improvements. The applicant may request that the performance guarantee be returned as work progresses in reasonable proportion to the ratio of work completed on the required improvements, provided that a minimum of ten percent (10%) shall be held back on each element until satisfactory completion of the entire project.

21.03.05 **Improvements not Completed:** Whenever required improvements are not installed or maintained in accordance with the standards set forth in this Ordinance and an approved site plan, the Township may complete the necessary improvements itself or by contract to an independent developer, and assess all costs of completing said improvements against the performance bond or other surety, including any interest accrued on said bond or surety. Prior to completing said improvements, the Township shall notify the owner, site plan review applicant, and/or other firm or individual responsible for completion of the required improvements.

Sec. 21.04 VIOLATIONS AND PENALTIES

21.04.01 **Violation a Nuisance:** Any building erected, altered, moved, razed, or converted, or any use of land or premises carried on in violation of any provision of this Ordinance is declared to be a nuisance per se, and may be abated by order of any court of competent jurisdiction.

21.04.02 **Inspection of Violation:** The Code Officer shall inspect each alleged violation and shall order correction, in writing, of all conditions found to be in violation of this Ordinance. The order to correct a violation shall be issued by serving personally, or by sending, by registered mail, return receipt requested, such order to the last known address of the owner of the property upon which the violation occurs, or when applicable, the violator. A party who has failed to accept such registered mail shall be deemed to have been served.

21.04.03 **Cease and Desist Orders:** The Code Officer shall have the authority to issue a cease and desist order in the form of a written notice for the violation of any provisions of this Zoning Ordinance. A cease and desist order may be issued to any person that is subject to the requirements of this ordinance. Such cease and desist order shall become effective once it has been posted on the property where the violation has occurs and a copy of the notice has been sent to the person involved by first class mail at the person's last known address. Once a cease and desist order is effective, any use or work done in violation of the Zoning Ordinance shall stop immediately and shall not be recommenced until the Code Officer issues written notice dissolving the cease and desist order. Any person who violates a cease and desist order shall be guilty of a municipal civil infraction as authorized below. Any decision of the Code Officer regarding a cease and desist order may be appealed to the Zoning Board of Appeals. A cease and desist order shall be in addition to the other violation penalties and remedies provided in this Ordinance.

21.04.04 **Penalties:** Every person, corporation or firm who violates, disobeys, or omits, neglects or refuses to comply with any provision of this Ordinance or any permit, license or exception granted hereunder, or any lawful order of the Zoning Administrator, Code Officer, Board of Appeals or Township Board issued in pursuance of this Ordinance shall be guilty of a municipal civil infraction and upon conviction thereof shall be fined not more than $500.00 for each such violation. The rights and remedies provided in this Ordinance are cumulative and are in addition to all other remedies provided by law. All monies received from penalties assessed shall be paid into the Township treasury on or before the first Monday of the month

next following receipt thereof by the court of jurisdiction. All fines collected shall belong to the Township and shall be deposited in the general fund.

The owner of record or tenant of any building, structure premises, or part thereof, and any architect, builder, contractor, agent or person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense. The imposition of any penalty shall not exempt the violator from compliance with the provisions of this Ordinance.

21.04.05 **Remedies:** The Zoning Administrator, the Code Officer, the Township Board, the Planning Commission, the Zoning Board of Appeals or the Township Attorney, or any interested party, may institute injunction, mandamus, abatement or other appropriate proceedings to prevent, enjoin, abate or remove any unlawful erection, alteration, maintenance or use. The rights and remedies herein provided are civil in nature. (as amended 12/31/06)

21.04.06 **Scope of Remedies:** The rights and remedies provided in this Ordinance are cumulative and are in addition to all other remedies provided by law. All monies received from penalties assessed shall be paid into the Township treasury on or before the first Monday of the month next following receipt thereof by the court of jurisdiction. All fines collected shall belong to the Township and shall be deposited in the general fund.

Sec. 21.05 PUBLIC HEARING NOTICES

In instances where a public hearing is required under state law with the Township Board, Planning Commission or the Zoning Board of Appeals, written notice of the public hearing shall be as follows:

21.05.01 **Notice Content:** The notice shall do all of the following:

(a) Describe the nature of the request.

(b) Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used. If there are no street addresses, other means of identification may be used.

(c) State when and where the request will be considered.

(d) Indicate when and where written comments will be received concerning the request.

21.05.02 **Notice Publication and Delivery:** Notice shall be published and delivered no less than fifteen (15) days prior to the public hearing as follows:

(a) Notice of the request shall be published in a newspaper of general circulation in the Township.

(b) Notice shall be sent by mail or personal delivery to the owners of property for which approval is being considered.

(c) Notice shall also be sent to all persons to whom real property is assessed within three hundred (300) feet of the property and to the occupants of all structures within three

hundred (300) feet of the property regardless of whether the property or occupant is located in the zoning jurisdiction. If the name of the occupant is not known, the term "occupant" may be used in making notification under this subsection.

21.05.03 **Ordinance Amendments and Rezonings of More Than 10 Properties:** Public hearings for an amendment to the zoning ordinance, or the zoning map that affects more than ten (10) properties shall only require notice in a newspaper, which shall not be required to indicate the property subject to the request under 21.05.01(b) above, and notice shall not be required to be mailed to individual properties under 21.05.02(b) and (c) above.

21.05.04 **ZBA Interpretations and Appeals:** Public hearings for ordinance interpretations and appeals of administrative decisions by the Zoning Board of Appeals shall only require notice in a newspaper, as required in 21.05.02(a) above and if the interpretation or appeal of an administrative decision involves a specific property, notice shall also be given to the person bringing the appeal, as required in 21.05.02(b) above. Variances shall require full notification under 21.05.02(a) through (c) above.

(as amended 12/31/06)

ARTICLE 22
ORDINANCE AMENDMENTS

Sec. 22.01 INITIATION OF AMENDMENTS

The Township Board may, from time to time, amend, modify, supplement or revise the zoning district boundaries shown on the Official Zoning Map or the provisions of this Ordinance. Amendments to the provisions of this Ordinance may be initiated by the Township Board, the Planning Commission, or by petition of one or more residents or property owners of the Township. An amendment to the zoning district boundaries (rezoning) contained on the Official Zoning Map may be initiated by the Township Board, the Planning Commission, or by the owner or owners of property which is the subject of the proposed amendment. All proposed amendments to the provisions of this Ordinance or the Official Zoning Map shall be referred to the Planning Commission for public hearing and recommendation to the Township Board, prior to consideration thereof by the Township Board.

Sec. 22.02 APPLICATION PROCEDURE

22.02.01 An amendment to this Ordinance or the Official Zoning Map, except those initiated by the Township Board or Planning Commission, shall be initiated by submission of a completed application on a form supplied by the Township, including an application fee, which shall be established from time to time by resolution of the Township Board.

22.02.02 In the case of an amendment to the Official Zoning Map, the following information shall accompany the application form:

(a) A legal description and street address of the subject property, together with a map identifying the subject property in relation to surrounding properties.

(b) The name, signature and address of the owner of the subject property, a statement of the applicant's interest in the subject property if not the owner in fee simple title, and proof of consent from the property owner.

(c) The existing and proposed zoning district designation of the subject property.

(d) A site analysis site plan or current aerial photograph illustrating existing conditions on the site and adjacent properties such as woodlands, wetlands, soil conditions, steep slopes, drainage patterns, views, existing buildings, adjacent land uses, any sight distance limitations and relationship to other developed sites and access points in the vicinity.

(e) A written environmental assessment as described in Article 13 describing site features and anticipated impacts created by the host of uses permitted in the requested zoning districts.

(f) A traffic impact study, as described in Sec. 18.07.09 shall be provided if any use permitted in the requested zoning district could generate 100 or more peak hour directional trips, or 1,000 or more vehicle trips per day. The traffic study should contrast the daily and peak hour trip generation rates for representative use in the current and requested zoning district. The determination of representative uses shall

be made by the Planning Commission with input from Township staff and Consultants.

(g) A conceptual plan at a scale not less than 1" = 100', demonstrating that the site could be developed with representative uses permitted in the requested zoning district meeting requirements for setbacks, lot coverage, building spacing, parking, loading, drainage, general landscaping, wetland buffers, access spacing, any requested service drives and other site design factors; while the anticipated use can be shown, an illustration of the maximum development permitted under the requested zoning shall also be provided.

(h) A written description of how the requested rezoning meets Sec. 22.04 "Criteria for Amendment of the Official Zoning Map."

22.02.03 In the case of an amendment to the Official Zoning Map, the site must be staked to clearly indicate the location of the requested amendment. Flagged stakes shall be placed at each parcel corner.

22.02.04 In the case of an amendment to this Ordinance, other than an amendment to the Official Zoning Map, a general description and indication of the purpose of the proposed amendment shall accompany the application form.

22.02.05 An applicant for a rezoning may voluntarily offer certain conditions and limitations as part of the rezoning application (hereafter referred to as "zoning agreement"). The offer for a zoning agreement shall be submitted at the time the rezoning application is filed or in response to comments received at the Planning Commission public hearing. An election to file a conditional rezoning with a zoning agreement shall be in writing and shall be pursuant to the Michigan Zoning Enabling Act (Public Act 110 of 2006), and section 22.05 below. When necessary, the zoning agreement shall also include and incorporate, by reference, a conceptual site plan. This plan shall not replace the requirement for a site plan review and approval as outlined in article 18, which shall be conducted following the Township Board's approval of the conditional rezoning. The Township may voluntarily accept the offer for a zoning agreement, but shall not be obligated to accept such offer. (as amended 12/31/06)

Sec. 22.03 AMENDMENT PROCEDURE; PUBLIC HEARING AND NOTICE

22.03.01 Upon initiation of an amendment, a public hearing on the proposed amendment shall be scheduled before the Planning Commission. Notice of public hearing shall be provided for in accordance with section 21.05.

(a) If an individual property or ten (10) or fewer adjacent properties are proposed for rezoning, the Township shall give a notice of the proposed rezoning in the same manner as required under section 21.05.

(b) If eleven (11) or more properties are proposed for rezoning, or if an amendment is proposed to the text of the ordinance, the Township shall give a notice of the proposed rezoning shall be published in a newspaper, as required under section 21.05, and the individual property notices in subsection 21.05.02(b), and (c) shall not be required and no individual addresses of properties are required to be listed under section 21.05.01(b).

22.03.02 Where the applicant has offered a conditional rezoning, the zoning agreement may be offered or amended in response to comments raised during the public hearing; provided, that any amended or additional agreements are voluntarily offered by the applicant and they are in direct response to discussion at the public hearing.

22.03.03 Following the public hearing, the Planning Commission shall identify and evaluate all factors relevant to the petition and shall report its findings and recommendation to the Township Board. In the case of an amendment to the Official Zoning Map, the Planning Commission shall consider the criteria contained in Section 22.04, below, in making its finding and recommendation.

22.03.04 Where the applicant has offered a conditional rezoning, the zoning agreement shall be reviewed by the Township attorney prior to the Planning Commission making a recommendation to the Township Board on the conditional rezoning application. The Township attorney shall determine that the zoning agreement conforms to the requirements of section 22.05 below and the Michigan Zoning Enabling Act (Public Act 110 of 2006), as amended, and shall confirm that the zoning agreement is in a form acceptable for recording with the County Register of Deeds.

22.03.05 Following receipt of the findings and recommendation of the Planning Commission, the Township Board shall consider the proposed amendment.

(a) The Township Board shall consider the amendment by conducting a first reading of the amendment at a meeting of the Township Board. The Township Board shall then conduct a second reading of the amendment at a subsequent meeting of the Township Board and consider the amendment for adoption, in accordance with PA 359 of 1947, as amended.

(b) In the case of an amendment to the text of this Ordinance, the Township Board may modify or revise the proposed amendment as recommended by the Planning Commission, prior to enactment.

(c) In the case of an amendment to the Official Zoning Map, the Township Board shall approve or deny the amendment, based on its consideration of the criteria contained in Section 22.04, below. (as amended 8/24/07)

22.03.06 If a conditional rezoning has been offered by the applicant and recommended for approval by the Planning Commission, the Township Board may approve the zoning agreement as a condition to the rezoning if it meets all requirements of section 22.05 below. If an applicant proposes a zoning agreement after the Planning Commission has made a recommendation on the rezoning request, the Township Board shall first remand the application back to the Planning Commission to review the agreement and resubmit a recommendation to the Township Board. The zoning agreement shall be incorporated by attachment or otherwise as an inseparable part of the ordinance adopted by the Township Board to accomplish the requested conditional rezoning. All of the following shall apply to a rezoning that was conditionally approved along with a zoning agreement:

(a) The zoning classification of the rezoned property shall consist of the district to which the property has been rezoned, plus a reference to the zoning agreement. The zoning map shall specify the new district, plus a small letter “a” followed by a number to indicate that the property is subject to a zoning agreement and referencing the agreement number (e.g., “LDR-a1”).

(b) The Township shall maintain a listing of all properties subject to zoning agreements. The approved zoning agreement shall be recorded by the applicant with the County Register of Deeds.

(c) Unless extended by the Township Board for good cause, the zoning agreement and associated conditional rezoning shall expire two (2) years after adoption of the conditional rezoning and zoning agreement, unless substantial construction on the approved development of the property, pursuant to building and other required permits issued by the Township, commences within the two (2) year period and proceeds diligently towards completion.

(d) In the event that substantial construction on the approved development has not commenced within two (2) years, the zoning agreement shall be void and of no effect.

(e) Notwithstanding the above, if the property owner applies in writing for an extension of the zoning agreement at least thirty (30) days prior to the expiration date, the Township Board may, after recommendation by the Planning Commission, grant an extension of up to one (1) year.

(f) Should the zoning agreement become void, all development on the subject property shall cease, and no further development shall be permitted. The Township may withhold or revoke permits and certificates, in addition to or in lieu of any other lawful action to achieve compliance.

(g) If the zoning agreement becomes void as outlined above, the conditional rezoning shall be automatically revoked and the land shall revert back to its original zoning classification as set forth in MCL 125.286i. (as amended 12/31/06)

Sec. 22.04 CRITERIA FOR AMENDMENT OF THE OFFICIAL ZONING MAP

In considering any petition for an amendment to the Official Zoning Map, the Planning Commission and Township Board shall consider the following criteria in making its findings, recommendations and decision:

22.04.01 Consistency with the goals, policies and future land use map of the Genoa Township Master Plan, including any subarea or corridor studies. If conditions have changed since the Master Plan was adopted, the consistency with recent development trends in the area.

22.04.02 Compatibility of the site's physical, geological, hydrological and other environmental features with the host of uses permitted in the proposed zoning district.

22.04.03 The ability to the site to be reasonably developed with one (1) of the uses permitted under the current zoning.

22.04.04 The compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values.

22.04.05 The capacity of Township infrastructure and services sufficient to accommodate the uses permitted in the requested district without compromising the "health, safety and welfare" of the Township.

22.04.06 The apparent demand for the types of uses permitted in the requested zoning district in the Township in relation to the amount of land in the Township currently zoned to accommodate the demand.

22.04.07 Where a rezoning is reasonable given the above criteria, a determination the requested zoning district is more appropriate than another district or amending the list of permitted or Special Land Uses within a district.

22.04.08 The request has not previously been submitted within the past one (1) year, unless conditions have changed or new information has been provided.

Sec. 22.05 ZONING AGREEMENTS FOR CONDITIONAL REZONINGS

22.05.01 An applicant for a rezoning may voluntarily offer a zoning agreement as a condition for rezoning. An election to file a conditional rezoning with a zoning agreement shall be pursuant to the Michigan Zoning Enabling Act (Public Act 110 of 2006) and this article. The conditions set forth in the zoning agreement must be voluntary and equally or more restrictive than the regulations that would otherwise apply under the proposed zoning district. The zoning agreement shall be a written agreement that is approved and executed by the applicant and the Township and recorded with the County Register of Deeds. When necessary, the zoning agreement shall also include and incorporate, by reference, a site plan. This plan shall not replace the requirement for a site plan as outlined in article 18. The zoning agreement must be voluntarily offered by the applicant and the Township shall not have the authority to require modification to a zoning agreement without the consent of the petitioner; provided, the Township shall not enter into a zoning agreement that is not found acceptable to the Township Board.

22.05.02 The zoning agreement may include limitations on the uses permitted on the property in question, specification of lower density or less intensity of development and use, or may impose more restrictive measures on the location, size, height, or other measure for buildings, structures, improvements, setbacks, landscaping, buffers, design, architecture and other features. The zoning agreement may not authorize uses or developments of greater intensity or density, or which are not permitted in the proposed zoning district; nor may a zoning agreement permit variances from height, area, setback or similar dimensional requirements that are less restrictive than the proposed zoning district. The zoning agreement may include conditions related to the use and development of the property that are necessary to:

(a) Serve the intended use of the property, such as improvements, extension, widening, or realignment of streets, utilities, storm drains, or other infrastructure serving the site;

(b) Minimize the impact of the development on surrounding properties, such as landscape screening above and beyond minimum requirements or design elements to create transition to adjoining uses; and

(c) Preserve natural features, historic resources, and open space.

22.05.03 In addition to any limitations on use or development of the site, preservation of site features or improvements described in section 22.05.02 above, the zoning agreement shall also include the following:

(a) Acknowledgement that the zoning agreement was proposed voluntarily by the applicant and that the Township relied upon the agreement and may not grant the rezoning but for the conditions offered in the zoning agreement.

(b) Acknowledgement that the zoning agreement and its terms and conditions are authorized by all applicable state and federal law and constitution, and that the zoning agreement is valid and was entered into on a voluntary basis.

