

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 1/1/91 with 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.

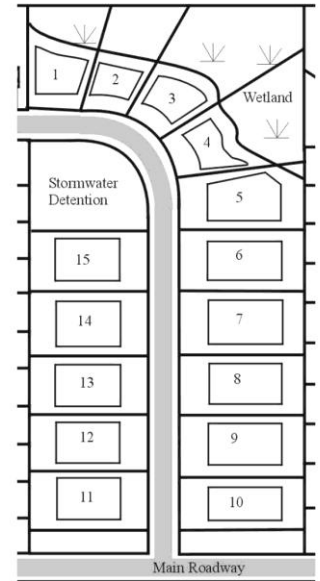
(5) The layout of the open space cluster development shall comply with the requirements of the Subdivision Control Ordinance. Roads and driveways shall comply with the Township Subdivision Control Ordinance, Livingston County Road Commission standards and the private road regulations of Article 15, as 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:

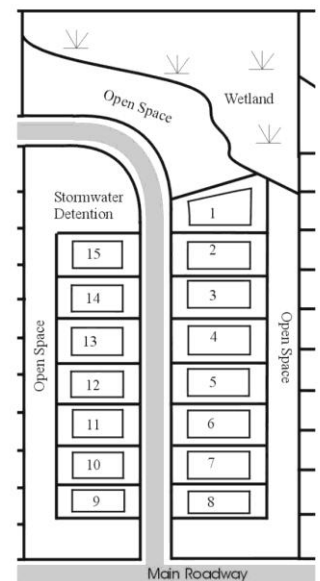
- a. A one hundred (100) foot deep open space area shall be preserved along road frontages bordering the open space cluster development and adjacent to existing residential lots.
- b. All wetlands and areas within fifty (50) feet of a wetland or shoreline shall be preserved as open space. Lakes and ponds 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

Parallel Plan
Showing Conventional Subdivision



Clustered Open Space Plan



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.