

**GENOA CHARTER TOWNSHIP
PLANNING COMMISSION PUBLIC HEARING
JULY 9, 2018
6:30 P.M.
AGENDA**

CALL TO ORDER:

PLEDGE OF ALLEGIANCE:

APPROVAL OF AGENDA:

CALL TO THE PUBLIC: (*Note: The Board reserves the right to not begin new business after 10:00 p.m.*)

OLD BUSINESS:

OPEN PUBLIC HEARING #1...Review of fence material change from the previously approved site plan for Truck and Trailer Specialties. The property in question is located on a vacant 10-acre parcel located on the west side of Grand Oaks Drive, south of Grand River Avenue (Parcel# 11-05-300-051). The request is petitioned by ACS Build Inc.

A. Disposition of Site Plan Amendment.

OPEN PUBLIC HEARING #2...Review of a site plan and impact assessment requesting preliminary site condominium approval for a proposed 25 unit site condominium. The property in question is located on approximately 74.8 acres involving parcels 11-33-400-003 and 11-34-300-005 on the east side of Chilson Road, south of Brighton Road along the southern Township boundary with Hamburg Township. The request is petitioned by Chestnut Development LLC.

A. Recommendation of Environmental Impact Assessment
B. Recommendation of Preliminary Site Plan

OPEN PUBLIC HEARING #3...Consideration of Zoning Ordinance Text amendments to Article 10 of the Zoning Ordinance, entitled "Planned Unit Development" and Article 25, entitled "Definitions". The ordinance is proposed to be amended to add standards and definitions related to "Interchange Commercial PUD" and "Interchange Campus PUD".

A. Recommendation of Text Amendments

NEW BUSINESS:

OPEN PUBLIC HEARING #4... Review and Discussion of Zoning Ordinance Text amendments to Articles 1-6.

ADMINISTRATIVE BUSINESS:

- *Staff Report*
- *Approval of June 11, 2018 Planning Commission meeting minutes*
- *Member discussion*
- *Adjournment*

ACS BUILD, INC.

June 12, 2018

Ms. Kelly Van Marter
Planning Commission
Genoa Township
2911 Dorr Road
Brighton, MI 48116

Re: Truck & Trailer Specialties - Fencing

Dear Ms. Van Marter:

This letter accompanies information on our requested fencing for the referenced project. The Site Plan (C-2) shows the desired location of the two (2) types of six foot high fencing.

The front (east) fence line will be a decorative 6' high picket fence with black aluminum rails 5" on center. There will be two rolling entry gates. Landscaping is placed in the front yard to obscure the view beyond the fence.

The side and rear fence lines are proposed as 6' high chain link for yard security.

Thank you once again for your assistance. If you feel further information is needed, please let me know.

Sincerely,



Ken McQuade
Sales Development

CONSTRUCTION MANAGEMENT – GENERAL CONTRACTING

Mike Arens responded that the land is planned for passive recreation. They may have recreation play but there are no plans at this time for league level athletics. They propose to mark the property lines and intend to create a buffer from the existing residential. There were public hearings with the neighbors to apply for the grant and they have heard these concerns and intent to keep this park as an amenity to the adjacent landowners. The trail is going to be a wood chip naturalized trail and will be at least 50-100 feet from the property lines. The overall project concerns they recognize are with noise, lighting and traffic. They intend to keep this a passive facility.

The call to the public was closed at 7:10pm.

1) Recommendation of Environmental Impact Assessment

Moved by Commissioner Rauch, supported by Commissioner Grajek to recommend approval of the environmental impact assessment for the proposed phase 1 of the Fillmore County Park located on parcels 11-01-300-005 and 11-01-300-006. The recommendation is conditioned on the rezoning to PRF. **The motion carried unanimously.**

B. Disposition of Site Plan.

Moved by Commissioner Rauch, supported by Commissioner Grajek to approve the site plan dated May 1, 2018 for the proposed phase 1 of the Fillmore County Park located on parcels 11-01-300-005 and 11-01-300-006 with the following conditions:

1. The subject property shall be rezoned to PRF.
2. The parking based on ITE trip generation peak is reasonable.
3. The signage requires a sign permit.
4. The Livingston County Road Commission shall issue a driveway permit.
5. In lieu of detention ponds, check dams shall be installed in the ditch along McClements Road to help control sedimentation.

The motion carried unanimously.

OPEN PUBLIC HEARING # 3... Review of a special use, site plan and environmental impact assessment for a proposed 30,000 sq. ft. automotive assembly building including outdoor storage and storage of hazardous materials for Truck and Trailer Specialties. The property in question is located on a vacant 10-acre parcel located on the west side of Grand Oaks Drive, south of Grand River Avenue (Parcel# 11-05-300-051). The request is petitioned by ACS Build Inc.

Ken and Brian McQuade with ACS Build, Jesse Parkinsen, civil engineer with Greentech Engineering, Al Valentine, architect with GAV & Associates, and Dan and Brian Bouman owners of Truck and Trailer Specialties are present on behalf of the petitioner.

Ken McQuade reviewed the project. Truck and Trailer is an existing business in the Township on Victory Drive. They are proposing a 30,000 square foot crane building with 3 bays. The building

is 200 feet deep and there would be 2 crane weights inside the building. The business takes production heavy duty chassis to make snow plow trucks. They add boxes, blades, plows, etc. to the trucks. Cranes are needed to lift up the heavy plow equipment.

Items needing special consideration this evening include asking for a gravel storage area located directly behind the paved portion at the rear of the building to accommodate the large parts. The large parts include shipments of truck beds and plow blades. These items are not on pallets and are maneuvered on-site using a mobile yard crane.

Additional consideration is requested from the requirement for masonry exterior building materials. Since this is crane building, the walls need to move and the masonry doesn't work with the movement of the building. In addition, the new energy code requires more energy efficiency and it is very difficult to do with a masonry building. They are requesting approval to allow an insulated metal panel.

Brian Borden reviews his letter dated May 9, 2018. The request involves special land use and site plan review. The Township Board has authority so the Planning Commission makes recommendations this evening. In general, they have found that the special land use conditions are met with the following caveats:

- 1.) The applicant will need to confirm that no loosely packaged material will be used in the outdoor storage and display areas.

Mr. Ken McQuade responded that there are no loose materials. Only heavy components are stored outside.

- 2.) They are proposing a gravel storage area on the west of the site which must be approved by the Planning Commission following a recommendation by the Township Engineer.
- 3.) They are showing a vehicle display area in the northeast corner of the property which does not meet setbacks and is a bit unusual for a non vehicle sales use. Also, outdoor display is not allowed in the front yard and the building setback would need to be met. Commissioner Rauch questioned if they could move the vehicle display to the area southeast of the building to meet the setback requirements.

Ken McQuade responded that they could move the area to meet the setback. The purpose of the display area is to park the new trucks that are ready for pick-up in a position of prominence. This area would only be used when a client is coming to pick up their vehicle order. Kelly VanMarter asked for the applicant to clarify the use of the display area as discussed this evening in the impact assessment.

- 4.) The applicant is requesting approval to allow 6 foot tall privacy screening in lieu of the landscaping. They are proposing a chain link fence with privacy slats. Mr. Borden has concerns with both aesthetics and maintenance of a vinyl slat chain link fence. The slats can end up in disrepair and are unattractive and may not age well. The applicant may consider a mesh backing similar to a wind screen.

Mr. Brian McQuade distributed hand-outs to the Commissioners showing the proposed fence.

Commissioner Rauch requests consideration for the fence facing Grand Oaks Drive to be made of a nicer product. Since this fence runs parallel with the front of the building it will be part of the look of the building. Perhaps they could they eliminate the fence along the rear (west) in exchange for a nicer fence along the front. They should screen the rear outdoor storage area.

Mr. Ken McQuade states that there is a 3' berm in the front and then it drops off. There is around 5 feet from the edge of asphalt to the back of gravel so you won't see the storage area. The fence material needs to be able to hold up on the proposed 26' rolling gate.

Commissioner Rickard would like to see a decorative fence instead of the chain link fence. The Township Planner could approve the upgraded fence material.

Commissioner Grajek expressed concern with the durability of a vinyl fence on a rolling gate that is moving in the cold. He asked if there is something more substantial that could be decorative but not have maintenance issues.

Mr. Ken McQuade states that the fence they are proposing is the new generation. It is a heavy duty PVC two layer slat that is stronger and resistant to fade. They would like to use this produce because it is low maintenance and durable.

Chairman Brown would like to see the fence product in place somewhere. Mr. McQuade indicated that Etna Industries in Wixom and Detroit Axel on west 8 mile has it.

Commissioner Rauch appreciates the comments and discussion. He understands the maintenance concerns and appreciates its value for that but it is a look that he would like to stay away from.

Mr. Ken McQuade suggests that they submit something for approval between the Planning Commission action and the Township Board.

Mr. Borden suggests that just the fence component comes back. The project can move forward but the fence materials should come back for a Planning Commission review.

Jesse Parkinson adds to the discussion that the proposed landscaping will soften the look of the proposed fence. He suggests that they could change the landscaping plan to provide arborvitae rather than juniper to further help break up the look of the fence.

Commissioner Grajek is not as concerned with the fence. There are a number of other similar type fences along Grand Oaks Drive.

Mr. Borden notes that the gates will be open during business hours.

- 5.) The applicant shall confirm that outdoor storage does not exceed the height of screening. Mr. Ken McQuade confirmed there will not be materials stored taller than the 6' fence.

- 6.) The PIP Plan for the use of hazardous materials is outdated and it is unclear what types of materials will be stored or handled. We need a little more information of what the hazardous materials are to determine if the standards are met. Secondary containment shall be provided for all hazardous materials. Mr. Ken McQuade states there will not be any fuel tanks and they did provide an update PIP Plan which Mr. Borden did not receive. They will provide the necessary information.
- 7.) The building design and materials must be reviewed and approved by the Planning Commission.
- 8.) The applicant is asking for relief from having to landscape the detention pond because the site is so large and is well screened from adjacent properties due to existing woodlands and wetlands. None of the Commissioners expressed any concern with that.

Chairman Brown requested that the applicant talk about the stress of the machines inside the building that is dictating the building materials. Mr. Ken McQuade explained that industrial buildings with cranes typically have metal siding because as the cranes moves it racks the steel of the building. The building needs to be able to flex and move. In addition, the new energy code which has been on the books for a couple of years requires that buildings be more energy efficient which is another reason why the insulated metal panel system is preferred. The cranes in the building are 5 ton.

Mr. Al Valentine stated that because of the crane this must be a steel frame building. Steel that is attached to masonry will cause the masonry to crack because of the shifting. The building needs to be insulated to R25 and the roof must be insulated to R38 value.

The applicant distributes the building materials and brochures to the Commission members.

Commissioner Grajek asked if they can't build this building to comply with the ordinance standards to meet the energy code. Mr. Valentine responds that is correct.

Gary Markstrom indicates he has no issues with the gravel storage and is suggests that the applicant use asphalt millings to keep the dust down. Mr. Ken McQuade stated that millings are preferred and would be a cost savings.

Commissioner Grajek questions if there are any concerns with elevation on the site for drainage? Mr. Markstrom responds that there are no drainage concerns due to the elevation and all surface water drains to the back of the property. They have sized the basin for the area.

Commission Rickard questioned the 1:3 slopes on the pond and if there is 33% ditch going back. Mr. Markstrom responded to the affirmative and stated that it meets the ordinance. He added that they raised their finish floor elevation to get gravity.

Commission Rickard asked if the outlet for the pond would be better directed towards the wetland rather than off-site and she suggested the outlet be turned to the north. Mr. Markstrom agreed that is a good suggestion.

Chairman Brown reviewed the Fire Department review letter and Mr. Ken McQuade responded that they will meet the requirements.

In regard to the Impact Assessment, Chairman Brown asked if trucks will unload on the property and not Grand Oaks. Mr. Ken McQuade responded that all truck loading and unloading will occur on site. .

Commission Grajek asked if the outdoor storage for staging equipment is temporary. Mr. Bouman responded that all of the equipment on site has been sold and is temporarily stored until it is placed on the vehicle.

Commissioner Rickard questioned if they really need that much area for storage? Mr. Bouman responded that yes it is necessary for our business.

Chairman Brown reviewed the PIP Plan and offered the following suggested corrections:

Page 2 – misspelled truck;

Page 4 - correct fire department to Brighton;

Page 5 - change “should” to “will” for emergency response coordinator;

Page 7 - fence storage year should be yard; 2 references to no floor drain;

Page 10 – reference to no floor drains;

Page 11 - reference to open drains should be removed, - the plan needs to be consistent in regard to the floor drains.

Page 11 - storage area to be inspected regularly and frequently.

Page 13 - employers should be employees.

Chairman Brown asked if the floor would be sealed and Mr. Ken McQuade responded that the floor would be sealed. Chairman Brown asked that language about the sealed floor be added to the Impact Assessment.

Gary Markstrom questioned if there will be floor drains in the building and if so where do they drain. Mr. McQuade responded that they do have floor drains and they will be tied to the sanitary sewer. Mr. Markstrom indicates that the floor drains cannot drain to sanitary sewer and there will need to be details shown on the plans to confirm there is external tank for pump and haul.

The call to the public was made at 8:21pm with the following response:

Bob Kubinec owns the business directly across the street. He asked if there are components that need to be painted as part of the process. Mr. Bouman states that some components are pre-painted but there are also some that are painted on-site. The on-site paint shop mostly does touch up because the material used is mostly stainless steel. Mr. Kubinec asked how many components are delivered each day and he wanted to know where the trucks will park. Mr. Bouman responded that the component deliveries are not every day and they trucks making the deliveries will park in the back.

Dave Howard with Cleary University has concern of hazardous material and airborne particulates. Mr. Bouman stated that they use hydraulic oils mostly and a little bit of paint for touch up. The OSHA tests for air quality are well above standards. They will have 800 gallons of oil. Everything

else is maybe a case of spray lubricant or other small items like that. They have paint in an approved container.

Matt Bennett with Cleary University adds that the University is trying to provide a center of performance and health in the area and Grand Oaks Drive is a main artery for these elements. There will be lots of students and events happening so there is some concern for this.

Chairman Brown asked if all truck movements will be on-site. Mr. Bouman states that all trucks are maneuvered on site and they get 2 trucks each day.

The call to the public was closed at 8:29pm

A. Recommendation of Special Use Application.

Moved by Commissioner Grajek, supported by Commissioner Rauch to recommend approval of the special use permit corresponding to the impact assessment and site plan for automotive assembly, outdoor storage, and storage of hazardous material for a proposed 30,000 sq. ft. building for Truck and Trailer Specialties located on Grand Oaks Drive on parcel 11-05-300-051 with the following conditions:

- 1) The special land uses include automotive assembly, gravel outdoor storage area, and hazardous material storage as identified in the PIP Plan;
- 2) The Special Land Uses have been found to comply with the criteria established in Section 19.03.
- 3) The 6' screen fence is allowed in lieu of the buffer zone or berm requirements.
- 4) This recommendation is contingent on approval of the site plan and impact assessment by the Township Board.

The motion carried unanimously.

B. Recommendation of Environmental Impact Assessment

Moved by Commissioner Grajek, supported by Commissioner Rickard to recommend approval of the environmental impact assessment corresponding to the special land use and site plan for a proposed 30,000 sq. ft. building for Truck and Trailer Specialties located on Grand Oaks Drive on parcel 11-05-300-051 with the following conditions:

- 1.) A revised PIP Plan as discussed this evening will be provided prior to the Township Board.
- 2.) Dust control measures shall be added.
- 3.) A description regarding the use of the relocated vehicle display pod shall be added.
- 4.) This recommendation is contingent on approval of the special use and site plan by the Township Board.

The motion carried unanimously.

C. Recommendation of Site Plan

Moved by Commissioner Grajek, supported by Commissioner McCreary to recommend approval of the site plan corresponding to the special land use and environmental impact assessment for a proposed 30,000 sq. ft. building for Truck and Trailer Specialties located on Grand Oaks Drive on parcel 11-05-300-051 with the following conditions:

- 1.) The detention outlet will be relocated towards the north wetland on their site.
- 2.) The applicant shall return to the Planning Commission for fence material review and approval related to the front section of the fence which would be visible from Grand Oaks Drive.
- 3.) The fence along the western side of the storage yard can be eliminated.
- 4.) The gravel outdoor storage area can be constructed with asphalt millings to reduce dust.
- 5.) The floor drains in the shop area shall be eliminated from the plans.
- 6.) The alternative building materials are recommended for approval because of the nature of the business. The commission recommends allowing high quality metal panels because of the inability of masonry to satisfy the energy code requirements and the incompatibility of the cranes to flex on a masonry structure.
- 7.) The requirements of the Brighton Area Fire Authority shall be met
- 8.) Construction plan review and easements shall be provided.
- 9.) The vehicle display pod shall be relocated to comply with the setback requirements.
- 10.) The required detention pond landscaping shall be relocated to the front of the site in a matching quantity.
- 11.) This recommendation is contingent on approval of the special use and site plan by the Township Board.

The motion carried unanimously.

OPEN PUBLIC HEARING # 4... Review of an amendment to a previously approved Planned Unit Development and a material change from previously approved site plan for the Athletic fields located at 3575 Cleary Drive, Howell (11-05-400-070). The request is petitioned by Cleary University.

Matt Bennett and Dave Howard with Cleary University and Brent LaVanway with Boss Engineering were present on behalf of the petitioner.

Brent LaVanway gave a brief land history and reviewed the process of creating the Planned Unit Development (PUD) for the University a number of years ago. The signage for the stadium was not well addressed as part of the initial PUD so they are requesting amendments in that regard. The other item requested is building material changes for the stadium site plan project. The site plan was previously approved and they are asking for approval to change some the approved materials.

Matt Bennett with Cleary University addressed the Commission and presented the requested material changes for the site given the use. The proposed new building materials will also accommodate self-contained advertising. The change in materials is to a more decorative sturdy brick material. They are also requesting to install brick with a smooth finish to brand the stadium. Mr. Bennett reviewed presentation renderings and samples of the proposed brick material. He introduced Lake Trust Credit Union as the stadium sponsor. The press box and concession stand will be the "Manchester" cast brick. The stadium will be fully enclosed and the Manchester brick will be carried to the dug outs to keep the consistent theme. The proposed wall will be smooth block to allow for branding to "collegiate up" the facilities.

June 25, 2018

Planning Commission
Genoa Township
2911 Dorr Road
Brighton, Michigan 48116

Attention:	Kelly Van Marter, AICP Planning Director and Assistant Township Manager
Subject:	Truck and Trailer Specialties – Amendment to approved site plan
Location:	Grand Oaks Drive – west side of Grand Oaks, south of Grand River Avenue
Zoning:	IND Industrial District

Dear Commissioners:

At the Township's request, we have reviewed the amended site plan for Truck and Trailer Specialties (plans most recently dated 6/12/18).

A. Summary

1. The revised plans include a decorative fence along the front of the fence enclosure.
2. Landscaping has been added to the front of the fence line (excluding the gates).
3. The Commission should discuss whether they would prefer some form of visual screening within the decorative front fencing.
4. The amended landscape plan is deficient by 3 trees and identifies the vehicle display area within the required front yard setback.

B. Background

At their May 14, 2018 meeting, the Planning Commission recommended special land use and site plan approval for a new 30,000 square foot industrial building on the front portion of a vacant 10-acre parcel.

The Commission's action was conditioned upon several items, including that the applicant was to modify the front length of fencing/screening. The current plans were amended to address this condition.

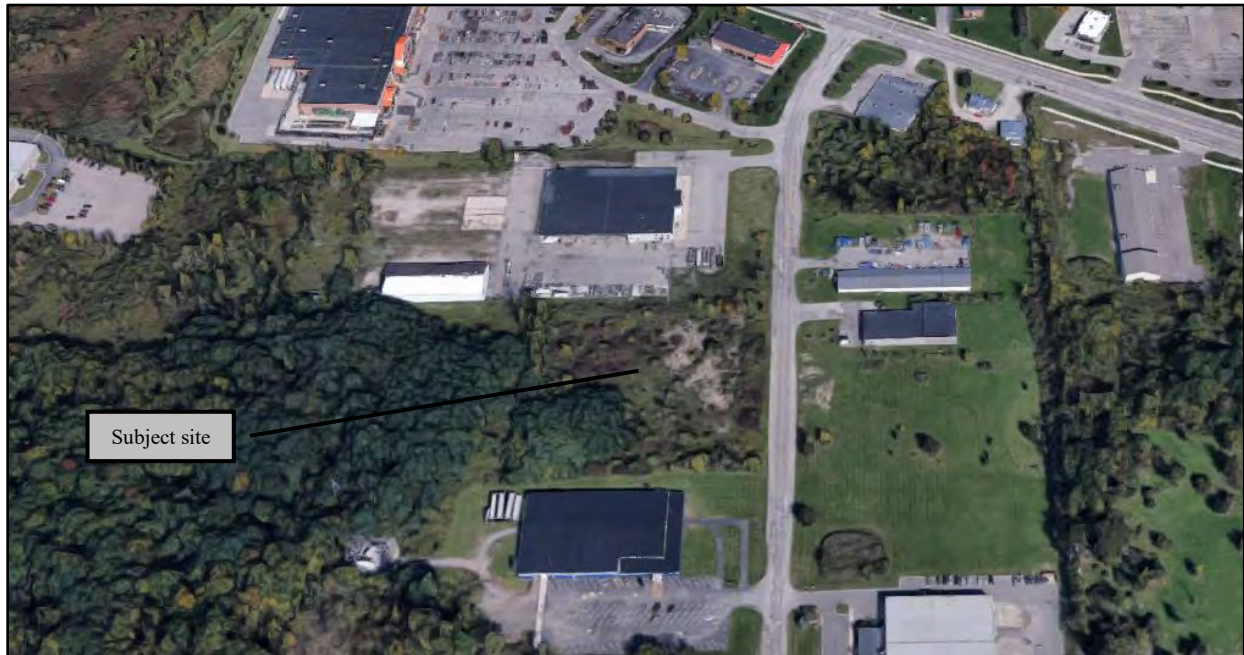
C. Review

The amended plan provides for 6-foot tall decorative (picket-style) aluminum fencing along the front (east) side of the fence enclosure, which includes the rolling gates across the driveways on either side of the building. The remainder of the fencing in the side and rear yards will be chain link-style.

The original submittal included screening within the front fencing to obscure sight lines to the rear of the site. The current proposal provides a more decorative fence along the front, but does not include any visual screening.

As such, the Commission may wish to discuss whether the decorative fencing is sufficient, or if they would prefer that a visual screen be provided, such as a windscreen affixed to the back of the fencing.

The amended plan also provides for a hedgerow in front of the fence line (excluding the gates), as was discussed at the prior meeting.



Aerial view of site and surroundings (looking north)

The majority of the amended landscape plan matches the originally approved plan; however, the current plan provides for 3 fewer trees.

Additionally, the amended landscape plan still identifies the vehicle display area within the required front yard setback. Relocation (or removal) of this element was discussed at the prior meeting and was included as a condition of the Commission's recommendation.

In summary, the applicant needs to relocate (or remove) the vehicle display area on the landscape plan and provide for 3 additional trees in its place.

Should you have any questions concerning this matter, please do not hesitate to contact our office. I can be reached by phone at (248) 586-0505, or via e-mail at bborden@safebuilt.com.

Respectfully,
SAFE BUILT STUDIO

A handwritten signature in black ink, appearing to read "B. V. Borden".

Brian V. Borden, AICP
Planning Manager

BENCHMARKS:

SITE BM #1
ARROW ON HYDRANT 35 FEET
NORTH OF THE SOUTHEAST CORNER
OF PARCEL #4711-05-300-054
ELEVATION: 995.96
DATUM (NAVD 88)

SITE BM #2
ARROW ON HYDRANT 94 FEET
NORTH OF THE NORTHEAST CORNER
OF PARCEL #4711-05-300-054
ELEVATION: 993.98
DATUM (NAVD 88)



BARRIER FREE PARKING SIGN DETAIL
NOT TO SCALE

NO PARKING SIGN DETAIL
NOT TO SCALE

GENERAL NOTES:

- 1) ALL CONSTRUCTION SHALL BE CONFORMING TO THE CURRENT STANDARDS AND SPECIFICATIONS ADOPTED BY GENOA TOWNSHIP AND LIVINGSTON COUNTY.
- 2) ALL SIDEWALKS, RAMPS, LANDINGS, AND RAILINGS MUST MEET THE AMERICAN WITH DISABILITIES ACT (ADA) REQUIREMENTS.
- 3) DISPOSE OF ALL TREES TO BE REMOVED, BRUSH AND MISCELLANEOUS DEBRIS LEGALLY OFF SITE.
- 4) THE CONTRACTOR SHALL PAY FOR, OBTAIN AND COMPLY WITH ALL PERMITS NECESSARY FROM PUBLIC AGENCIES INCLUDING BUT NOT LIMITED TO GENOA TOWNSHIP, LIVINGSTON COUNTY, AND THE MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY.
- 5) ALL PAVEMENT, DRIVEWAYS, SHOULDERS, LANDSCAPING, DRAINAGE PIPES, MAILBOXES, SIGNS, ETC. DAMAGED DURING CONSTRUCTION SHALL BE RESTORED BY THE CONTRACTOR TO EQUAL OR BETTER CONDITION.
- 6) EXISTING MONUMENTS AND PROPERTY CORNERS SHALL BE PRESERVED AND PROTECTED, AND RESTORED IF DISTURBED, AT CONTRACTORS EXPENSE.
- 7) DURING THE CONSTRUCTION, THE CONTRACTOR SHALL PROVIDE WATCHMAN AND FLAGMEN AS MAY BE REQUIRED FOR THE SAFETY AND CONVENIENCE OF THE PUBLIC. THEY SHALL FURNISH ALL BARRICADES, SIGNS AND LIGHTS NECESSARY TO PROTECT THE PUBLIC. TRAFFIC SHALL BE MAINTAINED AT ALL TIMES UNLESS OTHERWISE AUTHORIZED BY GENOA TOWNSHIP OR LIVINGSTON COUNTY. TRAFFIC CONTROL SHALL BE IN ACCORDANCE WITH THE MICHIGAN MANUAL OF UNIFORM TRAFFIC DEVICES, LATEST EDITION, BY THE MICHIGAN DEPARTMENT OF STATE HIGHWAYS.
- 8) THE CONTRACTOR SHALL FIELD VERIFY THE LOCATION AND ELEVATION OF ALL EXISTING UTILITIES, SHOWN OR NOT SHOWN, PRIOR TO CONSTRUCTION.
- 9) IN THE EVENT OF ANY DISCREPANCY OR DUAL STANDARD SET FORTH IN THE SPECIFICATIONS CONTAINED IN THESE PLANS, THE STRICTER SHALL APPLY.
- 10) IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO VERIFY AND/OR OBTAIN ANY INFORMATION NECESSARY REGARDING THE PRESENCE OF UNDERGROUND UTILITIES WHICH MIGHT AFFECT THIS JOB.
- 11) ALL GROUND, BUILDING, AND ROOF MOUNTED MECHANICAL EQUIPMENT SHALL BE SCREENED FROM PUBLIC VIEW IN A MANNER PRACTICAL OF THE SITE.
- 12) "NO SIGNAGE WILL BE APPROVED AS PART OF THIS SITE PLAN APPROVAL AND PRIOR TO ERECTING A SIGN AN APPLICATION AND APPROPRIATE SUBMISSIONS SHALL BE MADE TO THE BUILDING DEPARTMENT FOR REVIEW, APPROVAL AND ISSUANCE OF A SIGN PERMIT." ALL SIGNS SHALL CONFORM TO THE TOWNSHIP'S SIGN ORDINANCE.
- 13) STATE REQUIREMENTS FOR BARRIER FREE PARKING SPACES SUPERSEDE ANY TOWNSHIP REQUIREMENTS.
- 14) ALL DIMENSIONS SHOWN ARE TO EDGE OF PAVEMENT, FACE OF SIDEWALK, OUTSIDE FACE OF BUILDING, PROPERTY LINE, CENTER OF MANHOLE/CATCH BASIN OR CENTERLINE OF PIPE UNLESS OTHERWISE NOTED.
- 15) ALL WORK SHALL BE COMPLETED IN ONE PHASE.
- 16) THE ADDRESS OF THE BUILDING WILL BE DISPLAYED ON THE BUILDING AND A MINIMUM OF 6" HIGH LETTERS OF CONTRASTING COLORS AND BE CLEARLY VISIBLE FROM THE STREET. THE LOCATION AND SIZE SHALL BE VERIFIED PRIOR TO INSTALLATION.
- 17) A KNOW BOX SHALL BE INSTALLED AT THE MAIN GATE AND KNOX PADLOCKS AT OTHER ENTRY POINTS SHALL BE INSTALLED PER BRIGHTON AREA FIRE AUTHORITY.
- 18) THE MONUMENT SIGN WILL MEET ALL APPLICABLE SETBACKS AND SHALL BE APPLIED FOR UNDER A SEPARATE PERMIT.
- 19) ALL LOADING AND UNLOADING SHALL TAKE PLACE DURING TYPICAL BUSINESS HOURS. NO LOADING OR UNLOADING SHALL TAKE PLACE OUTSIDE OF THE GATED AREAS.
- 20) NO LOOSE STORAGE OUTSIDE OF BUILDING.
- 21) NO STORAGE ABOVE FENCE.