(c) Agreement and understanding that the property shall only be developed and used in a manner that is consistent with the zoning agreement.

(d) Agreement and understanding that the rezoning is conditioned upon obtaining site plan approval under article 18, or subdivision approval under the Township Subdivision Control Ordinance and obtaining other necessary approvals required by the Township and all applicable county, and state agencies.

(e) Agreement and understanding that no part of the zoning agreement shall permit any activity, use, or condition that would otherwise not be permitted in the new zoning district.

(f) Agreement and understanding that the approval of the conditional rezoning and the zoning agreement shall be binding upon and inure to the benefit of the property owner and the Township, and also their respective heirs, successors, assigns, receivers or transferees.

(g) Agreement and understanding that, if a rezoning with a zoning agreement becomes void in accordance with this section, that no further development shall take place and the land shall revert back to its original zoning classification.

(h) A legal description of the land to which the agreement pertains.

(i) Any other provisions as are agreed upon by the parties.

22.05.04 Any uses proposed as part of a zoning agreement that would otherwise require site plan approval or special land use approval shall be subject to the applicable review and approval requirements of articles 18 and 19.

22.05.05 Nothing in the zoning agreement, nor any statement or other provision, shall prohibit the Township from later rezoning all or any portion of the land that is the subject of the zoning agreement to another zoning classification. Any rezoning shall be conducted in compliance with this ordinance and the Michigan Zoning Enabling Act (Public Act 110 of 2006).

22.05.06 Failure to comply with the zoning agreement at any time after approval will constitute a breach of the agreement and also a violation of this ordinance, and further use of the property may be subject to legal remedies available to the Township. (as amended 12/31/06)

Sec. 22.06 AMENDMENTS REQUIRED TO CONFORM TO COURT DECREE

Any amendment for the purpose of conforming to a decree of a court of competent jurisdiction shall be adopted by the Township Board and published, without necessity of a public hearing or referral thereof to any other board or agency.

ARTICLE 23
BOARD OF APPEALS

Sec. 23.01 CREATION AND MEMBERSHIP

There is hereby established a Board of Zoning Appeals, herein referred to as the "Board of Appeals", which shall perform its duties and exercise its powers as provided in the Michigan Zoning Enabling Act (Public Act 110 of 2006) in such a way that the objectives of this Ordinance shall be observed, public safety secured, and substantial justice done. The Board of Appeals shall consist of five (5) members, as follows:

23.01.01 **Planning Commission Member.** The first member shall be a member of the Township Planning Commission.

23.01.02 **Other Members.** The remaining members shall be selected and appointed by the Township Board from among the electors residing in the unincorporated area of the Township.

23.01.03 **Township Trustee.** One member may be from the Township Board and their membership term shall be limited to the time he is a member of the Township Board. An elected official of the Township shall not serve as chairperson of the Board of Appeals. An employee or contractor employed by the Township may not serve as a member of the Board of Appeals.

23.01.04 **Alternates.** The Township Board may appoint not more than two (2) alternate members for the same term as regular members to the Board of Appeals. An alternate member may serve as a regular member in the absence of a regular member if the regular member is absent from or will be unable to attend one (1) or more consecutive meetings of the Board of Appeals. An alternate member may also be called upon to serve as a regular member for the purpose of reaching a decision in which a regular member has abstained for reasons of conflict of interest. The alternate member so appointed shall serve in the case until a final decision is made. The alternate member when serving has the same voting rights as a regular member of the Board of Appeals. (as amended 12/31/06)

23.01.05 **Terms.** Terms shall be for 3 years, except for members serving because of their membership on the zoning board, Planning Commission, or Township Board, whose terms shall be limited to the time they are members of the Planning Commission, or Township Board, respectively, and the period stated in the resolution appointing them. Any vacancy shall be filled within one (1) month after the vacancy occurs. Vacancies for unexpired terms shall be filled for the remainder of the term.

23.01.06 **Removal.** Members of the Board of Appeals shall be removable by the Township Board for non-performance of duty or misconduct in office, upon filing of written charges and after public hearing before the Township Board.

Sec. 23.02 JURISDICTION

The Board of Appeals shall have all jurisdiction and powers granted by the Michigan Zoning Enabling Act (Public Act 110 of 2006), all jurisdiction and powers prescribed in other Articles of this Ordinance and the following specific jurisdiction and powers:

23.02.01 **Appeals of Administrative Decisions.** To hear and decide appeals where it is alleged by an appellant that there is an error in any order, requirement, permit, decision, or refusal made by

the Planning Commission or any administrative official charged with administration or enforcement of this Ordinance.

23.02.02 **Variances (Dimensional and Use).** To authorize, upon a variance from the strict application of the provisions of this Ordinance, where by reason of exceptional narrowness, shallowness, shape or area of a specific piece of property at the time of enactment of this Ordinance or by reason of exceptional topographic conditions or other extraordinary or exceptional conditions of such property, the strict application of the regulations enacted would result in peculiar or exceptional practical difficulties to, or exceptional undue hardship upon the owner of such property, provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this Ordinance.

23.02.03 **Interpretation.** Upon request of the Planning Commission or any administrative or enforcement officer charged with administration or enforcement of this Ordinance, the Board of Appeals may interpret and clarify the meaning of Ordinance text. The Board of Appeals may also be requested to interpret boundaries of zoning districts where the zoning district classification can not be clearly discerned on the Official Zoning Map. (as amended 12/31/06)

23.02.04 **Approvals.** To hear and decide requests for other decisions that this Ordinance specifically authorizes the Board of Appeals to pass.

23.02.05 **Special Land Uses.** The Board of Appeals may grant dimensional or other site plan related variances for special land uses. The Board of Appeals shall not have the power to reverse or modify the Township Board's decision to approve or deny a special land use permit nor grant variances to any conditions placed on special land use approval.

23.02.06 **Powers**

(a) The Board of Appeals shall not have the power to alter or change the zoning district classification of any property, nor to make any change in the terms of this Ordinance.

(b) The decision of the Board of Appeals shall be final. However, a person having an interest affected by this Ordinance may appeal to the circuit court for review pursuant to section 23(a) of the Michigan Zoning Enabling Act (Public Act 110 of 2006).

(c) In granting a variance the Board of Appeals may attach thereto such conditions regarding the location, character, and other features of the proposed uses as it may deem reasonable in furtherance of the purpose of this Ordinance.

Sec. 23.03 **MEETINGS**

23.03.01 **Meetings.** All meetings of the Board of Appeals shall be held at the call of the Chairman, and at such times as the Board of Appeals may determine. The Board of Appeals shall not conduct business unless three (3) members of the Board of Appeals are present. All meetings of the Board of Appeals shall be open to the public. The Board of Appeals shall keep minutes of its proceedings, showing the vote of each member on each question, or if absent or failing to vote, indicating such fact, and shall keep records of its findings, proceedings at hearings, and other official actions, all of which shall be immediately filed with the Township and shall be a public record. (as amended 12/31/06)

23.03.02 **Witnesses.** The Chairman of the Board of Appeals or in his absence the Acting Chairman shall have the power to compel the attendance of witnesses and administer oaths.

23.03.03 **Rules.** The Board of Appeals may adopt rules for the conducting meetings, and rendering decisions.

Sec. 23.04 **APPEAL PROCEDURE**

23.04.01 **Application to Board of Appeals.** An appeal may be taken to the Board of Appeals by any person, firm or corporation, or by any officer, department, board or bureau affected by a decision of the Zoning Administrator. Such appeals shall be taken within such time as shall be prescribed by the Board of Appeals by general rule, by filing with the Zoning Administrator a notice of appeal, specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Board of Appeals all of the papers constituting the record upon which the action appealed from was taken.

23.04.02 **Stay of Proceedings.** An appeal to the Zoning Board of Appeals shall stay all proceedings in furtherance of the action appealed. However, if the Zoning Administrator certifies to the Board of Appeals after notice of appeal has been filed that, by reason of facts stated in the certificate, a stay would, in the opinion of the Zoning Administrator, cause imminent peril to life or property, proceedings shall not be stayed, except by a restraining order issued by a court of record. (as amended 3/5/10)

23.04.03 **Fees.** The Township Board may from time to time prescribe and amend by resolution a reasonable schedule of fees to be charged to applicants for appeals to the Board of Appeals. At the time the notice for appeal is filed said fee shall be paid to the Township Treasurer.

23.04.04 **Notice and Public Hearing**

(a) The Board of Appeals shall make no decision except in a specific case and after conducting a public hearing.

(b) Notice of public hearing shall be provided for in accordance with section 21.05. (as amended 12/31/06)

(c) The Board of Appeals shall select a reasonable time and place for the hearing of the appeal and give due notice thereof to the parties and shall render a decision on the appeal without unreasonable delay. Any person may appear and testify at the hearing, either in person or by duly authorized agent.

23.04.05 **Vote.** The majority vote of three (3) members of the Board of Appeals shall be necessary to reverse any order, requirements, decision, or determination of the Zoning Administrator, or to decide in favor of the applicant any matter upon which it is authorized by this Ordinance to render a decision. The majority vote of two-thirds (2/3) of the members of the Board of Appeals shall be necessary to grant a use variance. (as amended 12/31/06)

Sec. 23.05 GRANTING OF VARIANCES

23.05.01 Variances and appeals shall be granted only in accordance with the Michigan Zoning Enabling Act (Public Act 110 of 2006), and based on the findings set forth in this section. Variances and appeals shall not be granted solely upon economic or financial considerations.

The extent to which the following criteria apply to a specific case shall be determined by the ZBA.

23.05.02 **Criteria Applicable to Appeals to Administrative Decisions.** The Board of Appeals may reverse an order of an administrative official or the Planning Commission only if it finds that the action or decision appealed meets one (1) or more of the following requirements:

(a) Was arbitrary or capricious.

(b) Was based on an erroneous finding of a material fact.

(c) Constituted an abuse of discretion.

(d) Was based on erroneous interpretation of the Zoning Ordinance or zoning law.

23.05.03 **Criteria Applicable to Dimensional Variances.** No variance in the provisions or requirements of this Ordinance shall be authorized by the Board of Appeals unless it is found from the evidence that all of the following conditions exist:

(a) Practical Difficulty/Substantial Justice. Compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk, density, or other dimensional provisions would unreasonably prevent the use of the property. Granting of a requested variance or appeal would do substantial justice to the applicant as well as to other property owners in the district and is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and vicinity of the subject parcel.

(b) Extraordinary Circumstances. There are exceptional or extraordinary circumstances or conditions applicable to the property or the intended use which are different than other properties in the same zoning district or the variance would make the property consistent with the majority of other properties in the vicinity. The need for the variance was not self-created by the applicant.

(c) Public Safety and Welfare. The granting of the variance will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety, comfort, morals or welfare of the inhabitants of the Township of Genoa.

(d) Impact on Surrounding Neighborhood. The variance will not interfere with or discourage the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood.

23.05.04 **Criteria Applicable to Use Variances.** The Board of Appeals may grant a use variance only upon a finding that an unnecessary hardship exists. A use variance is approval to allow a use that is otherwise not permitted in a zoning district. A finding of an unnecessary hardship shall require demonstration by the applicant of all of the following:

(a) Unreasonable Current Zoning Designation. The applicant has demonstrated that the site can not reasonably be used for any of the uses allowed within the current zoning district designation. The Board of Appeals may require submission of documentation from professionals or certified experts to substantiate this finding.

(b) Unique Circumstances. The need for the variance is due to unique circumstances peculiar to the property and not generally applicable in the area or to other properties in the same zoning district. The applicant must prove that there are certain features or conditions of the land that are not generally applicable throughout the zone and that these features make it impossible to earn a reasonable return without some adjustment.

(c) Not Self-Created. The problem and resulting need for the variance has not been self-created. The Board of Appeals shall consider changes made to the property by the applicant and near term predecessors.

(d) Capacity of Roads, Infrastructure and Public Services. The capacity and operations of public roads, utilities, other facilities and services will not be significantly compromised.

(e) Character of Neighborhood. The use variance will not alter the essential character of the neighborhood nor be a detriment to adjacent properties.

Sec. 23.06 OFFICIAL RECORD; FINDINGS OF FACT

Minutes shall be kept of each meeting. The Board of Appeals shall record into the minutes all relevant findings, conditions, facts and other relevant factors, including the vote of each member upon each question, or if absent or failing to vote, and all of its official actions. To this end the Board of Appeals shall prepare an official record for all appeals and shall base its decision on this record. The official record shall, at a minimum, include the following items:

23.06.01 The relevant administrative records and orders issued relating to the appeal;

23.06.02 The notice of the appeal;

23.06.03 Such documents, exhibits, photographs or written reports as may be submitted to the Board of Appeals for its consideration; and,

23.06.04 The findings of the Board of Appeals, stating the facts of the appeal, the decision, any conditions of the decision and the reasons for reaching such a decision.

Sec. 23.07 ORDERS

In exercising the above powers, the Board of Appeals may reverse or affirm wholly or partly, or may modify the orders, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the Zoning Administrator from whom the appeal is taken.

Sec. 23.08 TIME REQUIREMENTS

23.08.01 **Effective Date of Decisions.** Decisions and orders of the Board of Appeals shall become effective after the decision is reached, unless the Board of Appeals shall find immediate effect is necessary to preserve a substantial property right and shall so certify in the record.

23.08.02 **Validity for Construction.** An order of the Board of Appeals permitting the erection of a building shall be valid for a period of one (1) year. If actual physical construction of a substantial nature of the improvements included in the approval has not commenced and

proceeded meaningfully toward completion within one (1) year following Board of Appeals approval, and if written request for an extension of the approval has not been submitted by the applicant, the approval shall be deemed null and void.

23.08.03 **Validity for Use.** An order of the Board of Appeals permitting a use of a building or premises shall be valid for a period of one (1) year unless such use is established within such period or a written request for an extension of the approval has been submitted by the applicant. Where such use permitted is dependent upon the erection or alteration of a building such order shall continue in force and effect if a land use permit for said erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

23.08.04 **Extensions.** The Township may grant extensions to the Board of Appeals approval where written application for an extension is filed with the Zoning Administrator prior to the termination of the one (1) year approval period. The Zoning Administrator shall review the request for compliance with any Zoning Ordinance amendments adopted or changes to site conditions since the variance was approved.

(a) If there have been no changes to the site or Zoning Ordinance that would affect the variance approval, then the Zoning Administrator may grant the extension. The Zoning Administrator may grant up to two (2) extensions; extensions beyond two (2) shall require Board of Appeals approval.

(b) If there have been changes to the site or zoning ordinance that could affect the variance, then the request for extension shall be reviewed by the Board of Appeals to determine if an extension should be granted or if an amended application must be submitted for approval.

(c) Each extension shall be for a further period of not more than twelve (12) months.

23.08.05 **Re-application.** No application for a variance which has been denied wholly or in part by the Board of Appeals shall be resubmitted within one (1) year from the date of the original filing of an application for the variance, except on grounds of new evidence or proof of changed conditions relating to the reasons for the denial of the original appeal found by the Board of Appeals to be valid. (as amended 3/5/10)

ARTICLE 24
NONCONFORMING STRUCTURES AND USES

Sec. 24.01 STATEMENT OF PURPOSE

It is the purpose of this Article to provide regulations governing lots, buildings, structures and the uses thereof, which were lawful prior to the enactment of this Ordinance, or amendment thereto, but which are prohibited, regulated or restricted under the provisions of this Ordinance. It is the intent of this Article to permit these buildings, structures and uses to continue, but not to encourage their prolonged existence. Because such nonconforming lots, structures and uses prevent the full realization of the goals and objectives of this Ordinance, the spirit of this Ordinance is to reduce such nonconformance. The standards of this Article are intended to accomplish the following:

24.01.01 Terminate and remove any use, building, accessory structure or any combination thereof established after the effective date and in violation of this Zoning Ordinance. Such uses, buildings or accessory structures are classified as a nuisance and shall not receive any of the rights, privileges or protection granted by this Article for legal nonconformities.

24.01.02 Eliminate nonconforming uses which are considered to be incompatible with permitted uses, or encourage redevelopment into a more conforming use.

24.01.03 Permit legal nonconforming buildings, structures or uses to remain until they are discontinued or removed.

24.01.04 Encourage the upgrade of residential neighborhoods through bringing non-conforming residential structures more into compliance with the Zoning Ordinance.

24.01.05 Encourage a gradual upgrading to a more conforming status of site landscaping, parking, paving, signage, access, pedestrian circulation or other features of a site which were developed in compliance with the standards at the time of their construction, but which do not meet the site standards of this Zoning Ordinance and its amendments.

24.01.06 Encourage the combination of contiguous nonconforming lots of record to create lots which conform to current standards, are compatible with other lots in the zoning districts, to promote the public health, safety and welfare and to eliminate problems associated with the over-crowding of land.

Sec. 24.02 NONCONFORMING BUILDINGS, STRUCTURES, LOTS, USES AND SITES

Buildings, structures, lots and uses of land which were lawfully in existence at the time or enactment of amendment of this ordinance and which have been prohibited, regulated or restricted under the terms of this Ordinance are hereby recognized as nonconforming buildings, structures, lots, uses and sites.

