

## ORDINANCE #Z-25-05

### AN ORDINANCE TO AMEND ZONING ORDINANCE SECTION 7.02 SCHEDULE OF COMMERCIAL USES AND SECTION 7.02.02 PERMITTED AND SPECIAL LAND USES WITHIN ARTICLE 7 ENTITLED “COMMERCIAL AND SERVICE DISTRICT”. SECTION 14.06 OFF-STREET PARKING SPACE DESIGN STANDANDS AND SETBACK REQUIREMENTS WITHIN ARTICLE 14 ENTITLED “PARKING AND LOADING-UNLOADING STANDARDS AND ARTICLE 18.07.09 TRAFFIC IMPACT STUDY WITHIN ARTICLE 18 ENTITLED “SITE PLAN REVIEW”

#### THE TOWNSHIP OF GENOA ORDAINS:

**SECTION 1: SHORT TITLE:** This Ordinance shall be known as the “2025 Amendment to Zoning Ordinance Article 7 entitled Commercial and Service Districts”, Article 14 entitled “Parking and Loading-Unloading Standards”, and Article 18 entitled “Site Plan Review”.

**SECTION 2: SUMMARY OF ORDINANCE:** Pursuant to the Michigan Zoning Enabling Act (P.A. 110 of 2006), notice is hereby given that an ordinance to amend the Zoning Ordinance regulating the development and use of land in Genoa Charter Township has been adopted by the Township Board on May 5, 2025. The Board conducted the second reading and approved Ordinance #Z-25-05 to adopt the ordinance and amend the Zoning Ordinance of the Charter Township of Genoa by amending Article 7 Commercial and Service Districts, Article 14 Parking and Loading-Unloading Standards and Article 18 Site Plan Review. The following provides a summary of the regulatory effect of the ordinance.

*Table 7.02 Schedule of Commercial Uses*

		OSD	NSD	GCD	RCD	Req.
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	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)
	Brewpub	--	--	P	P	
	Micro-brewery, small distillery and small winery	--	--	S	S	7.02.02(y)

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

*(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 a minimum of fifty (50) feet from any adjacent public right of way line or property line.*

*(2) The establishment of a new drive-through, excluding a drive-in, shall require the lot be separated a minimum of five hundred (500) feet from any other lot containing a drive-through. The Planning Commission may waive this requirement for uses with vehicular access to an internal service drive (and not directly to/from the main roadway), where access to the main roadway is via a shared driveway or signalized intersection, or where the use is expected to generate 50 directional or fewer trips during the a.m. or p.m. peak hour.*

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

*(4) Such uses constructed adjacent to other commercial developments shall have a direct vehicular access connection (cross-site access) where possible.*

*(5) Where the property abuts a residential land use or zoning district, the site plan shall comply with the applicable landscaping and lighting regulations of Article 12 of the Township Zoning Ordinance. Additionally, the applicant shall provide a sound study demonstrating compliance with the Township Noise Ordinance (Ordinance #011203).*

*(6) Clear identification and delineation between the drive-through lane and parking lot shall be provided.*

*(7) Each drive-through 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.*

*(8) The drive-through lane and window shall be located on the side or rear elevation of the building to minimize visibility from the public or private roadway. The Planning Commission may allow a drive-through lane and window in a front yard of a corner lot, provided it is located in the front yard of the secondary street and the greenbelt requirements of Section 12.02.01 of the Township Zoning Ordinance are met. The Commission may also require additional landscaping/screening of the drive-through lane and window, if deemed necessary.*

**Sec. 14.06 OFF-STREET PARKING SPACE DESIGN STANDARDS AND SETBACK REQUIREMENTS**

**14.06.05 Stacking Spaces.** *Businesses that provide drive-through facilities are required to provide spaces for vehicles waiting in line. The Planning Commission shall have the discretion to increase or decrease the number of stacking spaces required by Section 14.04 above. Use of such discretion shall be based on data contained in the traffic study or data provided by an applicant or collected by Township staff. Required stacking spaces shall be a minimum ten (10) 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.*

**18.07.09 Traffic Impact Study.**

(c) The contents of the traffic impact study shall include:

(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, including actual trip generation data (a.m. and p.m. peak hour and average day, in the form of actual hourly directional driveway counts, hourly transaction data, or other method deemed acceptable by the Township) for local or national chains and franchises. The Township may require inclusion of actual data for local or national chains and franchises in the study.

**SECTION 3: REPEALOR:** All ordinances or parts of Ordinances in conflict herewith are repealed.

**SECTION 4: SEVERABILITY:** Should any section, subsection, paragraph, sentence, clause, or word of this Ordinance be held invalid for any reason, such decisions shall not affect the validity of the remaining portions of the Ordinance.

**SECTION 5: SAVINGS:** This amendatory ordinance shall not affect violations of the Zoning Ordinance or any other ordinance existing prior to the effective date of this Ordinance and such violation shall be governed and shall continue to be separate punishable to the full extent of the law under the provisions of such ordinance at the time the violation was committed.

**SECTION 6: EFFECTIVE DATE:** These ordinance amendments were adopted by the Genoa Charter Township Board of Trustees at the regular meeting held May 5, 2025 and ordered to be given publication in the manner required by law. This ordinance shall be effective seven days after publication.

On the question: "SHALL THIS ORDINANCE NOW PASS" the following vote was recorded:

**Ayes:** Soucy, Hovarter, Walker, Reiber, Hunt, Spicher, and Deaton

**Nays:** N/A

**Absent:** N/A

I hereby approve the adoption of the foregoing Ordinance this 5th day of May, 2025.

---

Janene Deaton  
Township Clerk

---

Kevin Spicher  
Township Supervisor

Township Board First Reading:	April 21, 2025
Date of Posting of Ordinance:	April 22, 2025
Date of Publication of Proposed Ordinance:	April 27, 2025
Township Board Second Reading and Adoption:	May 5, 2025
Date of Publication of Ordinance Adoption:	May 11, 2025
Effective Date:	May 18, 2025