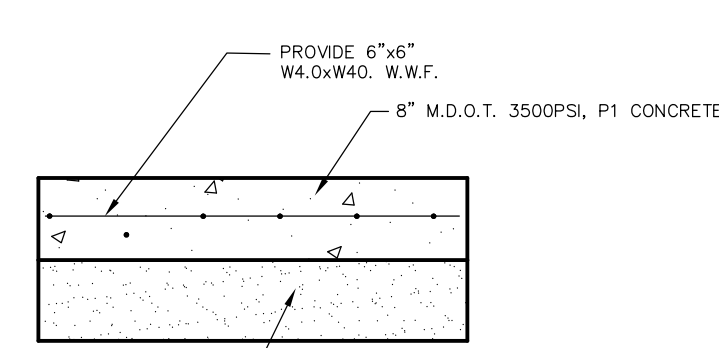
PARCEL NO. 4711-05-300-054
ZONED: INDUSTRIAL DISTRICT

N87°53'37"E 1320.00'

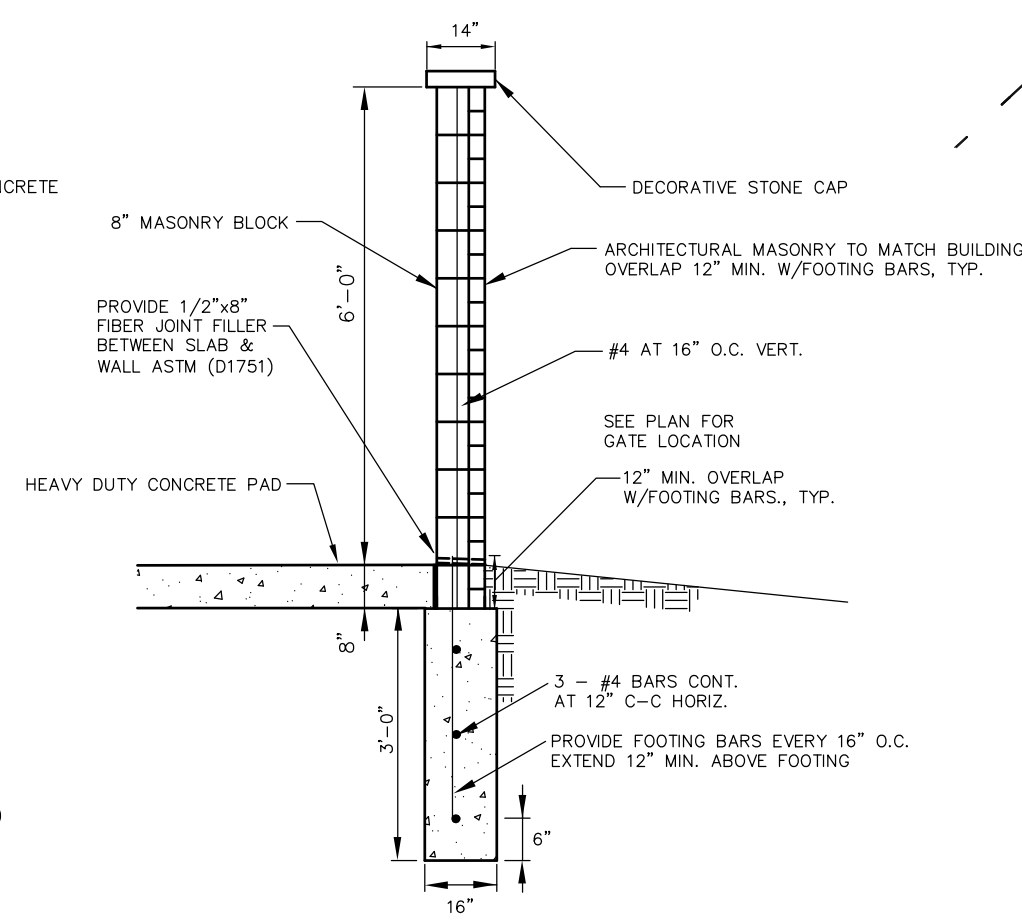
25' SETBACK

S87°53'37"W 1320.00'

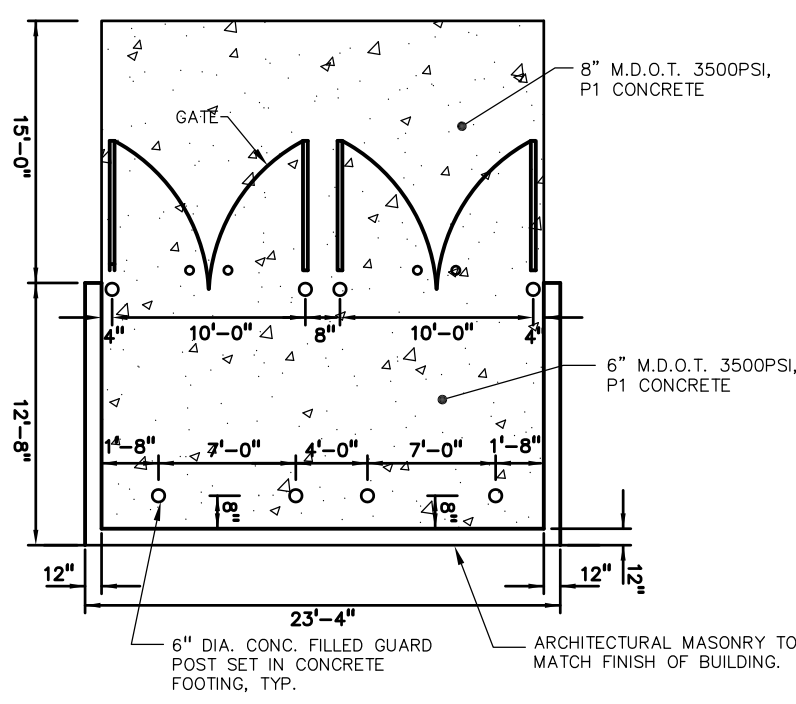
25' SETBACK



DUMPSTER CONCRETE PAD DETAIL



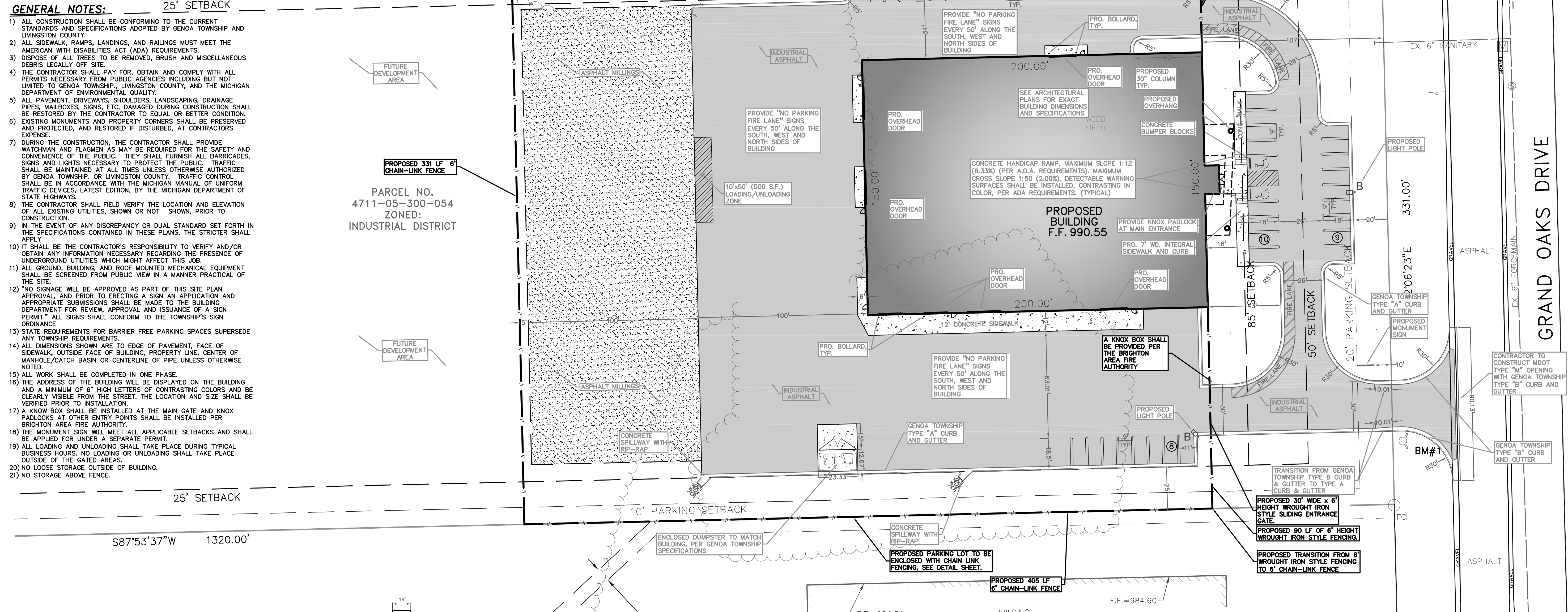
DUMPSTER ENCLOSURE WALL CROSS SECTION



DOUBLE DUMPSTER ENCLOSURE DETAIL

HATCH LEGEND

- INDUSTRIAL ASPHALT
- ASPHALT MILLINGS
- CONCRETE
- PROPOSED BUILDING
- EXISTING BUILDING



CURRENT ZONING:

INDUSTRIAL DISTRICT

BUILDING SETBACKS:

FRONT: 50 FEET (85' WITH PARKING IN FRONT)
REAR: 40 FEET (80' ADJACENT TO RESIDENTIAL)
SIDES: 25 FEET (50' ADJACENT TO RESIDENTIAL)
PER GENOA TOWNSHIP ORDINANCE

PARKING SETBACKS:

FRONT: 20 FEET
REAR: 10 FEET
SIDES: 10 FEET
PER GENOA TOWNSHIP ORDINANCE

SITE AREA:

TOTAL ACRES: 10.03 ACRES (436,920 SF)
IMPERVIOUS AREA: 124,299 SF
PERCENT IMPERVIOUS COVERAGE: 28.4%

WOODLANDS NOTES:

- 1. ONSITE SOILS ARE AS FOLLOWS (PER U.S. SOIL SURVEY)
M⁰B MIAMI LOAM, 2 TO 6% SLOPES
M⁰C MIAMI LOAM, 6 TO 12% SLOPES

PARKING DATA:

PROPOSED PARKING REQUIRED:
1 SPACE / 300 S.F. (OFFICE)
1 SPACE / 300 S.F. * 4,400 SF = 14.7 = 15 SPACES REQUIRED
1.2 SPACES / EMPLOYEE @ PEAK
1.2 SPACES * 20 EMPLOYEES @ PEAK = 24 SPACES REQUIRED
1 SPACE / CORPORATION VEHICLE
1 SPACE * 1 CORPORATION VEHICLE = 1 SPACES REQUIRED
TOTAL PARKING REQUIRED: 40 SPACES, 2 BARRIER-FREE
TOTAL PARKING PROVIDED: 49 SPACES, 2 BARRIER-FREE

WETLANDS NOTES:

- 1. WETLAND BOUNDARIES LOCATED AND DELINEATED BY OTHERS. REFER TO REPORT BY BROOKS WILLIAMSON DATED: APRIL 2, 2018.
- 2. WETLANDS TO BE PROTECTED WITH SOIL EROSION CONTROL MEASURES DURING CONSTRUCTION. SEDIMENT BASIN SHALL TREAT RUNOFF PRIOR TO DRAINING TO WETLAND PRIOR TO PROJECT CONSTRUCTION.

GREENTECH ENGINEERING, INC.
CIVIL ENGINEERS & LAND SURVEYORS
51147 W. Pontiac Trail, Wixom, MI 48393
Phone: (248) 668-0700 Fax: (248) 668-0701

811
Know what's Below
Call before you dig.

DIMENSION & PAVING PLAN
CLIENT: ACS BUILD, INC.
SECTION: 5
PARCEL NO 4711-05-300-054
RANGE: 5 E.
TOWNSHIP: 2 N
COUNTY: LIVINGSTON COUNTY, MICHIGAN

REVISIONS

2018-4-25	PER REVIEW
2018-5-7	PER REVIEW
2018-5-24	PER REVIEW

DATE: 4-4-2018
DRAWN BY: RMS
CHECKED BY: JMF
FBK: ---
CHF: MM
SCALE: HOR 1"=30 FT.
VER 1"=4 FT.
17-420

RESIDENTIAL
Site Condominium
Boundary
Easement
Survey
Plot Plans

COMMERCIAL
Site Planning
Site Preparation
Industrial & Municipal
Land Surveying

SURVEYING
Boundary Surveys
Easement Surveys
Parcel Surveys
Construction Staking

GREENTECH
ENGINEERING, INC.
CIVIL ENGINEERS & LAND SURVEYORS

51147 W. Pontiac Trail, Wixom, MI 48393
Phone: (248) 668-0700 Fax: (248) 668-0701



811
Know what's below
Call before you dig.

CLIENT: ACS BUILD, INC.

SITE DETAILS

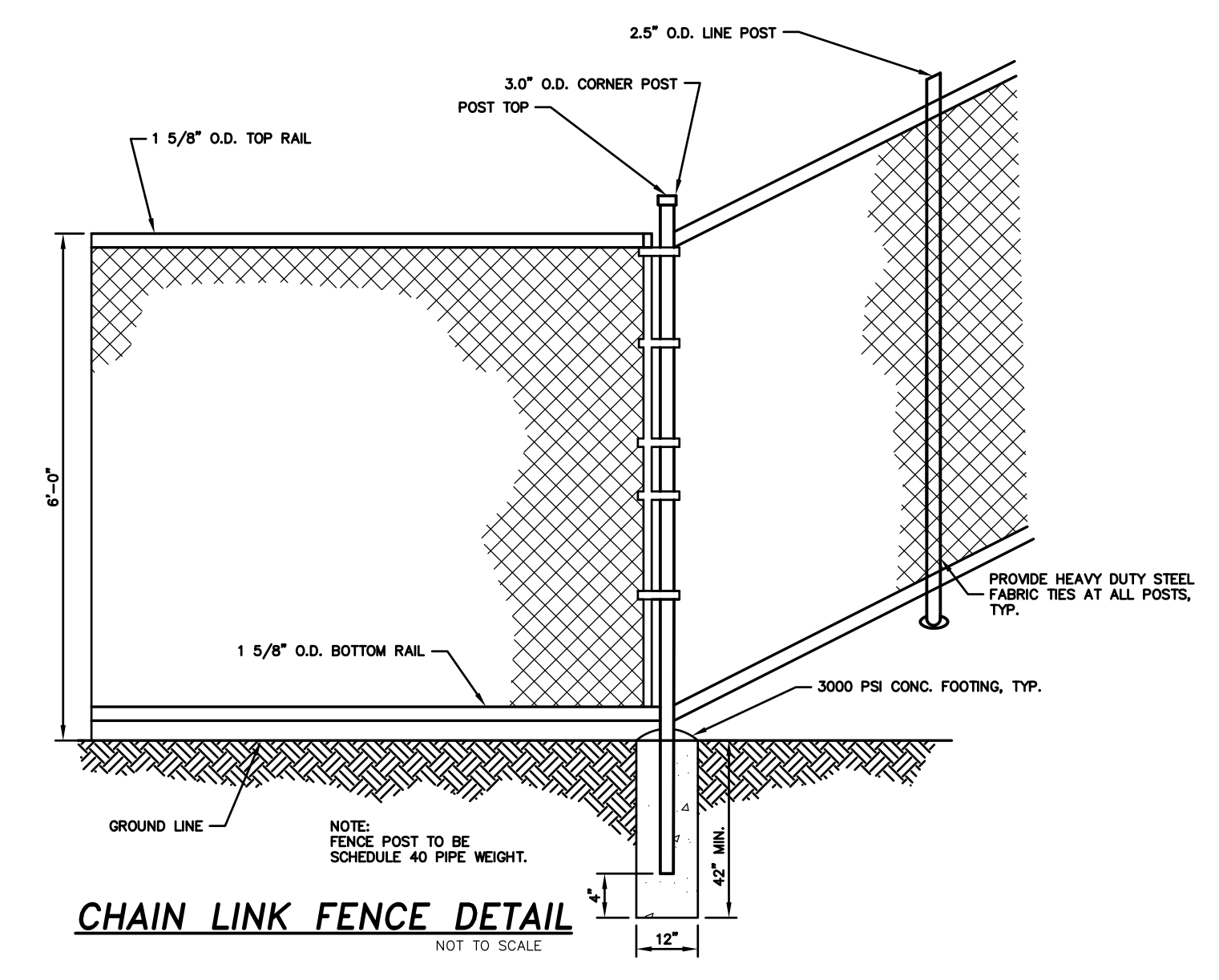
GRAND OAKS DRIVE - PARCEL NO 4711-05-300-054
SECTION: 5 TOWNSHIP: 2 N. RANGE: 5 E.
CHARTER TOWNSHIP OF GENOA
LIVINGSTON COUNTY
MICHIGAN

REVISED
2018-4-25 PER REVIEW
2018-5-7 PER REVIEW
2018-5-24 PER REVIEW
2018-6-12 FENCE SUBMITTAL

DATE: 4-4-2018
DRAWN BY: RMS
CHECKED BY: JMF

FBK: ---
CHF: MM
SCALE: HOR 1" = 40 FT.
VER 1" = 4 FT.

3
17-420



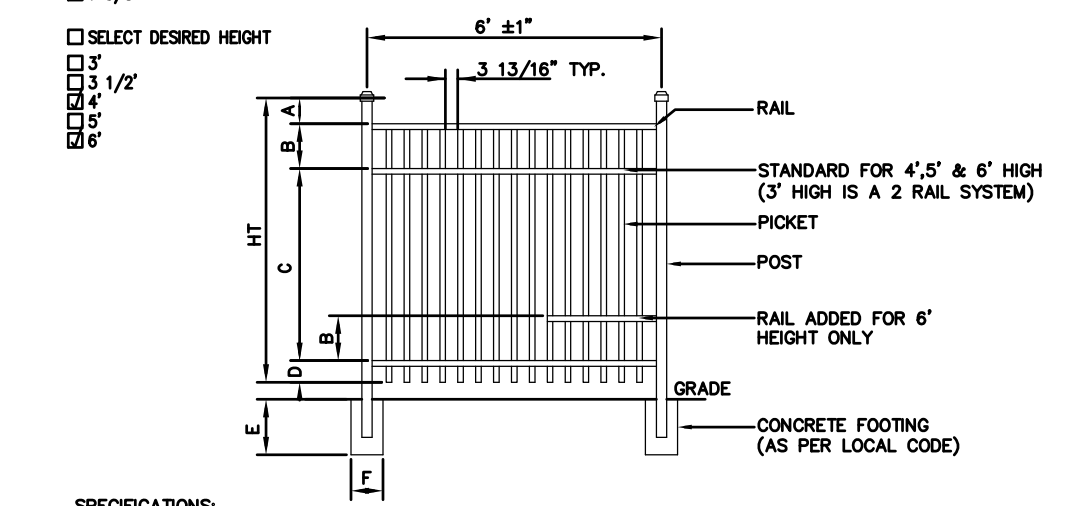
CHAIN LINK FENCE DETAIL
NOT TO SCALE

ULTRA
ALUMINUM MFG., INC.

ULTRA ALUMINUM MFG., INC.
10005 BLDG # C PLAZA DRIVE
WHITMORE LAKE, MI 48399
1-800-656-4420
FAX: (410) 976-7098
www.ultrafence.com

SELECT DESIRED POST

	HT	A	B	C	D	E	F
<input type="checkbox"/> 1 1/2" x 2" x .080 WALL	3"	4 1/2"	8"	20"	5 1/2"	42"	8"
<input type="checkbox"/> 2" x 2" x .080 WALL	3 1/2"	4 1/2"	8"	20"	5 1/2"	42"	8"
<input type="checkbox"/> 2" x 2" x .100 WALL	4"	4 1/2"	8"	32"	5 1/2"	42"	8"
<input type="checkbox"/> SELECT DESIRED PICKET SPACING	5"	4 1/2"	8"	44"	5 1/2"	42"	8"
<input type="checkbox"/> 1 3/8"	6"	4 1/2"	8"	50"	5 1/2"	42"	8"
<input type="checkbox"/> 1 1/2"							
<input type="checkbox"/> 2"							
<input type="checkbox"/> 3"							
<input type="checkbox"/> 4"							
<input type="checkbox"/> 6"							



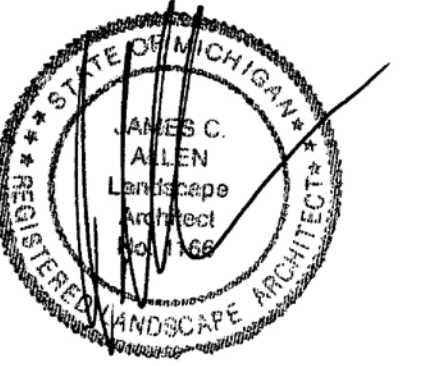
WROUGHT IRON STYLE FENCE DETAIL
NOT TO SCALE

SPECIFICATIONS:
HORIZONTAL RAILS - 1 1/8" x 1"
SIDE WALLS - .082"
TOP WALLS - .082"
ENCLOSED BOTTOM - AVAILABLE
PICKETS - 5 1/8" x 5 1/8" x .050 WALL

NOTES:
1. INSTALLATION TO BE COMPLETED IN ACCORDANCE WITH MANUFACTURER'S SPECIFICATIONS.
2. DO NOT SCALE DRAWINGS.
3. CONTRACTOR'S NOTE: FOR PRODUCT AND PURCHASING INFORMATION VISIT www.PROJECTmarketplace.com
REFERENCE 492-010

C:\Users\jshand\Downloads\Engineering\AutoCAD\Projects\2017\17-420\Drawings\Site\Detail\2018-4-4-2018.dwg, 8/22/2018 11:52:44 AM

Seal:



Title:
Landscape Plan

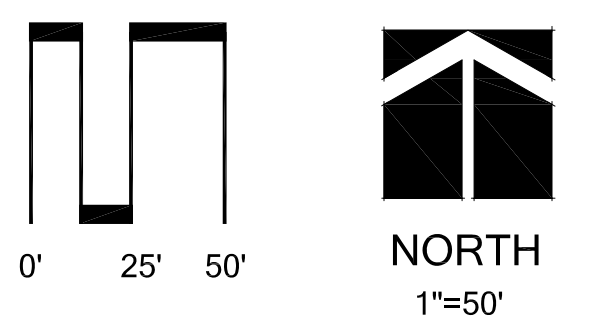
Project:
**Truck & Trailer Specialties
 Genoa Township, Michigan**

Prepared for:
 Greentech Engineering, INC
 51147 Pontiac Trail
 Wixom, Michigan 48393
 248.668.0700

Revision: Issued:
 Submission April 25, 2018
 Revised May 24, 2018

Job Number:
 18-029

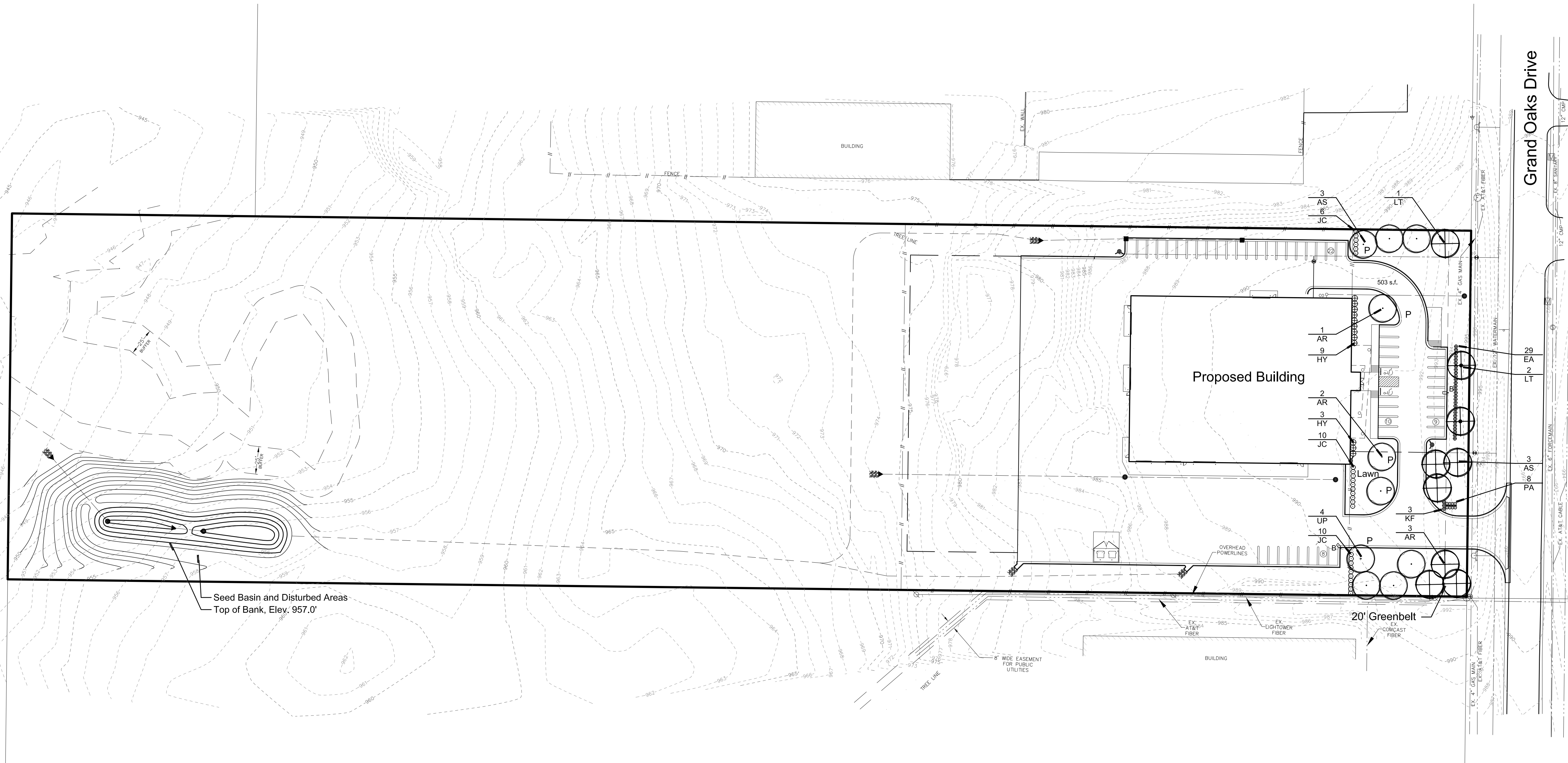
Drawn By: Checked By:
 jca jca



Sheet No.



L-1



Landscape Summary

	Greenbelt	
	Greenbelt Length	331'
	Trees Required	9 Trees (331' / 40')
	Trees Provided	x Trees
	Parking Lot Landscaping	
	Total Proposed Spaces	49 Spaces
	Landscape Area Required	490 s.f. (49 / 10) x 100
"P"	Landscape Area Proposed	503 s.f.
	Trees Required	5 Trees (49 / 10)
	Trees Provided	5 Trees
	Detention Pond - Plantings Relocated to Front of Building	
	Top of Bank Length	385 l.f.
	Trees Required	8 Trees (1 per 50')
	Trees Provided	5 Trees
	Shrubs Required	77 Shrubs (10 per 50')
	Shrubs Provided	77 Shrubs

Plant List

sym.	qty.	botanical name	common name	caliper	spacing	root	height
AR	6	Acer rubrum	Red Maple	2.5"	as shown	B&B	
AS	6	Acer saccharum	Sugar Maple	2.5"	as shown	B&B	
EA	29	Euonymus alata 'Compacta'	Compact Burning Bush		as shown		24"
HY	12	Hydrangea 'Little Quick Fire'	Little Quick Fire Hydrangea		as shown		24"
JC	26	Juniperus c. 'Keteleeri'	Keteleer Juniper		as shown	B&B	5'
KF	3	Calamagrostis x acutiflora 'Karl Foerster'	Karl Foerster Grass		as shown		#2 Cont.
LT	3	Liriodendron tulipifera	Tulip Tree	2.5"	as shown	B&B	
PA	8	Pennisetum a. 'Hamel'	Dwarf Fountain Grass		as shown		#2 Cont.
UP	4	Ulmus 'Pioneer'	Pioneer Elm	2.5"	as shown	B&B	

Notes:
 All Landscaped Areas Shall be Provided with an Automatic Underground Irrigation System

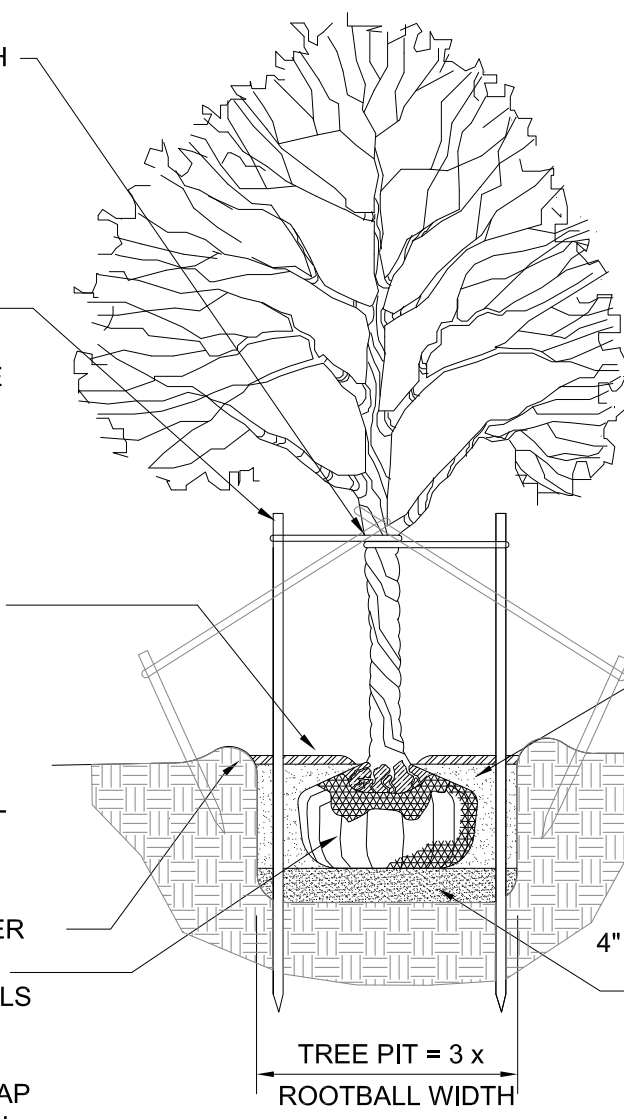
NOTE:
 GUY DECIDUOUS TREES ABOVE
 3" CAL. STAKE DECIDUOUS
 TREES BELOW 3" CAL.

STAKE TREES AT FIRST BRANCH
 USING 2"-3" WIDE BELT-LIKE
 NYLON OR PLASTIC STRAPS.
 ALLOW FOR SOME MINIMAL
 FLEXING OF THE TREE.
 REMOVE AFTER ONE YEAR.

2" X 2" HARDWOOD STAKES,
 MIN. 36" ABOVE GROUND FOR
 UPRIGHT, 18" IF ANGLED. DRIVE
 STAKES A MIN. 18" INTO
 UNDISTURBED GROUND
 OUTSIDE ROOTBALL. REMOVE
 AFTER ONE YEAR.

MULCH 4" DEPTH WITH
 SHREDDED HARDWOOD BARK,
 NATURAL IN COLOR. LEAVE 3"
 CIRCLE OF BARE SOIL AT BASE
 OF TREE TRUNK. PULL ANY
 ROOT BALL DIRT EXTENDING
 ABOVE THE ROOT FLARE AWAY
 FROM THE TRUNK SO THE ROOT
 FLARE IS EXPOSED TO AIR.

MOUND EARTH TO FORM SAUCER
 REMOVE ALL
 NON-BIODEGRADABLE MATERIALS
 COMPLETELY FROM THE
 ROOTBALL. CUT DOWN WIRE
 BASKET AND FOLD DOWN BURLAP
 FROM TOP 1/2 OF THE ROOTBALL.



NOTE:
 TREE SHALL BEAR SAME
 RELATION TO FINISH GRADE AS
 IT BORE ORIGINALLY OR
 SLIGHTLY HIGHER THAN FINISH
 GRADE UP TO 6" ABOVE GRADE,
 IF DIRECTED BY LANDSCAPE
 ARCHITECT FOR HEAVY CLAY
 SOIL AREAS.

DO NOT PRUNE TERMINAL
 LEADER. PRUNE ONLY DEAD OR
 BROKEN BRANCHES.

REMOVE ALL TAGS, STRING,
 PLASTICS AND OTHER
 MATERIALS THAT ARE
 UNSIGHTLY OR COULD CAUSE
 GIRDLING.

PLANTING MIXTURE:
 AMEND SOILS PER
 SITE CONDITIONS
 AND REQUIREMENTS
 OF THE PLANT
 MATERIAL.

SCARIFY SUBGRADE
 AND PLANTING PIT
 SIDES. RECOMPACT
 BASE OF TO 4"
 DEPTH.

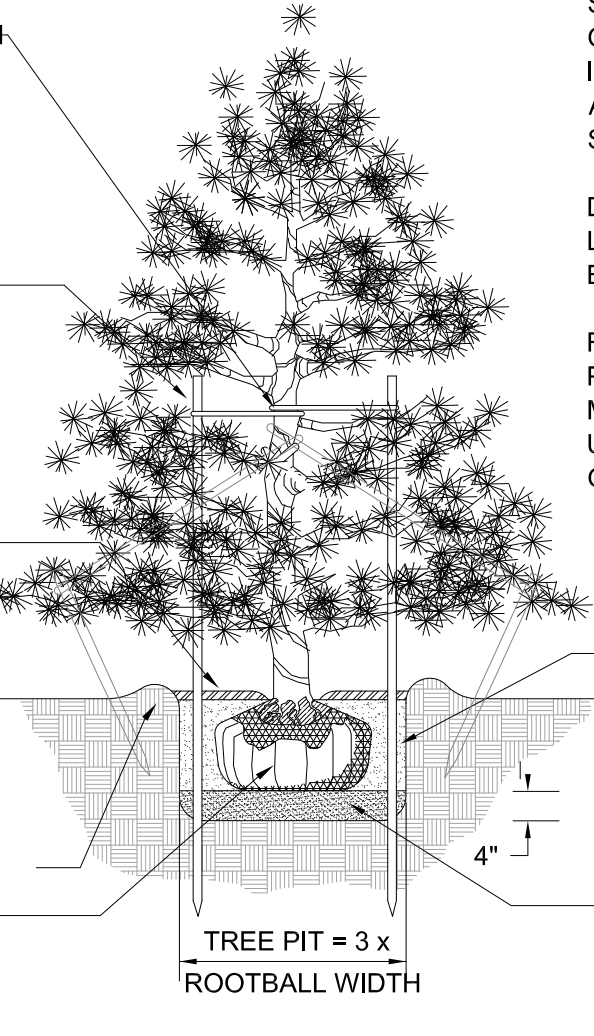
NOTE:
 GUY EVERGREEN TREES ABOVE
 12' HEIGHT. STAKE EVERGREEN
 TREE BELOW 12' HEIGHT.

STAKE TREES AT FIRST BRANCH
 USING 2"-3" WIDE BELT-LIKE
 NYLON OR PLASTIC STRAPS.
 ALLOW FOR SOME MINIMAL
 FLEXING OF THE TREE.
 REMOVE AFTER ONE YEAR.

2" X 2" HARDWOOD STAKES,
 MIN. 36" ABOVE GROUND FOR
 UPRIGHT, 18" IF ANGLED. DRIVE
 STAKES A MIN. 18" INTO
 UNDISTURBED GROUND
 OUTSIDE ROOTBALL. REMOVE
 AFTER ONE YEAR.

MULCH 4" DEPTH WITH
 SHREDDED HARDWOOD BARK,
 NATURAL IN COLOR. LEAVE 3"
 CIRCLE OF BARE SOIL AT BASE
 OF TREE TRUNK. PULL ANY
 ROOT BALL DIRT EXTENDING
 ABOVE THE ROOT FLARE AWAY
 FROM THE TRUNK SO THE ROOT
 FLARE IS EXPOSED TO AIR.

MOUND EARTH TO FORM SAUCER
 REMOVE ALL
 NON-BIODEGRADABLE MATERIALS
 COMPLETELY FROM THE
 ROOTBALL. CUT DOWN WIRE
 BASKET AND FOLD DOWN BURLAP
 FROM TOP 1/2 OF THE ROOTBALL.



NOTE:
 TREE SHALL BEAR SAME
 RELATION TO FINISH GRADE AS
 IT BORE ORIGINALLY OR
 SLIGHTLY HIGHER THAN FINISH
 GRADE UP TO 6" ABOVE GRADE,
 IF DIRECTED BY LANDSCAPE
 ARCHITECT FOR HEAVY CLAY
 SOIL AREAS.

DO NOT PRUNE TERMINAL
 LEADER. PRUNE ONLY DEAD OR
 BROKEN BRANCHES.

REMOVE ALL TAGS, STRING,
 PLASTICS AND OTHER
 MATERIALS THAT ARE
 UNSIGHTLY OR COULD CAUSE
 GIRDLING.