Sec. 24.03 USE OF NONCONFORMING LOTS

In any zoning district notwithstanding limitations imposed by other provisions of this Ordinance, where an existing lot of record fails to meet the requirements of this Ordinance for minimum lot area, minimum lot width or both, of the zoning district in which it is located, such lot may be used for the permitted uses of the zoning district including permitted accessory uses, provided other requirements of the zoning district in which such lot is located

are met. Said lot shall be described in a deed or land contract executed and delivered prior to the effective date of this Zoning Ordinance or the amendment that created the nonconforming lot and shall be continued subject to the following provisions:

24.03.01 Use of Nonconforming Lots: A principal building and customary accessory buildings for a permitted use may be erected on any single lot of record at the effective date of this Zoning Ordinance, provided all other standards of the Zoning Ordinance are met. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that the lot is in conformance with all other applicable yard setback, minimum floor area, maximum height and access requirements for the district in which it is located.

24.03.02 Variance to Area and Dimensional Requirements: If the use of a non-conforming lot requires a variation in minimum floor area and dimensional (minimum setback and maximum height) standards, then such use shall be permitted only if a variance is granted by the Zoning Board of Appeals.

Sec. 24.04 NONCONFORMING BUILDINGS AND STRUCTURES

Structures and buildings which are existing and lawful on the effective date of this Ordinance or amendments thereto, may be continued even though such structure does not conform with the provisions of this Ordinance or amendments thereto, subject to the following provisions of this section.

24.04.01 **Restrictions on Creating Nonconformities:** Nonconforming structures devoted to a conforming use shall not be enlarged nor altered in a way which increases its nonconformity within the provisions of this Ordinance, unless approved by the ZBA under Article 23.

24.04.02 **Restrictions on Alteration or Modification:** If a nonconforming structure is altered or modified so as to eliminate, remove or lessen any or all of its nonconforming characteristics, then such nonconforming characteristics shall not be later re-established or increased.

24.04.03 **Restrictions on Damage Replacements Exceeding One-Half of Value:** In the event that any nonconforming structure shall be damaged by any means or in any manner to the extent the cost of reconstruction or restoration exceeds one-half (1/2) the value of such structure prior to the damaging occurrence as determined by the most recent assessment of the market value of the structure, exclusive of the market value of land, such reconstruction or restoration shall only be permitted in conformity with the provisions of this Ordinance, except as otherwise provided herein.

24.04.04 **Restrictions on Damage Replacements Less Than or Equal to One-Half of Value:** In the event that any nonconforming structure shall be damaged by any means or in any manner to the extent the cost of reconstruction or restoration is equal to or less than one-half (2) the value of such structure prior to the damaging occurrence, as determined by the most recent assessment of the market value of the structure, exclusive of the market value of land, such reconstruction or restoration shall be permitted provided a building permit for such reconstruction or restoration is issued within one (1) year of the occurrence of such damage.

24.04.05 **Reconstruction of a Fire Damaged Residential Structure:** In the event a nonconforming residential structure is damaged by fire or other natural cause, a residential structure may be reconstructed on the same foundation provided the first floor footprint and the total floor area does not exceed the size of the previous residence.

24.04.06 **Repairs, Improvements and Modernization:** Repairs, improvements, or modernization of non-conforming buildings or structures shall be permitted provided such repairs or improvements do not exceed one-half (1/2) of the value of the building or structure during any period of twelve (12) consecutive months. This cost/value calculation shall not include any costs associated with modernization of electrical, plumbing, heating or cooling systems to meet Building Code requirements. However, if a non-conforming structure or a structure containing a non-conforming use becomes physically unsafe or unlawful due to lack of maintenance and repairs and is declared as such by the Building and Fire Departments, it shall not thereafter be restored, repaired, or rebuilt except in full conformity with the regulations in the district in which it is located.

24.04.07 **Permitted Building Improvements:** A residential building, which is nonconforming, may be altered or rehabilitated if such activity will make it more conforming to the regulations of this Zoning Ordinance and meets building codes.

24.04.08 **Expansion of a Nonconforming Residential Building:** A residential nonconforming building may be expanded provided the expansion will be within required setbacks and other dimensional and building code requirements are met (spacing between structures, height, maximum lot coverage, etc.). (Example: a home with a nonconforming front yard setback may be expanded in the rear so long as the rear yard setback remains conforming and maximum lot coverage is not exceeded).

24.04.09 **Permitted Expansion of Nonresidential Nonconforming Buildings:** Nonresidential nonconforming buildings shall not be expanded, unless a variance is obtained from the Zoning Board of Appeals.

Sec. 24.05 NONCONFORMING USES OF BUILDINGS AND STRUCTURES

The lawful use of any structure existing and lawful on the effective date of this Ordinance or amendment thereto, may be continued, even though such use does not conform with the provisions of this Ordinance or amendment thereto, subject to the provisions of this section:

24.05.01 **Expansions:** Any nonconforming use may be expanded throughout any parts of a building which were manifestly arranged or designed for such use at the effective date of this Ordinance or amendment thereto, but no such use shall be expanded to occupy any land outside such building.

24.05.02 **Structural Expansion:** No existing structure devoted to a nonconforming use shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the zoning district in which it is located, unless approved by the ZBA under Article 23.

24.05.03 **Restoration of Damage:** If a structure which conforms with the provisions of this Ordinance, but which is occupied by a nonconforming use, is damaged by any means or in any manner to the extent that the cost of reconstruction or restoration exceeds one half (2) the value of such structure prior to the damaging occurrence, as determined by the most recent assessment of the market value of the structure, excluding the value of land, for purposes of taxation, such structure may be reconstructed or restored only if its use conforms with the provisions of this Ordinance.

24.05.04 **Repairs to Nonconforming Use:** On any structure devoted in whole or in part to any nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing, to an extent not exceeding ten percent (10%) of the current replacement value of the structure, provided that the structure is not enlarged, extended, moved or structurally altered.

24.05.05 **Safety Repairs:** Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any structure or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

24.05.06 **Prohibition on Reestablishment if Replaced by Conforming Use:** If a nonconforming use of any structure is terminated and replaced by a permitted use, such nonconforming use shall not be later re-established.

24.05.07 **Discontinuance or Termination of Nonconforming Use of Structure:** When a nonconforming use of a structure or structure and land in combination, is discontinued or abandoned for twelve (12) consecutive months, the structure or structure and land in combination, shall not thereafter be used except in conformance with the regulations of the zoning district in which it is located. Structures occupied by seasonal uses shall be excepted from this provision.

24.05.08 **Mobile Home:** Where nonconforming use status applies to a mobile home, trailer coach or manufactured housing unit presently located outside a licensed mobile home park, nonconforming use status shall be lost if the mobile home, trailer coach or manufactured housing unit is moved to a different lot outside a licensed mobile home park.

Sec. 24.06 NONCONFORMING USES OF LAND

The lawful use of any land not involving a building or structure, existing and lawful on the effective date of this Ordinance or amendment thereto, may be continued even though such use does not conform with the provisions of this Ordinance or amendments, subject to the following provisions:

24.06.01 **Expansions:** No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied on the effective date of this Ordinance, or amendment thereto;

24.06.02 **Relocations:** No such nonconforming use shall be moved in whole or in part to any other portion of the lot occupied by such use on the effective date of this Ordinance, or amendment thereto;

24.06.03 **Discontinuance or Abandonment:** If any such nonconforming use of land, not involving a building or structure, ceases for any reason for a period of more than twelve (12) consecutive months, any subsequent use of such land shall conform to the requirements of this Ordinance. Seasonal uses of land, such as boat storage, shall be excepted from this provision.

Sec. 24.07 GENERAL REQUIREMENTS

24.07.01 **Structure and Land in Combination:** Where nonconforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

24.07.02 **Change of Nonconforming Use to Another Nonconforming Use:** A nonconforming use of a structure may be changed to another nonconforming use, subject to the prior approval of the Zoning Board of Appeals. The ZBA may approve such change only if it complies with all of the following standards:

(a) the proposed use does not substantially differ from the existing use in terms of compatibility with the character of the area in which it is located;

(b) the proposed use does not increase the degree of nonconformity existing prior to such change of use;

(c) No structural alteration of the existing structure will be required to accommodate the new use.

24.07.03 **Change of Tenancy or Ownership:** There may be a change of tenancy, ownership or management of a nonconforming use, provided there is no change in character to the non-conformity and that all building and fire codes are met.

24.07.04 **Change in Use, Residential District:** In any residential district, a nonconforming use of a structure, or structure and land, may only be changed to a permitted use.

24.07.05 **Illegal Nonconforming Uses:** Those alleged nonconforming uses which can not be proved conclusively to have been in existence prior to the date of the enactment or amendment of this Ordinance shall be declared illegal uses and shall be discontinued following the enactment of this subsection.

Sec. 24.08 STRUCTURES UNDER CONSTRUCTION AT ORDINANCE ADOPTION

Any structure on which actual construction was lawfully begun prior to the effective date of this Ordinance or amendment thereto, shall be considered existing and lawful. Nothing in this Ordinance shall be deemed to require any change in the plans, construction or use of such structure. Actual construction is hereby defined to include the placing of construction materials in a permanent position and fastened in a permanent manner; except that where demolition or removal of an existing building has been substantially begun preparatory to reconstruction, such demolition or removal shall be deemed actual construction.

Sec. 24.09 NONCONFORMING SITES

24.09.01 **Intent:** The intent of this Section is to permit improvements and minor modifications to a conforming use and building which does not meet all of the various site improvement related regulations of this Zoning Ordinance. The purpose is to allow gradual compliance with the site related requirements, for the entire site, for sites which predate the various Zoning Ordinance standards for landscaping, paving and other non safety site related items.

24.09.02 **Permitted:** Such improvements or expansions may be permitted by the Planning Commission during site plan review without a complete upgrade of all site elements under the following conditions:

(a) The applicant is proposing reasonable site improvements on the overall site in relation to the scale and construction cost of the building improvements or expansion.

(b) The applicant has addressed safety related site issues on the overall site.

(c) For landscaping, the applicant shall bring the site toward conformity at twice the rate of building or parking lot expansions (for example, a 5% building expansion will provide at least 10% of the required landscaping).

(d) The improvements or minor expansion will not increase noncompliance with site requirements.

(e) All driveways that do not conform with the access standards of this Zoning Ordinance shall be eliminated, provided that the minimum reasonable access shall be maintained, as determined by the standards of Article 15.

Sec. 24.10 RIGHT-OF-WAY CHANGES

Where a nonconforming front yard setback, parking lot setback or greenbelt is created as a result of additional road right-of-way width being acquired by a road agency, the building or parking lot may be improved or expanded without the need to obtain a variance from the Zoning Board of Appeals, provided the following conditions are met:

24.10.01 **Conformed Prior to Right-of-way Widening:** The building or parking lot complied with the front yard setback prior to the acquisition of the additional road right-of-way.

24.10.02 **Will Not Decrease Conformity:** The building or parking lot expansion will not reduce the front yard setback from its current depth.

24.10.03 **Other Requirements Met:** All other requirements of the ordinance are complied with and all necessary approvals required under this ordinance are obtained.

ARTICLE 25
DEFINITIONS

Sec. 25.01 CONSTRUCTION OF LANGUAGE

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

a. The particular shall control the general.

b. In the case of any difference of meaning or implication between the text of this ordinance and any caption or illustration, the text shall control.

c. The word "shall" is always mandatory and not discretionary. The word "may" is permissive, with the decision made by the Township Zoning Administrator, Planning Commission, Township Board or Zoning Board of Appeals; as indicated.

d. Words used in the present tense shall include the future and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.

e. The word "building" includes the word "structure." The word "build" includes the words "erect" and "construct." A "building" or "structure" includes any part thereof.

f. The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for," or "occupied for."

g. The term "including" means "including, but not limited to" and the term "such as" means "such as, but not limited to" unless otherwise noted.

h. The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity recognizable as a "person" under the laws of Michigan.

i. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions or events connected by the conjunction "and," "or," "either...or," the conjunction shall be interpreted as follows:

   1) "And" indicates that all the connected items, conditions, provisions or events shall apply.

   2) "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination (i.e. "or" also means "and/or").

   3) "Either...or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.

j. The terms "abutting" or "adjacent to" include property along the lot lines of the subject site including those in another community, but do not include lands separated by a public street right-of-way.

k. The word “days” shall mean calendar days and include all weekend days and holidays.

l. Terms not herein defined shall have the meaning customarily assigned to them.

Sec. 25.02 **DEFINITIONS**

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

Accessory Building Or Structure: A detached structure on the same lot with, and of a nature customarily incidental and subordinate to, a principal structure, and occupied or devoted exclusively to an accessory use.

Accessory Use: A use which is clearly incidental to, customarily found in connection with and located on the same zoning lot, unless otherwise specified, as the principal use to which it is related.
When "accessory" is used in this Zoning Ordinance, it shall have the same meaning as accessory use.
An accessory use includes, but is not limited to, the following:

a. Domestic or agricultural storage in a barn, shed, stable, tool room, garage or similar accessory building or other structure.

b. Decks, whether attached or detached from a principal structure, porches, gazebos and playground equipment.

c. Residential accommodations for servants or caretakers, when exclusively permitted.

d. Swimming pools for the use by occupants of a residence, or their guests; and change rooms.

e. A newsstand primarily for the convenience of the occupants of a building, which is located wholly within such building and has no exterior signs or displays.

f. Storage of merchandise normally carried in stock in connection with a business or industrial use, and storage of goods used in or produced by commercial or industrial uses, unless such storage is excluded in the applicable district regulations. Outdoor display, sales and storage in a commercial or industrial district requires a Special Use Permit, as described in Article 12.

g. Accessory off-street parking spaces, open or enclosed, subject to the accessory off-street parking regulations for the district in which the zoning lot is located (Article 14).

h. Accessory off-street loading, subject to the off-street loading regulations for the district in which the zoning lot is located.

i. Signs, subject to the standards contained in Article 16.

j. Fences when constructed and located in accordance with the requirements of this Ordinance.

k. Uses customary and clearly incidental to a principal use such as, offices of a manufacturing or warehousing use contained in the same principal structure. Where two or more activities take place within a principal building, the accessory use shall generally be the use occupying the least square footage or generating the least amount of traffic or other external impacts. Interpretation of accessory v. principal use shall be made by the Zoning Administrator.

Adult Day Care: A facility which provides care for over twelve (12) adults for less than 24 hours.

Adult Care Facilities: A facility for the care of adults, over eighteen (18) years of age, as licensed and regulated by the State under Michigan Public Act 218 of 1979, and rules promulgated by the State Department of Social Services. Such organizations shall be defined as follows:

a. **Adult Foster Care Facility:** means a governmental or nongovernmental establishment that provides foster care to adults. It includes facilities and foster care homes for adults who are aged, mentally ill, developmentally disabled, or physically handicapped who require supervision on an ongoing basis but who do not require continuous nursing care. An adult foster care facility does not include nursing homes, homes for the aged, hospitals, alcohol or substance abuse rehabilitation center, or a residential center for persons released from or assigned to a correctional facility.

b. **Adult Foster Care Small Group Home:** means a private home with the approved capacity to receive 12 or fewer adults who are provided supervision, personal care, and protection in addition to room and board, for 24 hours a day, 5 or more days a week, and for 2 or more consecutive weeks for compensation.

c. **Adult Foster Care Large Group Home:** means a private home with approved capacity to receive at least 13 but not more than 20 adults to be provided supervision, personal care, and protection in addition to room and board, for 24 hours a day, 5 or more days a week, and for 2 or more consecutive weeks for compensation.

d. **Adult Foster Care Family Home:** means a private home with the approved capacity to receive 6 or fewer adults to be provided with foster care for 5 or more days a week and for 2 or more consecutive weeks. The adult foster care family home licensee must be a member of the household and an occupant of the residence.

e. **Congregate Facility**: Residence for more than twenty (20) adults.

Adult Regulated Use: for the purpose of this ordinance, the following definitions shall be classified as adult regulated uses (adult entertainment use or establishment):

a. **Adult Book Or Video Store:** An establishment that has a substantial portion of its stock in trade and offers for sale, for any form of consideration, any one or more of the following: a.) books, magazines, periodicals, or other printed matter, or photographs, films, movies, motion pictures, video cassettes, compact disks, slides, or other visual representations that are characterized by an emphasis on matter depicting, describing or related to specified sexual activities or specific anatomical areas, as hereinafter defined.

b. **Adult Smoking Or Sexual Paraphernalia Store:** An establishment having, as a substantial portion of its stock in trade and offers for sale, for any form of consideration, paraphernalia designed or usable for sexual stimulation or arousal or for smoking, ingesting or inhaling marijuana, narcotics or other stimulating or hallucinogenic drug-related substances.

c. **Adult Theater or Entertainment Center:** An establishment used for live performances or presenting material by means of motion pictures, films, video tapes or receivers, photographic slides or other similar means of projection or display, which performances or material is distinguished or characterized by an emphasis on matter depicting, describing or related to specified anatomical areas or specified sexual activities, as hereinafter defined for observation by patrons therein, including an establishment which features any of the following: topless dancers and/or bottomless dancers, strippers, waiters, waitresses or employees.

d. **Host or Hostess Establishment:** An establishment or club offering socialization with a host or hostess for a consideration to the host or hostess or for an admission or membership fee.

e. **Massage Parlor:** An establishment having a substantial portion of its space devoted to massages of the human body or parts thereof by means or pressure, imposed friction, stroking, kneading, rubbing, tapping, pounding, vibrating or otherwise stimulating the same with hands, other parts of the human body, mechanical devices, creams, ointments, oils, alcohol or any other means of preparations to provide relaxation or enjoyment to the recipient. The following uses shall not be included in the definition of a massage parlor:

1. establishments which routinely provide such services by a licensed physician, a licensed chiropractor, a licensed osteopath, a licensed physical therapist, a licensed nurse practitioner, a therapeutic massage practitioner as defined in this Ordinance or any other similarly licensed medical professional;
2. fitness center;
3. electrolysis treatment by a licensed operator of electrolysis equipment; and.
4. hospitals, nursing homes, medical clinics or medical offices.

f. **Sauna, Hot Tub or other Similar Health or Body Improvement or Enjoyment Enterprise:** An establishment having a substantial portion of its space devoted to saunas, hot tubs, whirlpools, sun lamps and similar body relaxing, soothing or improving facilities which are available for male and female customers with or without supervision or participation by employees or independent contractors of the business, excluding retail establishments which provide for the sale of new saunas, hot tubs or other similar health or body improvement or enjoyment items.

g. **Specified Anatomical Areas:** Specified anatomical areas means and includes any one or more of the following: a) less than completely covered human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the top of the areola; or b) human male genitals in a discernible turgid state, even if completely and opaquely covered.

h. **Specified Sexual Activities:** Specified sexual activities means and includes any one or more of the following: a) the fondling or erotic touching of human genitals, pubic region, buttocks, anus, or female breasts; b) human sex acts, normal or perverted, actual or simulated, including but not limited to intercourse, oral copulation, or sodomy; c) human masturbation, actual or simulated; d) human excretory functions as part of, or as related to, any of the activities described above; and e) physical violence, bondage, mutilation, or rape, actual or simulated, as part of or as related to, any of the activities described above.

i. **Substantial Portion:** Substantial portion means a use or activity accounting for more than twenty (20%) percent of any one or more of the following: stock-in-trade, display space, floor space, or viewing time, movie display time, or entertainment time measured per month.

Alteration: Any change, addition or modification in construction or type of occupancy, or in the structural members of a building, such as walls or partitions, columns, beams or girders, the consummated act of which may be referred to herein as "altered" or "reconstructed".

Animal, Domesticated (Pet): An animal that is commonly considered capable of being trained or is capable of adapting to living in a human environment and being of use to human beings, and which is not likely to bite without provocation nor cause death, maiming or illness to human beings, including by way of example: bird (caged), fish, rodent (bred, such as a gerbil, rabbit, hamster or guinea pig), cat (domesticated), lizard (non-poisonous), and dog. Wild, vicious, or exotic animals shall not be considered domesticated. Animals bred, raised or boarded for commercial purposes are not considered pets.

Animal, Non-Domesticated, Vicious Or Exotic: Any animal that attacks, bites, or injures human beings or domesticated animals without adequate provocation, or which because of temperament, conditioning, or training, has a known propensity to attack, bite, or injure human beings or domesticated animals. Or, an animal from a species which is not commonly domesticated or kept as livestock, or which is not native to the State of Michigan, or a species which, irrespective of geographic origin, is of wild or predatory character, or which because of size, aggressive or vicious characteristics would constitute an unreasonable danger to human life or property if not kept, maintained or confined in a safe and secure manner, including any hybrid animal that is part exotic animal.

Animal Shelter: A facility operated by a licensed individual, humane society, a society for the prevention of cruelty to animals or any other similar institutions. A facility where animals are housed for an extended period of time and are available for adoption/placement.

Apartments: A suite of rooms or a room in a multiple-family building arranged and intended for a place of residence of a single-family or a group of individuals living together as a single housekeeping unit.

Arcade: The use of a building or a portion of a building for the location, operation, and placement of five (5) or more mechanical amusement devices. Mechanical amusement devices shall mean any device, apparatus, mechanical equipment or machine operated as amusement for required compensation. The term does not include vending machines used to dispense foodstuffs, toys, or other products for use and consumption.

As-built plans: Revised construction plans in accordance with all approved field changes.

Auto repair establishment, major: An automotive repair establishment which may conduct, in addition to activities defined below as "minor repairs," one or more of the following: general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles, collision service, such as body, frame, or fender straightening and repair; overall painting and undercoating of automobiles, major overhauling of engine requiring removal of cylinder-head or crank casepan, recapping or retreading of tires, steam cleaning and similar activities.

Auto repair establishment, minor: An automotive repair establishment that conducts maintenance and minor repair, including one or more of the following: oil change, tire and brake service, exhaust system repair, glass repair and audio, and alarm instillation.

Automobile Body Repair Station: includes buildings and premises where, along with the sale of engine fuels, the following services may be carried out: general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service, such as body, frame or fender straightening and repair; overall painting and undercoating of automobiles.

Automobile (Gasoline) Service Station: includes buildings and premises for the primary purpose of the retail sales of gasoline (stored only in underground tanks), oil, grease, batteries, tires and other operational fluids and accessories for the automobile, and the installation of such commodities, and for other minor automobile repair not to include: auto refinishing, body work, dismantling of automobiles for the purpose of reuse or resale of parts, or storage of automobiles other than those in for immediate repair or service. Sales of convenience items shall be considered an accessory use when occupying no more than twenty-five percent (25%) of the gross floor area.

Automobile Wash: includes any building or structure or portion thereof containing facilities for washing motor vehicles using production line methods with a conveyor, blower, steam cleaning device or other mechanical washing devices; and shall also include coin and attendant operated drive-through, automatic

self-serve, track mounted units and similar high volume washing establishments, but shall not include hand washing operations in an "Automobile service station."

Bar/lounge/tavern: A bar or lounge is a type of restaurant which is operated primarily for the dispensing of alcoholic beverages, although the sale of prepared food or snacks may also be permitted. If a bar or lounge is part of a larger dining facility, it shall be defined as that part of the structure so designated or operated.

Basement: The portion of a building which is partially or wholly below grade but so located that the vertical distance from the mean grade to the floor is greater than the vertical distance from the mean grade to the ceiling (see Figure 25.1). A basement shall not be counted as a story.

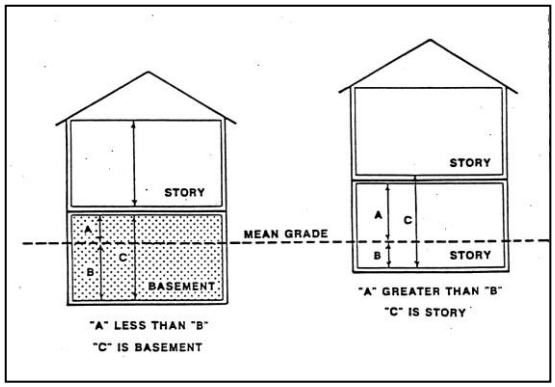


Figure 25.1 Basement

Bed and Breakfast Inn: Shall mean any dwelling in which overnight accommodations are provided or offered for transient guest for compensation, including provision for a morning meal only for the overnight guest only. A bed and breakfast is distinguished from a motel in that a bed and breakfast establishment shall have only one set of kitchen facilities, employ only those living in the house or up to one (1) additional employee, and have facade style consistent with surrounding homes.

Block: The property abutting one side of a street and lying between the two nearest intersecting streets, crossing or terminating) or between the nearest such street and railroad right-of-way, unsubdivided acreage, lake, river or live stream; or between any of the foregoing and any other barrier to the continuity of development, or corporate boundary lines of the Municipality.

Block Face: Defined as and consists of those properties fronting along an existing right-of-way and located between the intersections of existing streets, or between intersections and dividers such as rivers, rail-roads, and other similar natural or man-made features.

Board of Appeals: (also referred to in this Zoning Ordinance as the Board of Zoning Appeals). The body established by the Township Board to exercise the authority granted by the Michigan Zoning Enabling Act (Public Act 110 of 2006). The jurisdiction of the Board of Appeals is described in Article 23. (as amended 12/31/06)

Buffer Zone: A strip of land with landscaping, berms or walls singularly or in combination required between certain zoning districts based on the landscaping standards of this zoning ordinance. The intent of the required buffer zones is to lessen visual and noise impacts.

Building: Any structure (excluding fences) either temporary or permanent, having a roof supported by columns or walls, and intended for the shelter, or enclosure of persons, animals, chattels, or property of any kind. A building shall include mobile homes, manufactured housing, sheds, garages, greenhouses, pole barns and used for the purposes of a building and similar structures. A building shall not include such structures as signs, fences or smokestacks, but shall include structures such as storage tanks, produce silos, coal bunkers, oil cracking towers, or similar structures.

Building Envelope: The ground area of a lot which is defined by the minimum setback and spacing requirements within which construction of a principal building and any attached accessory structures (such as a garage) is permitted by this Ordinance. For condominium developments, the building envelope shall be illustrated on a site plan.

Building Height: The vertical distance from the grade at the center of the front of the building to the highest point of the roof surface in a flat roof, to the deck line for mansard roofs, and to the beam height level between eaves and ridge for gable, hip and gambrel roofs (see Figure 25.2).

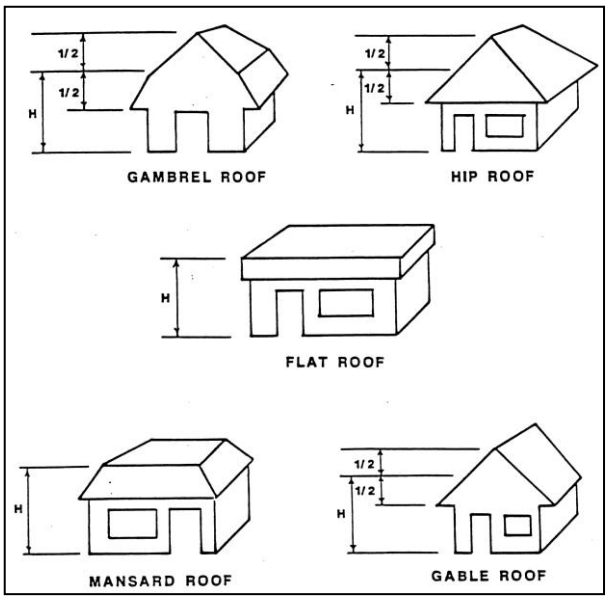


Figure 25.2 Building Height

Building Line: A horizontal line parallel to a front, side or rear lot line which is located at the point of principal exterior wall or structural feature nearest the front, side or rear lot line, not including permitted yard projections. (See Figure 25.3)

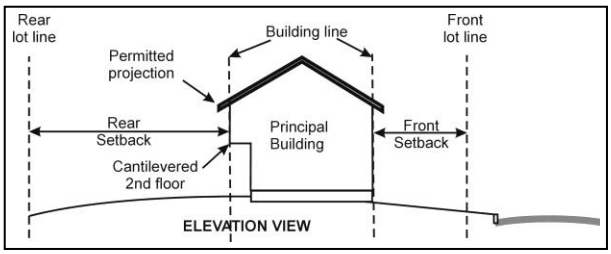


Figure 25.3 Building Line

Building Permit: An authorization issued by the Livingston County Building Department to move, erect or alter a structure within the Township.

Business: A company, enterprise or similar organization designed to provide goods or services to consumers. A business may provide goods or services to the public or cliental on-site, such as with retail sales, or be involved in the administration, production, distribution or storage of goods to be provided at another location, such as with manufacturing. A business may include any commercial, office, institutional or industrial use (see "Use"). (as amended 3/5/10)

Caliper: The diameter of a deciduous (canopy) tree trunk measured as follows:

a. Existing trees are measured at four and one-half (4.5) feet above the average surrounding grade; and,

b. Trees which are to be planted shall be measured twelve (12) inches above the average surrounding grade if the tree caliper is more than four (4) inches, or if the tree caliper is less than four (4) inches, it shall be measured at six (6) inches above the average surrounding grade.

Caretaker (living quarters): An independent residential dwelling unit or living area within a principal building designed for and occupied by no more than two (2) persons, where at least one (1) is employed to provide services or to look after goods, buildings, or property on the parcel on which the living quarters are located.

Cemetery: Land used or intended to be used for burial of the human dead and dedicated for such purposes. Cemeteries include accessory columbaria and mausoleums, but exclude crematories.

Child Care Facility: A facility for the care of children under eighteen (18) years of age, as licensed and regulated by the State under Michigan Public Act 116 of 1973 and the associated rules promulgated by the State Department of Social Services. Such organizations shall be further defined as follows:

a. **Child Care or Day Care Center:** A facility, other than a private residence, receiving more than six pre-school or school age children for group care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. It includes a facility which provides care for not less than two consecutive weeks, regardless of the number of hours of care per day.

   The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. "Child care center" or "day care center" does not include a Sunday school conducted by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services.

b. **Child Caring Institution**: A child care facility which is organized for the purpose of receiving minor children for care, maintenance, and supervision, usually on a 24 hour basis, in a building maintained for that propose, and operates throughout the year. It includes a maternity home for the care of unmarried mothers who are minors, an agency group home, and institutions for mentally retarded or emotionally disturbed minor children. It does not include hospitals, nursing homes, boarding schools, or an adult foster care facility in which a child has been placed.

c. **Foster Family Home:** A private home in which one but not more than four minor children, who are not related to an adult member of the household by blood, marriage, or adoption, are given care and supervision for 24 hours a day, for four or more days a week, for two or more consecutive weeks, unattended by a parent or legal guardian.

d. **Foster Family Group Home:** A private home in which more than four but less than seven children, including children related to the caregiver by blood, marriage, or adoption, are provided care for 24 hours a day, for four or more days a week, for two or more consecutive weeks, unattended by a parent or legal guardian.

e. **Family Day Care Home:** A private home in which up to six (6) minor children are received for care and supervision for periods of less than 24 hours a day, including children related to the caregiver by blood, marriage, or adoption. It includes a home that gives care to an unrelated child for more than four weeks during a calendar year.

f. **Group Day Care Home:** A private home in which more than six but not more than 12 children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, including children related to the caregiver. It includes a home that gives care to an unrelated child for more than four weeks during a calendar year.

Church or temple: Any structure wherein persons regularly assemble for religious activity.

Clear Vision Area: An area of each lot near any street intersection or commercial driveway which shall remain clear of obstructions between a height of two (2) feet and six (6) feet to ensure safe sight distance for motorists (see figure 25.4).

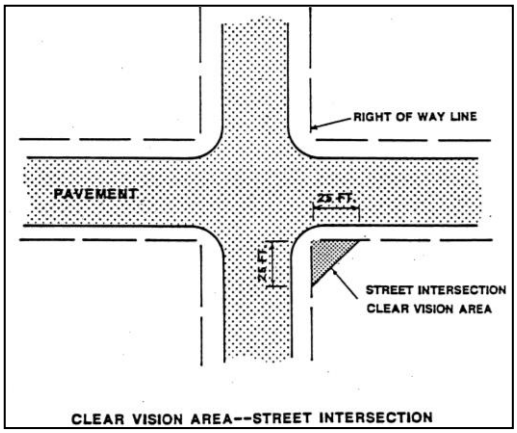


Figure 25.4 Clear Vision Area

Clinic, medical: An establishment where human patients who are not lodged overnight are admitted for examination and treatment by a group of physicians, dentists, or similar professionals. A medical clinic may incorporate customary laboratories and pharmacies incidental to or necessary for its operation or to the service of its patients, but may not include facilities for overnight patient care or major surgery.

Club or fraternal organization: An organization of persons for special purposes or for the promulgation of sports, arts, sciences, literature, politics, or the like, but not operated for profit or to espouse beliefs or further activity that is not in conformance with the constitution of the United States or any laws or ordinances. The facilities owned or used by such organization may be referred to as a "club" in this ordinance.

Coffee Shop: An establishment serving coffee beverages as its primary product to a customer in a ready-to-consume state. The preparation and sale of food or snacks to customers may also be permitted. The method of operation may include indoor and/or outdoor seating and may be characteristic of a carryout or drive-through restaurant or combination thereof. (as amended 3/5/10)

Commercial vehicle: Any vehicle bearing or required to bear commercial license plates and which falls into one or more of the categories listed below:

a. truck tractor;

b. semi-trailer, which shall include flat beds, stake beds, roll-off containers, tanker bodies, dump bodies and full or partial box-type enclosures;

c. vehicles of a type that are commonly used for the delivery of ice cream, milk, bread, fruit or similar vending supply or delivery trucks. This category shall include vehicles of a similar nature which are also of a type commonly used by electrical, plumbing, heating and cooling, and other construction oriented contractors;

d. tow trucks;

e. commercial hauling trucks;

f. vehicle repair service trucks;

g. snow plowing trucks;

h. any other vehicle with a commercial license plate having a gross vehicle weight in excess of ten thousand (10,000) pounds or a total length in excess of 22 feet.

Condominium Act: Michigan Act 59 of 1978, as amended.

Condominium, Contractible: A condominium project from which any portion of the submitted land or building may be withdrawn in pursuant to express provisions in the condominium documents and in accordance with the Genoa Township Code of Ordinances and the Condominium Act, Act 59 of the Public Acts of 1978, as amended.

Condominium, Detached: A residential condominium project designed to be similar in appearance to a conventional single-family subdivision.

Condominium, General Common Element: The common elements other than the limited common elements.

Condominium, Limited Common Element: A portion of the common elements reserved in the master deed for the exclusive use of less than all of the co-owners.

Condominium, Master Deed: The condominium document recording the condominium project as approved by the Township Board to which is attached as exhibits and incorporated by reference the approved bylaws for the project and the approved condominium subdivision plan for the project.

Condominium Setbacks: Shall be measured as follows:

a. **Front Yard Setback** - the minimum distance required between the public street right-of-way or private road easement line and the foundation of the unit site. Where there is not public right-of-way or access easement, the front yard setback shall be measured from the nearest pavement edge to the foundation of the unit site.

b. **Side Yard Setback** - the minimum distance required between the limits of the development and the side of a unit or the distance between the side boundary of a site condominium and the side of a unit or half the distance between the sides of any adjacent units where there are no condominium sites.

c. **Rear Yard Setback** - the minimum distance required between the limit of the development and the rear of the unit or the distance between the rear boundary of a site condominium and the rear of a unit or half the distance between the rear of any two adjacent units. Note: where the rear of a detached condominium faces the side of an adjacent condominium unit, the units shall be spaced a distance equal to the combined rear and side setbacks.