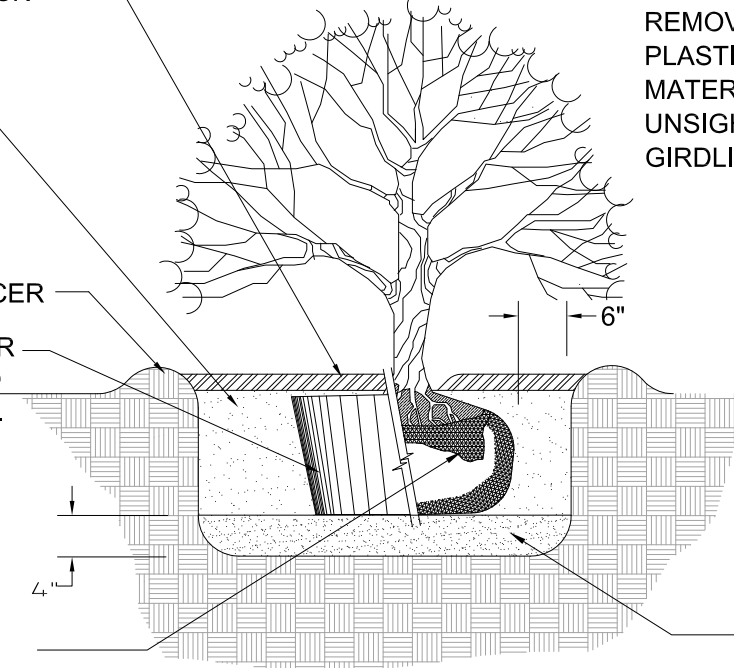
PLANTING MIXTURE:
 AMEND SOILS PER
 SITE CONDITIONS
 AND REQUIREMENTS
 OF THE PLANT
 MATERIAL.

SCARIFY SUBGRADE
 AND PLANTING PIT
 SIDES. RECOMPACT
 BASE OF TO 4"
 DEPTH.

MULCH 3" DEPTH WITH
 SHREDDED HARDWOOD BARK,
 NATURAL IN COLOR. PULL BACK
 3" FROM TRUNK.

PLANTING MIXTURE:
 AMEND SOILS PER
 SITE CONDITIONS
 AND REQUIREMENTS
 OF THE PLANT
 MATERIAL.
 MOUND EARTH TO FORM SAUCER

REMOVE ALL
 NON-BIODEGRADABLE MATERIALS
 COMPLETELY FROM THE
 ROOTBALL. FOLD DOWN BURLAP
 FROM TOP 1/2 OF THE ROOTBALL.



NOTE:
 TREE SHALL BEAR SAME
 RELATION TO FINISH GRADE AS
 IT BORE ORIGINALLY OR
 SLIGHTLY HIGHER THAN FINISH
 GRADE UP TO 4" ABOVE GRADE,
 IF DIRECTED BY LANDSCAPE
 ARCHITECT FOR HEAVY CLAY
 SOIL AREAS.

PRUNE ONLY DEAD OR BROKEN
 BRANCHES.

REMOVE ALL TAGS, STRING,
 PLASTICS AND OTHER
 MATERIALS THAT ARE
 UNSIGHTLY OR COULD CAUSE
 GIRDLING.

SCARIFY SUBGRADE
 AND PLANTING PIT
 SIDES. RECOMPACT
 BASE OF TO 4"
 DEPTH.

DECIDUOUS TREE PLANTING DETAIL

NOT TO SCALE

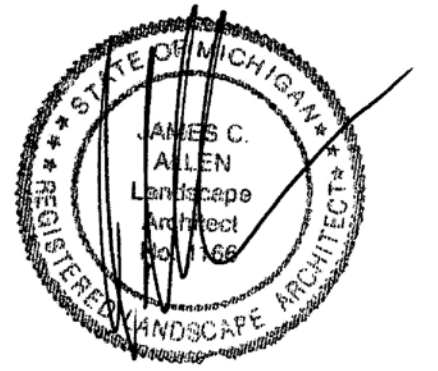
EVERGREEN TREE PLANTING DETAIL

NOT TO SCALE

SHRUB PLANTING DETAIL

NOT TO SCALE

Seal:



Title:

Landscape Details

Project:

Truck & Trailer Specialties
 Genoa Township, Michigan

Prepared for:

Greentech Engineering, INC
 51147 Pontiac Trail
 Wixom, Michigan 48393
 248.668.0700

Revision:

Issued:

Submission	April 25, 2018
Revised	May 24, 2018

Job Number:

18-029

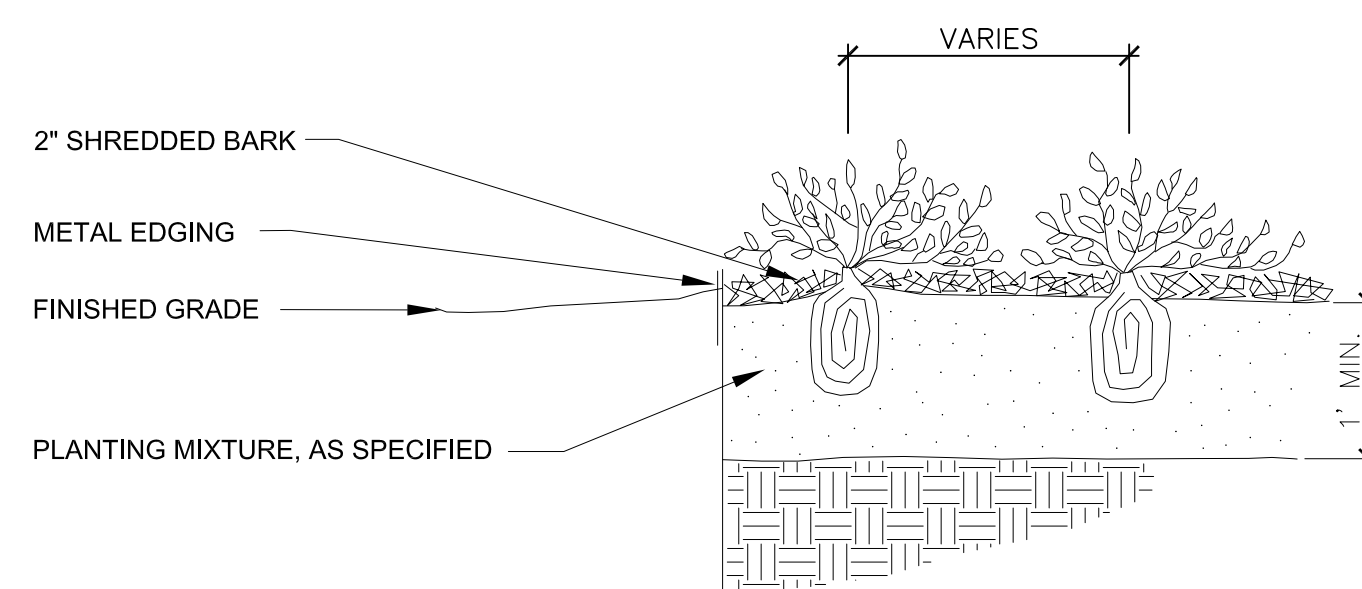
Drawn By:

jca

Checked By:

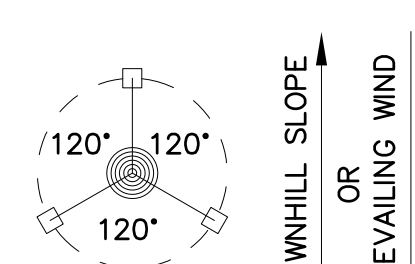
jca

Sheet No.



PERENNIAL PLANTING DETAIL

Not to scale



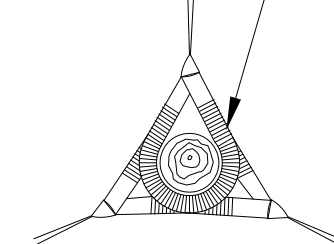
STAKING/GUYING LOCATION

DOWNHILL SLOPE
 OR
 PREVAILING WIND

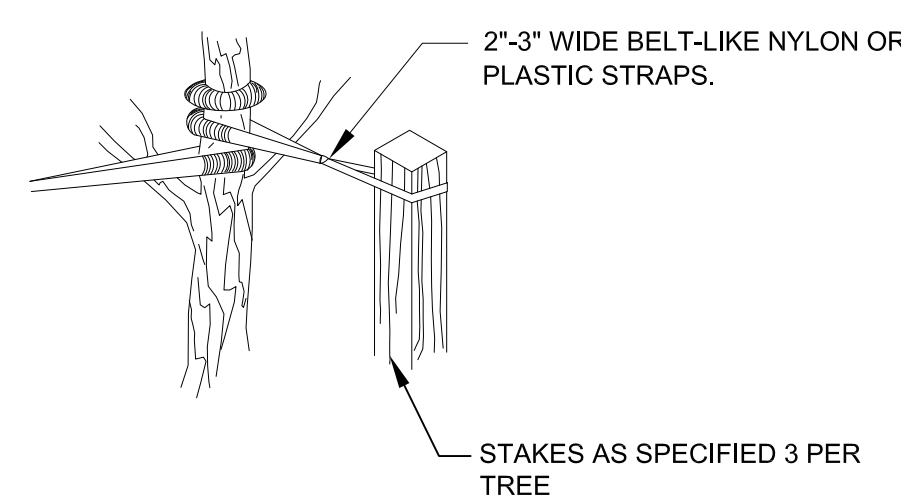
NOTE:
 ORIENT STAKING/GUYING TO PREVAILING
 WINDS, EXCEPT ON SLOPES GREATER
 THAN 3:1 ORIENT TO SLOPE.

USE SAME STAKING/GUYING
 ORIENTATION FOR ALL PLANTS WITHIN
 EACH GROUPING OR AREA

2"-3" WIDE BELT-LIKE NYLON OR
 PLASTIC STRAPS.



GUYING DETAIL



STAKING DETAIL

TREE STAKING DETAIL

Not to scale





GENOA CHARTER TOWNSHIP
Application for Site Plan Review

TO THE GENOA TOWNSHIP PLANNING COMMISSION AND TOWNSHIP BOARD:

APPLICANT NAME & ADDRESS: Chestnut Development LLC, 6253 Grand River Ave. Suite 700, Brighton, MI 48114

If applicant is not the owner, a letter of Authorization from Property Owner is needed.

OWNER'S NAME & ADDRESS: Applicant is the property owner

SITE ADDRESS: _____ PARCEL #(s): 4711-33-400-003 & 4711-34-300-005

APPLICANT PHONE: (810) 599-3984 OWNER PHONE: (____) _____

OWNER EMAIL: office@chestnutdev.com

LOCATION AND BRIEF DESCRIPTION OF SITE: 61 acres of undeveloped land, located on the East side of Chilson Rd between Brighton Rd and Bishop Lake Rd. Site is generally described as open grassland with very few trees. Several wetlands exist on site.

BRIEF STATEMENT OF PROPOSED USE: 25 unit residential development to be re-zoned LDR and designed to meet LDR standards. Minimum 1 acre lot sizes with additional common open space provided. Site access by construction of a paved, open ditch, private road. All lots to be serviced by well and septic.

THE FOLLOWING BUILDINGS ARE PROPOSED: 25 single family residential homes.

I HEREBY CERTIFY THAT ALL INFORMATION AND DATA ATTACHED TO AND MADE PART OF THIS APPLICATION IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

BY: _____

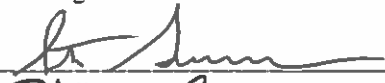
ADDRESS: 6253 Grand River Brighton 48114

Contact Information - Review Letters and Correspondence shall be forwarded to the following:

(.) Michael Bearman of Livingston Engineering at mike@livingstoneng.com
Name Business Affiliation E-mail Address

FEE EXCEEDANCE AGREEMENT

As stated on the site plan review fee schedule, all site plans are allocated two (2) consultant reviews and one (1) Planning Commission meeting. If additional reviews or meetings are necessary, the applicant will be required to pay the actual incurred costs for the additional reviews. If applicable, additional review fee payment will be required concurrent with submittal to the Township Board. By signing below, applicant indicates agreement and full understanding of this policy.

SIGNATURE  DATE 5.2.18
PRINT NAME Steve Gronow PHONE 8105995147
ADDRESS 6253 Grand River Brighton 48114

Mr. David Keller owns the 103-acre parcel to the north of this site. For safety reasons, he would like the Planning Commission to require the developer to put up a fence and possibly a landscaped berm to restrict people who will be living in this area from entering into his property. They have a 3-acre pond and large well-drilling equipment.

Chairman Brown advised Mr. Keller that State law prohibits conditions being placed on a rezoning; however, it could be discussed during the next item on the agenda, which is the Site Plan approval for this property.

The call to the public was closed at 6:55 pm.

Moved by Commissioner Mortensen, seconded by Commissioner Grajek, to recommend to the Township Board approval of the rezoning of two parcels: 11-33-400-003 and 11-34-300-005 known as Chestnut Springs and as depicted on a Site Plan prepared by Livingston Engineering dated May 2, 2018 from Agriculture to Low Density Residential. This recommendation is made because the Planning Commission finds that the rezoning is consistent with the requirements of Section 22.04 of the Township Ordinance and is consistent with the surrounding uses, which are also Low Density Residential.

The motion carried unanimously.

Moved by Commissioner Mortensen, seconded by Commissioner Rickard, to recommend to the Township Board approval of the Environmental Impact Assessment for two parcels: 11-33-400-003 and 11-34-300-005 known as Chestnut Springs and as depicted on a Site Plan prepared by Livingston Engineering dated May 2, 2018 conditioned upon the following:

- At this time, descriptions of the site plan details will be removed from the statement by Township Staff until such time as the site plan is recommended for approval by the Planning Commission and forwarded to the Township Board.

The motion carried unanimously.

OPEN PUBLIC HEARING #2... Review of a request of a site plan and impact assessment requesting preliminary site condominium approval for a proposed 25-unit site condominium. The property in question is located on approximately 61 acres involving parcels: 11-33-400-003 and 11-34-300-005 on the east side of Chilson Road, south of Brighton Road along the southern Township boundary with Hamburg Township. The request is petitioned by Chestnut Development LLC.

- A. Recommendation of Environmental Impact Assessment
- B. Recommendation of Preliminary Site Plan

Mr. David LeClair of Livingston Engineering was present and representing the owner, Steve Gronow. He showed and reviewed the proposed site plan. They are proposing 25 units, 24 of which are 1 acre + parcels and then there is one 25 acre parcel where the wetland is located. There will be paved, private roads. There will be an association so the owners will own the homes and the property, but all maintenance will be done by the association. There will be individual wells and septic systems.

They would like lenience from the Township for the following items:

1. The planting requirements around the wetlands. There is existing vegetation.

2. The Road commission required them to move the entrance drive further from the railroad tracks so they are encroaching 20 feet into the wetland, which does not meet the Township's requirements.
3. The road length is 1,900 feet, which is longer than the allowable maximum length of 1,000 feet.

The do exceed the open space requirement by approximately three times.

Mr. Borden reviewed his letter of June 1, 2018. The following items were noted:

- The site plan approval is contingent upon the Township Board's approval of the rezoning, which was recommended by the Planning Commission earlier this evening.
- Condominium documents are required. Mr. Borden is recommending that the areas that are to be undisturbed and remain natural be clearly noted in these documents.
- Details for Unit 25 must be provided
- The plans must include a clear delineation of the natural feature setbacks, specifically the walking trails and roads and drives.
- The applicant should provide a copy of the MDEQ permit.
- A private road maintenance agreement shall be provided.
- The applicant shall provide proof that the park/open space requirements are met and their preservation must be shown in the condominium documents.

Mr. Siwek reviewed Tetra Tech's letter dated May 31, 2018. The following items were note:

- Due to the groundwater quality concerns on this site, the petition has agreed to install monitoring wells prior to the development.
- A final grading and site development plan must be submitted and comply with the Livingston County
- They agree to allow the 1,900 foot road. The natural features on this site would make it impossible to loop the road back to the entrance.
- All drainage, grading, and soil erosion control measures must be approved by the Livingston County Drain Commissioner.
- The applicant shall obtain an MDEQ permit to use the wetland as a detention pond.
- The pipe plunge pools that will be managing the sediment discharge for the detention area are located near lots and the wetland area; the applicant should prepare a maintenance plan or relocate them towards the roadway ditch for easier maintenance.
- The Livingston County Health Department shall approve the suitability of the soils for the wells and septic systems.

Commissioner Rickard questioned the storm water plan. Mr. LeClair showed the retention pond as well as the location where it will discharge. Commissioner Rickard advised the petitioner that an easement must be obtained since it will be going through Lot #7.

Mr. LeClair reviewed the three shared drives and which parcels each will service.

Commissioner McCreary questioned if the petitioner would consider eliminating the shared driveways. Mr. LeClair stated he has engineered several communities with shared driveways and they seem to work well. Because of the irregularly shaped lots and the wetlands, it would not be possible to develop these lots as they would not be able to be accessed from the main roadway that runs through the community.

Commissioner Grajek noted there is an error on the cover sheet of the plans. It notes 67 acres; however, the site plan is not for the entire 67 acres that were previously recommended for rezoning this evening.

The call to the public was made at 7:36 pm.

Mr. David Keller reiterated his concerns requesting a fence and berm be installed between this property and his.

The call to the public was closed at 7:37 pm.

The Commissioners questioned if the plans presented this evening are ready to be recommended for approval. There are concerns regarding the drinking water source, there is an outstanding legal issue in regard to the former sand extraction on the property between the owner and the Township, engineering concerns, the detention pond, regulated wetlands, and the legal description.

Mr. LeClair stated that the regulatory approvals are typically obtained between preliminary and final site plan approval. He does not believe the engineer's comments need to be addressed until the construction phase of the project nor do the comments from the planning consultant need to be addressed in order to receive preliminary site plan approval. The wells for the groundwater quality are being drilled right now and they will be providing that information to the Township. The property owner has also granted permission to the Township to do surface water testing.

Mr. Steven Gronow stated that they will be addressing the monitoring wells and the access to these wells in their by-laws and master deed.

The Commissioners were in agreement that this item should be tabled this evening. Mr. LeClair requested the Commissioners provide him with feedback on the three requests they have, specifically, the planting requirements around the wetland, the road length, and their encroachment into the wetlands for the access drive.

Chairman Brown and Commissioners Mortensen and Rickard are in favor of granting the requests. Mr. Borden noted that the wetland encroachment is not able to be addressed during Site Plan approval process. It would need to have a Special Land Use Permit.

Moved by Commissioner Grajek, seconded by Commissioner Rickard, to table the recommendation of the Environmental Impact Assessment and Preliminary Site Plan for Chestnut Springs until the July 9, 2018 meeting. **The motion carried unanimously.**

OPEN PUBLIC HEARING #3... Consideration of Zoning Ordinance Text amendments to Article 10 of the Zoning Ordinance, entitled "Planned Unit Development" and Article 25, entitled "Definitions". The ordinance is proposed to be amended to add standards and definitions related to "Interchange Commercial PUD" and "Interchange Campus PUD".

A. Recommendation of Text Amendments

Ms. VanMarter provided a history of the rezoning discussion and proposed development for the Interchange Commercial PUD, which is the area to the south of I-96 and on the west side of Latson Road. The property owner is interested in developing it as industrial.

She reviewed the changes that she is proposing, which includes the definitions for different types of industrial uses. All of them would be permitted uses. She is also suggesting that all buildings exceeding 40,000 square feet require a Special Lane Use Permit.

Other changes are the permitted uses, site dimensional requirements, and architectural requirements in the Interchange Campus PUD zoning



June 26, 2018

Planning Commission
Genoa Township
2911 Dorr Road
Brighton, Michigan 48116

Attention:	Kelly Van Marter, AICP Planning Director and Assistant Township Manager
Subject:	Chestnut Springs – Site Plan Review #3
Location:	East side of Chilson Road, south of Brighton Road (along Genoa/Hamburg Twp. Border)
Zoning:	AG Agricultural District

Dear Commissioners:

At the Township’s request, we have reviewed the revised preliminary condominium plan (most recently dated 6/20/18) for Chestnut Springs, a 67.12-acre site along Chilson Road south of Brighton Road. The applicant proposes a 25-unit residential development with minimum 1-acre lot sizes, a private road and common open space.

The overall project includes a request to rezone the site from AG to LDR. The Commission recommended approval of the rezoning at their June 11, 2018 meeting. This recommendation has been forwarded to the Livingston County Planning Commission for their consideration.

We have reviewed the revised submittal for compliance with the applicable provisions of the Genoa Township Zoning Ordinance.

A. SUMMARY

1. If favorable action is considered, it should be contingent upon Township Board approval of the proposed rezoning to LDR.
2. Condominium documents will be required with the final condominium plan submittal. We suggest these documents clearly note the areas that are to be undisturbed and remain natural and make it clear that residents cannot encroach into said areas (for lawn, gardens, decks/patios, etc.). The documents must also provide for preservation and maintenance of the open space areas.
3. The plans do not depict a building envelope for Unit 25, nor does the dimensional table note the upland/wetland or pond areas for this unit.
4. The project includes encroachments into the 25-foot natural feature setback around the wetland areas, which will require special land use approval. This includes portions of the private road and use of wetland area “C” for storm water management. It is also likely that building construction will result in at least temporary encroachment due to the configuration of several building envelopes. We encourage the applicant to minimize the number of units that encroach, even if temporary, and request that any such areas be repaired/restored to their prior condition.
5. Once obtained, we request the applicant provide a copy of their MDEQ permit to the Township.
6. The applicant must provide a Private Road Maintenance Agreement, which includes the financial and maintenance assurances required by the Ordinance.
7. The applicant must address any comments provided by the Township Engineer and/or Brighton Area Fire Authority.



Aerial view of site and surroundings (looking north)

B. PROPOSAL/PROCESS

The applicant proposes to build 25 single-family residences on minimum 1-acre lots. The proposal is for each house to have a separate owner, but for the rest of the area on the lot to be kept in common ownership (site condominium).

Section 12.07 requires both preliminary and final approval for condominium plans. Procedurally, both reviews go through the Planning Commission for a recommendation to the Township Board, who has final approval authority.

C. SITE PLAN REVIEW

- 1. Submittal Requirements.** As previously discussed, the applicant will need to include the condominium documents (master deed and by-laws) with their final condominium plan submittal.

Per our prior comments, we suggest the condominium documents reference the wetland areas and the natural feature setback from such and identify the areas to be preserved as “to remain natural and undisturbed.”

Association rules must also be clear that the wetlands and buffer areas cannot be encroached upon or converted into manicured lawn. The applicant may wish to note that those residences abutting (or very near) the natural feature setback line may have limitations for exterior construction of decks/patios.

The revised plan does not identify the building envelope for Unit 25, though a sample building location has been added in the southeast portion of the site. Additionally, there is no indication of the wetland/upland areas or the size of the pond for Unit 25 in the dimensional table.

Lastly, once obtained, we request the applicant provide the Township with a copy of their MDEQ permit.

- 2. Dimensional Requirements.** The LDR District requires minimum lot sizes of 1-acre (area) and 150 feet (width). Based on the plan and table on Sheet 03, Units 1-24 meet or exceed these standards. We believe Unit 25 is also compliant; however, as noted above, additional information is needed.

The revised plan also provides for building envelopes in accordance with minimum LDR setbacks.

- 3. Natural Feature Setback.** Section 13.02.04 requires a 25-foot setback from the edge of a regulated wetland.

The revised plans highlight 2 areas of encroachment near the entrance from Chilson Road. These areas include grading and construction of the private road within the 25-foot setback area.

Additionally, the project proposes to utilize wetland areas for storm water management (detention outlets) and utility (dry hydrant) purposes.

Lastly, several of the units will likely require some amount of disturbance, even if temporary, for building construction due to the size/shape of the building envelope. We encourage the applicant to locate the buildings in a manner to avoid disturbance where possible. In those instances where disturbances cannot be avoided, we request the applicant repair/restore the area to its prior condition.

All of the project elements noted above will require special land use approval in accordance with Section 13.02.04(d).

- 4. Pedestrian Circulation.** The plan includes woodchip walking trails within the open spaces near Chilson Road. While portions of the trails encroach into the 25-foot setback noted above, the Ordinance exempts trails and recreational areas from this regulation.
- 5. Vehicular Circulation.** The project includes a private road with 3 separate shared driveway extensions. As noted above, portions of the road near the intersection with Chilson Road encroach into the natural feature setback.

Section 15.04 requires 16-foot wide shared driveways within a 33-foot easement and restricts access to no more than 4 residences. The proposal complies with these standards.

Driveway construction must also be suitable for emergency vehicles. The plans include a cross-section noting the use of asphalt; however, we defer to the Fire Authority to ensure their needs are met.

Private roads are regulated under Section 15.05. We defer to the Township Engineer for a detailed review of the proposed road design; however, we would like to note that a Private Road Maintenance Agreement must be provided demonstrating the financial and maintenance assurances.

- 6. Landscaping.** The landscape plan provides 42 canopy trees, 8 evergreen trees and 10 ornamental trees.

Of note, the plan proposes 2 canopy trees for each of the 19 lots along the proposed private road and 4 canopy trees, 8 evergreen trees and 10 ornamental trees at the entrance to the neighborhood.

The proposed detention pond does not include the required landscaping given that this area is part of the existing wetlands. The applicant requests a waiver from these planting requirements per Section 12.02.13, which allows the Planning Commission to waive the landscaping provisions based on factors including existing wetland, floodplain, and poor soils areas.

- 7. Park/Open Space.** Section 12.06 requires that residential developments with more than 20 units provide a playground area and/or pedestrian trail system with an area of at least 1,500 square feet per unit.

The plan identifies two open space areas (A and B) near the Chilson Road frontage. These areas include woodchip walking trails (both), a tot lot playground (B) and park benches (A).

The Ordinance requires a minimum recreational area of 37,500 square feet, while the revised plan indicates that the upland portion of both open space areas contains 55,493 square feet (total land area is 133,198 square feet, including wetland areas).


The condominium documents will need to include language that the association will preserve and maintain these open space areas.

- 8. Grading, Drainage, and Utilities.** We defer to the Township Engineer for review/comment.

Should you have any questions concerning this matter, please do not hesitate to contact our office. We can be reached by phone at (248) 586-0505, or via e-mail at bborden@safebuilt.com and steve.hannon@safebuilt.com.

Respectfully,
SAFEBUILT STUDIO


Brian V. Borden, AICP
Planning Manager


Stephen Hannon, AICP
Planner



June 26, 2018

Ms. Kelly VanMarter
Genoa Township
2911 Dorr Road
Brighton, MI 48116

Re: **Chestnut Springs**
(Parcels #4711-33-400-003, #4711-34-300-005)
Rezoning and Site Plan Review #3

Dear Ms. VanMarter:

As requested, we have performed a third review of the above-referenced rezoning request and site plan as prepared by Livingston Engineers on behalf of Chestnut Development LLC, last dated June 20, 2018. The 67 acre parcel is located on the east side of Chilson Road at the southern boundary of the Township. The Petitioner is proposing to rezone the site from Agriculture (AG) to Low Density Residential (LDR) and develop 25 single family home sites served by a private road.

The majority of our previous comments have been addressed by the revised plans, however several are still in progress of being resolved. Those have been repeated in this letter. In addition, the issue regarding the groundwater quality and impacts from the former Oak Pointe WWTP is being investigated with the installation of test wells, and samples are undergoing testing to verify the viability of on-site drinking water wells.

GENERAL NOTES

1. The rezoning from AG to LDR is fairly minimal. The parcel will need to provide on-site water and sanitary sewer systems plus stormwater management. Given the groundwater quality concerns further delineation of the plume needs to be performed prior to finalizing the individual well siting and construction. The Township Engineer has prepared a memorandum outlining a plan for performing this groundwater flow and testing analysis to determine if individual wells will be impacted and, if so, what can be done to limit these impacts. Test wells have been installed, and samples are currently being tested at a laboratory.
2. A Final grading and site development plan needs to be submitted for review and approval.

TRAFFIC / ROADWAYS

1. The development will be served by a private road terminating in a cul-de-sac. The road is proposed to be 1900 feet long which exceeds the maximum length for a dead-end street of 1,000 feet. Given the natural features contained on the site it would be impossible to loop the road back to the entrance. The road will also have only 25 lots being served which generates a minimal amount of traffic. Subject to review by the Brighton Area Fire Authority, we would support a variance for the length of street. Documentation from the Brighton Area Fire Authority verifying the approval of the road should be submitted for the Township's records.
2. The location of the private road intersection with Chilson Road is being reviewed for approval by the Livingston County Road Commission. Confirmation of this permit should be submitted for the Township's records once completed.

Tetra Tech

401 South Washington Square, Suite 100, Lansing, MI 48933
Tel 517.316.3930 Fax 517.484.8140 www.tetratech.com

DRAINAGE AND GRADING

1. All drainage, grading, and soil erosion control measures for future improvements to the property shall be designed in compliance with the regulations established by the Livingston County Drain Commissioner's office.
2. A final grading and road construction plan will need to be submitted for review and approval. The preliminary plan submitted is suitable for the rezoning approval.
3. The petitioner is proposing to use the interior regulated wetland as a detention pond. They indicated that a wetlands permit is in process with the MDEQ. Any action on the proposed site plan should be contingent on receipt of the wetlands permit and any mitigating measures shown on the plans. Additionally, a management plan should be prepared and included in a master deed that restricts the use of road salts, as these have been shown to create a cross contamination of the groundwater aquifer.
4. The proposed lots extend across the wetland being used as a detention basin. As such, we recommend easements be prepared and shown on the site plan around the proposed detention pond for each unit that borders it. This will protect the future owners from inadvertent impacts caused by the other riparian owners.
5. The petitioner is proposing end of pipe plunge pools to manage sediment discharge to the detention area. Since these are between lots and near the wetland a maintenance plan should be prepared or the pools relocated towards the roadway ditch line to facilitate future maintenance activities. As no relocation of the pools has occurred, a maintenance plan should be included in the master deed provided for the Township's records.

UTILITIES

1. The residential community is proposed to be served with individual on-site wells and septic systems. Approval from the Livingston County Health Department is in progress and documentation verifying the suitability of the soils for these systems should be submitted for the Township's records.

The rezoning from AG to LDR presents minimal engineering issues and we therefore have no objections to the proposed rezoning with the 25 unit site plan as the concept.

Given the unknown limits of the groundwater contamination and its associated impact on the use of individual wells we recommend the site plan approval be delayed until the analysis of the test well samples is complete.

If you have any questions or comments, please call.

Sincerely,



Gary J. Markstrom, P.E.
Vice President



BRIGHTON AREA FIRE AUTHORITY

615 W. Grand River Ave.
Brighton, MI 48116
o: 810-229-6640 f: 810-229-1619

June 27, 2018

Kelly VanMarter
Genoa Township
2911 Dorr Road
Brighton, MI 48116

RE: Chestnut Development
67.12 acre parcel E. of Chilson Rd. between Brighton Rd. & Bishop Lake Rd.
Genoa Twp., MI

Dear Kelly:

The Brighton Area Fire Department has reviewed the above mentioned site plan. The plans were received for review on June 22, 2018 and the drawings are dated May 2, 2018 with latest revisions dated June 20, 2018. The project is a 24 unit single family home development. The plan review is based on the requirements of the International Fire Code (IFC) 2018 edition.

There is no municipal water supply in this area of the township. This development is proposed with a single access point off of Chilson Road. There are three long shared driveways off of the primary road that each service between two and four lots.

The following comments should be addressed prior to a favorable recommendation from the fire department.

1. The primary access road shall be a minimum of 26' wide, not including gravel shoulders. The plan indicates a road width of 22' with a 5' gravel shoulder on either side. With a width of 26' wide, one side of the street shall be marked as a fire lane. Include the location of the proposed fire lane signage and include a detail of the fire lane sign in future submittals. **(Addressed in plans. Roads have been increased to 26 feet wide with a 3 foot shoulder.)**
IFC 503.2.2
IFC D103.6.1
2. The width of the three shared driveways is not indicated on the plan. The three shared driveway widths shall be a minimum of 20' wide. Based on the length of the shared driveways it is recommended to provide each drive with a means to turn around at each of the dead ends. Turn arounds may be provided using a 120' Hammerhead, 60' "Y" or 96' diameter cul-de-sac. **(Addressed in plans. In speaking with the developer, a compromise was made to allow the shared driveways to be 18 feet wide with the required turnarounds.)**
IFC D103.4
IFC Table D103.4
3. Access roads shall be constructed to be capable of supporting the imposed load of fire apparatus weighing at least 75,000 pounds.
IFC 503.2.3
4. Provide details regarding fire flow requirements, and how they will be accomplished for the development. Fire flow requirements are outlined below.



June 27, 2018

Page 2

Chestnut Development

67.12 acre parcel E. of Chilson Rd. between Brighton Rd. & Bishop Lake Rd.

Site Plan Review

507.1 Required water supply. An approved water supply capable of supplying the required fire flow for fire protection shall be provided to premises upon which facilities, buildings or portions of buildings are hereafter constructed or moved into or within the jurisdiction.

507.2 Type of water supply. A water supply shall consist of reservoirs, pressure tanks, elevated tanks, water mains or other fixed systems capable of providing the required fire flow. (Example: accessible pond, underground tank, well driven hydrant capable of flowing 250 gallons per minute.)

507.2.1 Private fire service mains. Private fire service mains and appurtenances shall be installed in accordance with NFPA 24.

507.2.2 Water tanks. Water tanks for private fire protection shall be installed in accordance with NFPA 22.

507.3 Fire flow. Fire flow requirements for buildings or portions of buildings and facilities shall be determined by an approved method. **(A dry hydrant is being installed at the end of the shared driveway located on the east side of the property. The hydrant will provide access to the body of water on the east side of the property.)**

5. Provide names, addresses, phone numbers, emails of owner or owner's agent, contractor, architect, on-site project supervisor.