Condominium, Site: A condominium project containing or designed to contain structures or other improvements for residential commercial, office, industrial or other uses permitted in the zoning district in which it is located and in which each co-owner owns exclusive rights to a volume of space within which a structure or structure may be constructed as a condominium unit as described in a master deed.

Condominium Unit: The portion of the condominium project designed and intended for separate ownership as described in the Master Deed, regardless of whether it is intended for residential, office, industrial, business, recreational, use as a time-share unit, or any other type of use.

Condominium Unit Site: The area designating the perimeter within which the condominium unit must be built. After construction of the condominium unit, the balance of the condominium unit site shall become a limited common element. The term "condominium unit site" shall be equivalent to the term "lot," for purposes of determining compliance of a site condominium subdivision with provisions of this Ordinance pertaining to minimum lot size, minimum lot width, maximum lot coverage and maximum floor area ratio.

Conference Center: A multi-purpose facility whose primary purpose is to accommodate meetings, seminars, social and civic events, and conferences. Such a facility offers a total meeting environment which typically consists of meeting rooms, conference rooms, and catering uses that comprise continuous space. A conference center may include lodging facilities. A hotel/motel with at least 10,000 sq. ft of conference room facilities shall also be considered a conference center. Accessory uses may include dining areas, recreational facilities, specialty shops, that cater to conference center guests.

Convalescent or Nursing Home: A structure with sleeping rooms, where persons are housed or lodged and are furnished with meals, nursing and limited medical care.

Day: A calendar day unless otherwise stated.

Day Care Center, Commercial: see "Child Care Facility"

Day Care Home: see "Child Care Facility"

Density: The number of dwelling units situated on or to be developed per net acre of land. The following calculation shall be utilized in determining maximum density:

a. The acreage exclusive of paragraphs (b) and (c) below shall be calculated at one-hundred percent (100%) toward the total site acreage.

b. The acreage comprised of land within the 100-year floodplain elevation, or wetlands protected by the Goemaere-Anderson Wetland Protection Act, PA 203 of 1979, shall be calculated at twenty five percent (25%) toward the total site acreage.

c. All open bodies of water and public rights-of-way are excluded from density calculation.

Development: The proposed construction of a new building or other structure on a zoning lot, the relocation of an existing building on another zoning lot, or the use of open land for a new use. A development may include a site plan, a plot (building) plan, a condominium plan, a plat or a mobile home park.

Dog Run: A fenced in area designed specifically to enclose pets. (as amended 3/5/10)

Drive-In Business: A business establishment so developed that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle rather than within a building or structure, including customer communication facilities for banks or other uses. A drive-in restaurant is distinct from a drive-through restaurant in that the majority of drive-in patrons consume food and beverages while in the vehicle and parked on the premises.

Drive-in Restaurant: See “Restaurant, Drive-in.”

Drive-through Business: A business establishment so developed that its retail or service character is wholly or partly dependent on providing a driveway approach and service windows or facilities for vehicles in order to serve patrons food and beverages in a ready-to-consume state from a drive-through window to patrons in motor vehicles. A drive-through restaurant may or may not also have indoor seating.

Dwelling: Any building, or part thereof, containing sleeping, kitchen, and bathroom facilities designed for and occupied by one family. In no case shall a travel trailer, motor home, automobile, tent or other portable building not defined as a recreational vehicle be considered a dwelling. In the case of mixed occupancy where a building is occupied in part as a dwelling unit, the part so occupied shall be deemed a dwelling unit for the purposes of the Zoning Ordinance.

a. **Manufacture Dwelling Unit:** A dwelling unit which is substantially built, constructed, assembled, and finished off the premises upon which it is intended to be located.

b. **Site Built Dwelling:** A dwelling unit which is substantially built, constructed, assembled, and finished on the premises upon which it is intended to serve as its final location. Site built dwelling units shall include dwelling units constructed of precut materials, and panelized wall roof and floor sections when such sections require substantial assembly and finishing on the premises upon which it is intended to serve as its final location.

c. **One-Family or Single-Family Detached Dwelling:** An independent, detached residential dwelling designed for and used or held ready for use by one family only.

d. **Two-Family or Duplex Dwelling:** A detached building, designed exclusively for and occupied by two families living independently of each other, with separate housekeeping, cooking, and bathroom facilities for each.

e. **Townhouse:** A self-contained single dwelling unit attached to a similar single dwelling unit with party or common walls, designed as part of a series of three (3) or more dwelling units, each with:

1. a separate entryway with direct access to the outdoors at ground level,
2. a separate basement, if applicable,
3. a separate garage,
4. separate utility connections, and,
5. defined front and rear yards.

Townhouses may also be known as attached single family dwelling units, row houses, clustered single family dwellings or stack ranches. Any three or more attached dwellings not meeting the above criteria shall be considered an apartment or multiple family dwelling. (as amended 12/31/06)

f. **Multiple-Family Dwelling:** A building designed for and occupied by three (3) or more families living independently, with separate housekeeping, cooking, and bathroom facilities for each. Multiple-family dwelling units may also be known as apartments, which have common entrances.

g. **Apartment Dwelling:** An apartment is an attached dwelling unit with party or common walls, contained in a building with other dwelling units or sharing the occupancy of a building with other than a residential use. Apartments are commonly accessed by a common stair landing or walkway. Apartments are typically rented by the occupants, but may be condominiums. Apartment buildings often may have a central heating system and other central utility connections. Apartments typically do not have their own yard space. Apartments are also commonly known as garden apartments or flats. (as amended 12/31/06)

Easement: A right-of-way granted, but not dedicated, for limited use of private land for private, public or quasi-public purpose, such as for franchised utilities, a conservation easement or an access easement for a private road or service drive, and within which the owner of the property shall not erect any permanent structures.

Engineering Standards: Engineering Design Standards regulating storm water management systems site grading and soil erosion control, sanitary sewer, municipal water, parking lot design, private road design, and construction processes. The design standards are adopted by the Township Board and may be amended from time to time. (as amended 3/5/10)

Essential Public Service: The erection, construction, alteration, or maintenance by public utilities or any governmental department or commission of underground or overhead gas, electrical, steam, or water transmission or communication, supply or disposal systems, including poles, wires, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, railroad rights-of-way, traffic signals, hydrants, and other similar equipment and accessories in connection with, but not including, buildings. Non-governmental towers, radio and television towers, and cellular phone antennas are not considered to be essential public services.

Essential Public Service Building: A building or structure principal to an essential public service, such as a drop-off stations for residential recyclables, vehicle garages, telephone exchange buildings, electricity transformer stations or substations, and gas regulator stations. .

Excavation: Any breaking of ground, except farming or common household gardening and ground care.

Family: means either of the following:

a. A domestic family which is one or more persons living together and related by the bonds of blood, marriage or adoption, together with servants of the principal occupants and not more than one additional unrelated person, with all of such individuals being domiciled together as a single, domestic, housekeeping unit in a dwelling.

b. The functional equivalent of the domestic family which is persons living together in a dwelling unit whose relationship is of a permanent and distinct character and is the functional equivalent of a domestic family with a demonstrable and recognizable bond which constitutes the functional equivalent of the bonds which render the domestic family a cohesive unit. All persons of the functional equivalent of the domestic family must be cooking and otherwise operating as a single housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization or group where the common living arrangement and/or the basis for the establishment of the functional equivalency of the domestic family is likely or contemplated to exist for a limited or temporary duration.

Farm: All of the contiguous neighboring or associated land, buildings, and machinery operated as a single unit on which the production of farm products is carried on directly by the owner- operator, manager or tenant farmer, by his own labor or with the assistance of members of his household or hired employees; provided, however, that a farm operation shall follow generally accepted agricultural and management practices as defined by the Michigan Commission of Agriculture for farming activities which include: 1) tree fruit production, 2) small fruit production, 3) field crop production, 4) forage and sod production, 5) livestock and poultry production, 6) fiber crop production, 7) apiary production, 8) maple syrup production, 9) mushroom production and 10) greenhouse production; but unless otherwise permitted, the following shall not be considered a farm: establishments involved in industrial like processing of agricultural products, keeping fur-bearing animals or game or operating as fish hatcheries, dog kennels, stockyards, slaughterhouses, stone quarries, gravel or sand pits or the removal and sale of topsoil, fertilizer works, boneyards or the reduction of animal matter, or for the disposal of garbage, sewage, rubbish, junk or offal.

Farm Labor Housing: A dwelling or lodging unit that is used exclusively by agricultural employees employed full-time or seasonally in the agricultural use of the property.

Fence: A structure of definite height and location constructed of wood, masonry, stone, wire, metal, or any other material or combination of materials serving as a physical barrier, marker, or enclosure, (see also "Wall").

Fence, privacy: A fence which is over ninety (90%) percent solid or impervious and serves as an opaque screen. (as amended 3/5/10)

Floodplain. That area which would be inundated by storm runoff or flood water equivalent to that which would occur with a rainfall or flood of one hundred (100) year recurrence frequency after total development of the watershed.

Floor Area, Gross. The sum of all gross horizontal areas of all floors of a building or buildings, measured from the outside dimensions of the outside face of the outside wall. Unenclosed courtyards or patios shall not be considered as part of the gross floor area except where they are utilized for commercial purposes, such as the outdoor sale of merchandise. (see Figure 25.5)

Floor Area, Residential: For the purpose of computing the minimum allowable floor area in a residential dwelling unit, the sum of the horizontal areas of each story of the building shall be measured from the exterior faces of the exterior walls or from the centerline of walls separating two dwellings. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, breezeways, and enclosed and unenclosed porches.

Floor Area, Usable: That area used for or intended to be used for the sale of merchandise or services' or for use to serve patrons, clients or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, hallways, or for utilities or sanitary facilities, shall be excluded from this computation of "Usable Floor Area." Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls. (see Figure 25.5)

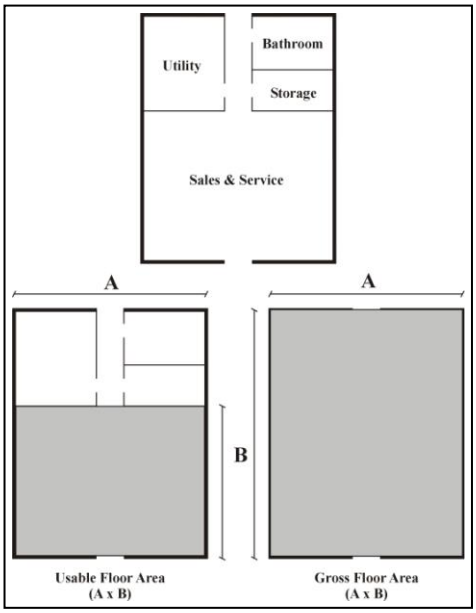


Figure 25.5 Floor Area

Freeboard: for storm water retention or detention ponds it is the vertical distance between the design high water elevation and the top of the pond elevation. (as amended 3/5/10)

Frontage. The linear dimension of a lot measured along the public road right-of-way line, private road access easement, or shared driveway.

Funeral Home or Mortuary Establishment: An establishment where the dead are prepared for burial or cremation and where wakes or funerals may be held. A funeral home or mortuary establishment shall not include crematoria.

Garage: Part of a principal building or an accessory building or structure used primarily for the parking or storage of vehicles in connection with a permitted use of the principal building, where there is no vehicle servicing or storage for compensation.

Garden Center: An establishment with retail sales of trees, fruits, vegetables, shrubbery, plants, landscaping supplies, lawn furniture, playground equipment and other home garden supplies and equipment.

Gazebo: A freestanding, roofed, usually open-sided structure offering a place for shade or rest. (as amended 12/17/10)

Grade, Mean: The arithmetic average of the lowest and highest grade elevations in an area within five (5) feet of the foundation line of a building or structure, or in the area between the foundation line and the lot line, where the foundation line is less than five (5) feet from the lot line. (see Figure 25.6).

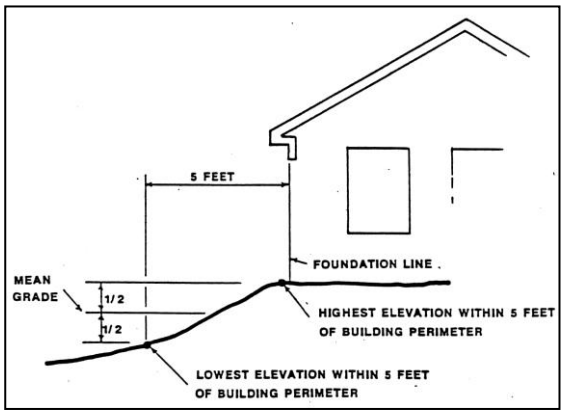


Figure 25.6 Measurement of Mean Grade

Greenbelt: See "Landscaping, Greenbelt"

Hazardous uses and materials: Any use which involves the storage, sale, manufacture, or processing of materials which are dangerous, combustible and/or produce either poisonous fumes or explosions in the event of fire. These uses include all high hazard uses listed in the State Building Code.

Hazardous or toxic waste: Waste or a combination of waste and other discarded material (including but not limited to solid, liquid, semisolid, or contained gaseous material) which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause or significantly contribute to the following if improperly treated, stored, transported, disposed of, or otherwise managed: an increase in mortality, or an increase in serious irreversible illness, or serious incapacitating but reversible illness, or substantial present or potential hazard to human health or the environment.

Home Occupation: An occupation or profession conducted entirely within a dwelling by the inhabitants thereof, such use being clearly incidental to the principal use of the dwelling as a residence.

Hospital: A facility offering primarily inpatient care, and services for observation, diagnosis, and active treatment of patients with a medical, surgical, obstetric, chronic, or rehabilitative condition requiring the daily care and supervision of a physician(s) and medical support staff. A hospital may or may not also have a clinic offering outpatient services.

Hotel: A building or part of a building, with a common entrance or entrances, in which the dwelling units or rooming units are used primarily for transient occupancy, and/or in which one or more of the following services are offered: maid service, furnishing of linen, telephone, secretarial or desk service, and bellboy service. A hotel may include a restaurant or cocktail lounge, public banquet halls, or meeting rooms.

Housing For The Elderly: Housing constructed for the exclusive use of an individual fifty five (55) years of age or older, or for a couple where at least one (1) of the individuals is over the age of fifty five (55). Housing for the elderly may include the types of facilities listed below.

a. **Senior Apartments:** multiple-family dwelling units where occupancy is restricted to persons fifty five (55) years of age or older.

b. **Congregate Or Interim Care Housing:** A semi-independent or assisted care housing facility containing congregate kitchen, dining, and living areas, but with separate sleeping rooms. Such facilities typically provide special support services, such as transportation and limited medical care.

c. **Dependent Housing Facilities:** Extended care facilities such as convalescent homes and nursing homes which are designed for older persons who need a wide range of health and support services, including personal nursing care.

Impact Assessment: An assessment of the ecological, social, economic, and physical impacts of a project on and surrounding the development site.

Improvements: Any additions to the natural state of land which increases its value, utility or habitability. Improvements include but are not limited to street pavements, with or without curbs and gutters, sidewalks, water mains, storm and sanitary sewers, trees and other appropriate and similar items.

Intensive Livestock Operation: An agricultural operation in which many livestock are bred and/or raised within a confined area, either inside or outside an enclosed building. While the density of confined livestock varies, it significantly exceeds that of traditional farming operations and includes both the number of confined livestock in the confined area and the amount of land which serves as the waste disposal receiving area.

Junk Yard: (see Salvage Yard).

Kennel, Commercial: Any premise on which more than the below specified number cats or dogs, (but not including wild, vicious or exotic animals) of more than six (6) months of age are either permanently or temporarily kept for the purposes of breeding, boarding, training, sale, protection, hobby, pets or transfer. Lots less than ten (10) acres with more than three (3) cats or three (3) dogs or more than a total of five (5) in combination (e.g. 3 dogs and 2 cats) shall be considered a kennel. Lots of ten (10) acres or more with more than five (5) cats or five (5) dogs or more than a total of seven (7) in combination (e.g. 5 dogs and 2 cats) shall be considered a kennel. (as amended 12/31/06)

Land Use Permit: An authorization issued by the Township Zoning Administrator to erect, move or alter a structure within the Township or to approve a change in use of land or structure. For certain uses, the land use permit is issued following site plan approval by the Planning Commission or special land use approval by the Township Board.

Lake. A permanent water body that has definite banks, a bed, visible evidence of a continued occurrence of water, and a surface area of water that is ten (10) acres or more in size.