If you have any questions about the comments on this plan review please contact me at 810-229-6640.

Cordially,

A handwritten signature in black ink that reads "D Bunge".

Derrick Bunge
Lieutenant Fire Inspector

cc: Amy Ruthig-Genoa Twp.

**Impact Assessment
for
Chestnut Springs
Genoa Charter Township
Livingston County, Michigan**

Prepared By

**Livingston Engineering
3300 S. Old US-23
Brighton, MI 48114
(810) 225-7100
May 2, 2018
Revised June 19, 2018**

This impact assessment has been prepared in accordance with section 18.07 of the Genoa Township, Livingston County, Michigan Zoning Ordinance. This section states that developments of this nature shall include such a report for review as part of the site plan/re-zoning review and approval process. As such, this report has been prepared to provide the required information and project overview of the development, in accordance with current township requirements.

I. Party Responsible for preparation of Impact Statement

This impact assessment has been prepared by Livingston Engineering, a professional services company offering civil engineering, land surveying, and site planning services throughout southeast Michigan. Livingston Engineering is licensed to provide engineering and surveying services in Michigan, as well as engineering licenses in the states of Arizona, Colorado, New Mexico, Tennessee and Utah.

II. Site Location

The subject site contains approximately 74.8 Acres for the rezoning (parcels 4711-33-400-003 and 4711-34-300-005) and 67.12 acres for the Chestnut Springs development, located in the Southwest $\frac{1}{4}$ of section 33 and the Southwest $\frac{1}{4}$ of section 34 of Genoa Township, Livingston County, Michigan. These parcels are located on the east side of Chilson Rd between Brighton Rd and Bishop Lake Rd. They are bordered on all sides by vacant parcels, with similar land use to the North and Southeast. State land owned by the DNR borders the property on the East, West, and South. The only developed residential area adjacent to the site is the Pine Lake Subdivision located on the very Southeast corner of the site. A location map and aerial photograph of the subject site is included in this report as Exhibit “A” and Exhibit “B” respectively.

Currently, the site is zoned AG (Agricultural) and is to be re-zoned LDR (Low Density Residential). The site is bordered on the East

LDR, to the West by PRF (Public and Recreational Facilities), and to the North by MUPUD (Mixed Use PUD) A copy of the Genoa Township Zoning Map is included in this report as Exhibit “C”.

The South property line of the subject parcel is the Genoa/Hamburg Township border, and parcels to the south are DNR state land zoned PPRF (Public and Private Recreational Facilities) and RAA (Single Family Low Density Residential).

III. Impact on Natural Features

Currently, the site is vacant and consists of an open field with a small pond and several scattered trees, and both regulated and unregulated wetlands. A wetland delineation map has been included as Exhibit “G”. The developer is currently in the process of acquiring a permit for the activities that impact the MDEQ regulated wetlands, including detention outlet and grading activities.

Soils on the site consist primarily of Boyer-Oshtemo loamy sands. Miami loam is described as very deep, well drained soils. A soils map of the subject site is included as Exhibit “D”.

As depicted in Exhibit “E”, the site drains from North to South, and half of the site drains toward a draw through the Eastern wetland which ultimately outlets into the Huron river and the other half drains into onsite wetlands along the West and South side of the property. Storm water runoff will be collected and directed into an existing on-site wetland, with an outlet structure that outlets to the draw on the East side of the site. All regulated wetland impact activities are currently in the permitting process with the MDEQ.

Landscape treatments will be placed along the entrance, and canopy trees will be provided for individual lots. In general, the natural wetland features on site will be undisturbed and utilized as part of the natural aesthetic of the development.

IV. Impact on Storm Water Management

The proposed development will provide storm water quality and flood control treatment using an on-site existing wetland, located on the northwest corner of the site. The wetland detention is designed to meet the current standards of the Livingston County Drain Commissioner's Office and those of Genoa Township. The wetland detention pond is designed to capture storm water runoff from the subject site. Water quality will be provided to storm runoff prior to release into the wetland detention area by utilizing a combination of sediment traps/pools, check dams, and vegetative buffers.

An outlet structure designed in accordance with the Livingston County Drain Commissioner's Office will be provided in the proposed wetland/detention area to control the release rate and provide an emergency overflow route for volume in exceedance of the 100-year storm volume.

Storm water runoff from the adjacent property located to the North of the subject site that currently drains to the existing wetland draw on the East side of the site will continue.

During construction, soil erosion and dust control measures will be implemented. Best management practices including silt fence, check dams, and inlet filter mechanisms will be utilized during this time. For dust control, soil watering to keep the site in a moisture optimum condition will be performed with a water truck on an as needed basis. Upon completion of mass grading and earthmoving operations, permanent restoration including topsoil, seed and mulch along with landscape installation will be performed.

A soil erosion and sedimentation control permit will be required prior to the start of any site grading or construction.

V. Impact on Surrounding Land Uses

As proposed, this development will be in conformance with the future land use map as part of the current township master plan.

Re-zoning of the site to LDR will be similar to the adjacent properties.

Access to this site will be from Chilson Rd.

Noise levels are expected to be that of a typical single family residential neighborhood, within township standards.

No Site lighting is proposed for this development.

VI. Impact on Public Facilities and Services.

The development proposes 25 single family residential lots. The developers target demographic for buyers will be retirement aged individuals looking to downsize their home and reduce yard maintenance. As such, the project is not expected to have undesirable effects on local schools or recreation facilities.

As this project is consistent with the township's master plans future land use for this area along Chilson Rd, it is not anticipated that this facility will adversely affect emergency services such as fire and police.

VII Impact on Public Utilities

Each lot will be serviced by an individual well and septic system.

Electric and gas service will be extended on-site via underground installation.

VIII. Storage and Handling of Any Hazardous Materials

There is no plan for storage or handling of any hazardous materials on this site.

IX. Impact on Traffic

The location of the site is well suited for a development of this nature. It is located along Chilson Rd that has an existing two(2) lane cross section one eastbound lane, and one westbound lane. Using the ITE Trip Generation Manual, 7th ed., for Single-Family Detached Housing based on number of dwelling units (see Exhibit F & G), we calculated the following trips using the average rate for the A.M. and P.M. peak hours of traffic:

A.M. peak hour:

$$\begin{aligned} 0.70 \times (25 \text{ units}) + 12.05 &= 29.55 \text{ trips} \times 74\% \text{ (exiting)} \\ &= 21.87 \text{ directional trips} \end{aligned}$$

P.M. peak hour:

$$\begin{aligned} \ln(T) &= 0.89 \times \ln(25 \text{ units}) + 0.61 = 3.47 \\ e^{(3.47)} &= 32.29 \text{ trips} \times 64\% \text{ (entering)} \\ &= 20.67 \text{ directional trips} \end{aligned}$$

As calculated above, the development, under the fully developed conditions shown in this site plan, will generate less than 22 directional trips in both the A.M. and P.M. peak hours of traffic. Therefore, a traffic impact assessment or traffic impact study is not required by the Township per the Township Zoning Ordinance for the subject development.

The Livingston County Road Commission Sight Distance Review has been applied for and is in process.

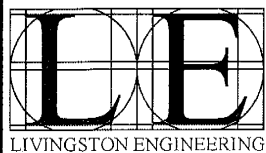
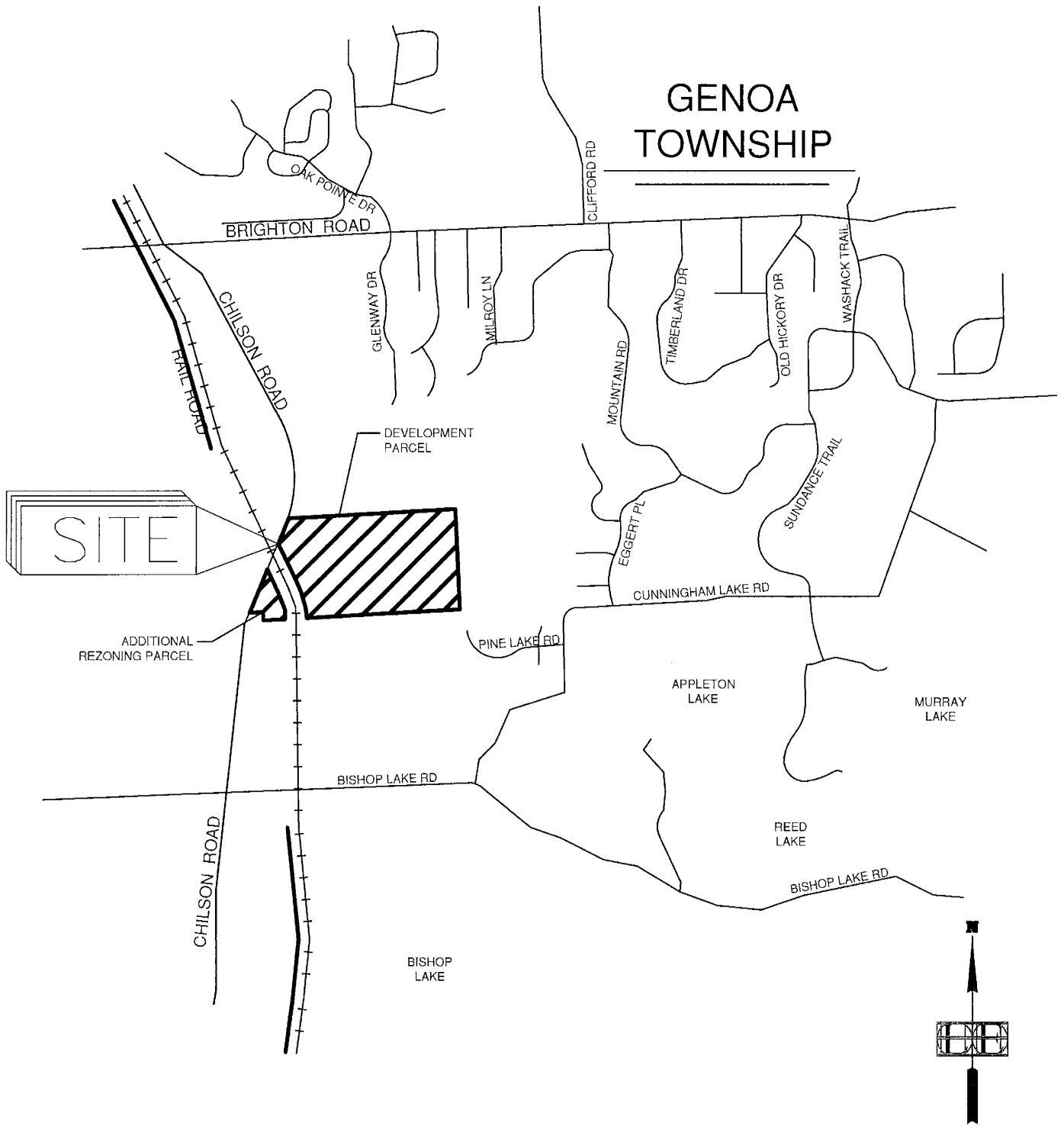
X. Historic and Cultural Resources

It is not believed that this development will have any impact on any historic and/or cultural resources pertaining to the subject parcel and no known historic and/or cultural resources exist on this site that will be affected by this development.

XI. Special Provisions

No special provisions are part of this project.

EXHIBIT A LOCATION MAP



SCALE
NOT TO SCALE

DESCRIPTION
CHESTNUT SPRINGS
Impact Assessment
Genoa Township, Livingston County, MI

DRAWN MJB DATE 5/2/2018 SHEET No. 1 of 6 JOB No. 11216-2

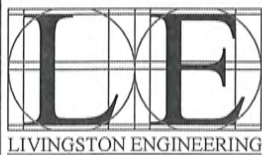
REVI: 06/19/18

EXHIBIT B

AERIAL



I:\Users\User\Dropbox (Liveng)\Projects\2011\11216-2 Chestnut Genoa Chilson Rd\admin\DATA\Impact Assessment\11216-2_Impact Assessment_Exhibits.dwg



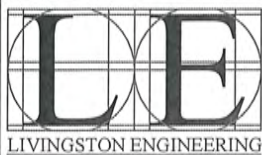
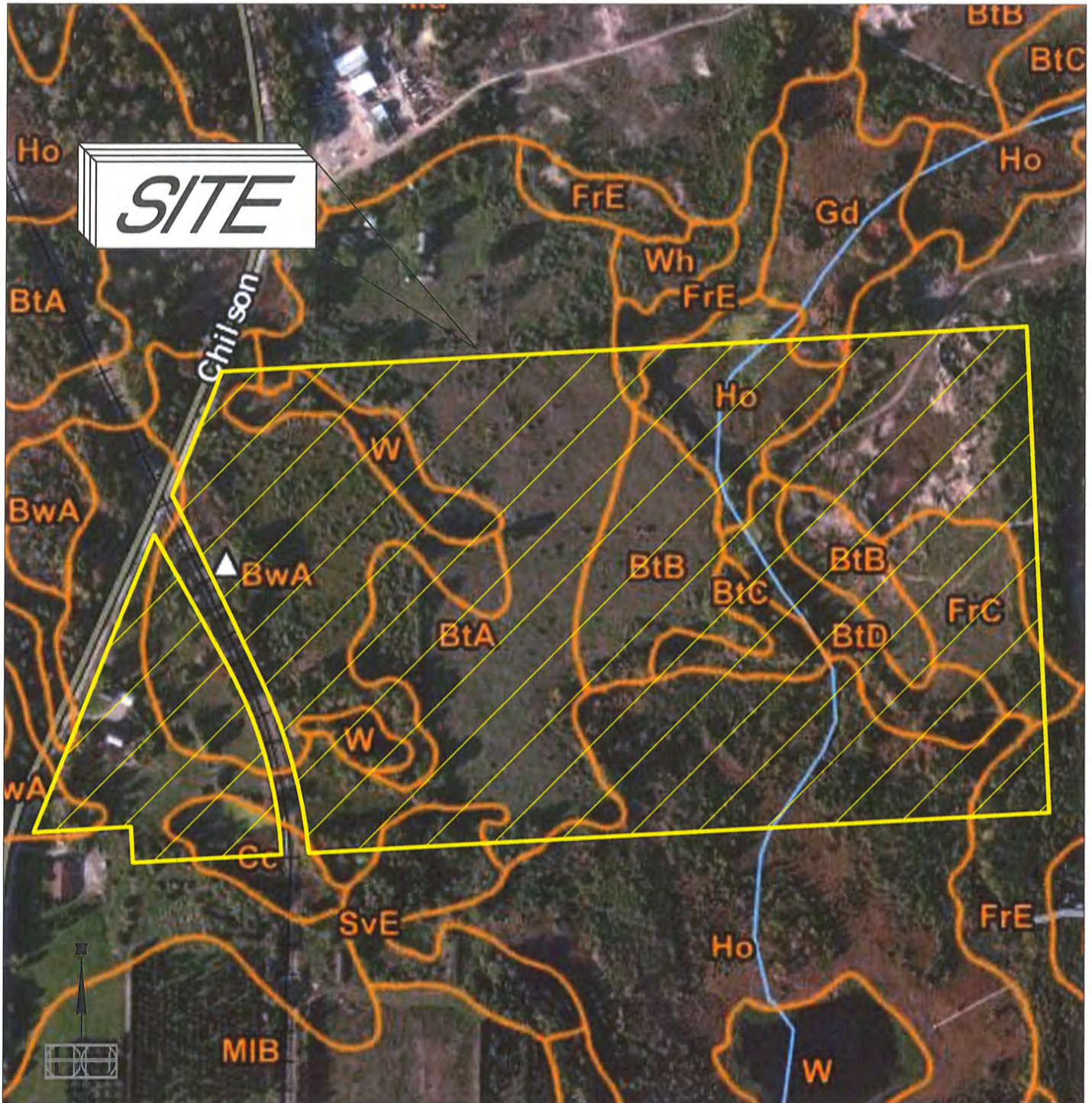
SCALE		0'	2,000'	4,000'
SCALE: 1"=2,000'				
DRAWN	MJB	DATE	5/2/2018	SHEET No. 2 of 6
		JOB No.	11216-2	

DESCRIPTION
 CHESTNUT SPRINGS
 Impact Assessment
 Genoa Township, Livingston County, MI

REV1: 06/19/18

EXHIBIT C

SOIL MAP



SCALE	0' 400' 800'		
	SCALE: 1"=400'		
DRAWN	MJB	DATE	5/2/2018
		SHEET No.	3 of 6
		JOB No.	11216-2

DESCRIPTION
 CHESTNUT SPRINGS
 Impact Assessment
 Genoa Township, Livingston County, MI

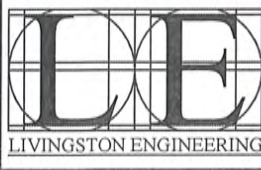
REV1: 06/19/18


EXHIBIT D

EXISTING DRAINAGE



I:\Users\User\Dropbox (Liveng)\Projects\2011\11216-2 Chestnut Genoa Chilson Rd\admin\DATA\Impact Assessment\11216-2_Impact Assessment_Exhibits.dwg



	SCALE	0' 350' 700'			
					
		SCALE: 1" = 350'			
DRAWN	MJB	DATE	5/2/2018	SHEET No.	4 of 6
		JOB No.	11216-2		

DESCRIPTION
 CHESTNUT SPRINGS
 Impact Assessment
 Genoa Township, Livingston County, MI

REV1: 06/19/18

EXHIBIT E

TRAFFIC AM

Single-Family Detached Housing (210)

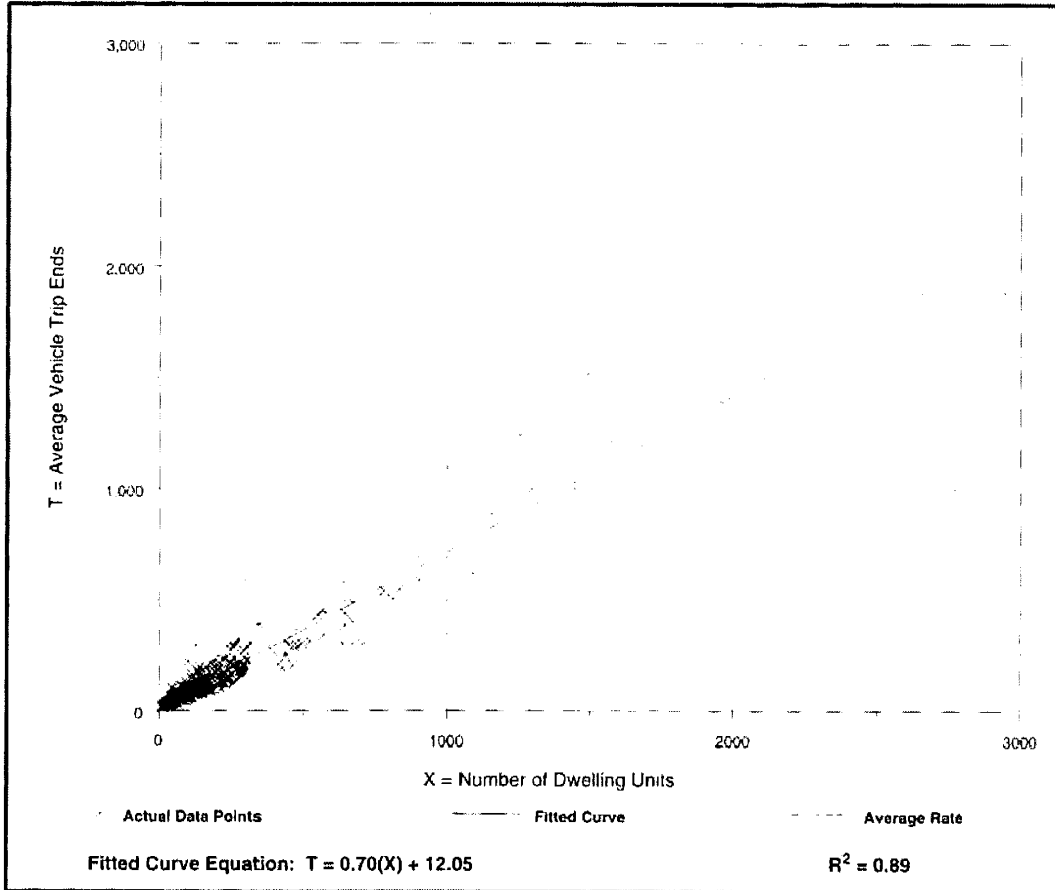
Average Vehicle Trip Ends vs: Dwelling Units
On a: Weekday,
A.M. Peak Hour of Generator

Number of Studies: 335
Avg. Number of Dwelling Units: 183
Directional Distribution: 26% entering, 74% exiting

Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.77	0.33 - 2.27	0.91

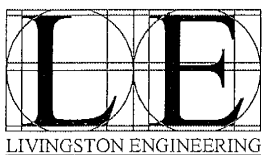
Data Plot and Equation



Trip Generation, 7th Edition

272

Institute of Transportation Engineers



SCALE
NOT TO SCALE

DESCRIPTION
CHESTNUT SPRINGS
Impact Assessment
Genoa Township, Livingston County, MI

DRAWN MJB DATE 5/2/2018 SHEET No. 5 of 6 JOB No. 11216-2

REV1: 06/19/18

I:\E:\Users\User\Dropbox (Liveng)\Projects\2011\11216-2 Chestnut Genoa Chilson Rd\admin\DATA\Impact Assessment\11216-2_Impact Assessment_Exhibits.dwg

EXHIBIT F

TRAFFIC PM

Single-Family Detached Housing (210)

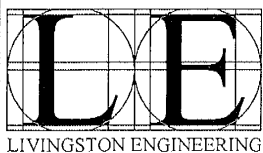
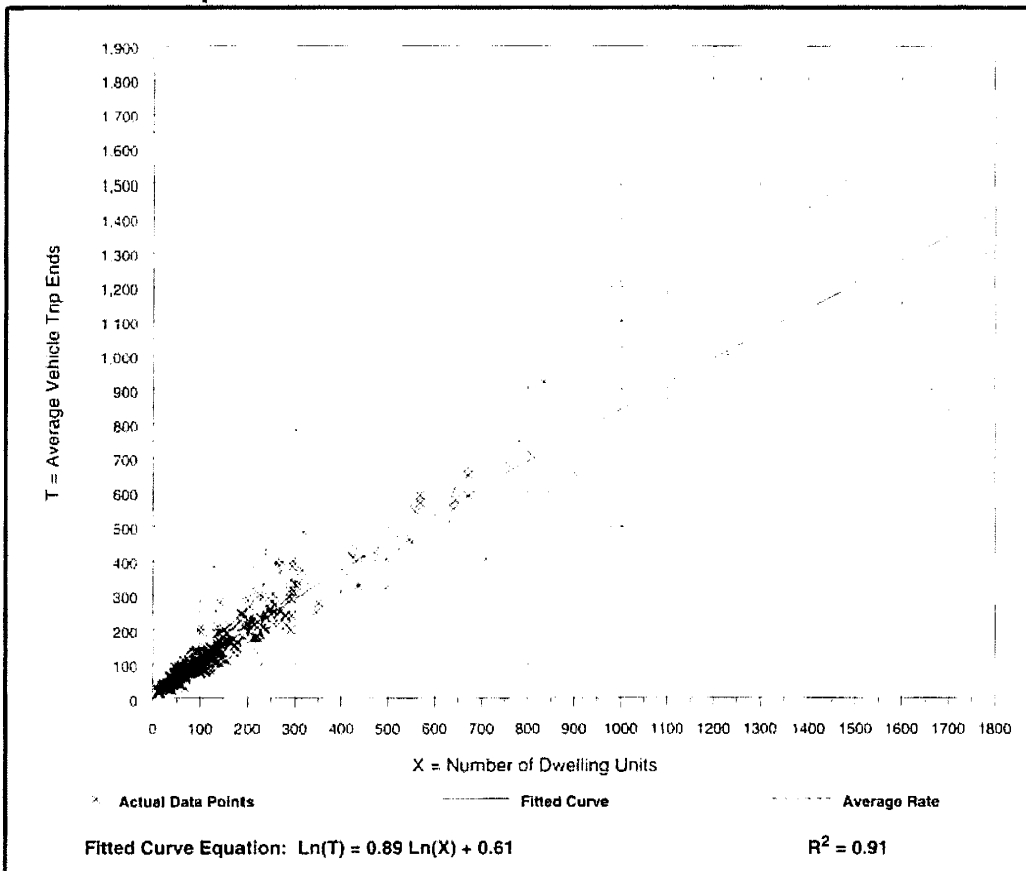
Average Vehicle Trip Ends vs: Dwelling Units
On a: Weekday,
P.M. Peak Hour of Generator

Number of Studies: 354
Avg. Number of Dwelling Units: 176
Directional Distribution: 64% entering, 36% exiting

Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
1.02	0.42 - 2.98	1.05

Data Plot and Equation



SCALE
NOT TO SCALE

DESCRIPTION
CHESTNUT SPRINGS
Impact Assessment
Genoa Township, Livingston County, MI

DRAWN MJB DATE 5/2/2018 SHEET No. 6 of 6 JOB No. 11216-2

EXHIBIT G



This figure depicts the approximate location of the Property and the on-site wetlands, as delineated by Niswander Environmental on September 7, 2017. The wetland boundaries as depicted are approximate; a topographical survey by a registered surveyor will be necessary to determine the exact size, shape, and location of the wetlands present on the Property.

Figure 1. Overall Wetland Location Map

NE 1505 Chestnut Hill Delineation
Client: Chestnut Development
Sections 33 & 34 of Genoa Township
Livingston Co., MI (T02N,R05E)
Delineation Date: September 7, 2017
Map Created: September 8, 2017

0 125 250 500
Feet



 **NISWANDER ENVIRONMENTAL** | 9436 Maltby Road, Brighton, MI 48116
810.225.0539 office | 810.225.0653 fax

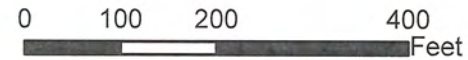
EXHIBIT F



This figure depicts the approximate location of the Property and the on-site wetlands, as delineated by Niswander Environmental on June 13, 2018. The wetland boundaries as depicted are approximate; a topographical survey by a registered surveyor will be necessary to determine the exact size, shape, and location of the wetlands present on the Property.

Figure 1. Wetlands L & K Flagging Location Map

NE 1505 Chestnut Hill Delineation
Client: Chestnut Development
Sections 33 & 34 of Genoa Township
Livingston Co., MI (T02N,R05E)
Delineation Date: June 13, 2018
Map Created: June 13, 2018



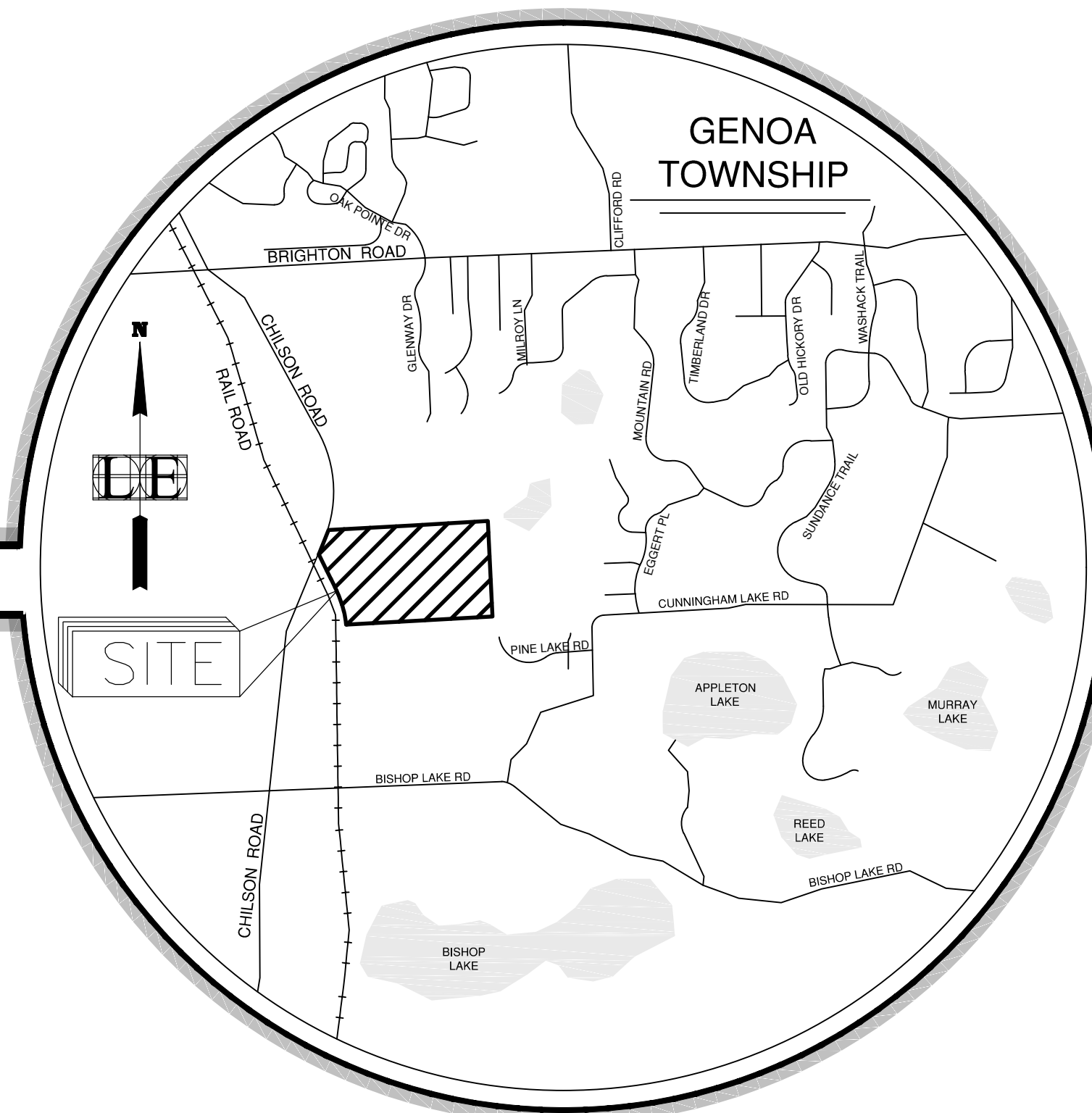
9436 Maltby Road, Brighton, MI 48116
810.225.0539 office | 810.225.0653 fax

SITE PLAN FOR

CHESTNUT SPRINGS

CHILSON RD

GENOA TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN



LOCATION MAP

NOT TO SCALE

SITE DATA TABLE

	REQUIRED
LOT AREA	1 AC. (min)
LOT WIDTH	150 FT (min)
LOT COVERAGE	NA
FLOOR AREA (PER UNIT)	980 SF (min)
BUILDING SETBACKS:	
FRONT	50 FT (min)
SIDE	30 FT (min)
REAR	60 FT (min)
WETLAND	25 FT (min)

LEGAL DESCRIPTION

Part of the Southeast ¼ of Section 33 and the Southwest ¼ of Section 34, T2N-R5E, Genoa Township, Livingston County, Michigan, more particularly described as follows: BEGINNING at the Southeast Corner of said Section 33, also being the Southwest Corner of said Section 34; thence along the South line of said Section 33, being the Hamburg-Genoa Township line, S 86°51'02" W, 1005.29 feet (previously surveyed as S 87°12'20" W); thence along the Easterly line of the Ann Arbor Railroad (66 foot wide), the following 4 courses on the arc of a curve left, 188.78 feet, said curve has a radius of 1233.00 feet, a central angle of 08°46'20" and a long chord which bears N 09°20'42" W, 188.59 feet (previously recorded as N 08°59'24" W); thence along the arc of a curve left, 300.68 feet, said curve has a radius of 1504.99 feet, a central angle of 11°26'49" and a long chord which bears N 19°27'17" W, 300.18 feet (previously surveyed as N 19°05'59" W); thence along the arc of a curve left, 184.66 feet, said curve has a radius of 9470.15 feet, a central angle of 01°07'02" and a long chord which bears N 25°44'13" W, 184.66 feet (previously surveyed as N 25°22'55" W); thence N 26°17'44" W 382.92 feet, (previously surveyed as N 25°56'26" W); thence along the centerline of centerline of Chilson Road (66 foot wide Right of Way), N 22°02'33" E, 363.80 feet (previously surveyed as N 22°23'51" E); thence along the North line of the South 1/2 of the Southeast ¼ of said Section 33, S 86°50'49" E, 1189.30 feet (previously surveyed as N 87°12'07" E); thence along the North line of the South 1/2 of the Southwest ¼ of said Section 34, N 86°41'47" E, 1028.59 feet (previously surveyed as N 87°03'05" E); thence along the East line of the West 30 acres of the Southwest ¼ of the Southwest ¼ of said Section 34, S 02°44'41" E, 1329.93 feet (previously surveyed as S 02°23'23" E); thence along the South line of said Section 34 and the Hamburg-Genoa Township line S 86°49'56" W, 1031.98 feet (previously surveyed as S 87°11'14" W to the Point of Beginning, Containing 67.12 acres, more or less and subject to the rights of the public over Chilson Road. Also subject to any other easements or restrictions of record.

Bearing are related to Grid North from RTK GPS observations using Brighton CORS station.