Landscaping: The treatment of the ground surface with live plant materials normally grown in Livingston County such as, but not limited to, grass, ground cover, trees, shrubs, vines, and other live plant material. In addition, a landscape design may include other decorative natural or processed materials, such as wood chips, crushed stone, boulders or mulch. Structural features such as fountains, pools, statues, and benches shall also be considered a part of landscaping if provided in combination with live plant material. Various landscaping related terms are defined below.

a. **Berm:** A continuous, raised earthen mound comprised of non-toxic materials with a flattened top and sloped sides, capable of supporting live landscaping materials.

b. **Buffer Zone:** (see "Buffer Zone").

c. **Grass:** Any of a family of plants with narrow leaves normally grown as permanent lawns.

d. **Greenbelt:** A strip of land of definite width and location reserved for the planting of a combination of shrubs, trees, and ground cover to serve as an obscuring screen or buffer for noise or visual enhancement.

e. **Ground Cover:** Low-growing plants that form a dense, extensive growth after one complete growing season, and tend to prevent weeds and soil erosion.

f. **Hedge:** A two (2) to three (3) foot tall row of evergreen or deciduous shrubs that are planted close enough together to form a solid barrier.

g. **Parking lot landscaping:** Landscaped areas located in and around a parking lot in specified quantities to improve the safety of pedestrian and vehicular traffic, guide traffic movement, improve the environment and improve the appearance of the parking area and site.

h. **Planting**: A young tree, vine or shrub that would be placed on or in the ground.

i. **Screen or screening**: A wall, wood fencing or combination of plantings of sufficient height, length, and opacity to form a visual barrier. If the screen is composed of non-living material, such material shall be compatible with materials used in construction of the main building, but in no case shall include wire fencing.

j. **Shrub**: A self-supporting, deciduous or evergreen woody plant, normally branched near the base, bushy, and less than fifteen (15) feet in height.

k. **Tree**: A self-supporting woody, deciduous or evergreen plant with a well-defined central trunk or stem which normally grows to a mature height of at least fifteen (15) feet.

l. **Ornamental tree**: A deciduous tree which is typically grown because of its shape, flowering characteristics, or other attractive features, and which grows to a mature height of twenty five (25) feet or less.

Level of service: A qualitative measure describing operational conditions within a traffic stream; generally described in terms of such factors as speed and travel time, freedom to maneuver, traffic interruptions, comfort and convenience, and safety.

Livestock: Any of various bird or animal breeds, long ago domesticated by man so as to live and breed in a tame, docile, tractable condition useful to man, including horses, ponies, mules, donkeys, cattle, sheep, goats, buffaloes, llama, ostriches, chickens, ducks, geese turkeys and swine.

Loading Space, Off-Street: Space logically and conveniently located for bulk pick-ups and deliveries, designed to accommodate the maneuvering area needed by expected sizes of delivery vehicles when all off-street parking spaces are filled.

Lot: An undivided portion of land of at least sufficient size to meet minimum zoning requirements for use, buildings, structures, lot coverage, yards, and other open spaces as may be present or required under provisions of this Ordinance and having frontage on an improved public street, or on an approved private road, or shared driveway. A lot may consist of either: a single lot of record, a portion of a lot of record, a combination of contiguous lots of record that have been combined into one tax ID number, or a parcel of land described by metes and bounds. (as amended 12/31/06)

Lot Area: The total horizontal area within the lot lines of a lot, exclusive of any submerged area of any lake, stream or canal (below the shoreline or ordinary high water mark).

Lot, Corner: A lot where the interior angle of two adjacent sides at the intersection of two streets is less than one hundred and thirty-five (135) degrees. A lot abutting upon a curved street or streets shall be considered a corner lot for the purposes of this Ordinance if the arc is of less radius than one hundred fifty (150) feet and the tangents to the curve, at the two points where the lot lines meet the curve or the straight street line extended, form an interior angle of less than one hundred and thirty-five (135) degrees. (See Figure 25.7)

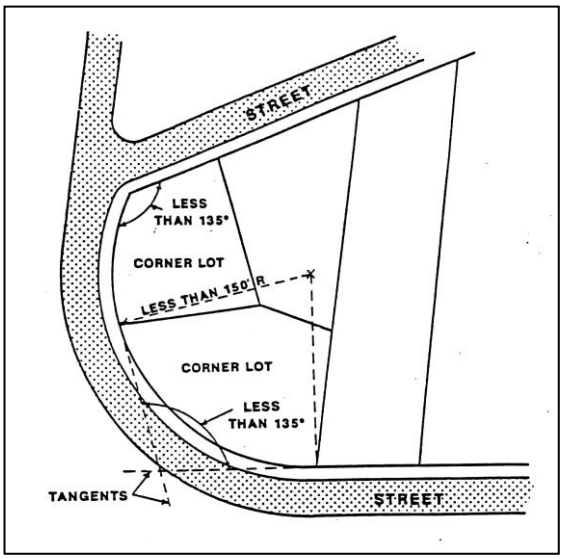


Figure 25.7 Lot, Corner Measurements

Lot Coverage: The part or percent of a lot occupied by buildings, structures and accessory buildings.

Lot Coverage, Impervious Surface: The part or percent of a lot occupied by building, structures, uses, accessory buildings, accessory structures and paved areas.

Lot Depth: The arithmetic mean of the shortest and longest distances from the front lot line to the rear lot line (see figure 25.8).

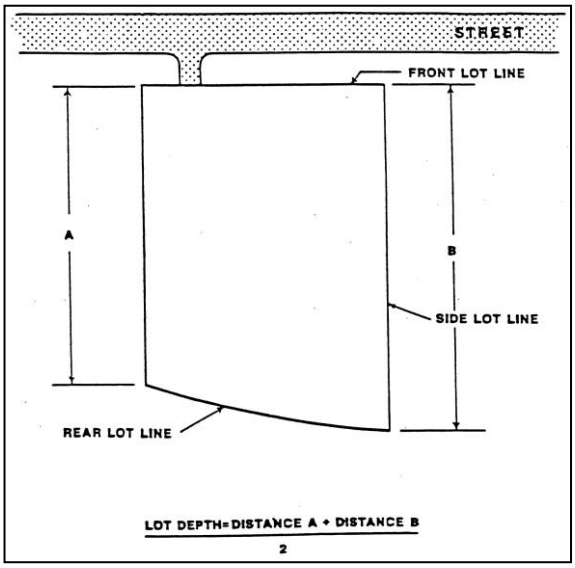


Figure 25.8 Lot Depth Measurement

Lot, Flag: A lot that has access to a public right-of-way or private road access easement by means of a narrow strip of land (see figure 25.9).

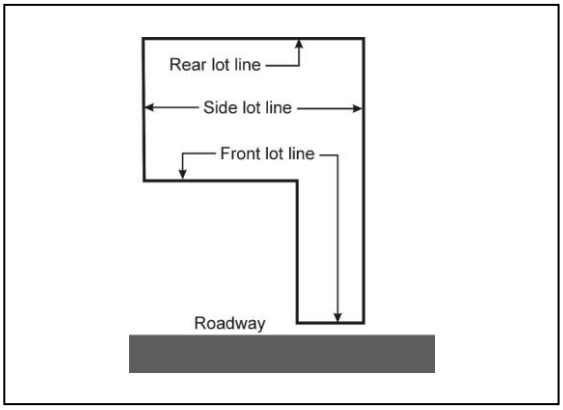


Figure 25.9 Flag-lot Lot Lines

Lot, Interior: Any lot other than a corner lot.

Lot Line: The lines bounding a lot or parcel and listed below and illustrated on Figure 25.10.

a. **Front Lot Line:** The lot line(s) abutting a public street or private road easement that separates the lot from such right-of-way or easement; typically measured along the right-of-way line. Corner lots or through lots are considered to have two front lot lines and shall provide the minimum required front yard setback at both front lot lines. In the case of a flag lot, the front lot line shall be that lot line that abuts the public street right-of-way or private road easement and the lot line that is roughly parallel to the street right-of-way (See figure 25.10). (as amended 12/31/06)

b. **Rear Lot Line:** The lot line opposite and most distant from the front lot line. For an irregular or triangular shaped lot, a

line at least ten (10) feet in length, entirely within the lot, parallel to and most distant from the front lot line (See figure 25.11). (as amended 12/31/06)

c. **Side Lot Line:** Any lot line not a front or rear lot line.

d. **Waterfront Lot Line:** The boundary of a lot that follows the shoreline of a lake or stream. (Also see "shoreline.")

e. In the case where the above definitions are not sufficient to designate lot lines, the Zoning Administrator shall designate the front, rear and side lot lines in consideration of the orientation of the building(s) on the lot, the address of the lot, the orientation of other buildings along the block, and natural features affecting site design.

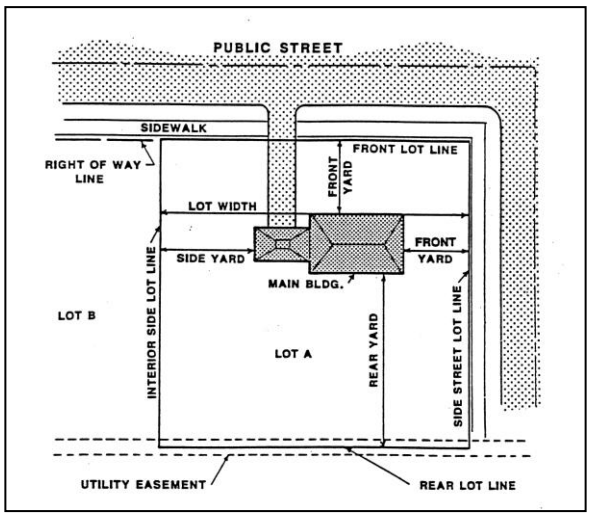


Figure 25.10 Lot Lines and Yards Measurement (Note: Yards May Not Always Equal Required Setbacks)

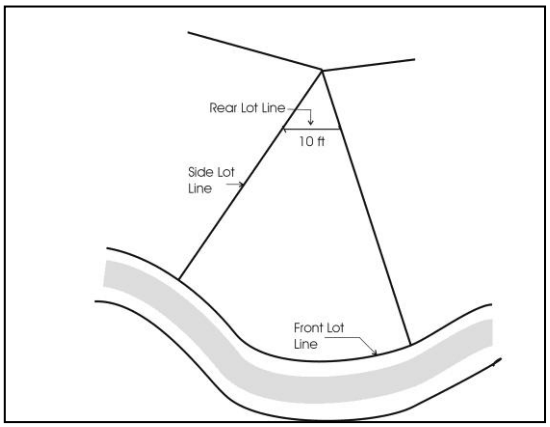


Figure 25.11 Rear Lot Line on Triangular Lot

Lot of Record: A parcel of land, the dimensions of which are shown or, a document or map on file with the County Register of Deeds or in common use by Municipal or County Officials, and which actually exists as so shown, or any part of such parcel held in a record ownership separate from that of the remainder thereof.

Lot, Through: Any interior lot having frontage on two more or less parallel streets as distinguished from a corner lot. In the case of a row of double frontage lots, all yards of said lots adjacent to streets shall be considered frontage, and front yard setbacks shall be provided as required.

Lot, Width: The horizontal distance between side lot lines measured parallel to the front lot line at the minimum required front setback excluding private road access easement. For irregularly shaped lots with access easements or "flag lots" connecting to a public street, the minimum lot width shall be measured at the point where the narrow access connects to the main section of the parcel. This determination shall be made by the Zoning Administrator. Figure 25.12 illustrates calculation of minimum lot width for lots along curvilinear streets.

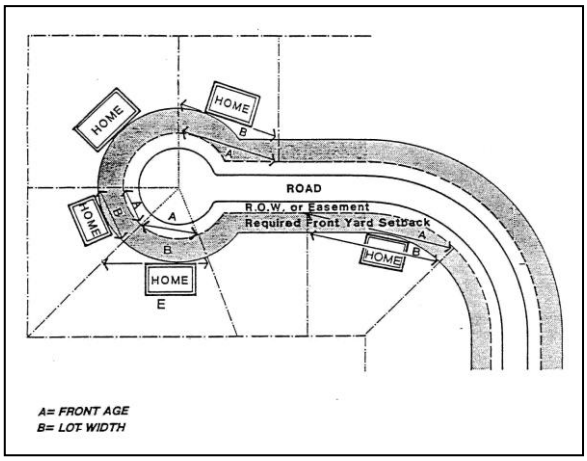


Figure 25.12 Lot Width on Curvilinear Streets

Major Thoroughfare: An arterial street, state trunkline, or roadway classified as a Primary Road by

the Livingston County Road Commission, which is intended to service as a large volume of traffic, generally within a right-of-way at least eighty six (86) feet wide.

Manufactured Home: A dwelling unit which is designed for long-term residential use and is wholly or substantially constructed at an off-site location.

Master Plan: The Comprehensive Community Plan, sub area plans or corridor plans including graphic and written proposals for future land use, zoning, site design, physical development and or capital improvements.

Mezzanine: An intermediate floor in any story occupying a maximum one-third (1/3) of the story's floor area.

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

Manufactured Housing Park: A parcel or tract of land under the control of a person, group or firm upon which two (2) or more mobile homes are located on a continual non-recreational basis and which is offered to the public for that purpose regardless of compensation, including any building, structure, enclosure, street, drive, equipment or facility used or intended for use incidental to the occupancy. Mobile home parks are licensed and regulated by the Michigan Mobile Home Commission.

Mobile Home or Manufactured Home Subdivision: Individually owned lots subdivided according to the provisions of Act 288 of the Public Acts of Michigan of 1967 intended as a site for the placement for dwelling purposes of mobile or modular homes.

Motel: A series of attached, semidetached or detached rental units containing a bedroom, and sanitary facilities. Units shall provide for overnight lodging and are offered to the public for compensation, and shall cater primarily to the public traveling by motor vehicle.

Non-Conforming Building or Structure: A building or structure portion thereof lawfully existing at the effective date of this Ordinance, or amendments thereto, and that does not conform to the provisions of the Ordinance in the district in which it is located.

Non-Conforming Lot: A lot of record, lawfully in existence on the effective date of this Ordinance and any amendments thereto, which no longer meets the dimensional requirements of this Ordinance for the district in which it is located.

Non-Conforming Site. A development on a site which met Ordinance requirements for site design elements at the time the site was developed, such as the amount of parking, parking lot pavement or landscaping; but which does not meet the current site standards of the Township.

Non-Conforming Use: A use which lawfully occupied a building or land at the effective date of this Ordinance, or amendments thereto, and that does not conform to the use regulations of the district in which it is located.

Nursery, Plant Materials: A space, building or structure, or combination thereof, for the storage of live trees, shrubs or plants offered for retail sale on the premises including products used for gardening or landscaping. The definition of nursery within the meaning of this Ordinance does not include any space, building or structure used for the sale of fruit, vegetables or Christmas trees.

Nuisance Factors: An offensive, annoying, unpleasant or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being, or the generation, of an excessive or concentrated movement of people or things, such as, but not limited to: (a) noise, (b) dust, (c) smoke, (d) odor, (e) glare, (f) fumes, (g) flashes, (h) vibration, (i) shock waves, (1) heat, (k) electronic or atomic radiation, (1) objectionable effluent, (m) noise of congregation of people, particularly at night, (n) passenger traffic, (o) invasion of non-abutting street frontage by traffic.

Offset: The distance between the centerlines of driveways or streets across the street from one another.

Off-Street Parking Lot: See "Parking Lot."

Open Air Business: Business and commercial uses conducted solely outside of any building unless otherwise specified herein. Examples of open air businesses include:

a. Retail sales of garden supplies and equipment, including but not limited to, trees, shrubbery, plants, flowers, seed, topsoil, trellises, and lawn furniture;

b. Roadside stands for the sale of agricultural products, including fruits, vegetables and Christmas trees.

c. Various outdoor recreation uses, including but not limited to: tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving ranges, and amusement parks.

d. Outdoor display and sale of automobiles, recreational vehicles, garages, swimming pools, playground equipment, and similar goods.

Open Space. That part of a lot, which is open and unobstructed by any built features from its lowest level to the sky, and is accessible to all residents upon the site. This area is intended to provide light and air or is designed for environmentally, scenic, or recreational purposes. Open space may include, but is not limited to lawns, decorative plantings, walkways, active and passive recreation areas, playgrounds, fountains, swimming pools, living plant materials, wetlands and water courses. Open space shall not be deemed to include driveways, parking lots or other surfaces designed or intended for vehicular travel.

Open Front Store: A business establishment so developed that service to the patron may be extended beyond the walls of the structure, not requiring the patron to enter the structure. The term " Open Front Store" shall not include automobile repair or gasoline service stations.

Outdoor storage: The keeping, in an unroofed area, of any goods, junks, material, merchandise or vehicles in the same place for more than twenty four hours.

Parking Lot: A facility providing vehicular parking spaces along with driveways, aisles and other paved areas for vehicular maneuvering. For the purpose of determining setbacks, parking lots shall not include driveways providing access to a roadway or dedicated service drives providing cross-access to adjacent lots. (as amended 12/31/06)

Parking Space: An area of definite length and width, said area shall be exclusive of drives, aisles or entrances giving access thereto, and shall be fully accessible for the parking of permitted vehicles.

Peak Hour: A one hour period representing the highest hourly volume of traffic flow on the adjacent street system during the morning (a.m. peak hour), during the afternoon or evening (p.m. peak hour), or representing the hour of highest volume of traffic entering or exiting a site (peak hour of generator).

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

Pergola: A horizontal trellis or framework, supported on posts, that carries climbing plants and may form a covered walk. (as amended 12/17/10)

Planned Unit Development: An integrated and coordinated development of various residential land uses, and in some cases non-residential uses, comprehensively planned and approved as an entity via a unitary site plan which permits additional flexibility in building sitting, usable open spaces and preservation of natural features meeting the intent of the Planned Unit Development section of this Ordinance.

Planning Commission: The Genoa Township Planning Commission as established by the Genoa Township Board of Trustees under provisions of the Michigan Zoning Enabling Act (Public Act 110 of 2006).

Pond. A permanent water body that has definite banks, a bed, visible evidence of a continued occurrence of water, and a surface area of water that is less than ten (10) acres in size.

Principal Building, Structure or Use: The main building, structure or use to which the premises are devoted and the principal purpose for which the premises exist. In cases where there is more than one use, the use comprising the greatest floor area shall generally be considered the Principal Use, except in cases where a use comprising a secondary amount of floor area is considered to have greater impact in terms of traffic generated, noise levels, disruption of views and similar impacts.

Public Utility: A person, firm or corporation, municipal department, board or commission duly authorized to furnish and furnishing under federal, state or township regulations to the public through transmission lines: gas, steam, electricity, sewage disposal, communication, telegraph, transportation or water. Cellular communication facilities are not considered a public utility.

Reception Antenna: An exterior apparatus capable of receiving communications for radio or television purposes including satellite dishes and other satellite reception antennae but excluding facilities considered to be essential public services or those preempted from township regulation by applicable state, Federal Communication Commission (FCC), or federal laws or regulations.

Recognizable and substantial benefit: A clear benefit, both to the ultimate users of the property in question and to the community, which would reasonably be expected to accrue, taking into consideration the reasonably foreseeable detriments of the proposed development and uses(s). Such benefits may include: long-term protection or preservation of natural resources and natural features, historical features, or architectural features; and elimination of or reduction in the degree of nonconformity of a nonconforming use or structure.

Recreational Vehicle or Unit: Includes a tent or vehicular-type structure designed primarily as temporary living quarters for recreational, camping or travel use, which either has its own motive power or is mounted on or drawn by another vehicle which is self-powered. Recreational units of this type shall include, but shall not be limited to, the following: travel trailers, camping trailers, tent trailers, motor homes and truck campers. Recreational units shall also include, but shall not be limited to, the following: boats, boat trailers, snowmobiles, snowmobile trailers, all terrain vehicles, dune buggies, horse trailers and similar equipment.

Recycling Center: A facility in which used material, such as paper, glass, plastic or motor oil, is separated and processed prior to shipment to other locations for processing or manufacturing into new products. A recycling center is distinct from a junkyard or salvage yard.

Residential Zoning District. RR, LDR, SR, UR, LRR, MDR, HDR, AND MHP Districts.

Restaurants: An establishment serving foods and/or beverages to a customer in a ready-to-consume state. The method of operation may be characteristic of a carry-out, drive-in, drive-through, fast food, standard restaurant, or lounge/tavern, or combination thereof, as defined below:

a. **Restaurants with Outdoor Seating.** A use that involves the sale or delivery of any prepared food or beverage for consumption in a defined area on premises but outside of the building in which it is prepared. Examples of defined areas include an external deck, patio, mall, garden, balcony or sidewalk. (as amended 12/31/06)

b. **Carry-Out Restaurant**. A use that involves the sale of food, beverages, and/or desserts in disposable or edible containers or wrappers in a ready-to-consume state for consumption mainly off the premises. A carry out restaurant differs from a drive through restaurant in that a customer must park and walk up to the restaurant or an employee must exit the restaurant and deliver the food to a customer in a parked car.

c. **Drive-In Restaurant**. A use that involves delivery of prepared food so as to allow its consumption within a motor vehicle while parked on the premise.

d. **Drive-Through Restaurant**. A use that involves the delivery of prepared food to the customer within a vehicle, typically passing through a pass-through window, for consumption off of the premises.

e. **Standard Restaurant**. A standard restaurant is a use that involves either of the following:

1. The delivery of prepared food by waiters and waitresses to customers seated at tables within a completely enclosed building.
2. The prepared food is acquired by customers at a cafeteria line and is subsequently consumed by the customers within a completely enclosed building.

f. **Bar/Lounge/Tavern.** A bar, lounge or tavern is a type of restaurant that is operated primarily for the dispensing of alcoholic beverages. The preparation and sale of food or snacks to customers may be permitted.

Road-Private: (See Article 15.)

Roof: The impervious cover of a building or a portion of a building, permanently attached, but excluding chimneys, antennas, vents, mechanical equipment and other rooftop structures permitted as exceptions to building height. (as amended 12/31/06)

Salvage Yard: An area where waste, used or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled, or handled including but not limited to: scrap iron and other metals, paper, rags, rubber tires and bottles. A "Salvage Yard" includes junk yards and similar facilities including automobile wrecking yards and any open area of more than two hundred (200) square feet for storage, keeping or abandonment of junk.

Service drive: An access drive which parallels the public right-of-way in front of or behind a building or buildings, or may be aligned perpendicular to the street between buildings, which provides shared access between two or more lots or uses.

Setback, Required: The minimum horizontal distance between the building line and a front, rear, or side lot line, a natural feature or a shoreline. Procedures for measuring setbacks for site condominium projects are listed under the definition of condominium setback. (required setbacks are distinct from actual yard, see definitions for yards, setbacks measurements are illustrated on Figure 25.13).

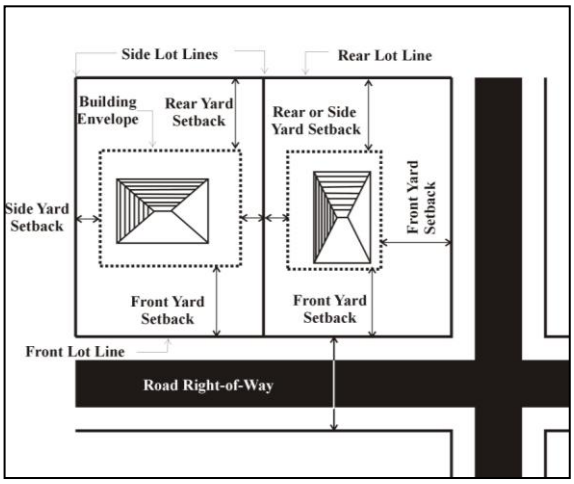


Figure 25.13 Setbacks

Sanitary sewer, public: A sanitary sewer system owned and operated by a municipal government or a utility authority consisting of multiple municipal governments used for the collection and transportation of sanitary sewage for treatment or disposal.

Shelters and rehabilitation centers: Centers operated by philanthropic or non-profit institutions that assist individuals with social needs. These centers may provide temporary housing, meals, counseling, health services, education, job placement assistance and leisure-time activities. Adult care facilities, community centers, hospitals, medical centers, medical/psychiatric offices, shelters for abused women, and children and county/state health/social services facilities are not regulated as "shelters and rehabilitation centers." Churches or other places of worship that provide community outreach services are also not regulated under this definition, unless they also operated an onsite homeless shelter. (as amended 12/31/06)

Shopping Center: A grouping of two (2) or more business establishments developed in accordance to an overall plan and designed and built as an interrelated project. Buildings constructed on outlots shall not be considered part of the shopping center unless access and parking easements are provided.

Shoreline: The ordinary high water mark which is the line between upland and bottomland which persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil, the configuration of the soil surface and the vegetation.

Sign: Definitions for signs are listed separately in Article 16, Sign Standards.

Site plan: A plan, prepared to scale, showing accurately and with complete dimensions, the boundaries of a site and the location of all buildings, structures, uses, and principal site development features proposed for a specific parcel of land, and conforming to the standards of this Ordinance.

Special land use: A use of land for an activity which, under usual circumstances, could be detrimental to other land uses permitted within the same district but which may be permitted because of circumstances unique to the location of the particular use and which use can be conditionally permitted without jeopardy to uses permitted within such district. Such uses are defined as "Special Land Uses" in the Michigan Zoning Enabling Act (Public Act 110 of 2006).

Stable, Commercial: A facility for the rearing and housing of horses, mules and ponies or for riding and training academies.

Stable, Private: A facility for the rearing and training of horses, ponies and mules which are owned by the occupant of the dwelling unit.

Story: That part of a building included between the surface of any floor and the surface of the floor, or roof, next above. When the distance from the average established grade to the ceiling of a story partly below such grade exceeds five (5) feet, then the basement or cellar constituting the story partially below grade shall be counted as a story (refer to Figure 25.14).

Story, Half: An uppermost story lying under a sloping roof having an area of at least two hundred (200) square feet with a clear height of seven feet six inches (7' - 6"). For the Purposes of this Ordinance, the usable floor area is only that area having at least four (4) feet clear height between floor and ceiling.

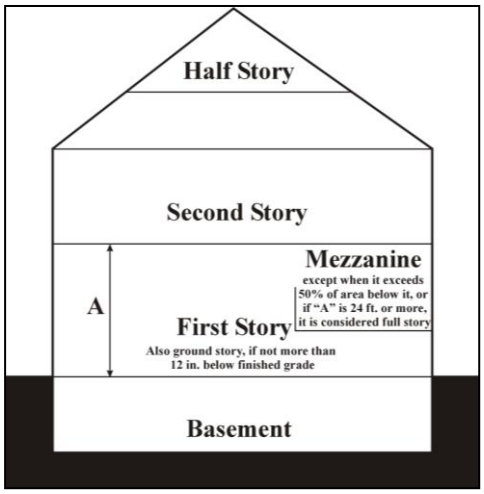


Figure 25.14 Story

Street: A dedicated public right-of-way, other than an alley which affords the principal means of access to abutting property. Various types of streets are defined below.

a. **Arterial Street or Roadway**: A street or roadway which carries high volumes of traffic at relatively high speeds, and serves as an avenue for circulation of traffic onto, out of, or around the Genoa Township area. An arterial roadway may also be defined as a major thoroughfare, major arterial or minor arterial roadway. Since the primary function of the regional arterial roadway is to provide mobility, access to adjacent land uses may be controlled to optimize capacity along the roadway. Arterial roadways are listed in the Township Master Plan.

b. **Collector Street**: A street or road whose principal function is to carry traffic between minor and local roads and arterial roadways but may also provide direct access to abutting properties. Collector streets are classified in the Township Master Plan.

c. **Cul-de-Sac**: A street or road that terminates in a vehicular turnaround.

d. **Expressway**: Limited access interregional arterial routes, including I-96, designed exclusively for unrestricted movement, have not private access, and intersect only with selected arterial roadways or major streets by means of interchanges engineered for free-flowing movement.

e. **Highways**: Streets and roadways which are under the jurisdiction of the Michigan Department of Transportation. Highways may also be classified as expressways or arterial roadways.

f. **Local or Minor Street**: A street or road whose principal function is to provide access to abutting properties and is designed to be used or is used to connect minor and local roads with collector or arterial roadways. Local streets are designed for low volumes and speeds of twenty-five (25) mph or less, with numerous curb cuts and on-street parking permitted.

g. **Private Road**: Any road or thoroughfare for vehicular traffic which is to be privately owned and maintained and has not been accepted for maintenance by the City, Livingston County, the State of Michigan or the federal government, but which meets the requirements of this Ordinance or has been approved as a private road by the Township under any prior ordinance.

h. **Public Street**: Any road or portion of a road which has been dedicated to and accepted for maintenance by a municipality, Livingston County, State of Michigan, or the federal government.

Structure: Anything constructed or erected, the use of which requires location on ground or attachment to something having location on the ground. Structures include, but are not limited to, principal and accessory buildings, radio, television and cellular phone towers, decks, fences, privacy screens, walls, antennae, swimming pools, signs, gas or liquid storage facility, mobile homes, street directional or street name sign and billboards.

Substance abuse center or treatment facility: A facility offering counseling, care and treatment for individuals addicted to drugs and alcohol licensed by the Michigan Department of Mental Health, Office of Substance Abuse Services. Such a facility may include or detoxification services. A generally recognized pharmacy or licensed hospital dispensing prescription medicines shall not be considered a substance abuse treatment facility.

Swimming Pool: Any artificially constructed portable or non-portable pool; capable of being used for swimming or bathing, having a depth of two (2) feet or more at any point and having a surface area of two hundred fifty (250) square feet or more.

Tattoo Parlor: An establishment whose principal business activity is the practice placing designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin.

Temporary Building or Structure. A building or structure which is not permanently affixed to the property, and is permitted to exist for a specific reason for a specific period of time. An example of a temporary building is a trailer used on a construction site or a tent.

Temporary Use. A use which is not permanent to the property and is permitted to exist for a specific reason for a specific period of time.

Therapeutic Massage: The application of various techniques to the muscular structure and soft tissues of the human body performed by a massage practitioner. A massage practitioner must satisfy two (2) or more of the following requirements:

a. The person is a member of the current Professional Level in the American Massage Therapy Association (AMTA), Associated Bodywork and Massage Professionals (ABMP), International Myomassethics Federation (IMF) or other recognized massage association with equivalent professional membership standards consisting of at least five-hundred (500) hours of training including: theory, practice and techniques of massage (minimum three-hundred (300) hours); human anatomy and physiology (minimum one-hundred (100) hours); and professionalism (minimum one-hundred (100) hours). Instruction in this area shall include training in contraindications, benefits, ethics and legalities of massage, building and marketing a practice and other electives as appropriate.

b. The person is a graduate of a school of massage licensed by the State of Michigan or holder of a current license from another state which requires, at a minimum, the training set forth in paragraph a. above.

c. The person has completed a massage training program at a community college, college, university or technical school located in the United States, where such program requires at a minimum, the training set forth in a. above.

d. The person has passed the National Certification Exam for Massage and Bodywork Practitioners.

Townhouse: See "Dwelling, Townhouse.

Traffic Impact Study: The analysis of the potential traffic impacts generated by a proposed project. This type of study and level of analysis will vary dependent upon the type and size of the project.

a. **Rezoning Traffic Impact Study:** a traffic impact study which contrasts typical uses permitted under the current and requested zoning or land use classification. This study usually includes a trip generation analysis and a summary of potential impacts on the street system.

b. **Traffic Impact Assessment**: a traffic impact study for smaller projects which are not expected to have a significant impact on the overall transportation system but will have traffic impacts near the site. This type of study focuses on the expected impacts of a development at site access points and adjacent driveways.

c. **Traffic Impact Statement:** a traffic impact study which evaluates the expected impacts at site access points and intersections in the vicinity.

Trip (i.e., directional trip): A single or one-direction vehicle movement with either the origin or the destination (exiting or entering) inside a study site.

Tree, Measurement of Height: Where a minimum height is specified for a deciduous or evergreen tree, the height shall be measured from the top of the tree to the surrounding ground elevation or top of the ball (location where fabric containing root system meets the exposed trunk).

Use: The principal purpose for which land or a building is arranged, designed or intended, or for which land or a building is or may be occupied. Uses are classified under the following categories

a. Residential, which includes single family, two family, multiple family, manufactured homes.

b. Agriculture, which includes all farming and forestry.

c. Commercial, which includes all retail trade uses, motor vehicle service, lodging accommodation, food services, other services, arts, and entertainment and recreational businesses.

d. Office, which includes administrative offices and buildings, used for finance, insurance, legal, real estate, professional, scientific, technical, health care, and social assistance uses.

e. Institutional, which includes all religious, civic, social, and similar organizations, educational services and public uses.

f. Industrial, which includes all manufacturing, transportation, warehousing, utilities, waste disposal, construction and mining/mineral extraction uses. (as amended 3/5/10)

Variance: An authorization by the Board of Appeals permitting modification to the regulations and standards of this Ordinance in situations where the literal enforcement would result in a practical difficulty not present on other properties typical of the zoning district.

Veterinary Clinic: A facility providing diagnosis, treatment, surgery and similar veterinary care for small domestic animals.

Veterinary Hospital: A facility which provides diagnosis, treatment, surgery and other veterinary care for domestic animals, horses and livestock. A veterinary hospital may include outdoor boarding incidental to treatment.

Wall: A structure of definite height and location to serve as an opaque screen in carrying out the requirements of this Ordinance.

Waste Receptacle (i.e. dumpster): Any accessory exterior container used for the temporary storage of rubbish, pending collection, having a capacity of at least one (1) cubic yard. Recycling stations and exterior compactors shall be considered to be waste receptacles.

Watercourse: Any natural or manmade body of water including but not limited to a lake, pond, river, canal, channel, swamp, creek, marsh, or outcropping of water.

Wetland: Land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support, wetland vegetation or aquatic life and is commonly referred to as a bog, swamp, or marsh, and which is any of the following:

a. contiguous to an inland lake or pond, or a river or stream;

b. not contiguous to an inland lake or pond, or a river or stream; and more than 5 acres in size;

c. not contiguous to an inland lake or pond, or a river or stream; and five (5) acres or less in size if the Michigan Department of Natural Resources (MDNR) determines that the protection of the area is essential to the preservation of the natural resources of the state from pollution, impairment, or destruction and the MDNR has so notified the owner. (definition taken directly from the Goemaere-Anderson Wetland Protection Act, P.A. 203, 1979).

Wetland, Contiguous: Contiguous wetlands are wetlands connected to other wetlands or waterways as follows:

a. A permanent surface water connection or other direct physical contact with any lake, pond, river or stream, including surface or ground water connections.

b. A seasonal or intermittent direct surface water connection with any lake, pond, river or stream.

c. Located within 500 feet of the ordinary high water mark of any lake, pond, river or stream.

d. Separated only by man made barriers, such as dikes, roads, berms, or other similar features.

Wireless Communication Facilities. All structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals. This may include, but shall not be limited to, radio towers, television towers, telephone devices, personal communication transmission equipment and exchanges, microwave relay towers, telephone transmission equipment building and commercial mobile radio service facilities. This definition does not include "reception antenna" for an individual lot as otherwise defined and regulated in this Ordinance.

a. **Attached Wireless Communication Facilities**. Wireless communication facilities affixed to existing structures, including but not limited to existing buildings, towers, water tanks, or utility poles.

b. **Wireless Communication Support Structures**. Structures erected or modified to support wireless communication antennas. Support structures within this definition include, but shall not be limited to, monopoles, lattice towers, light poles, wood poles and guyed towers, or other structures which appear to be something other than a mere support structure.