PERMITS & APPROVALS

AGENCY	REQUIRED	STATUS
GENOA TOWNSHIP	APPROVAL	
GENOA TOWNSHIP FIRE DEPARTMENT	APPROVAL	
LIVINGSTON COUNTY DRAIN COMMISSIONER	S.E.S.C. PERMIT	IN PROCESS
LIVINGSTON COUNTY ROAD COMMISSION	APPROACH PERMIT	IN PROCESS
LIVINGSTON COUNTY ROAD COMMISSION	SITE DISTANCE APPROVAL	IN PROCESS
LIVINGSTON COUNTY HEALTH DEPARTMENT	WELL & SEPTIC PERMITS	IN PROCESS
MDEQ	WETLAND IMPACT PERMITS	IN PROCESS

UTILITY DISCLAIMER



Utilities as shown indicate approximate location of facilities only, as described by the various companies and no guarantee is given either as to the completeness or accuracy thereof. Contractor shall call "MISS DIG" at 811 or 1-800-482-7171 prior to the start of construction. Electric, gas, phone and television companies should be contacted prior to the commencement of field activities.

SHEET INDEX

01	COVER SHEET
02	EXISTING CONDITIONS
03	OVERALL LAYOUT
04	PRELIMINARY GRADING PLAN
05	STORMWATER MANAGEMENT PLAN
L1	LANDSCAPE PLAN & DETAILS

GENERAL NOTES

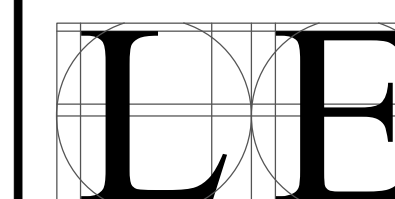
- Property is zoned: AG (Agricultural). Property is to be rezoned to LDR (Low Density Residential) concurrently with Site Plan Approval process.
- Contractor is responsible for protecting all existing and proposed utilities from damage during all stages of construction.
- The engineer and applicable agency must approve, prior to construction, any alteration, or variance from these plans.
- All signs shall meet the requirements of the Genoa Township Zoning Ordinance.
- Underground dry utilities shall be extended from existing locations to service this site as required by utility companies.
- Soils are majority Boyer-Oshtemaw loamy sands (U.S.D.A. "Soil Survey of Livingston Co.").
- All construction shall be performed in accordance with the current standards and specifications of Genoa Township and Livingston County.
- The contractor shall telephone Genoa Township 72 hours before beginning any construction.
- Three working days prior to any excavation, the Contractor shall telephone MISS DIG (800-482-7171) for the location of underground utilities and shall also notify representatives of other utilities located in the vicinity of the work. It shall be the Contractor's responsibility to verify and/or obtain any information necessary regarding the presence of underground utilities which might affect this job.
- On-site wetlands have been flagged as determined by Niswander Environmental on September 7, 2017.
- Site plan use: Residential
- Site storm drainage will be detained on site prior to being released to wetland.
- Property to be serviced by individual well and septic.
- Roadway within this development shall be private.

OWNER / DEVELOPER



CHESTNUT DEVELOPMENT, LLC
 6253 GRAND RIVER AVE. SUITE 700
 BRIGHTON, MI 48114
 PHONE: 810.599.3984
 EMAIL: OFFICE@CHESTNUTDEV.COM

ENGINEER



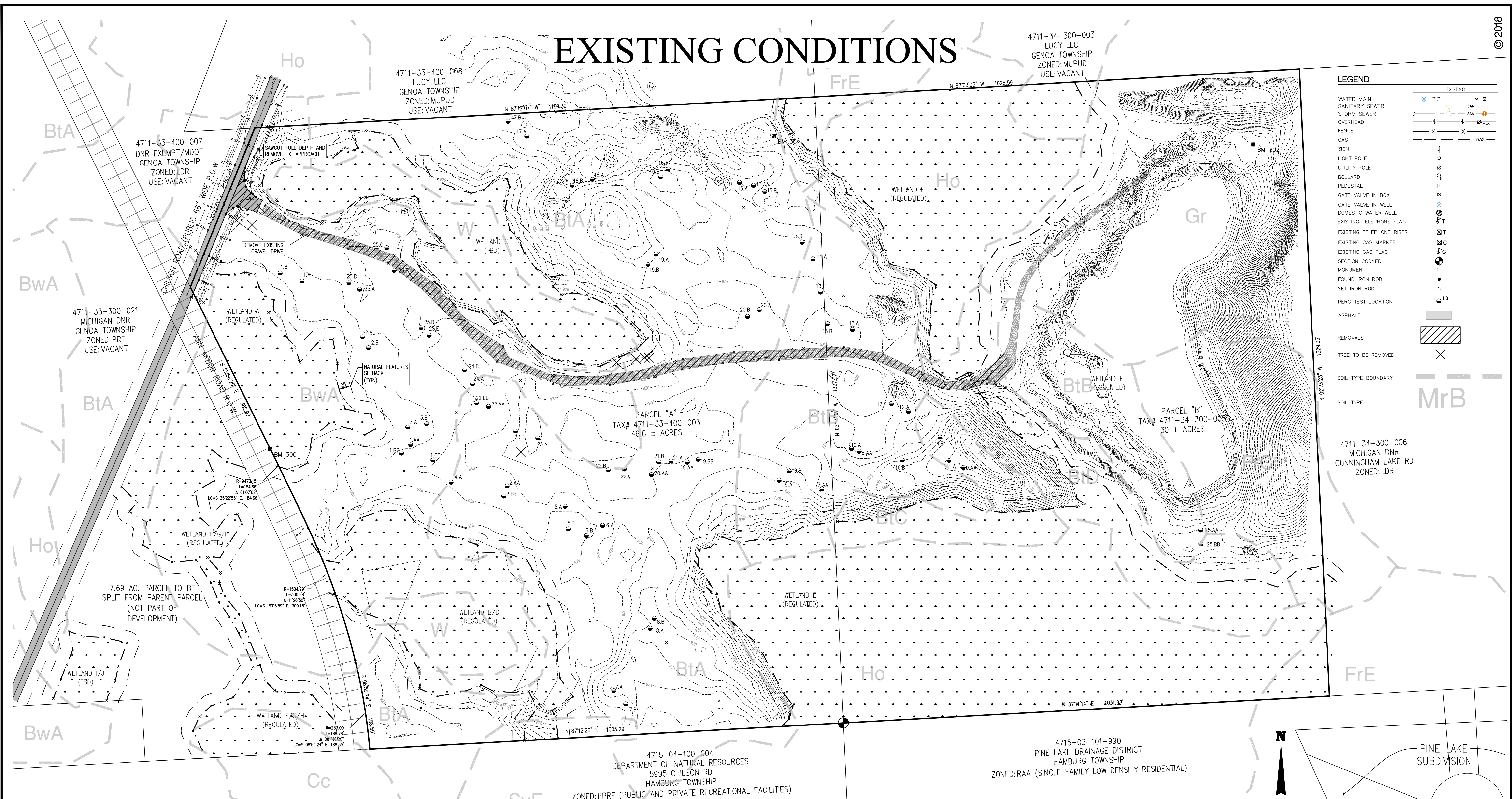
LIVINGSTON ENGINEERING
 CIVIL ENGINEERING SURVEYING PLANNING
 3300 S. OLD U.S.23, BRIGHTON, MI 48114
 http://www.livingstoneng.com PHONE: (810) 225-7100 FAX: (810) 225-7699

CHESTNUT SPRINGS
GENOA TOWNSHIP
LIVINGSTON COUNTY, MICHIGAN
SITE PLAN

ENGINEER'S SEAL

REVISIONS	DATE	PROJECT No.
PER TWP CONSULTANT REVIEW COMMENTS	5/23/18	11216-2
PER TWP REVIEW COMMENTS	6/20/18	SHEET 1 OF 6
		DATE: May 2, 2018

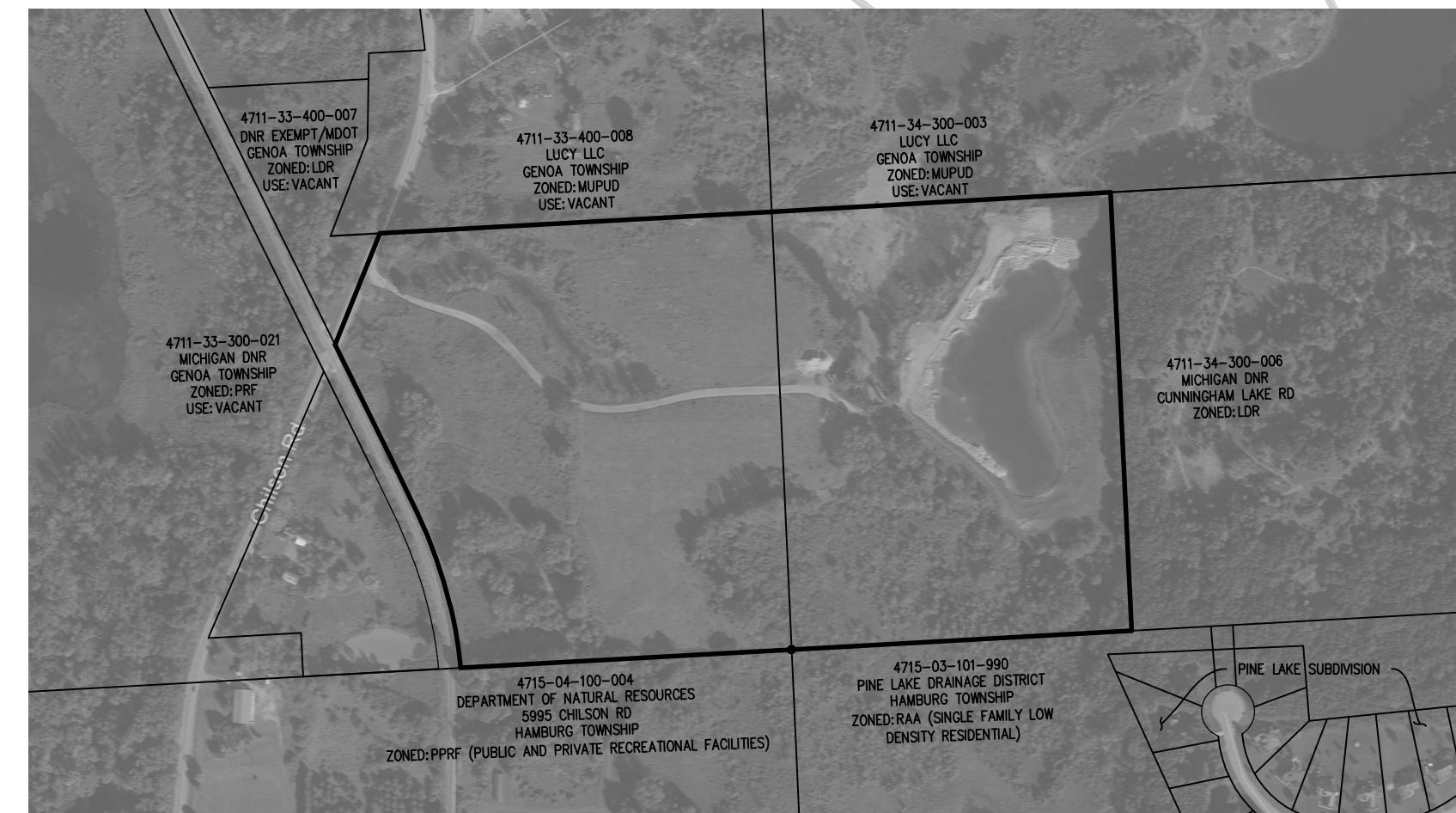
EXISTING CONDITIONS



LEGEND

EXISTING

- WATER MAIN
- SANITARY SEWER
- STORM SEWER
- OVERHEAD
- FENCE
- GAS
- SIGN
- LIGHT POLE
- UTILITY POLE
- BOLLARD
- PEDESTAL
- GATE VALVE IN BOX
- GATE VALVE IN WELL
- DOMESTIC WATER WELL
- EXISTING TELEPHONE FLAG
- EXISTING TELEPHONE RISER
- EXISTING GAS MARKER
- EXISTING GAS FLAG
- SECTION CORNER
- MONUMENT
- FOUND IRON ROD
- SET IRON ROD
- PERC TEST LOCATION
- ASPHALT
- REMOVALS
- TREE TO BE REMOVED
- SOIL TYPE BOUNDARY
- SOIL TYPE



SITE AERIAL
SCALE: 1" = 500'

N.R.C.S. SOIL SURVEY - CLASSIFICATIONS

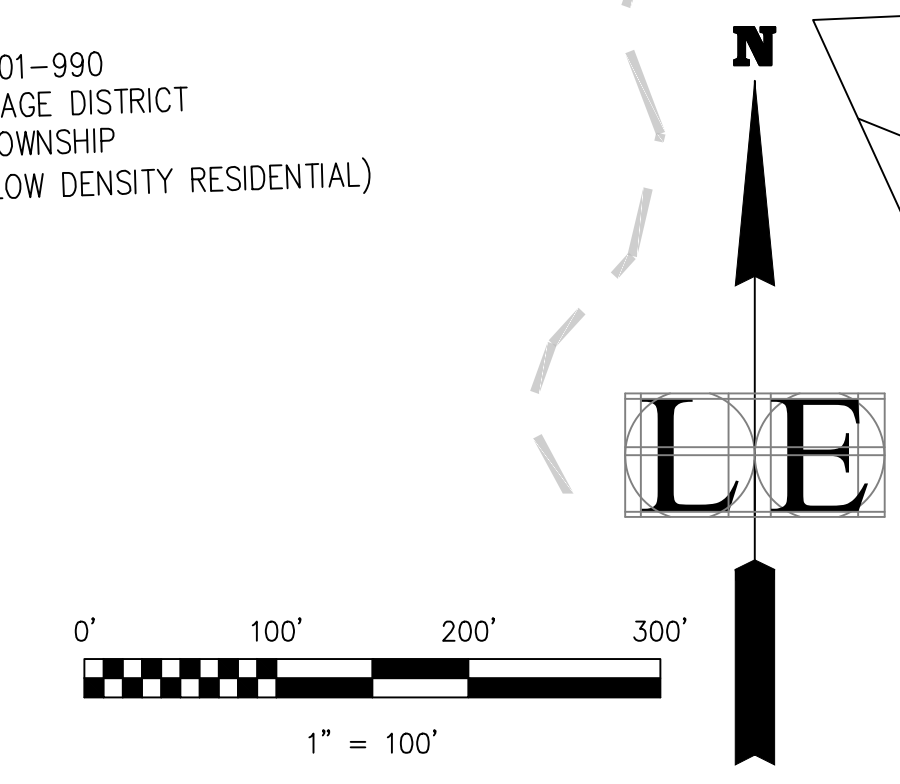
BtA	Boyer-Oshtemo loamy sands, 0 to 2 percent slopes
BtB	Boyer-Oshtemo loamy sands, 2 to 6 percent slopes
BtC	Boyer-Oshtemo loamy sands, 6 to 12 percent slopes
BtD	Boyer-Oshtemo loamy sands, 12 to 18 percent slopes
BwA	Bronson loamy sand, 0 to 2 percent slopes
Cc	Carlisle muck, 0 to 2 percent slopes
FrE	Fox-Boyer complex, 6 to 12 percent slopes
FrE	Fox-Boyer complex, 18 to 25 percent slopes
Gr	Gravel pits
Ho	Houghton muck, 0 to 1 percent slopes
SvE	Spinks-Oakville loamy sands, 18 to 25 percent slopes
W	Water

GENERAL NOTES:

- ALL UTILITY COMPANIES SHALL BE CONTACTED PRIOR TO CONSTRUCTION AND ALL UTILITIES LOCATED. ANY DISCREPANCIES OR CONFLICTS SHALL BE REPORTED TO ENGINEER FOR RESOLUTION PRIOR TO COMMENCING CONSTRUCTION.
- ALL REMOVAL MATERIALS, INCLUDING TREES AND STUMPS, SHALL BE PROPERLY DISPOSED OF AT AN OFF-SITE LOCATION.

BENCHMARKS

BENCHMARK #300 FOUND IRON: ±368 FT SE OF CHILSON RD ALONG THE RAILROAD ROW N:370142.95' E:13261141.39' ELEVATION= 924.70 NAVD88 DATUM	BENCHMARK #301 SET IRON: ±78' SOUTH OF NORTH PROPERTY LINE & ±91' WEST OF THE EAST LINE OF SECTION 33 N:370805.98' E:13262209.08' ELEVATION= 931.33 NAVD88 DATUM	BENCHMARK #302 SET IRON: ±154' SOUTH OF NORTH PROPERTY LINE & ±105' WEST OF THE EAST PROPERTY LINE N:370788.47' E:13263225.57' ELEVATION= 930.43 NAVD88 DATUM
--	---	--



© 2018

LIVINGSTON ENGINEERING
CIVIL ENGINEERING SURVEYING PLANNING
3300 S. OLD US. BRIGHTON, MI 48114
PHONE: (810) 225-7100 FAX: (810) 225-7699
www.livingstoneng.com

LE

Client: **CHESTNUT DEVELOPMENT, LLC**
628 GRAND RIVER AVE SUITE 700
BRIGHTON, MI 48114
810583884

CHESTNUT SPRINGS
CHILSON RD, GENOA TWP, LIVINGSTON COUNTY, MICHIGAN
SITE PLAN
EXISTING CONDITIONS

REVISIONS	DATE
PER TWP CONSULTANT REVIEW COMMENTS	5/23/2018
PER TWP CONSULTANT REVIEW COMMENTS	6/17/2018
PER TWP REVIEW COMMENTS	6/29/2018

Drawn: MJB
Checked:
Approved:
Date: 5/23/2018

Job No.: 11216-2
Scale:
Vertical:
Horizontal: T = 100'

02



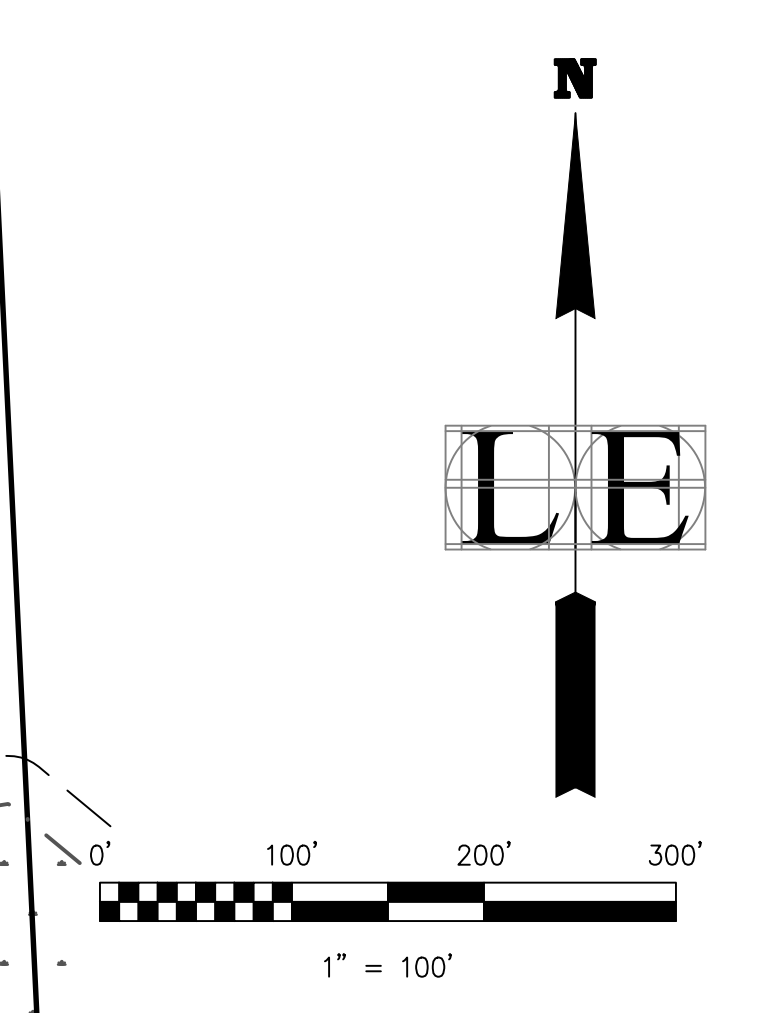
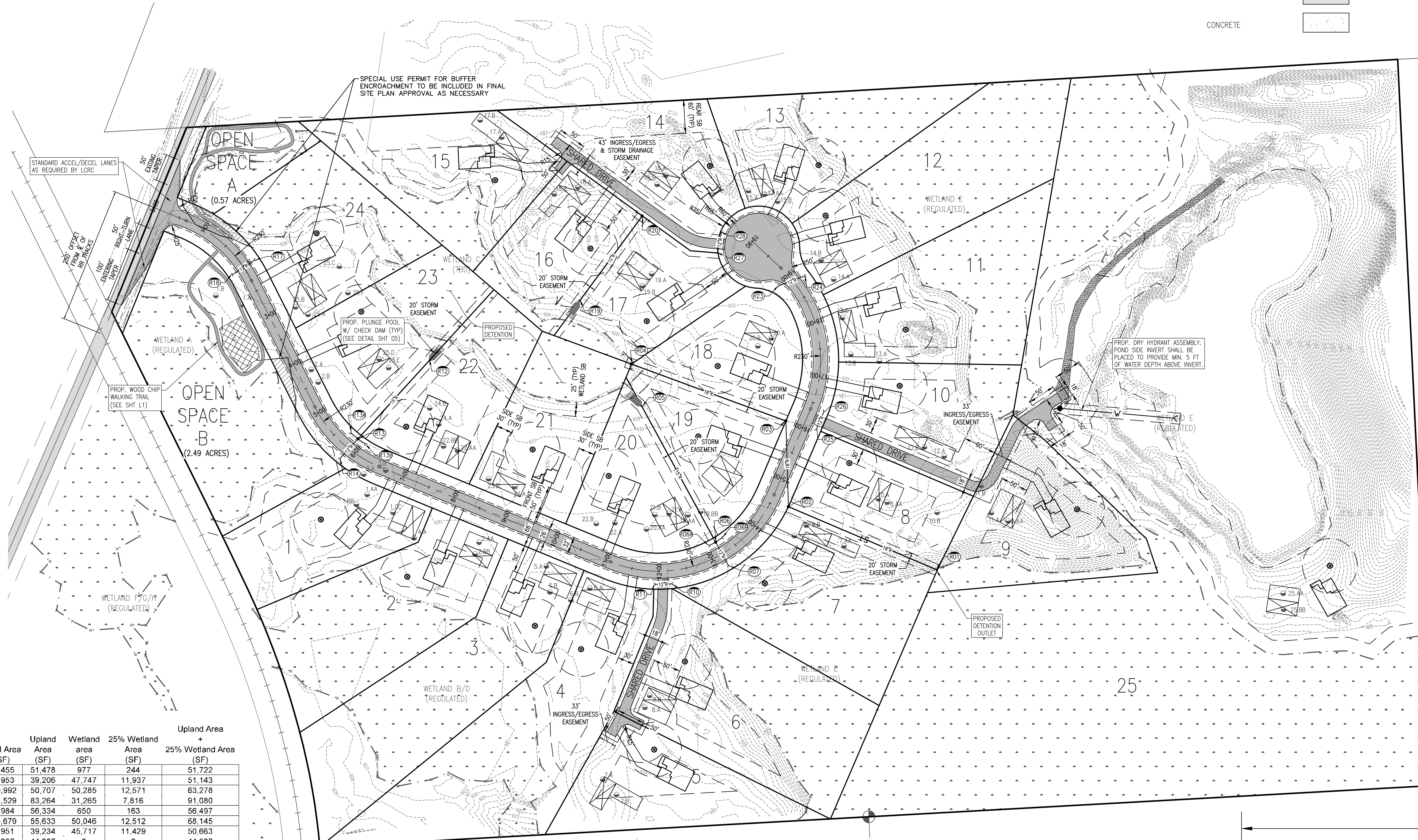
FILE:C:\Users\User\Dropbox (Living)\Projects\2011\11216-2_Chestnut Genoa Chilson RA\Draws\Site Plan\11216-2_02_Existing Conditions.dwg



OVERALL LAYOUT

LEGEND

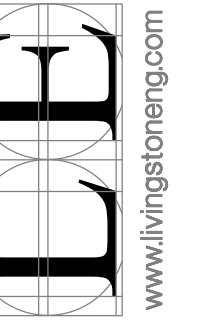
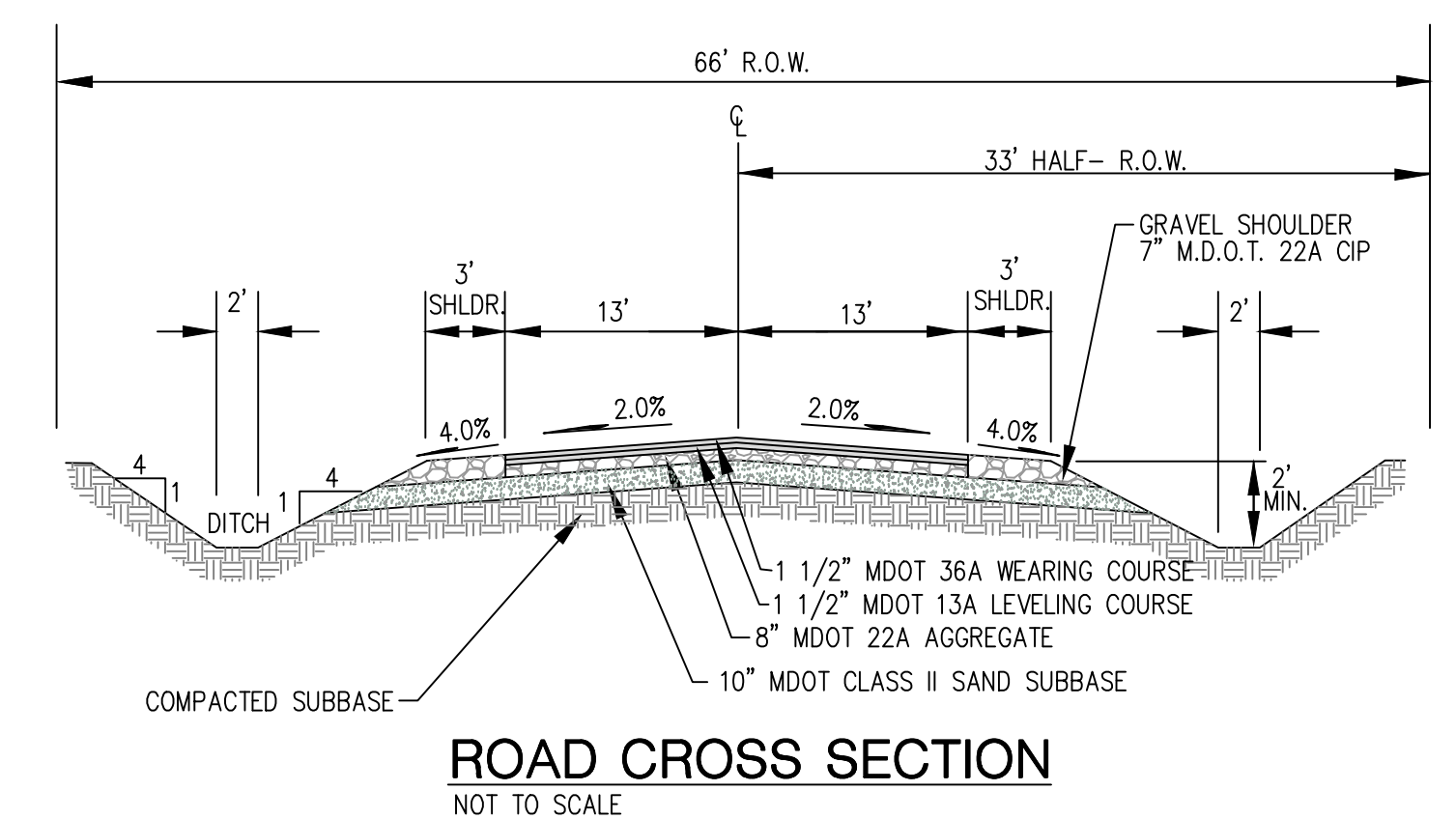
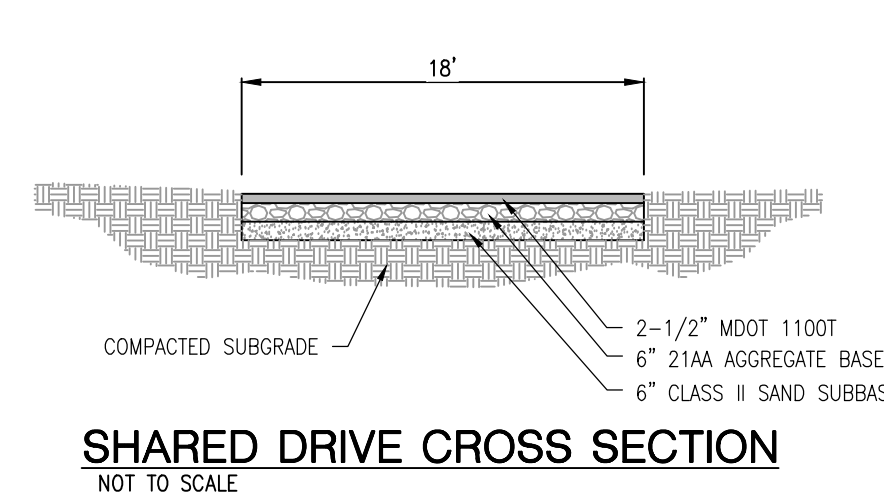
EXISTING		PROPOSED	
CONTOUR		CONTOUR	
WATER MAIN		WATER MAIN	
SANITARY SEWER		SANITARY SEWER	
STORM SEWER		STORM SEWER	
SIGN			
TREE			
ASPHALT			
CONCRETE			



Lot #	Total Area (SF)	Upland Area (SF)	Wetland area (SF)	25% Wetland Area (SF)	Upland Area + 25% Wetland Area (SF)
1	52,455	51,478	977	244	51,722
2	86,953	39,206	47,747	11,937	51,143
3	100,992	50,707	50,285	12,571	63,278
4	114,529	83,264	31,265	7,816	91,080
5	56,984	56,334	650	163	56,497
6	105,679	55,633	50,046	12,512	68,145
7	84,951	39,234	45,717	11,429	60,663
8	44,907	44,907	0	0	44,907
9	72,041	53,247	18,794	4,699	57,946
10	61,499	53,657	7,842	1,961	55,618
11	85,428	39,051	46,377	11,594	50,645
12	94,327	27,038	67,289	16,822	43,860
13	67,830	37,418	30,412	7,603	45,021
14	66,762	66,762	0	0	66,762
15	74,032	56,176	17,856	4,464	60,640
16	48,845	43,491	5,354	1,339	44,830
17	47,051	42,891	4,160	1,040	43,931
18	43,688	43,679	9	2	43,681
19	43,807	43,258	549	137	43,395
20	44,133	44,030	103	26	44,056
21	57,040	39,466	17,574	4,394	43,860
22	55,191	40,651	14,540	3,635	44,286
23	59,515	38,529	20,986	5,247	43,776
24	69,657	35,377	34,280	8,570	43,947
25	24,57 ac.				
OS A	24,792	14,083	10,709	2,677	16,760
OS B	108,406	41,410	66,996	16,749	58,159

SITE DATA TABLE

LOT AREA	REQUIRED
LOT WIDTH	150 FT (min)
LOT COVERAGE	NA
FLOOR AREA (PER UNIT)	980 SF (min)
BUILDING SETBACKS:	REQUIRED
FRONT	50 FT (min)
SIDE	30 FT (min)
REAR	60 FT (min)
WETLAND	25 FT (min)