Yard: The open spaces on the same lot with a main building unoccupied and unobstructed from the ground upward except as otherwise provided in this Ordinance. A yard may be equal to the setback, but may also be larger, such as where a building is farther from the street than the required setback. Yards are defined below and illustrated in Figure 25.15:

a. **Front Yard:** An open space extending the full width of the lot, the depth being the minimum horizontal distance between the front lot line or public street right-of-way line/private road easement and the nearest point of building line. A front yard shall be maintained on each side of a corner lot or through lot. For lots along a shoreline of a lake, river, stream or channel the yard facing a public street or private road shall be considered the front yard for zoning purposes and the yard adjoining the shoreline shall be considered the waterfront yard, as defined below. (as amended 12/31/06)

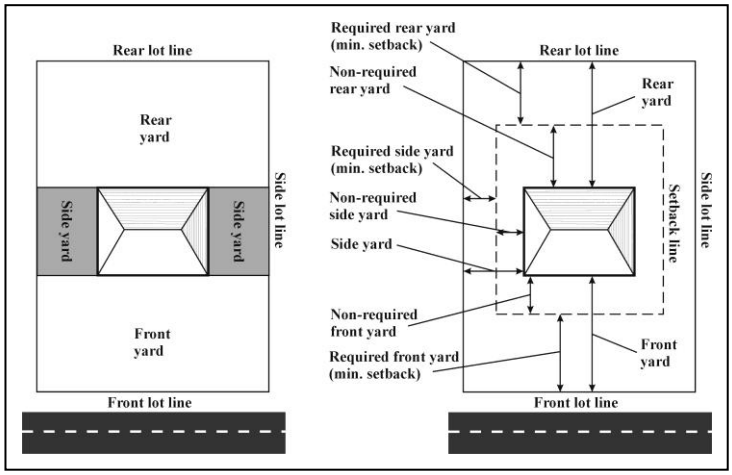


Figure 25.15 Yards

b. **Rear Yard:** An open space extending the full width of the lot, the depth being minimum horizontal distance between the rear lot line and the nearest point of the principal building line. In the case of a corner lot the rear yard may be opposite either street frontage and there shall only be one (1) rear yard.

c. **Side Yard:** A yard between the building line of the principal building or structure and the side lot line extending from front yard to the rear yard, or, in the absence of any clearly defined rear lot line, to the point on the lot farthest from the intersection of the lot line involved with the public street.

d. **Waterfront Yard:** An open space extending the length of the shoreline of a lake, pond or stream, the depth being the minimum horizontal distance between the shoreline and the nearest point of the principal building line.

e. **Required Yard:** The open space between the lot line and the minimum setback line. The required yard corresponds to the minimum setback requirement for the district. (as amended 12/31/06)

f. **Non-required Yard:** The open space between the minimum setback line and the main building. The non-required yard is the additional yard area that the building is setback beyond the minimum setback requirement for the district. (as amended 12/31/06)

Zero Lot Line: The location of a building on a lot in such a manner that one or more of the buildings sides rests directly on a lot line, separated only by fire walls.

Zoning Act: The Michigan Zoning Enabling Act (Public Act 110 of 2006). (as amended 12/31/06)

APPENDIX A
TABLE OF USES

	AG	CE	RR	LDR	SR	UR	LRR	MDR	HDR	MHP	PRF	OSD	NSD	GCD	RCD	IND	TC
Agricultural Uses																	
Accessory farm labor housing	P																
Accessory keeping of horses, ponies, and other equine and livestock	P	P	P														
Accessory roadside stands and commercial cider mills selling only produce grown on the premises	P	P															
Accessory roadside stands and commercial cider mills selling produce not grown on the premises	S	S															
Commercial kennels	S	S												S		S	
Commercial stables	S	S															
Farms	P	P															
Intensive livestock operation	S																
Pet cemetery	P																
Storing, packaging and processing of farm produce	P	P															
Tree and sod farms, greenhouses, nurseries, and similar horticultural enterprises without sales on the premises, however, Christmas tree sales shall be permitted.	P	P															
Residential Dwellings																	
Single family detached dwellings	P	P	P	P	P	P	P	P	P	P							P
Two family duplex dwellings						P		P	P								P
Townhouses, row houses, and similar attached dwellings with individual entrances and garages								P	P								P
Multiple family residential									P								P
Manufactured single family dwellings										P							
A second single family home or dwelling unit on a site of at least forty (40) acres for use by members of the immediate family or employees of the farm operation	S																
Clustered residential development on the same site as a recreational use											S						
Housing for the elderly, including interim care units, extended care units, congregate care and nursing care								P	P								
Live/work units with a dwelling unit on the upper floor above a first floor space under the same ownership that can be used for a commercial use																	P
Residential dwellings for a facility manager at a golf course or campground											S						
Child and Adult Care																	
Adult day care facilities												S		S			
Adult foster care family home (6 or fewer adults)	P	P	P	P	P	P	P	P	P								
Adult foster care large group home (13 to 20 adults)								S	S								

	AG	CE	RR	LDR	SR	UR	LRR	MDR	HDR	MHP	PRF	OSD	NSD	GCD	RCD	IND	TC
Adult foster care small group home (12 or fewer adults)	S	S	S	S	S	S	S	S	S								
Child care centers, preschools and commercial day care								S	S			P	P	P		S	P
Family day care home (6 or fewer children less than 24 hours per day)	P	P	P	P	P	P	P	P	P								
Foster family home (6 or fewer children 24 hours per day)	P	P	P	P	P	P	P	P	P								
Group day care home (7 to 12 children less than 24 hours per day)	S	S	S	S	S	S	S	P	P								
Recreational Uses																	
Carnivals, fairs, commercial cider mills and amusement parks											S			S			
Commercial indoor recreational facilities											S						
Indoor commercial recreation (skating, bowling, soccer, dance academies, arcades, indoor shooting/archery ranges)																S	
Recreation (indoor) such as bowling alleys, skating rinks, arcades, archery indoor golf or softball														S	S		
Commercial or noncommercial campgrounds for travel trailers, tent-campers, motor homes and tents											S						
Commercial outdoor recreational establishments											S						
Golf courses with ancillary driving ranges or restaurant/banquet facilities											S						
Golf courses without driving ranges	S	S	S	S	S	S	S	S	S								
Golf domes											S						
Golf driving ranges and miniature golf courses											S			S	S		
Health clubs, fitness centers, gyms and aerobic clubs												S	S	P	P	S	P
Leasing and rental of recreational equipment, including but not limited to boats, canoes, motor homes and jet skis, when accessory to a permitted use													S				
Marinas without boat storage or repair													S				
Motion picture theaters														P	P		
Parks, common greens, plazas, public gathering places and open space											P	P	P	P	P	P	P
Private commercial or noncommercial outdoor recreational areas for off-road vehicles and snowmobiles, gun/archery ranges, paintball and similar uses											S						
Private non-commercial institutional or community recreation facilities											S						
Private non-commercial parks, nature preserves and recreational areas owned and maintained by home-owners association	P	P	P	P	P	P	P	P	P	P							
Public arenas, stadiums and skating rinks											S						
Public or private campgrounds											S						
Public parks/open space/boat launches																P	

	AG	CE	RR	LDR	SR	UR	LRR	MDR	HDR	MHP	PRF	OSD	NSD	GCD	RCD	IND	TC
Public parks, public open space, public recreation areas, public playgrounds, lakes, beaches, pools, public gardens and public nonprofit golf courses without driving ranges or restaurant/banquet facilities, excluding off-road vehicle courses and trails, gun and archery ranges											P						
Publicly owned parks, parkways, scenic and recreational areas, and other public open space	P	P	P	P	P	P	P	P	P								
Recreation (indoor) such as bowling alleys, skating rinks, arcades, archery indoor golf or softball														S	S		
Recreation (outdoor) commercial or private, recreation centers, including children's amusement parks, batting cages, and go-cart tracks														S	S		
Ski facilities that may or may not be operated for profit											S						
Governmental																	
Public/government buildings such as; township/state/county offices, public museums, libraries and community centers											P	P	P	P			P
Public buildings and uses such as fire stations and libraries, but not including publicly owned and operated warehouses, garages or storage yards			S	S	S	S	S	S	S								
Farmers market											S						P
Public fountains											S						
Civic																	
Animal Shelters														S		S	
Art galleries, libraries, museums, memorials and monuments.											P						
Cemeteries											S						
Churches, temples and similar places of worship	S	S	S	S	S	S	S	S	S		P	S	P	P			P
Education																	
Elementary schools, public, private or parochial, including latch-key and other accessory programs	S	S	S	S	S	S	S	S	S		P						P
Junior and senior high schools and colleges											P	P					
Colleges											P	P					
Dormitories or student apartments accessory to a college											S	S					
Commercial schools and studios for teaching photography, art, music, theater, dance, martial arts, ballet, etc												S	S	P	P		
Vocational and technical training facilities												P		P	P	P	
Health Care																	
Medical offices up to 15,000 square feet of gross floor area												P	P	P	P		P
Medical offices over 15,000 square feet of gross floor area												S	S	P	P		P

	AG	CE	RR	LDR	SR	UR	LRR	MDR	HDR	MHP	PRF	OSD	NSD	GCD	RCD	IND	TC
Medical urgent care facilities, medical centers and clinics											S	S		P		S	
Hospitals											S	S					
Homes for aged and extended care facilities such as nursing homes											S						
Shelters and rehabilitation centers for philanthropic or non-profit institutions														S	S	S	
Veterinary clinics, veterinary hospitals and related offices												S		S			
Office and Financial Service																	
Offices up to 15,000 square feet of gross floor area												P	P	P	P	P	P
Offices between 15,000 and 55,000 square feet of gross floor area												P	S	P	P	P	P
Offices over 55,000 square feet of gross floor area												S		P	P	P	P
Banks with up to 3 drive-through teller windows												P	S	P	P		P
Banks with more than 3 drive-through teller windows												S		S	S		
Stand alone automatic drive-up teller machines													S	S	S		
Offices of non-profit professional, civic, social, political and religious organizations												P	P	P			P
Radio and television studios																P	
Retail Uses																	
Retail uses up to 15,000 square feet gross floor area													P	P	P		P
Retail uses 15,001 - 30,000 square feet of gross floor area													S	P	P		P
Retail uses 30,000 - 60,000 square feet of gross floor area														S	P		S
Retail uses over 60,000 square feet of gross floor area															S		
Retail sales of goods assembled, manufactured, compounded, processed, packaged or treated from previously prepared materials, or repaired or stored, on the premises																S	
Indoor retail sales and storage of building/lumber supplies, home improvement items and similar materials																P	
Commercial outdoor display, sales and storage of building/lumber supplies and similar materials																S	
Outdoor commercial display, sales or storage													S	S	S		
Pharmacies with drive-up window													S	S	S		
Mobile home sales facilities, when such facilities are clearly incidental to the occupancy of lots within the mobile home park										S							
Service Uses																	
Adult regulated uses																S	
Banquet halls, assembly halls, dance halls, private clubs, fraternal order halls, lodge halls or other similar places of assembly														P	P		P

	AG	CE	RR	LDR	SR	UR	LRR	MDR	HDR	MHP	PRF	OSD	NSD	GCD	RCD	IND	TC
Business services such as mailing, copying, data processing and retail office supplies												P	P	P	P	P	
Central dry cleaning plants																S	
Conference Centers												S		S	P		
Dry cleaning drop-off stations with drive-through service												S	S	S	S		
Dry cleaning drop-off stations without drive-through service																	P
Funeral home or mortuary												S		P			
Laundromats													S	P			
Personal and business service establishments, performing services on the premises, including: dry cleaning drop-off stations (without on site processing), photographic studios, copy centers, mailing centers, data processing centers, dressmakers and tailors, shoe repair shops, tanning salons, beauty parlors, barber shops, and similar establishments												P	P	P	P		P
Personal service, retail and restaurants within office or industrial building or within an office park																S	
Studios of photographers and artists												P	P	P	P		
Tattoo parlors														P	P		
Tool and equipment rental, excluding vehicles														P	P		
Lodging																	
Bed and breakfast inns	S	S	S	S	S	S							P	P	P		P
Bed and breakfast inns, hotels and motels with no more than 25 rooms not including accessory convention/meeting facilities or restaurants These uses may include the residence for the owner/manger's family													P	P	P		P
Hotels and motels with more than 25 rooms including accessory convention/meeting facilities and restaurants														P	P		P
Restaurants																	
Bars providing dancing and live music														P	P		P
Carry-out restaurants													P	P	P		P
Coffee Shop with drive-through														S	S		
Drive- in restaurants														S	S		
Drive-through restaurants															S		
Restaurants and bars serving alcoholic beverages												S	S	P	P		P
Restaurants with open front windows													S	S	S		P
Restaurants with outdoor seating													P	P	P		P
Standard restaurants and coffee shops, except as provided below												S	P	P	P		P
Auto Service Uses																	
Auto repair establishments (major and minor) including accessory retail of new auto parts, but not including salvage yards																P	

	AG	CE	RR	LDR	SR	UR	LRR	MDR	HDR	MHP	PRF	OSD	NSD	GCD	RCD	IND	TC
Auto/gasoline service station															S		
Automobile body repair																P	
Automobile wash, automatic or self serve														S	S		
Automobile, motorcycle, boat and recreational vehicle sales, new and used														S	S		
Boat and recreational vehicle sales														S	S		S
Leasing and rental of automobiles, truck and trailers, which may include outdoor storage or display of vehicles														S		S	
Minor auto repair establishment														S	S		
Utility Facilities																	
Composting centers	S															P	
Electric power stations and heating plants																S	
Essential public service/utility buildings, telephone exchange buildings, electric transformer stations and substations and gas regulator stations when operational requirements necessitate their being located in the district to serve the immediate vicinity	S	S	S	S	S	S	S	S	S					P			
Essential public services and structures, not including buildings and storage yards	P	P	P	P	P	P	P	P	P			P	P	P	P	P	P
Essential public services, public service buildings and public service storage yards																P	
Landfills																S	
Public sewage treatment plants, public water plants, essential public services and buildings, public works garages and similar uses											P						
Underground pipeline storage	S	S															
Water towers											P						
Transportation and Warehouses																	
Airports, landing strips and heliports											S						
Bus passenger stations														S	S		
Freezer locker plants and cold storage																S	
Indoor commercial storage (including boat storage)																P	
Mini-storage - indoors																P	
Mini-storage with outdoor storage																S	
Truck terminals																S	
Warehousing establishments																P	
Industrial																	
Manufacturing, fabricating, processing, packaging and/or assembling of products indoors from previously prepared materials, such as; bone, canvas, cellophane, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, paper, plastics, rubber, precious or semiprecious metal or stones, sheet metal, shell, textiles, tobacco, wax, wire, wood (excluding saw mills) and yarns, excluding leather and food processing, with a floor area under 40,000 square feet																P	

	AG	CE	RR	LDR	SR	UR	LRR	MDR	HDR	MHP	PRF	OSD	NSD	GCD	RCD	IND	TC
Any manufacturing use involving wet processes or the use of water in processing																S	
Any permitted manufacturing use over 40,000 square feet of total floor area																S	
Automotive assembly or manufacturing																S	
Bakeries																P	
Bottling and packaging except canning																S	
Breweries, distilleries and wineries																S	
Cement and concrete product or ready-mix operations requiring elevator storage tanks, conveyors and batching equipment and asphalt batch plant, asphalt mixing, batching or paving plants																S	
Cement, concrete, gypsum, plaster and nonmetallic mineral products manufacturing																S	
Chemicals and allied products manufacturing including chemical compounding, plastics manufacturing, the manufacturing of paint, lacquer, enamel, or varnish																S	
Contractors offices and buildings with only indoor storage of equipment and machinery																P	
Contractors yards with outdoor storage of equipment and machinery																S	
Electronic equipment manufacturing																P	
Extractive uses, such as sand and gravel mining																S	
Food processing including canning, meat and dairy products processing																S	
Foundry, smelting or refining of metals or ores, wrought iron, annealing or heat treating plants																S	
Furniture and fixtures manufacturing																P	
Lumber mills																S	
Metal work involving the use of grinding or cutting tools such as manufacturing tools, dyes, jigs, automatic screw machines, arc welding, acetylene torch cutting, brazing or similar processes																S	
Paper and allied products manufacturing																S	
Petroleum refineries or storage facilities																S	
Plastics manufacturing, molding and extrusion																S	
Print shops and book publishing																P	
Research and development facilities, testing laboratories																P	
Salvage yard or junk yard																S	
Textile mills and apparel production																P	
Wood product manufacturing, including pattern making, millwork, cabinet making, Formica counters, prefabricated wood trusses, pallets, skids, and similar products.																P	

	AG	CE	RR	LDR	SR	UR	LRR	MDR	HDR	MHP	PRF	OSD	NSD	GCD	RCD	IND	TC
Accessory Uses																	
Accessory drive-through service not listed above														S	S		
Accessory fuel storage and use or storage of hazardous materials														S	S	S	
Accessory home occupations	P	P	P	P	P	P	P	P	P								P
Accessory temporary outdoor sales and events													P	P	P		
Accessory uses including utility/laundry buildings, auxiliary storage space for mobile home tenants, community buildings for use by the tenants of the park as well as recreation areas and playgrounds and office building exclusively for conducting the business operations of the mobile home park.										P							
Accessory uses, buildings and structures customarily incidental to any of the above	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	
Any use with outdoor equipment/material storage and all other open air businesses																S	
Keeping of pets	P	P	P	P	P	P	P	P	P								

(adopted 3/5/10)