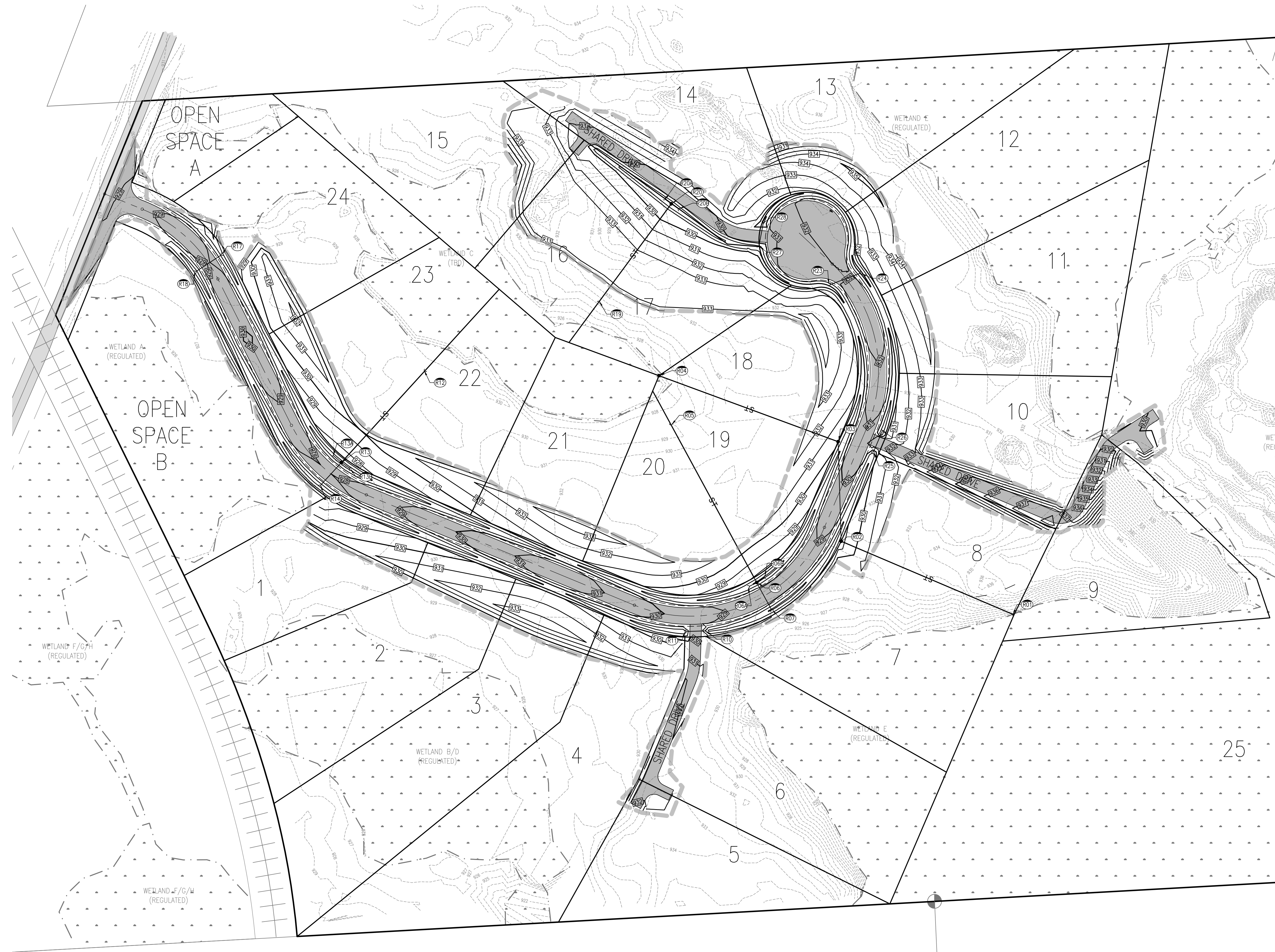


REVISIONS	DATE
PER TWP CONSULTANT REVIEW COMMENTS	5/23/2018
PER TWP CONSULTANT REVIEW COMMENTS	6/11/2018
PER TWP REVIEW COMMENTS	6/29/2018

Drawn: MJB	Check: _____	Approved: _____	Date: 5/2/2018
Scale: _____	Vertical: _____	Horizontal: _____	
Job no. 11216-2	Scale: _____	Vertical: _____	Horizontal: _____
			T = 100'

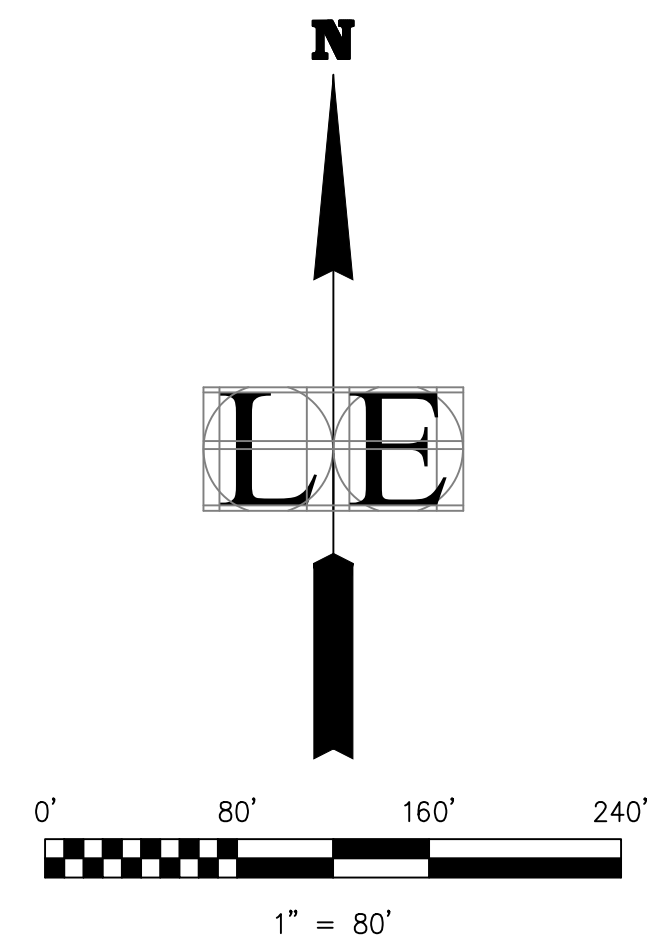
FILE:C:\Users\User\Dropbox (Living)\Projects\2011\1216-2 Chestnut Genoa Chilson Rd\Draws\Site Plan\11216-2_03_Overall Layout.dwg

PRELIMINARY GRADING PLAN



LEGEND

PR. SPOT GRADE	
PR. CONTOUR	
DRAINAGE ARROW	
PR. SILT FENCE	
LIMITS OF GRADING	
DANDY BAG LOW POINT INLET FILTER	



FILE:C:\Users\User\Desktop (Living)\Projects\11216-2_Chestnut Genoa Chilson RA\Drawings\Site Plan\11216-2_04_Preliminary Grading Plan.dwg



© 2018

LIVINGSTON ENGINEERING
CIVIL ENGINEERING SURVEYING PLANNING
3300 S. OLD U.S. BRIGHTON, MI 48114
PHONE: (810) 225-7000 FAX: (810) 225-7699
www.livingstoneng.com

LE

Client
CHESTNUT DEVELOPMENT, LLC
683 GRAND PRAIRIE AVE SUITE 700
BRIGHTON, MI 48114
810.586.3884

CHESTNUT SPRINGS
CHILSON RD. GENOA TWP. LIVINGSTON COUNTY, MICHIGAN
SITE PLAN
PRELIMINARY GRADING PLAN

REVISIONS	DATE
PER TWP CONSULTANT REVIEW COMMENTS	5/23/2018
PER TWP CONSULTANT REVIEW COMMENTS	6/17/2018
PER TWP CONSULTANT REVIEW COMMENTS	6/20/2018

Drawn: MJB	Date: 5/23/2018
Checked:	
Approved:	

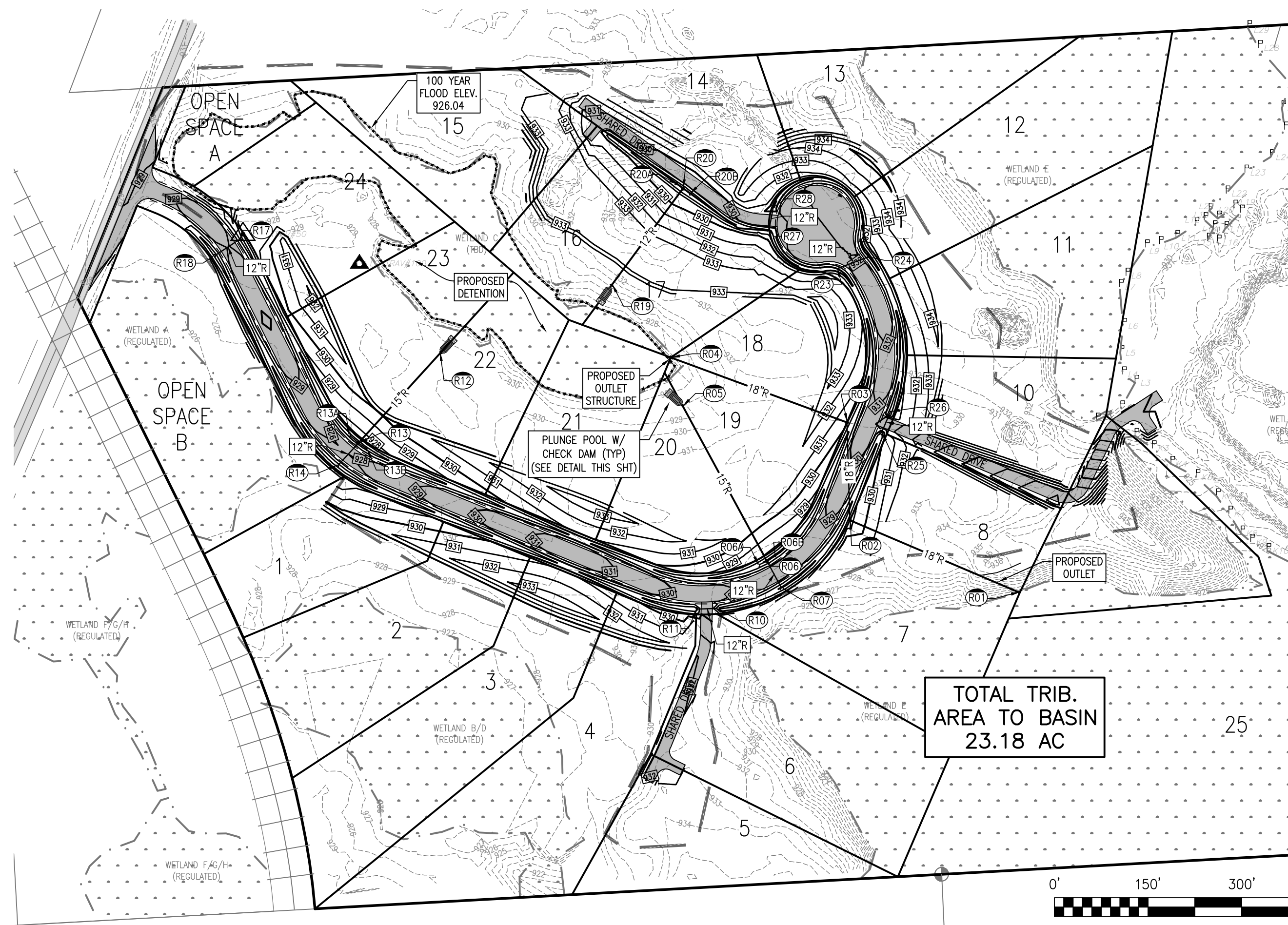
Job No. **11216-2**
Scale:
Vertical: **T = 80'**
Horizontal:

04

STORMWATER MANAGEMENT PLAN

LEGEND

- OVERALL DETENTION TRIBUTARY AREA
- STORM SEWER DRAINAGE DIVIDE LINE
- STORM STRUCTURE
- STORM SEWER DRAINAGE AREA



TOTAL TRIB. AREA TO BASIN 23.18 AC

STORMWATER MANAGEMENT NARRATIVE

STORM CONVEYANCE CONSISTS OF A COMBINATION OF OPEN ROAD-SIDE DITCHES AND STORM SEWER TO CONVEY THE DETENTION AREA. THE DETENTION AREA MAKES USE OF AN ONSITE REGULATED WETLAND (WETLAND C) FOR DETENTION. PRIOR TO EMPTYING INTO THE WETLAND/DETENTION AREA, A COMBINATION OF PLUNGE POOLS WITH CHECK DAMS AND VEGETATIVE FILTERS WILL PROVIDE THE WATER QUALITY AND SEDIMENT DEPOSITION COMPONENTS OF THE SYSTEM.

AN IDEO PERMIT IS CURRENTLY BEING PROCESSED FOR ALL WETLAND IMPACT ACTIVITIES INCLUDING THE DETENTION AREA.

DETENTION VOLUME WAS CALCULATED USING THE LIVINGSTON COUNTY DRAIN COMMISSIONERS METHOD FOR A 100 YEAR STORM. OUR CALCULATIONS SHOW THAT THE STATIC HIGH WATER ELEVATION IN THE POND WILL INCREASE APPROXIMATELY 6 INCHES WITH A 100-YEAR STORM VOLUME ADDED TO THE EXISTING WETLAND/DETENTION POND.

AN OUTLET STRUCTURE IS BEING PROVIDED TO OUTLET WATER ABOVE THE STATIC HIGH WATER ELEVATION AT A PRE-DEVELOPED RELEASE RATE OF 0.2 CFS PER ACRE INTO WETLAND "E" ON THE EAST SIDE OF THE DEVELOPMENT. WETLAND "E" CONNECTS TO SMALL CREEKS AND FLOW CHANNELS DOWNSTREAM FROM OUR PARCEL AS PART OF THE HURON RIVER WATERSHED.

THE OUTLET STRUCTURE WILL ALSO PROVIDE AN EMERGENCY OVERFLOW AT THE 100-YEAR FLOOD VOLUME TO ALLOW WATER TO FLOW FREELY PAST THE RESTRICTED ORIFICES, AND PREVENT WATER FROM EXCEEDING THE DESIGN FLOOD ELEVATION.

PIPE SIZING HAS BEEN APPROXIMATED AND DETAILED DESIGN CALCULATIONS WILL BE PROVIDED FOR FINAL SITE PLAN/CONSTRUCTION PLANS FOR BOTH THE OUTLET STRUCTURE AND THE STORM SEWER SIZING.

Required Detention Volume
Livingston County Drain Commissioner's Office Detention Methodology
Project: Chilson Park
LE Job No. = 11216-2

Area, A =	23.18 Ac.
C =	0.30 Ave. Runoff Coefficient
K =	6.954
Allowable Q =	4.64 cfs (0.2 cfs per acre)

DURATION MINUTES	DURATION SECONDS	INTENSITY (IN/HR)	INCHES	INFLOW VOLUME IN RUNOFF x A x C	OUTFLOW DURATION x Q _o	STORAGE VOLUME INFLOW - OUTFLOW
5	300	9.17	2751	19130	1390.8	17740
10	600	7.86	4716	32795	2781.6	30013
15	900	6.88	6192	43059	4172.4	38887
20	1200	6.11	7332	50987	5563.2	45424
30	1800	5.00	9000	62586	8344.8	54241
60	3600	3.24	11664	81111	16689.6	64422
90	5400	2.39	12906	89748	25034.4	64714
120	7200	1.90	13680	95131	33379.2	61752
180	10800	1.34	14472	100638	50068.8	50569

Required Volume, V = 64714 cf

STORM WATER DETENTION POND CALCULATIONS

Project: CHESTNUT SPRINGS
Livingston Engineering Project No. 11216-2
Livingston County Drain Commission Method

I. Common Items and Assumptions:

- A. First Flush = $(0.5'12) \times 43,560 \times \text{area} \times \text{developed C}$
- B. Bankfull Flood = $5,160 \times \text{area} \times \text{developed C}$
- C. Detention Volume Equation
 $V = ((A_1 + A_2) / 2) \times H$
where, A_1 = Area at top of storage elevation
 A_2 = Area at bottom of storage elevation
 H = Depth of analysis

II. Detention Pond Volumes:

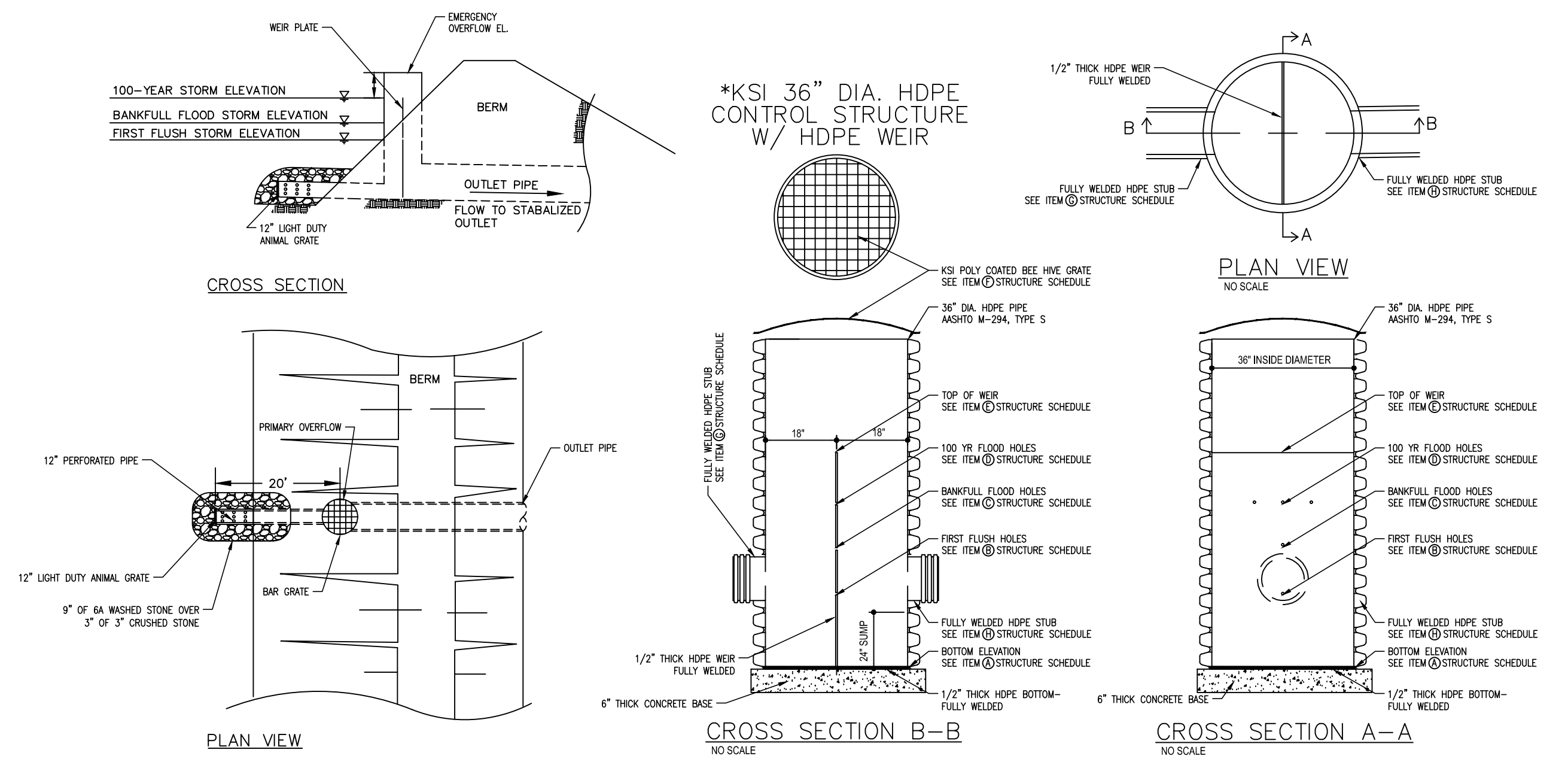
A. First Flush, Bankfull Flood and 100-year Storm Event

1. Contributing Area =	23.18 Ac.		
2. Developed Runoff Coefficient			
Area (A), Ac. Coefficient (C) A x C			
Rooftop / Asphalt Area	2.87 0.90 2.58		
Gravel Area	0.44 0.70 0.31		
Lawn/Landscaped Area	19.88 0.20 3.98		
Totals:	23.18 6.86		
Developed C =	$6.86 / 23.18 = 0.3$		
3. First Flush Volume:			
$V = (0.5'12) \times 43,560 \times 0.30 \times 23.18 =$	12622 CF		
4. 100-Year Flood Volume:			
$Q_A = (0.20 \times 23.18) =$	4.64 CFS		
$V_f =$	64714 CF		
B. Detention Volume Proposed			
Elev. Area (sf) Vol (cf) Acc. Vol (cf)			
Elev _o = 925.0	109756		
926.0	121484	60122	60122
927.0	139008	130246	190368
Total:		190368 CF	

The following interpolations determine the pond water elevations for the three different storm events:

100 Yr. Flood:	927.0 - 926.0 = x - 926.0	
	190368 - 60122 64714 - 60122	x = 926.04

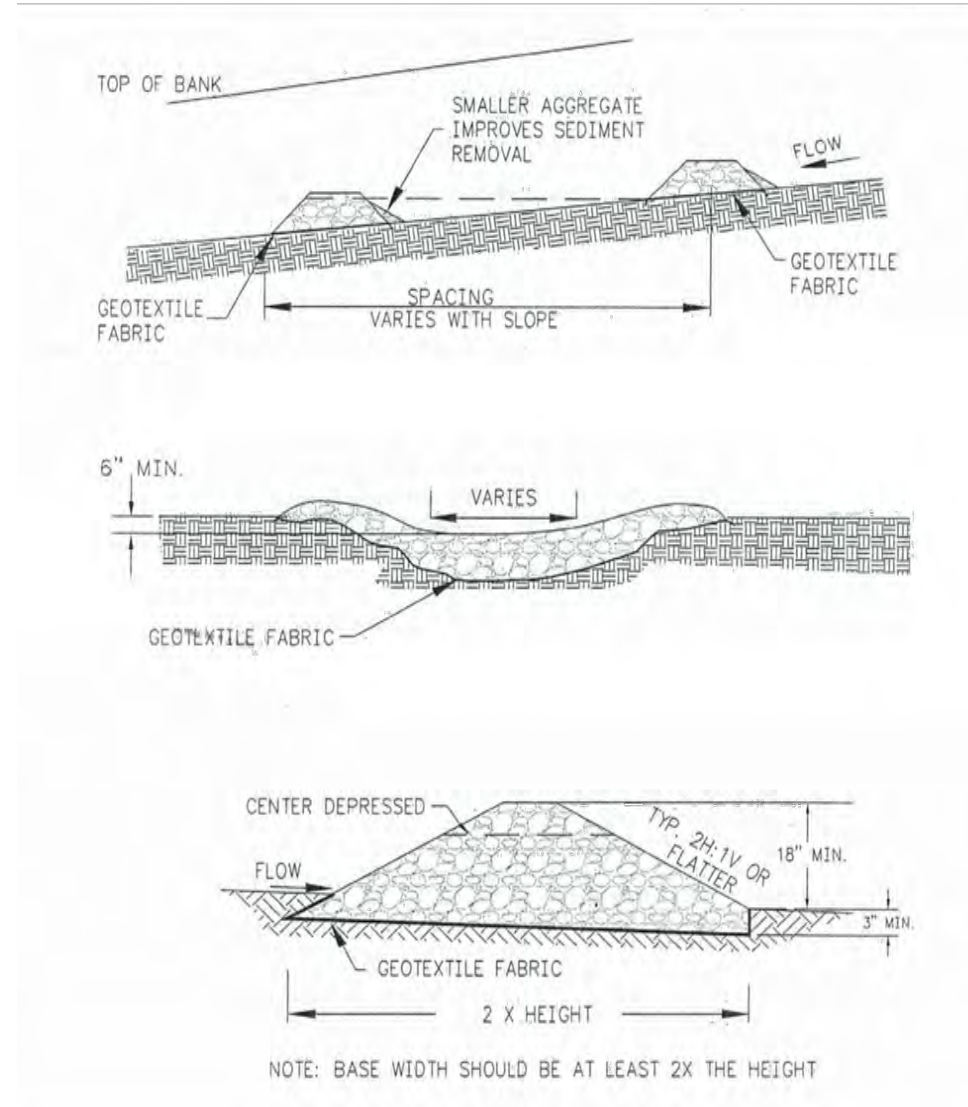
This yields a pond water elevation of 926.04 for the 100 Yr. Storm Event



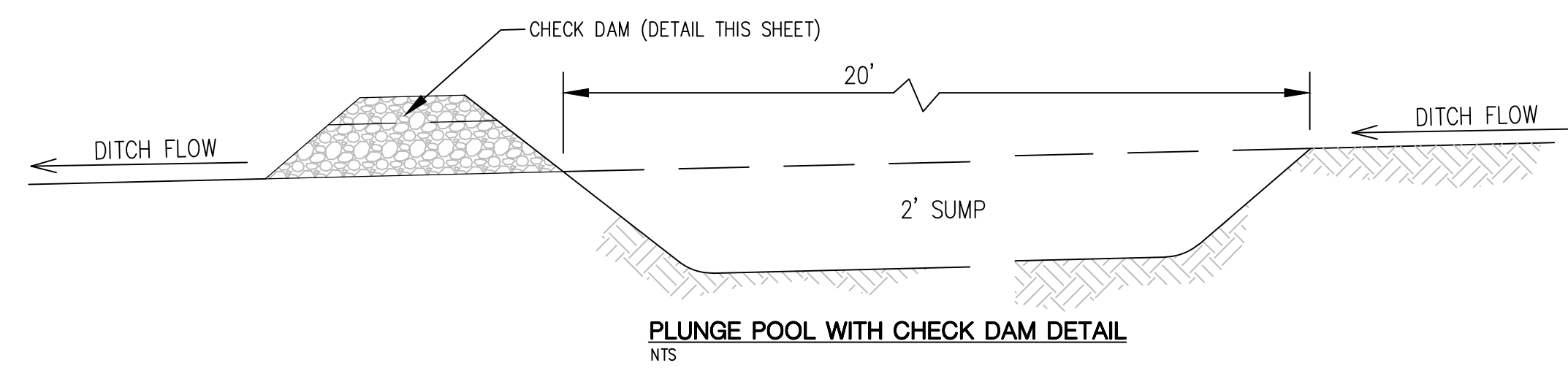
OUTLET STRUCTURE DETAIL

NOT TO SCALE

DETAIL PROVIDED BY THE FOLLOWING SUPPLIER:
KENNEDY SYSTEMS INC.(KSI) • 2111 SAGE LAKE ROAD • PRESCOTT, MICHIGAN 48756 • 800-699-4046
*OR ENGINEER APPROVED EQUAL



CHECK DAM DETAIL



PLUNGE POOL WITH CHECK DAM DETAIL

NTS

FILE:C:\Users\User\Desktop (Living)\Projects\2011\11216-2_Chestnut Springs\Site Plan\11216-2_05_SWMP.dwg



© 2018

LIVINGSTON ENGINEERING
CIVIL ENGINEERING SURVEYING PLANNING
3300 S. OLD U.S. BRIGHTON, MI 48114
PHONE: (810) 225-7100 FAX: (810) 225-7699
www.livingstoneng.com

Client
CHESTNUT DEVELOPMENT, LLC
680 GRAND RIVER AVE SUITE 700
BRIGHTON, MI 48114
810.588.3884

CHILSON RD, GENOA TWP, LIVINGSTON COUNTY, MICHIGAN
SITE PLAN
STORMWATER MANAGEMENT PLAN

Job No. 11216-2

Scale: Vertical: Horizontal: T = 1/8"

Date: 5/2/2018

REVISIONS

DATE	REVISIONS
5/23/2018	PER TWP CONSULTANT REVIEW COMMENTS
6/11/2018	PER TWP CONSULTANT REVIEW COMMENTS
6/20/2018	PER TWP REVIEW COMMENTS

Drawn: MJB
Checked:
Approved:
Date: 5/2/2018

05



2911 Dorr Road
Brighton, MI 48116
810.227.5225
810.227.3420 fax
genoa.org

Memorandum

TO: Planning Commissioners
FROM: Kelly VanMarter, Assistant Township Manager
DATE: July 5, 2018
RE: **Article 10 & Article 25 Amendments- S. Latson Area**

In the following pages you will find an updated version of the text amendments for the new S. Latson PUD districts (Art. 10) as well as an amended Definitions section (Art. 25). Revisions to the Campus PUD Section of Article 10 have been made in response to comments received at the June meeting and include making manufacturing and light industrial type land uses a special land use and the addition of “arenas, stadiums, and skating rinks” as a special use. I have also added a “compatible uses” section which allows for the flexibility of review and approval of other types of uses not specifically listed.

In the definitions section, amendments were made to ensure the “light industrial” and “research and development” definitions matched the intent of the Commission. The most recent changes are depicted in purple to help track the progression of the amendments. I’ve also included a clean version of the document because I recognize it is getting difficult to review with all the changes.

I look forward to discussing this with you on Monday. Please let me know if you have any questions.

Sincerely,

Kelly VanMarter

SUPERVISOR

Bill Rogers

CLERK

Paulette A. Skolarus

TREASURER

Robin L. Hunt

TRUSTEES

Jean W. Ledford

H. James Mortensen

Terry Croft

Diana Lowe

MANAGER

Michael C. Archinal

**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-seven~~ (57) 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, and two separate PUD Districts for the S. Latson Road interchange area. 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, and two interchange PUDs 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)
 - (c) [Interchange Commercial and Campus PUDs: the Township Board may waive the minimum lot area where the design elements of a proposed development are integrated into and consistent with the broader Latson Road Subarea Plans with compatible land uses](#)
- 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
Interchange Commercial PUD (ICPUD)	Separate zoning district	See Sec. 10.03.06 c	Special land uses of the General Commercial or Regional Commercial District, as may be approved by the Township, except those specifically listed in Sec. 10.03.06 c	Sec. 10.03.06
Interchange Campus PUD (CAPUD)	Separate zoning district	See Sec. 10.03.067 c	See Sec. 10.03.067 c	Sec. 10.03.067

(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 than 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 be 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.

10.03.06 Interchange Planned Unit Developments (Commercial and Campus)

(a) Intent. The intent of the Interchange PUDs is to promote comprehensive and long-term planning of appropriate land uses, innovative architectural design, high quality building materials, and a walkable environment for ~~visitors and travelers~~ pedestrians.

(b) Master Plan and Subarea Plans. All Interchange PUD proposals shall demonstrate conformance to the land use, site design, and access management strategies and recommendations contained within ~~of~~ the Genoa Township Master Plan and Subarea Plans.

(c) Land Use.

(1) ICPUD: permitted land uses include restaurants (fast food, sit-down, and take out), auto/gasoline service stations, retail/service, hotels, entertainment (movie theaters, indoor commercial recreation, etc.), conference centers, financial institutions, and offices. The Township may permit additional compatible uses as part of the approval process. The list of permitted uses proposed for a development shall be included in the PUD Agreement for review and approval by the Township. All proposed uses shall comply with the conditions of Section 7.02.02.

(2) CAPUD: The intent of the CAPUD district is to provide locations in the Township to accommodate offices, laboratories, and related "high tech" uses, involved in such activities as engineering, design, research and development, robotics research, prototype development, demonstration and display laboratories, testing laboratories, and other research and high technology activities of similar character and intensity. On a limited basis, complementary uses are permitted, such as restaurants that primarily serve employees in the immediate area.

It is intended that such uses be located in attractive buildings on amply landscaped, carefully planned sites, and preserving significant natural features. The activities of such uses do not generate offensive external impacts and oOperations that generate high levels of noise, heat or glare, air pollution, odors, wastewater, or truck traffic, are not considered appropriate in this district. The list of permitted uses proposed for a development shall be included in the PUD Agreement for review and approval by the Township.

The district is designed to provide sites for large scale offices that provide a scientific and educational research function or directly serve manufacturing uses or other industrial or commercial enterprises (and not the general public). Provision is also made for small and medium scale industrial uses within the context of business parks that will maintain the campus like setting. On a limited basis, complementary uses are permitted, such as restaurants that primarily serve employees in the immediate area.

a. Principal permitted uses include :

~~i. Research and development facilities, development, design, testing, technical training, and related activities for industrial, scientific, educational, and business enterprises.~~

~~ii. Research and support laboratories for research, development and testing.~~

~~Prototype manufacturing.~~

~~iii. Offices for the following occupations: executive, medical, dental, administrative, and professional, including architecture, planning, engineering and engineering sales.~~

~~Offices for the following occupations: Executive, administrative, and professional, including architecture, planning, engineering and engineering sales, but excluding medical and dental offices.~~

~~iv. Hospitals, clinics and medical research facilities.~~

~~v. Colleges, universities, and other institutions of higher learning.~~

~~vi. Corporate and technical education and training facilities.~~

~~vii. Multimedia production facilities.~~

~~viii. Microbrewer or small distiller.~~

~~ix. Data processing and computer centers, including computer programming and software development, training, and service of electronic data processing equipment.~~

~~Telecommunications companies engaged in electronic transfer, routing, and processing of information.~~

~~Prototype manufacturing facilities for engineering, laboratory, scientific, electronic, and research instruments and equipment.~~

~~Light industrial uses which have as an accessory function light manufacturing, assembly, fabrication, or machining from processed materials, where such activities involve high technology industrial uses such as, but not limited to: Agricultural technology, biological or pharmaceutical research, software technology, telecommunications, biomedical~~

~~technology, fluid transfer and handling, defense and aerospace technology, and other emerging high technology industries.~~

- x. Essential public services and structures, not including buildings and storage yards.
- xi. Accessory uses, buildings, and structures customarily incidental to any of the above. —Examples include security work, administration offices, and storage and distribution incidental to the primary use of the site.

b. Special land uses include:

- i. Any permitted use over 540,000 square feet.
- ii. Prototype manufacturing facilities for engineering, laboratory, scientific, electronic, and research instruments and equipment.
- iii. Light industrial uses where activities involve high technology research and development type uses.

~~Light Industrial uses including wholesale and warehousing uses as well as those enterprises engaged in the processing, manufacturing, compounding, assembly, packaging, treatment, or fabrication of materials and products, from processed or previously manufactured materials to form a non-combustible and non-explosive product.~~

iv. Indoor commercial recreation or fitness centers (excluding dome structures).

v. Arenas, stadiums, and skating rinks.

~~Wireless communication facilities.~~

vi. Accessory restaurants, personal and business service uses that are intended to primarily serve the occupants and patrons of the principal use; provided that, any such uses shall be an incidental use. Permitted accessory restaurant and service uses shall be limited to the following:

1. Personal and business service establishments as identified in Table 7.02 that are intended to serve workers and visitors in the district, such as dry cleaning establishments, travel agencies, tailor shops, and similar establishments.
2. Restaurants, cafeterias, and other places serving food and beverages for consumption within the building, which are permitted by right in the NSD.

c. Compatible -Uses: A land use which is not cited by name as a permitted or special land use may be permitted upon determination by the

Township Board, following a recommendation by the Planning Commission that such use is clearly similar in nature and ~~A use having the same character and intensity as those uses listed in this district as either principal permitted uses or special land uses.~~ In making such a determination, all of the following shall be considered:

- i. Specific characteristics of the use in question shall be compared with the characteristics of the uses which are permitted. Such characteristics shall include, but are not limited to, truck and vehicular traffic generation, types of services offered, types of goods produced, methods of operation, impacts from noise, air contaminants, odor, heat, fire hazards, and water contaminants, and building and site characteristics.
- ii. The proposed use shall be compatible and in accordance with the goals, objectives and policies of the Genoa Township Master Plan and promote the intent of the development agreement and Section 10.03.06.
- iii. The land use shall not impair the use and development of other nearby properties.
- iv. If a proposed use is determined to be similar to and compatible with uses in the district the Planning Commission shall decide whether the proposed use shall be permitted by right, as a special land use, or as a permitted accessory use. The Planning Commission shall have the authority to establish additional standards and conditions under which a use may be permitted in the district.

~~upon finding by the Township Board that any such proposed use, if permitted, would be consistent with the purpose and intent of the development agreement and would not impair the use and development of other nearby properties.~~

d. Required conditions. Except as otherwise noted, buildings and uses in the CAPUD shall comply with the following requirements:

- i. All uses and business activities shall comply with the use conditions of 7.02.02, 8.02.02, and the performance standards in article 13.05.
- ii. All business activity shall be conducted within a completely enclosed building, unless otherwise specified. Outdoor storage shall be prohibited, and any storage must be clearly accessory to the principal permitted use.
- iii. Notwithstanding the limitations on outside storage, commercially used or licensed vehicles used in the normal operation of a permitted use may be parked on the site in the rear only.

~~medical and dental offices, hospitals, professional office, colleges, universities and specialized training, and indoor commercial recreation.~~

Special land uses shall include indoor commercial recreation (excluding dome structures) and 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.~~

~~Restaurants (those permitted by right in the NSD) and professional and business service establishments (as identified in Table 7.02) are allowed, but must be ancillary to a principal permitted use or special land use.~~

(d) Dimensional Standards: All buildings, structures, accessory structures and parking areas shall meet the minimum setback standards of the Industrial District for the CAPUD and the Regional Commercial District for the ICPUD as specified in the Table of Dimensional Standards, along the exterior boundaries of the site. Internal setbacks and maximum building height shall be determined by the Planning Commission during review of the PUD concept plan. To encourage flexibility and creativity consistent with the intent of the PUD, the Township may permit specific departures from the dimensional 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.

(e) Site Design. All Interchange PUD proposals shall comply with the standards of Section 10.03.05 e above.

(f) Architecture. All Interchange PUD proposals shall comply with the standards of Section 10.03.05 f above. The Planning Commission may allow for alternative innovative high quality exterior façade materials such as fiber cement and metal panels for buildings in the CAPUD district to create a research and office-park environment provided that the 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.

~~Architecture. All Interchange PUD proposals shall comply with the standards of Section 10.03.05 f above.~~

(g) Access Management and Connectivity.

(1) ICPUD:

- a. No access points other than Beck Road are permitted along South Latson Road between the interchange and the rail line.
- b. Development shall incorporate shared access points to limit the number of driveways along Beck Road and shall comply with Section 15.06 Access Management.
- c. Acceptable road levels of service (LOS) shall be maintained by careful access management strategies and road improvements.
- a-d. Sites shall be designed to incorporate cross-access easements and connectivity for vehicular, bicycle, and foot traffic.

(2) CAPUD:

- a. The primary access to the area west of South Latson Road, south of the railroad, shall be aligned with Sweet Road.
 - b. Secondary access points shall be limited and/or restricted. Restricted driveways shall be designed to be intuitive with minimal signage. All access points shall be aligned with access points across the road and shall be separated from other intersections and access points on the same side of the road by at least 500 feet.
 - c. Sites shall be designed to incorporate frontage roads, service roads, and cross-access easements to allow connectivity for vehicular, bicycle, and foot traffic. The use of landscaped boulevards is encouraged.
- (h) 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 adjacent properties where appropriate and concepts for the layout, size, and phasing of utilities, which shall include water, sanitary sewer and stormwater controls.
- (i) Future Transition Area. Appropriately timed incremental southward expansion of the CAPUD is anticipated. Evaluation factors for expansion include the following considerations:
- (1) The amount and capacity of undeveloped land remaining within the growth framework areas shall be analyzed and a determination shall be made that additional land area is needed to justify, which shall be used to satisfy the demand for development prior to expanding boundaries.
 - (2) Projected population growth within the Township and demand for additional land areas for development.
 - (3) Present and planned sanitary sewer capacity.
 - (4) The capacity and condition of the road system.
 - (5) The ability of the Township, County and other public agencies to provide necessary services to the new growth areas and the additional resulting population.
 - (6) Impact on public health, safety and welfare.
 - (7) Changes to conditions considered at the time of the subarea plan.
 - (8) Inclusion of integrated open space for active and passive recreation.
 - (9) Environmental constraints and sensitivity.
 - (10) Adverse impact to adjacent or nearby property.
 - (11) Sensitive transitions to residential and agricultural land can be achieved.
 - (12) Other relevant criteria deemed appropriate by the Township.

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 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 seven (7) types of PUD: a residential overlay, a planned industrial/corporate district, a mixed use PUD district, a redevelopment PUD, a non-residential PUD District, and two separate PUD Districts for the S. Latson Road interchange area. 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, non-residential PUD, and two interchange PUDs 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)
 - (c) Interchange Commercial and Campus PUDs: the Township Board may waive the minimum lot area where the design elements of a proposed development are integrated into and consistent with the broader Latson Road Subarea Plans with compatible land uses
- 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
Interchange Commercial PUD (ICPUD)	Separate zoning district	See Sec. 10.03.06 c	Special land uses of the General Commercial or Regional Commercial District, as may be approved by the Township, except those specifically listed in Sec. 10.03.06 c	Sec. 10.03.06
Interchange Campus PUD (CAPUD)	Separate zoning district	See Sec. 10.03.06 c	See Sec. 10.03.06 c	Sec. 10.03.06

(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 than 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 be 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.

10.03.06 Interchange Planned Unit Developments (Commercial and Campus)

- (a) Intent. The intent of the Interchange PUDs is to promote comprehensive and long-term planning of appropriate land uses, innovative architectural design, high quality building materials, and a walkable environment for pedestrians.

- (b) Master Plan and Subarea Plans. All Interchange PUD proposals shall demonstrate conformance to the land use, site design, and access management strategies and recommendations contained within the Genoa Township Master Plan and Subarea Plans.

- (c) Land Use.

- (1) ICPUD: permitted land uses include restaurants (fast food, sit-down, and take out), auto/gasoline service stations, retail/service, hotels, entertainment (movie theaters, indoor commercial recreation, etc.), conference centers, financial institutions, and offices. The Township may permit additional compatible uses as part of the approval process. The list of permitted uses proposed for a development shall be included in the PUD Agreement for review and approval by the Township. All proposed uses shall comply with the conditions of Section 7.02.02.

- (2) CAPUD: The intent of the CAPUD district is to provide locations in the Township to accommodate offices, laboratories, and related "high tech" uses, involved in such activities as engineering, design, research and development, robotics research, prototype development, demonstration and display laboratories, testing laboratories, and other research and high technology activities of similar character and intensity. On a limited basis, complementary uses are permitted, such as restaurants that primarily serve employees in the immediate area.

It is intended that such uses be located in attractive buildings on amply landscaped, carefully planned sites, and preserving significant natural features. The activities of such uses do not generate offensive external impacts and operations that generate high levels of noise, heat or glare, air pollution, odors, wastewater, or truck traffic, are not considered appropriate in this district. The list of permitted uses proposed for a development shall be included in the PUD Agreement for review and approval by the Township.

- a. Principal permitted uses include :

- i. Research and development facilities.

- ii. Research and support laboratories.

- iii. Offices for the following occupations: executive, medical, dental, administrative, and professional, including architecture, planning, engineering and engineering sales.

- iv. Hospitals, clinics and medical research facilities.
 - v. Colleges, universities, and other institutions of higher learning.
 - vi. Corporate and technical education and training facilities.
 - vii. Multimedia production facilities.
 - viii. Microbrewer or small distiller.
 - ix. Data processing and computer centers, including computer programming and software development, training, and service of electronic data processing equipment.
 - x. Essential public services and structures, not including buildings and storage yards.
 - xi. Accessory uses, buildings, and structures customarily incidental to any of the above. Examples include security work, administration offices, and storage and distribution incidental to the primary use of the site.
- b. Special land uses include:
- i. Any permitted use over 40,000 square feet.
 - ii. Prototype manufacturing facilities for engineering, laboratory, scientific, electronic, and research instruments and equipment.
 - iii. Light industrial uses where activities involve high technology research and development type uses.
 - iv. Indoor commercial recreation or fitness centers (excluding dome structures).
 - v. Arenas, stadiums, and skating rinks.
 - vi. Accessory restaurants, personal and business service uses that are intended to primarily serve the occupants and patrons of the principal use; provided that, any such uses shall be an incidental use. Permitted accessory restaurant and service uses shall be limited to the following:
 - 1. Personal and business service establishments as identified in Table 7.02 that are intended to serve workers and visitors in the district, such as dry cleaning establishments, travel agencies, tailor shops, and similar establishments.
 - 2. Restaurants, cafeterias, and other places serving food and beverages which are permitted by right in the NSD.

- c. Compatible Uses: A land use which is not cited by name as a permitted or special land use may be permitted upon determination by the Township Board, following a recommendation by the Planning Commission that such use is clearly similar in nature and has the same character and intensity as those uses listed in this district as either principal permitted uses or special land uses. In making such a determination, all of the following shall be considered:
 - i. Specific characteristics of the use in question shall be compared with the characteristics of the uses which are permitted. Such characteristics shall include, but are not limited to, truck and vehicular traffic generation, types of services offered, types of goods produced, methods of operation, impacts from noise, air contaminants, odor, heat, fire hazards, and water contaminants, and building and site characteristics.
 - ii. The proposed use shall be compatible and in accordance with the goals, objectives and policies of the Genoa Township Master Plan and promote the intent of the development agreement and Section 10.03.06.
 - iii. The land use shall not impair the use and development of other nearby properties.
 - iv. If a proposed use is determined to be similar to and compatible with uses in the district the Planning Commission shall decide whether the proposed use shall be permitted by right, as a special land use, or as a permitted accessory use. The Planning Commission shall have the authority to establish additional standards and conditions under which a use may be permitted in the district.
 - d. Required conditions. Except as otherwise noted, buildings and uses in the CAPUD shall comply with the following requirements:
 - i. All uses and business activities shall comply with the use conditions of 7.02.02, 8.02.02, and the performance standards in article 13.05.
 - ii. All business activity shall be conducted within a completely enclosed building, unless otherwise specified. Outdoor storage shall be prohibited, and any storage must be clearly accessory to the principal permitted use.
 - iii. Notwithstanding the limitations on outside storage, commercially used or licensed vehicles used in the normal operation of a permitted use may be parked on the site in the rear only.
- (d) Dimensional Standards: All buildings, structures, accessory structures and parking areas shall meet the minimum setback standards of the Industrial District for the CAPUD and the Regional Commercial District for the ICPUD as specified in the Table of Dimensional Standards, along the exterior boundaries of the site. Internal setbacks and maximum building height shall be determined by the Planning Commission during review of the PUD concept plan. To encourage flexibility and creativity consistent with the intent of the PUD, the Township may permit specific departures from the dimensional

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.

- (e) Site Design. All Interchange PUD proposals shall comply with the standards of Section 10.03.05 e above.
- (f) Architecture. All Interchange PUD proposals shall comply with the standards of Section 10.03.05 f above. The Planning Commission may allow for alternative innovative high quality exterior façade materials such as fiber cement and metal panels for buildings in the CAPUD district to create a research and office-park environment provided that the 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.
- (g) Access Management and Connectivity.

(1) ICPUD:

- a. No access points other than Beck Road are permitted along South Latson Road between the interchange and the rail line.
- b. Development shall incorporate shared access points to limit the number of driveways along Beck Road and shall comply with Section 15.06 Access Management.
- c. Acceptable road levels of service (LOS) shall be maintained by careful access management strategies and road improvements.
- d. Sites shall be designed to incorporate cross-access easements and connectivity for vehicular, bicycle, and foot traffic.

(2) CAPUD:

- a. The primary access to the area west of South Latson Road, south of the railroad, shall be aligned with Sweet Road.
- b. Secondary access points shall be limited and/or restricted. Restricted driveways shall be designed to be intuitive with minimal signage. All access points shall be aligned with access points across the road and shall be separated from other intersections and access points on the same side of the road by at least 500 feet.
- c. Sites shall be designed to incorporate frontage roads, service roads, and cross-access easements to allow connectivity for vehicular, bicycle, and foot traffic. The use of landscaped boulevards is encouraged.

- (h) 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 adjacent properties where appropriate and concepts for the

layout, size, and phasing of utilities, which shall include water, sanitary sewer and stormwater controls.

- (i) Future Transition Area. Appropriately timed incremental southward expansion of the CAPUD is anticipated. Evaluation factors for expansion include the following considerations:
 - (1) The amount and capacity of undeveloped land remaining within the growth framework areas shall be analyzed and a determination shall be made that additional land area is needed to justify expanding boundaries.
 - (2) Projected population growth within the Township and demand for additional land areas for development.
 - (3) Present and planned sanitary sewer capacity.
 - (4) The capacity and condition of the road system.
 - (5) The ability of the Township, County and other public agencies to provide necessary services to the new growth areas and the additional resulting population.
 - (6) Impact on public health, safety and welfare.
 - (7) Changes to conditions considered at the time of the subarea plan.
 - (8) Inclusion of integrated open space for active and passive recreation.
 - (9) Environmental constraints and sensitivity.
 - (10) Adverse impact to adjacent or nearby property.
 - (11) Sensitive transitions to residential and agricultural land can be achieved.
 - (12) Other relevant criteria deemed appropriate by the Township.

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 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 installation.

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.

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.

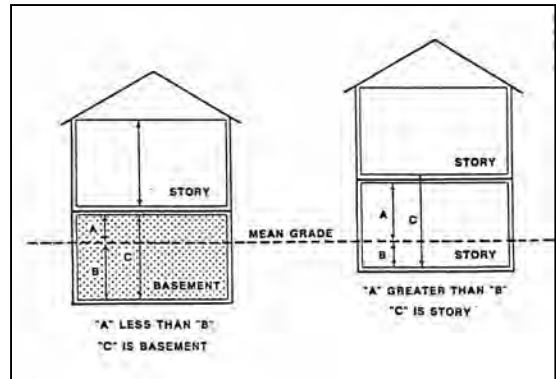


Figure 25.1 Basement

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).

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)

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.

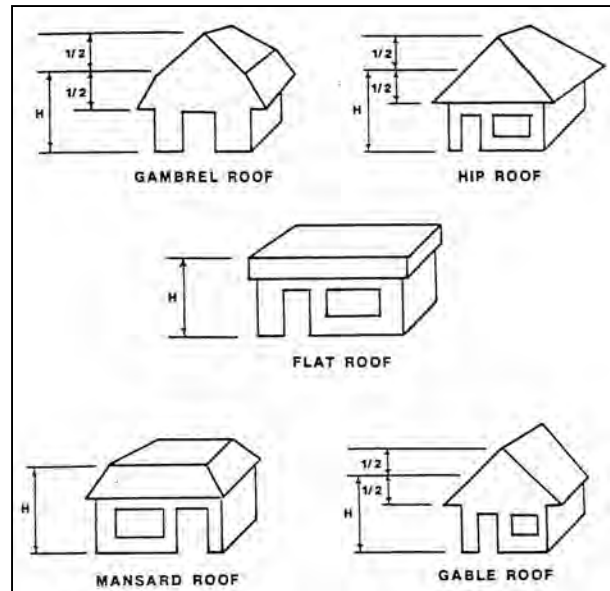


Figure 25.2 Building Height

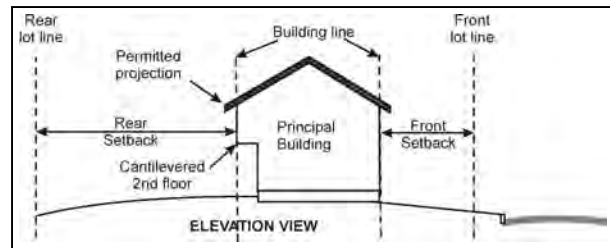


Figure 25.3 Building Line

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).

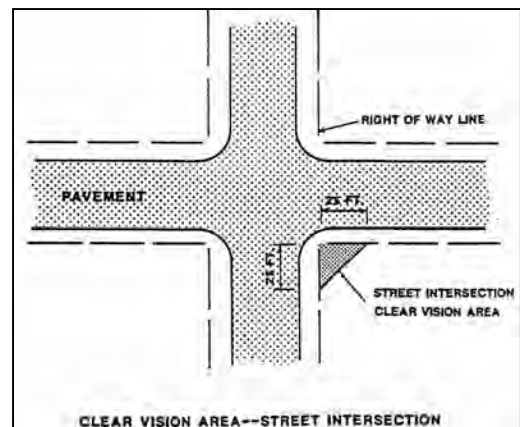


Figure 25.4 Clear Vision Area

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)

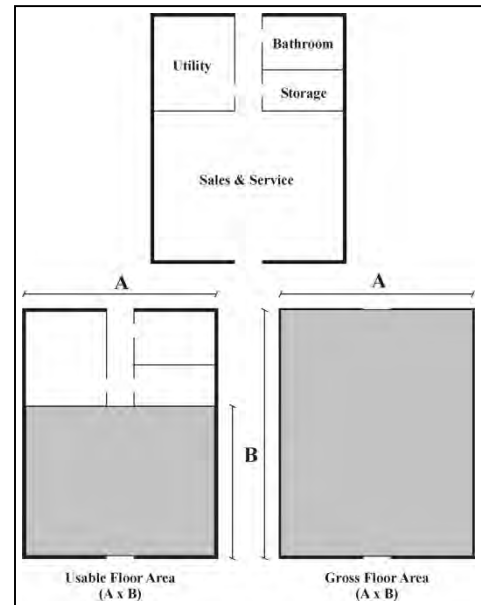


Figure 25.5 Floor Area

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).

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.

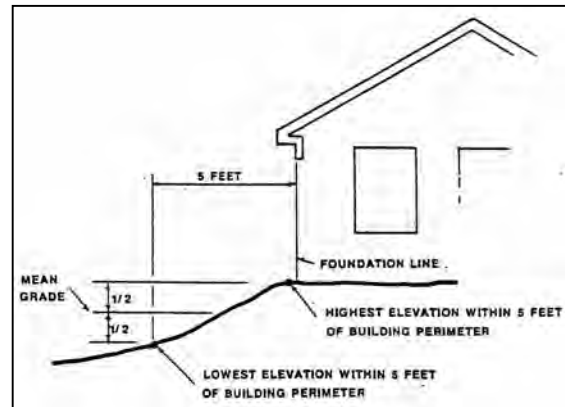


Figure 25.6 Measurement of Mean Grade

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.

Industrial: Land uses which primarily accommodate research, wholesale and warehouse activities, manufacturing, compounding, processing, packaging, fabrication, assembly and/or treatment of finished or semi-finished products from previously prepared material and the extraction (mining) or processing of raw material for shipment in bulk form, to be used in an industrial operation at another location.

Industrial, light: Any operation which assembles, improves, treats, compounds, or packages previously prepared or processed goods or materials in a manner which does not create a noticeable amount of noise, dust, odor, smoke, glare or vibration outside of the building in which the activity takes place, which does not require outside storage of goods or materials, and which does not generate objectionable amounts of truck traffic. Those enterprises engaged in the processing, manufacturing, compounding, assembly, packaging, treatment, or fabrication of materials and products, from processed or previously manufactured materials to form a non-combustible and non-explosive product. Light industry is capable of operation in such a manner as to control the external effects of the manufacturing process, such as smoke, noise, soot, dirt, vibration, odor, etc. A machine shop is included in this category. Also included is the manufacturing of apparel, electrical appliances, electronic equipment, camera and photographic equipment, ceramic products, cosmetics and toiletries, business machines, fish tanks and supplies, food, paper products (but not the manufacture of paper from pulpwood), musical instruments, medical appliances, tools or hardware, plastic products (but not the processing of raw materials), pharmaceuticals or optical goods, bicycles, and any other product of a similar nature. Warehousing, wholesaling, and distribution of the finished products produced at the site is allowed as part of the use.

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)

Laboratory, research: A facility for scientific laboratory research in technology-intensive fields. Examples include but are not limited to biotechnology, pharmaceuticals, genetics, plastics, polymers, resins, coatings, fibers, fabrics, films, heat transfer, and radiation research facilities.

Laboratory, support: A facility for scientific laboratory analysis of natural resources, medical resources, and manufactured materials. The scientific analysis is generally performed for an outside customer, to support the work of that customer. This category includes but is not limited to environmental laboratories for the analysis of air, water, and soil; medical or veterinary laboratories for the analysis of blood, tissue, or other human medical or animal products. Forensic laboratories for analysis of evidence in support of law enforcement agencies would also be included in this category.

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)

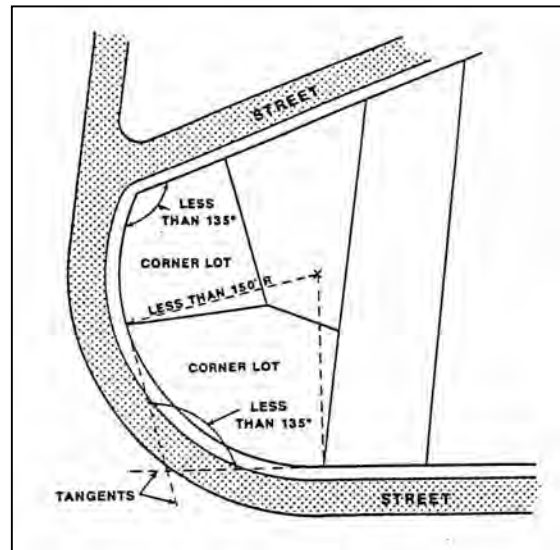


Figure 25.7 Lot, Corner Measurements

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).

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).

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

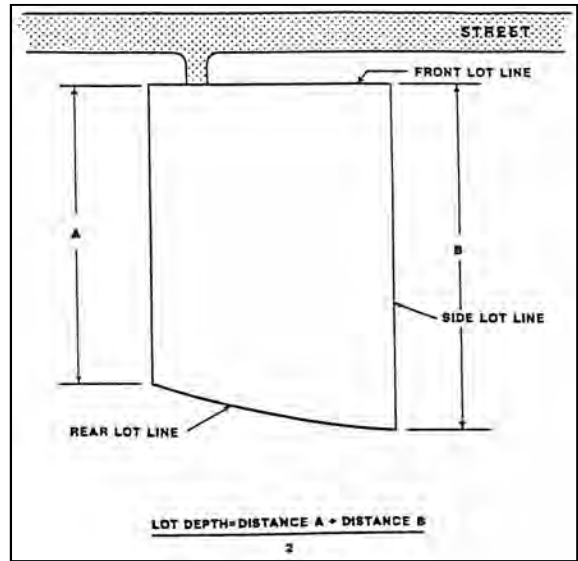


Figure 25.8 Lot Depth Measurement

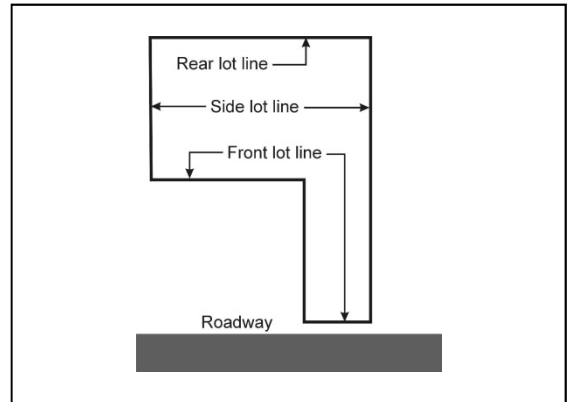


Figure 25.9 Flag-lot Lot Lines

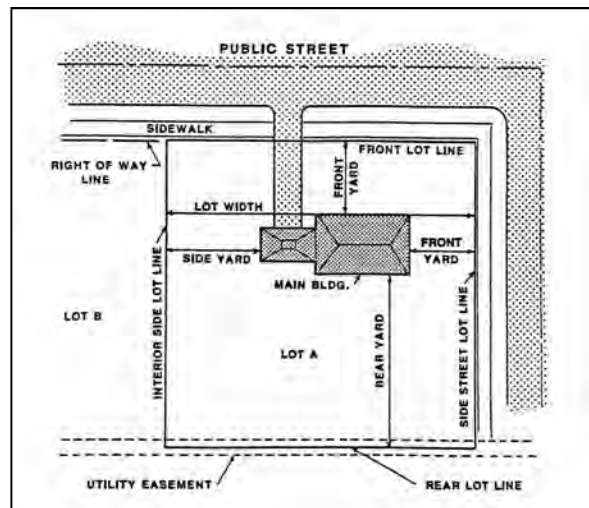


Figure 25.10 Lot Lines and Yards Measurement (Note: Yards May Not Always Equal Required Setbacks)

features affecting site design.

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.

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.

Microbrewer: A brewer that produces in total less than 60,000 barrels of beer per year and that may sell the beer produced to consumers at the licensed brewery premises for consumption on or off the licensed brewery premises and to retailers as provided by State Law.

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.

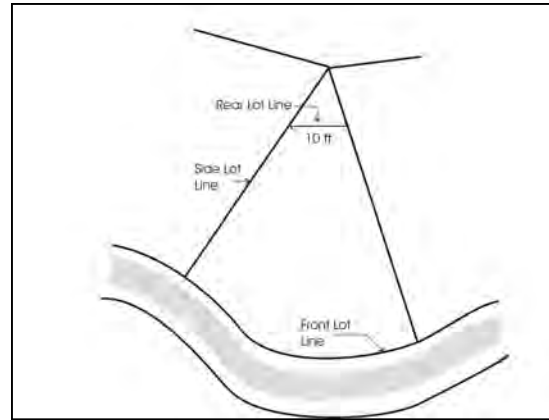


Figure 25.11 Rear Lot Line on Triangular Lot

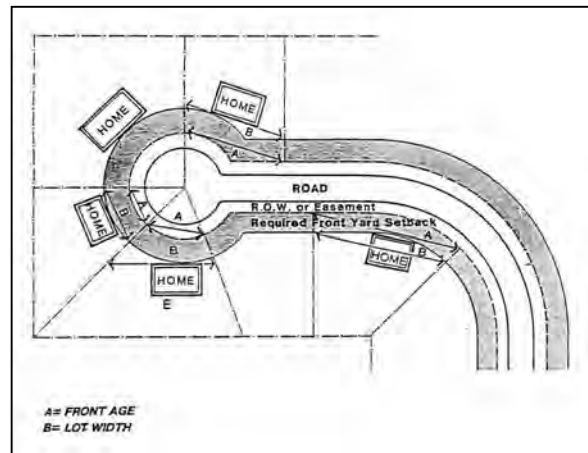


Figure 25.12 Lot Width on Curvilinear Streets

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.

Multimedia production facility: Land, buildings, or structures used as a media production facility. Typically, structures involved in or with the production of (but not limited to): motion pictures; radio and television shows or movies; recording or broadcasting facilities; and other motion picture production and distribution service offices.

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, (l) heat, (k) electronic or atomic radiation, (l) objectionable effluent, (m) noise of congregation of people, particularly at night, (n) passenger traffic, (o) invasion of non-abutting street frontage by traffic.

Office: A building or portion of a building wherein services are performed involving predominantly administrative, professional, or clerical operations.

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.

Outside Vendor: Any person firm or corporation, whether as owner, agent, consignee or employee selling or offering to sell, displaying for sale, demonstrating, distributing samples of or soliciting or taking orders for any goods or services or offering merchandise or services from a place at which they do not formally own, lease or occupy space in a principal building on the same property. (added 6/2/14)

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.

Prototype manufacturing: Research and development land uses that require manufacturing and production activities that lead to the development of a new product or a new manufacturing and assembly process. The products developed, manufactured or assembled are not intended to be mass-produced.

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.

Research and development: A land use that engages in research and development, or controlled production of high-technology electronic, industrial, or scientific products or commodities. Examples include computer hardware and software, electronics and instrumentation, communications and information technology, biotechnology, pharmaceuticals, agricultural technology, medical instrumentation or supplies, transportation, geographic information systems, defense and aerospace technology, multimedia and video technology and other emerging high technology industries. Activities associated with these uses may include development, testing, assembly, repair, manufacturing, prototype construction, and office. Limited accessory warehousing, wholesaling, and distribution of the finished products produced at the site may also be provided. Such uses do not involve the mass manufacture, fabrication, processing or sale of products.

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).

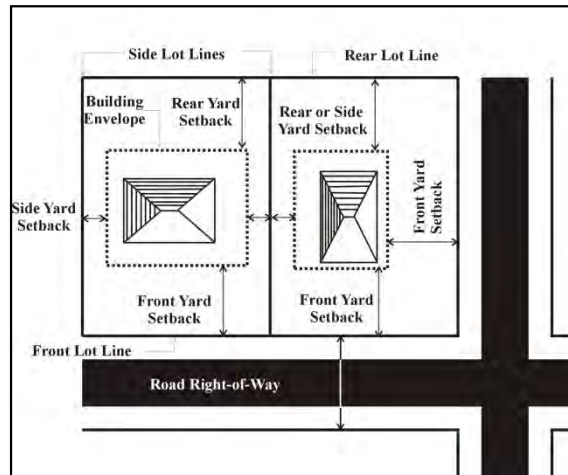


Figure 25.13 Setbacks

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.

Small distiller: A manufacturer of spirits annually manufacturing in Michigan not exceeding 60,000 gallons of spirits, of all brands combined.

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.

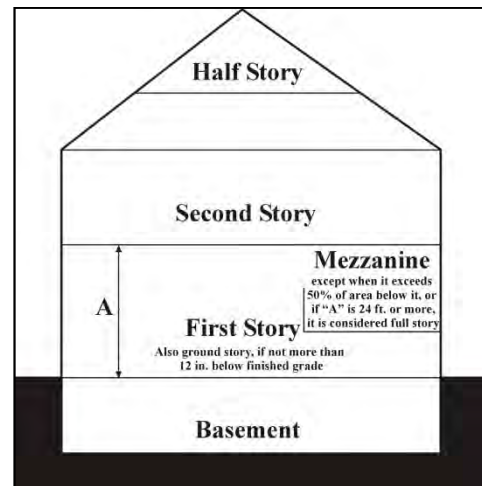


Figure 25.14 Story

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 outdoor sales and Temporary outdoor events: Those accessory outdoor business activities which are intended to occur outside the primary structure on a developed lot and are established for a fixed period of time with the intent to discontinue such use upon the expiration of such time and which does not involve the construction or alteration of any permanent structure.

- a. **Temporary outdoor sales:** Those outdoor business activities which sell or offer for sale, barter or exchange any goods, wares, service, merchandise or food stuff of any kind on private and public property and include but are not limited to seasonal sale of merchandise related to holidays, sidewalk sales, or promotional events. Any merchandise sold or service provided shall be that of the regular use in the principal building of the site for which proof of tenant occupancy has been provided.
- b. **Temporary outdoor events:** Non-commercial, non-profit events which do not involve sales and can include but are not limited to motor vehicle shows, animal shows and other activities open to the general public. (added 6/2/14)

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)

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.

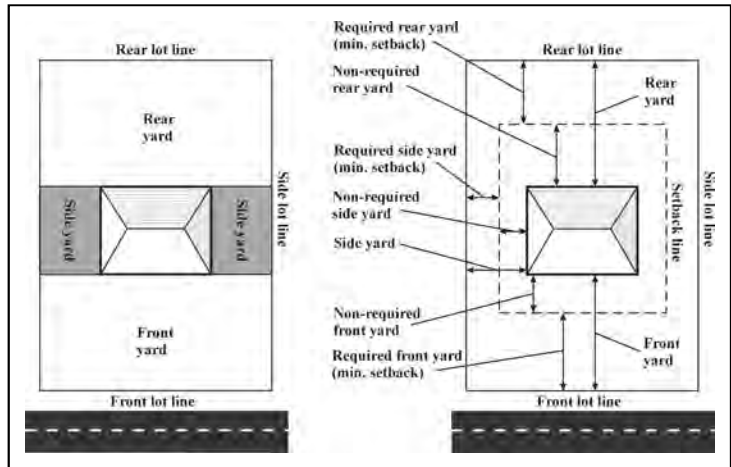


Figure 25.15 Yards

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)

**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 installation.

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.

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.

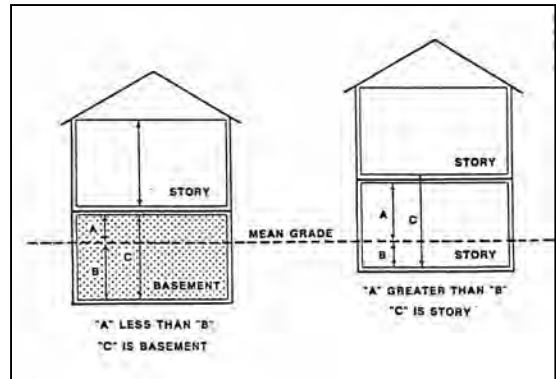


Figure 25.1 Basement

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).

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)

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.

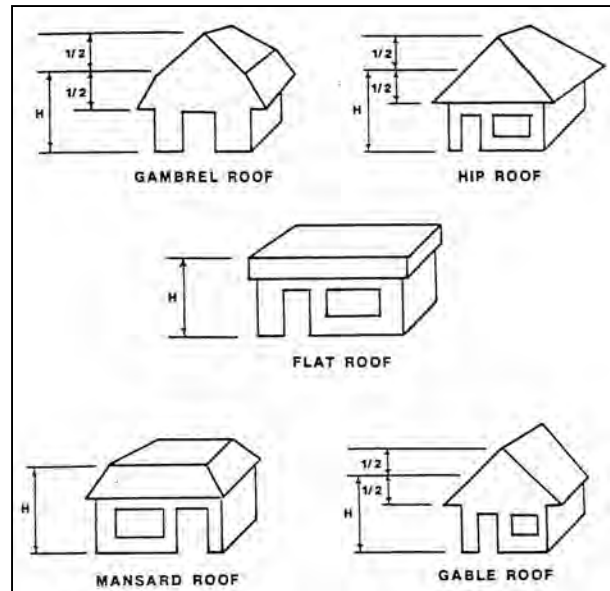


Figure 25.2 Building Height

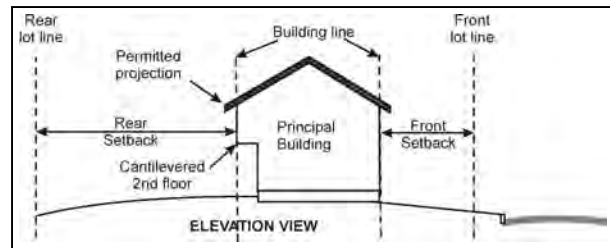


Figure 25.3 Building Line

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)

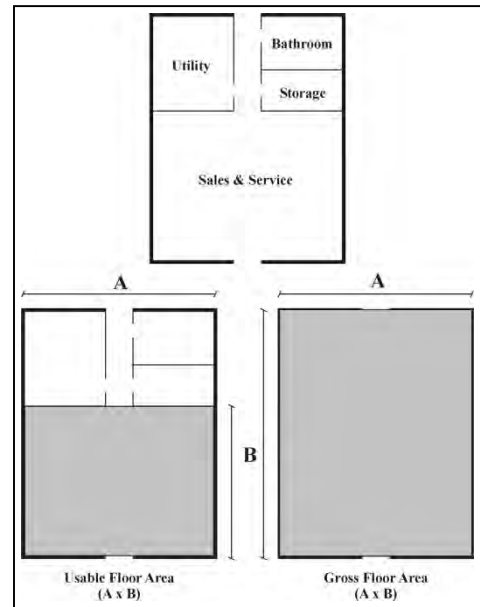


Figure 25.5 Floor Area

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).

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.

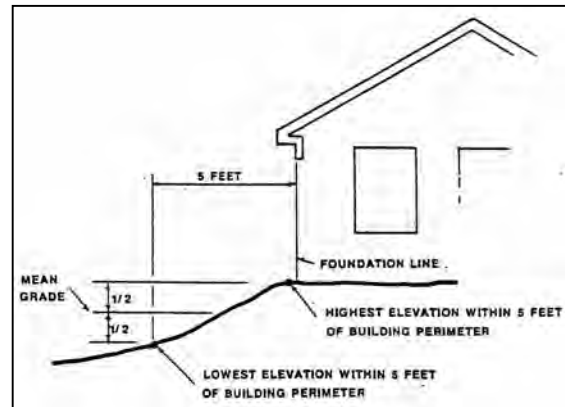


Figure 25.6 Measurement of Mean Grade

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.

Industrial: Land uses which primarily accommodate research, wholesale and warehouse activities, manufacturing, compounding, processing, packaging, fabrication, assembly and/or treatment of finished or semi-finished products from previously prepared material and the extraction (mining) or processing of raw material for shipment in bulk form, to be used in an industrial operation at another location.

Industrial, light: Any operation which assembles, improves, treats, compounds, or packages previously prepared or processed goods or materials in a manner which does not create a noticeable amount of noise, dust, odor, smoke, glare or vibration outside of the building in which the activity takes place, which does not require outside storage or goods or materials, and which does not generate objectionable amounts of truck traffic.

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)

Laboratory, research: A facility for scientific laboratory research in technology-intensive fields. Examples include but are not limited to biotechnology, pharmaceuticals, genetics, plastics, polymers, resins, coatings, fibers, fabrics, films, heat transfer, and radiation research facilities.

Laboratory, support: A facility for scientific laboratory analysis of natural resources, medical resources, and manufactured materials. The scientific analysis is generally performed for an outside customer, to support the work of that customer. This category includes but is not limited to environmental laboratories for the analysis of air, water, and soil; medical or veterinary laboratories for the analysis of blood, tissue, or other human medical or animal products. Forensic laboratories for analysis of evidence in support of law enforcement agencies would also be included in this category.

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.

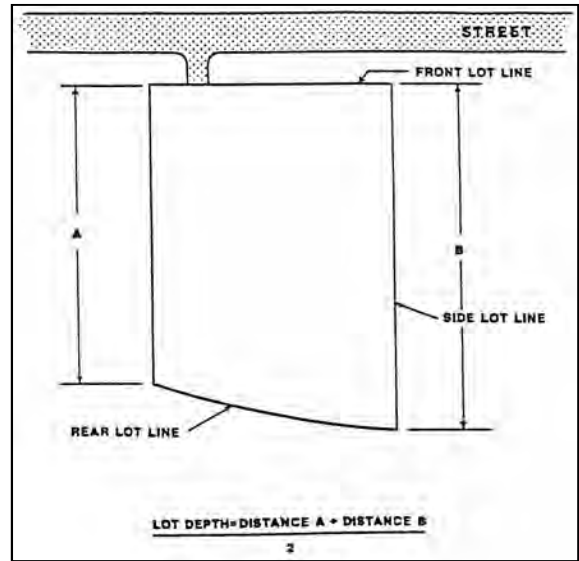


Figure 25.8 Lot Depth Measurement

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)

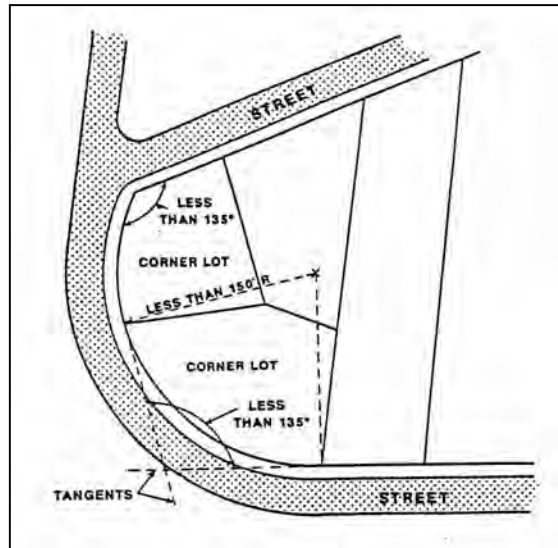


Figure 25.7 Lot, Corner Measurements

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).

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).

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.

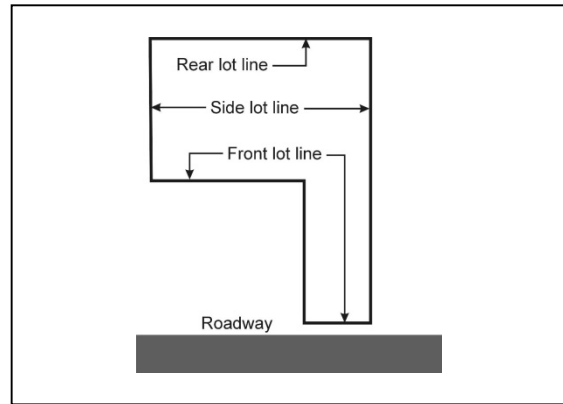


Figure 25.9 Flag-lot Lot Lines

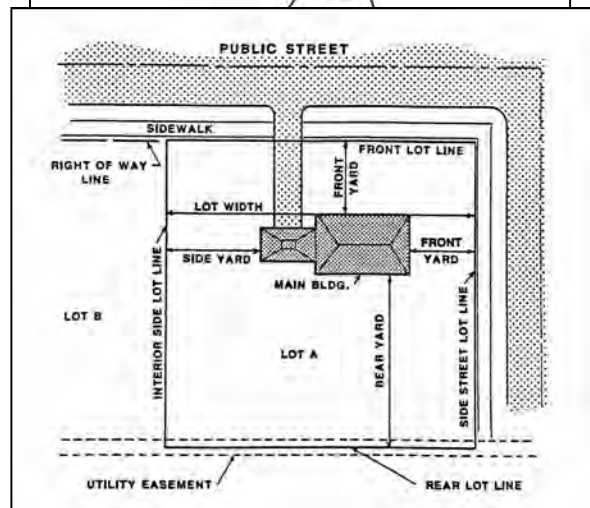
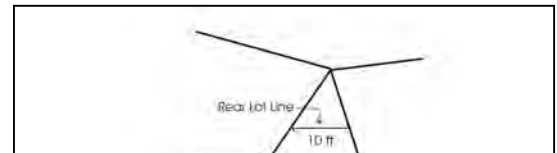


Figure 25.10 Lot Lines and Yards Measurement (Note: Yards May Not Always Equal Required Setbacks)

Lot of Record: A parcel of land, the dimensions of which are shown on, 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.

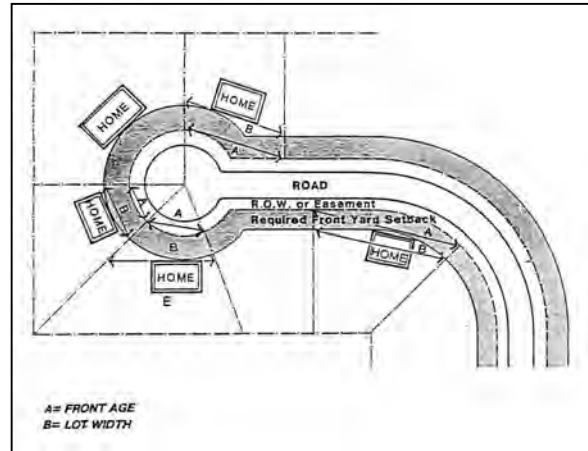


Figure 25.12 Lot Width on Curvilinear Streets

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.

Microbrewer: A brewer that produces in total less than 60,000 barrels of beer per year and that may sell the beer produced to consumers at the licensed brewery premises for consumption on or off the licensed brewery premises and to retailers as provided by State Law.

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.

Multimedia production facility: Land, buildings, or structures used as a media production facility. Typically, structures involved in or with the production of (but not limited to): motion pictures; radio and television shows or movies; recording or broadcasting facilities; and other motion picture production and distribution service offices.

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, (l) heat, (k) electronic or atomic radiation, (l) objectionable effluent, (m) noise of congregation of people, particularly at night, (n) passenger traffic, (o) invasion of non-abutting street frontage by traffic.

Office: A building or portion of a building wherein services are performed involving predominantly administrative, professional, or clerical operations.

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.

Outside Vendor: Any person firm or corporation, whether as owner, agent, consignee or employee selling or offering to sell, displaying for sale, demonstrating, distributing samples of or soliciting or taking orders for any goods or services or offering merchandise or services from a place at which they do not formally own, lease or occupy space in a principal building on the same property. (added 6/2/14)

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.

Prototype manufacturing: Research and development land uses that require manufacturing and production activities that lead to the development of a new product or a new manufacturing and assembly process. The products developed, manufactured or assembled are not intended to be mass-produced.

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.

Research and development: A land use that engages in research and development of high-technology products or commodities. Examples include computer hardware and software, electronics and instrumentation, communications and information technology, biotechnology, pharmaceuticals, agricultural technology, medical instrumentation or supplies, transportation, geographic information systems, defense and aerospace technology, multimedia and video technology and other emerging high technology industries. Activities associated with these uses may include development, testing, assembly, repair, , and office. Limited accessory warehousing, and distribution of the finished products produced at the site may also be provided. Such uses do not involve the mass manufacture, fabrication, processing or sale of products.

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).

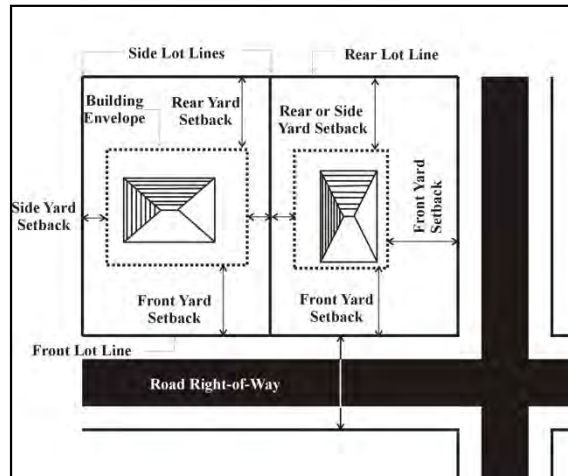


Figure 25.13 Setbacks

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.

Small distiller: A manufacturer of spirits annually manufacturing in Michigan not exceeding 60,000 gallons of spirits, of all brands combined.

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.

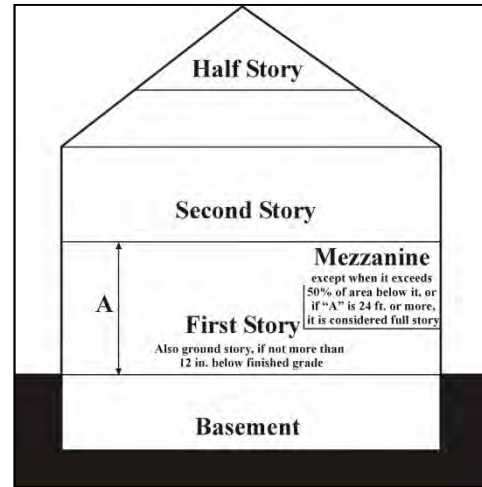


Figure 25.14 Story

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 outdoor sales and Temporary outdoor events: Those accessory outdoor business activities which are intended to occur outside the primary structure on a developed lot and are established for a fixed period of time with the intent to discontinue such use upon the expiration of such time and which does not involve the construction or alteration of any permanent structure.

- a. **Temporary outdoor sales:** Those outdoor business activities which sell or offer for sale, barter or exchange any goods, wares, service, merchandise or food stuff of any kind on private and public property and include but are not limited to seasonal sale of merchandise related to holidays, sidewalk sales, or promotional events. Any merchandise sold or service provided shall be that of the regular use in the principal building of the site for which proof of tenant occupancy has been provided.
- b. **Temporary outdoor events:** Non-commercial, non-profit events which do not involve sales and can include but are not limited to motor vehicle shows, animal shows and other activities open to the general public. (added 6/2/14)

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)

- 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.

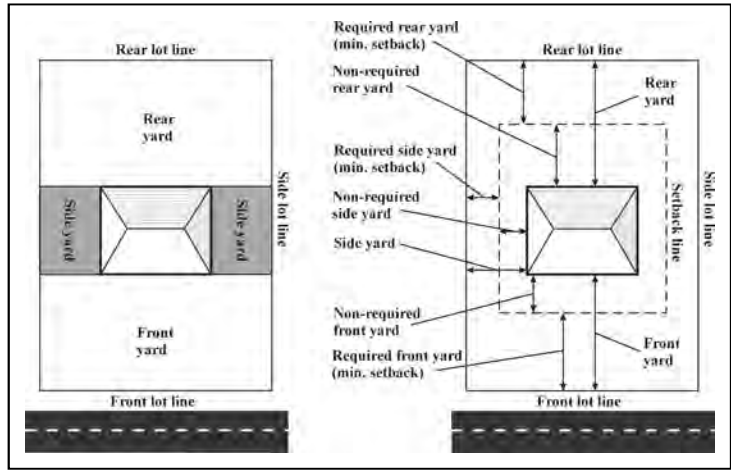


Figure 25.15 Yards

- 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)

**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:

GENOA TOWNSHIP ZONING ORDINANCE

**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.

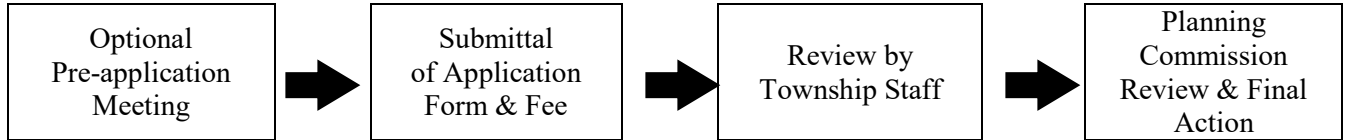
- 1.02.11 Provide for administering this Ordinance, including resolving conflicts with other ordinances, collection of fees, procedures for petitions, hearings and appeals; and to provide for any other matters authorized by the Michigan Zoning Enabling Act (Public Act 110 of 2006) .
- 1.02.12 Balance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

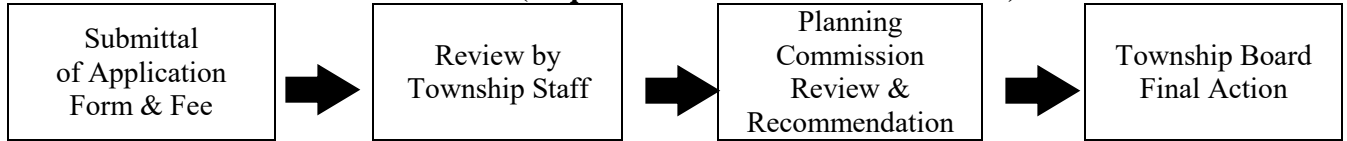
- 1.03.01 The process for application and review by the Township for site plan review, special land use permits, planned unit developments (PUD's), amendments to this Zoning Ordinance, rezonings of land, land divisions, appeals and variances is shown in Figure 1.03.01. Submittal dates, application forms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



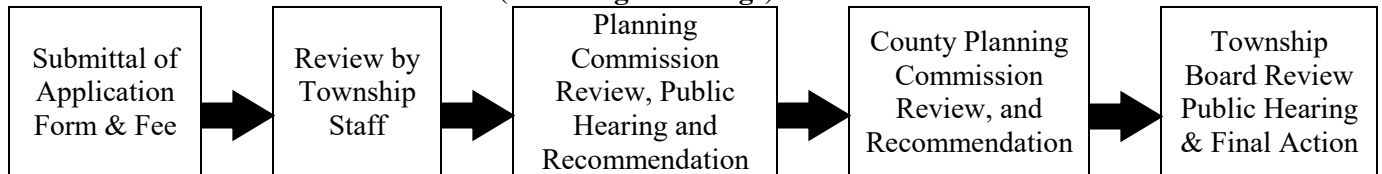
ENVIRONMENTAL IMPACT STATEMENT (Required with all Site Plan Submittals)



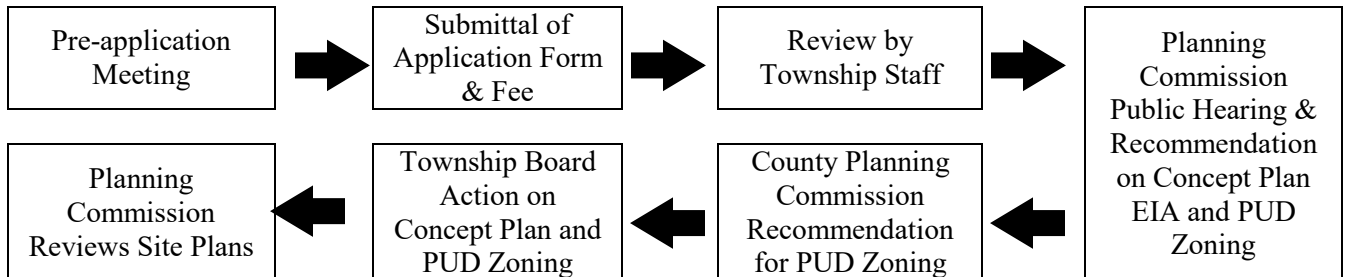
SPECIAL LAND USE PERMITS (Requires Site Plan and E.I.A)



ZONING ORDINANCE AMENDMENTS (Including Rezonings)



PLANNED UNIT DEVELOPMENTS



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 Estate District (AGAE)
~~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
Interchange Commercial PUD (ICPUD) District
Interchange Campus PUD (CAPUD) 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
(~~AGAE, CE, RR, LDR, SR, UR, LRR, MDR and HDR~~)

Sec. 3.01 STATEMENT OF PURPOSE

3.01.01 **Agricultural ~~Estate~~ Districts:** The ~~two~~ Agricultural ~~District~~ Estate (AGE) District ~~is~~ are established ~~in recognition of their contribution toward~~ to preserve the Township's quality of life and economic diversity ~~and accommodates farms, farm operations, and large lot residential uses.~~ 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) Agricultural. The AGE District is intended to ensure 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. Carefully managed agricultural uses continue the practice of utilizing the land through soil, water and nutrient conservation. The Agricultural (AG) District ~~is established as a district in which the~~ Where the principal use of land is farming, land uses 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) Residential. Single family ~~The Country Estate (CE) District is established as a district~~ where the principal uses on residential properties within the AGE District, 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;

GENOA TOWNSHIP ZONING ORDINANCE

- (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 ([HDR](#)) 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](#) [Minimum Lot Area and Densities](#)

The [Single Family Residential](#) and [Agricultural](#) Districts of Genoa Township include:

Table 3.02 Residential and Agricultural Districts	
District	Minimum Lot Area Per Dwelling Unit and Densities
Agricultural (AG) Country Estate (AGE)	10 acre lot area 5 acres
Country Estate (CE)	5 acre lot area
Rural Residential (RR):	2 acres lot area
Low Density Residential (LDR):	43,560 sq. ft. lot area 1 acre
Suburban Residential (SR):	21,780 sq. ft. lot area with public sanitary sewer 1 acre 43,560 sq. ft. lot area without public sanitary sewer 18,000 sq. ft. with public water and sanitary sewer
Urban Residential (UR):	18,000 sq. ft. lot area; must have public water and sanitary sewer

GENOA TOWNSHIP ZONING ORDINANCE

Lakeshore Resort Residential (LRR):	<u>43,560 sq. ft. for lots created after 1/1/1991 without public sanitary sewer</u> <u>21,780 sq. ft. for lots created after 1/1/1991 with public sanitary sewer</u> 12,800 sq. -ft. <u>for</u> 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. <u>for single family lots</u> lot area with public sanitary sewer Duplexes and townhouses up to 5 units per acre
High Density Residential (HDR)	<u>10,000 sq. ft. for single family lots with public sanitary sewer</u> 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									
	AGA <u>E</u> CE	RRR	LDRL <u>DR</u>	SR <u>URSR</u>	LRRL <u>RR</u>	MDR <u>MDR</u>	HDR <u>HDR</u>		Req.
Residential Dwellings									
Single family detached dwellings	P <u>P</u>	P	P	P <u>P</u>	P	P	P		11.03
Two family duplex dwellings	-- <u>—</u>	--	--	P <u>P</u>	--	P	P		11.03
Townhouses, row houses, and similar attached dwellings with individual entrances and garages	-- <u>—</u>	--	--	-- <u>—</u>	--	P	P		
Multiple-family dwellings, including apartments with up to 24 units in a building, terrace residences and other types of multiple family uses	-- <u>—</u>	--	--	-- <u>—</u>	--	--	P		
Housing for the elderly, including interim care units, extended care units, congregate care and nursing care	-- <u>—</u>	--	--	-- <u>—</u>	--	P	P		

GENOA TOWNSHIP ZONING ORDINANCE

Table 3.03 Schedule of Residential Uses								
	AGA E CE	RRR	LDRL DR	SR URSR	LRRL RR	MDR MDR	HDR HDR	Req.
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)
<u>Accessory dwellings</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P--</u>	<u>P--</u>	<u>P--</u>	<u>3.03.02(c)</u>
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)
<u>Dog care operation</u>	<u>S</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>3.03.02(n)</u>
<u>Building-Mounted Solar Energy Collectors</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>3.03.02(r)</u>
<u>Ground-Mounted Solar Energy Collectors</u>	<u>S</u>	<u>S</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>3.03.02(r)</u>
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)
Pet cemetery	PS —	--	--	-- —	--	--	--	
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)
<u>Commercial kennels</u>	<u>S</u> S	--	--	-- —	--	--	--	3.03.02(i)
Composting operations and centers	S —	--	--	-- —	--	--	--	
Intensive livestock operation	S —	--	--	-- —	--	--	--	<u>3.03.02(r)</u>

GENOA TOWNSHIP ZONING ORDINANCE

Table 3.03 Schedule of Residential Uses								
	AGA E CE	RRR	LDRL DR	SR URSR	LRRL RR	MDR MDR	HDR HDR	Req.
<u>Agricultural tourism uses and events, including but not limited to barn weddings, corn mazes, haunted houses</u>	S	--	--	--	--	--	--	<u>3.03.02(s)</u>
<u>Commercial solar energy system</u>	S	--	--	--	--	--	--	<u>11.06</u>
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	
<u>Private burial grounds</u>	S S	--	--	-- --	--	--	--	<u>3.03.02(p)</u>
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	

Table 3.03 Schedule of Residential Uses								
	AGA E CE	RRR	LDRL DR	SR URSR	LRRL RR	MDR MDR	HDR HDR	Req.
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 Estate 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 five (4.5) acres	3 of any species or a total of 5 in combination
Lots of five (5.4) 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 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-AGE~~ 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	AGAE, CE &	2 acres	0.05 acres

GENOA TOWNSHIP ZONING ORDINANCE

	RR		
Horses, ponies, other equine mules, burros, llamas and alpaca	AGE & CE	3 acres	1 acres
Sheep or goats	AGE, CE & RR	2 acres	0.25 acres
Swine	AGE & CE	10 acres	0.5 acres
Cattle, bison, ostriches or elk	AGE & CE	10 acres	1.5 acres

- (3) All grazing areas shall be fenced and located no closer than forty (40) feet from any dwelling on or off-premises. 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 on or off-premises, 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) ~~K~~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. The minimum lot size shall be ten (10) acres. If the lot is divided to an acreage less than required, the special land use approval shall be revoked.~~
 - (2) 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.
 - (23) 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.

- (34) 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).
 - (45) 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.
 - (56) All animals shall be kept indoors between the hours of 10:00 PM and 6:00 AM.
 - (67) 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.

GENOA TOWNSHIP ZONING ORDINANCE

- (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.

(o) Accessory dwelling units shall comply with the following requirements:

(1) Accessory dwelling units are limited to single family dwellings.

(2) No detached accessory building or structure shall be used for dwelling purposes.

(3) Only one (1) attached accessory dwelling unit shall be permitted per principal building and per lot or parcel.

(4) Design.

a. An attached accessory dwelling unit shall be integrated within or attached to the principal dwelling. Any accessory dwelling unit shall comply with all setback requirements applicable to the principal dwelling.

b. The accessory dwelling may be designed as an independent housekeeping unit that can be isolated from the principal dwelling space, however, an internal connection to the principal dwelling must be maintained and the primary entrance to the home shall be shared.

c. The accessory dwelling shall retain a residential appearance consistent with the design and materials of the principal dwelling portion of the building.

d. Accessory dwelling square footage shall not exceed 50 percent of the principal dwelling square footage, or eight hundred (800) square feet, whichever is less.

e. A minimum of one (1) dedicated parking space must be provided for the accessory dwelling unit.

(5) The accessory dwelling shall not have a separate meter for public utilities, such as electric and gas service, or a separate mailing address.

(p) Dog care operations shall comply with the following requirements:

Formatted: Indent: Left: 0", First line: 0.5"

Formatted: Indent: Left: 1.5", No bullets or numbering

Formatted: Indent: Left: 1.5", No bullets or numbering

Formatted: Indent: Left: 1.5", No bullets or numbering

Formatted: Indent: Left: 1.5", No bullets or numbering

Formatted

Formatted: Indent: Left: 1.75", No bullets or numbering

Formatted

Formatted: Indent: Left: 1.75", No bullets or numbering

Formatted

Formatted: List Paragraph, Left, No bullets or numbering

Formatted: Indent: Left: 1.75", No bullets or numbering

Formatted: Indent: Left: 1.5", No bullets or numbering

Formatted: No bullets or numbering

- (1) The minimum lot size shall be ten (10) acres. If the lot is divided to an acreage less than required, the special land use approval shall be revoked.
- (2) A dog care operation is limited to 10 dogs, including any dogs owned by the operator at pets, but not counting puppies under nine (9) months of age.
- (3) Enclosed dog run areas shall be provided. Dog run areas shall be limited to side and rear yards and shall not be closer than 200 feet from any property line.
- (4) A sketch plan shall be provided to demonstrate compliance.
- (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) All animals shall be kept indoors between the hours of 10:00 PM and 6:00 AM.
- (7) The operation shall provide sufficient off-street parking to be determined as part of special land use and site plan review.

(q) Private burial grounds shall comply with the following requirements:

- (1) Minimum lot area shall be five (5) acres and shall meet all other dimensional and access requirements of this ordinance.
- (2) Maximum area designation for burials shall be one (1) acre and the outside limits of the burial area shall be 100 feet from all lot lines.
- (3) Authorization must be obtained from any public agency regulating such uses, including but not limited the County and State. Document of such authorizations shall be submitted to the Township for their records. County Health Department approval is required.

(r) Intensive livestock operations shall comply with the following requirements:

(s) Agricultural tourism uses shall comply with the following requirements:

Solar energy collectors and commercial solar energy systems shall comply with the following requirements:

(1) General Requirements.

- a. Glare and reflection: The exterior surfaces of solar energy collectors shall be generally neutral in color and substantially non-reflective of light. A unit may not be installed or located so that sunlight or glare is reflected into neighboring residences or onto adjacent streets.
- b. Location: Solar energy equipment shall be located in the least visibly obtrusive location where panels would remain functional.
- c. Installation:

- Formatted: Not Highlight
- Formatted: Not Highlight
- Formatted: Not Highlight
- Formatted: Not Highlight
- Formatted: Indent: Left: 1", Hanging: 0.5", No bullets or numbering, Tab stops: 1.5", Left
- Formatted: Not Highlight
- Formatted: Not Highlight
- Formatted: List Paragraph, Left, No bullets or numbering, Tab stops: Not at 1.5"
- Formatted: List Paragraph, Left, Indent: Left: 1", Hanging: 0.5", No bullets or numbering, Tab stops: 1.5", Left
- Formatted: Not Highlight
- Formatted: Indent: Left: 1", Hanging: 0.5", No bullets or numbering, Tab stops: 1.5", Left
- Formatted: Not Highlight
- Formatted: Indent: Left: 1.25", No bullets or numbering
- Formatted: Highlight
- Formatted: No bullets or numbering
- Formatted: Indent: Left: 0", First line: 0.5"
- Formatted: Indent: Left: 1", Hanging: 0.5", Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 1" + Indent at: 1.25"
- Formatted: Indent: Left: 1", Hanging: 0.5", Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 1" + Indent at: 1.25"
- Formatted: Indent: Left: 1", Hanging: 0.5", Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 1" + Indent at: 1.25"
- Formatted: Indent: Left: 1", First line: 0"
- Comment [BB1]: Need to draft use conditions

Formatted: Indent: Hanging: 0.5", Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 1.25" + Indent at: 1.5", Tab stops: Not at 1.25"

Formatted: Font: Not Bold

Formatted: Font: Not Bold

Formatted: Font: Not Bold

GENOA TOWNSHIP ZONING ORDINANCE

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 AND AGRICULTURAL 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 Estate (AGAE)	5 acres 40 acres for farms, 10 acres for non-farm dwellings	220 ft	2	35	75	40	80	60	NA	1,200 980 sq. ft.
Country Estate (CE)	5 acres	220 ft	2	35	75	40	80	60	NA	1500 sq. ft.
Rural Residential (RRR)	2 acres	200 ft	2	35	50	30	60	60	NA	1200 sq. ft.
Low Density Residential (LDRLDR)	1 acre	150 ft	2	35	50	30	60	60	NA	980 sq. ft.
Suburban Residential (SSRR)	1 acre without public sanitary sewer 18,000 sq. ft. with public water and sanitary sewer 21,780 sq. ft. with public sewer; 1 acre without public sewer	10090 ft	2	35	4035	2010 ^(j)	4025 ^(j)	50	35% bldg, 50% imp. sur. 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 (LRRLR)	12,800 square foot 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. 43,560 sq. ft. for lots created after 1/1/1991 without public sanitary sewer 21,780 sq. ft. for lots created after 1/1/1991 with public sanitary sewer 12,800 sq. ft. for lots of record in existence on 1/1/1991.	80 ft	2	25	30 ^(j) 35	10 ^(k)	20 ^(k)	40	35% bldg, 50% imp. sur.	900 sq. ft.
Medium Density Residential (MDMDRR)	10,000 sq. ft. for single family lots with public sanitary sewer Duplexes and townhouses up to 5 units per acre 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	10,000 sq. ft. for single family lots with	165 ft	3	40	35 ^(l)	15 ^(l)	30 ^(l)	30	35% bldg	efficiency = 450 sq. ft.

Comment [BB3]: Need to correct strike-through

GENOA TOWNSHIP ZONING ORDINANCE

<p>Residential (RDHDDRR)</p>	<p><u>public sanitary sewer</u> Duplexes, attached townhouses and apartments up to 8 units per acre 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</p>								<p>footprint, max 50% impervious surface (bldg plus paved areas)</p>	<p>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</p>
--	---	--	--	--	--	--	--	--	--	--

(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) **USR Side Yards:** The **USR** 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 **AGAE**, CE, RR, LDR, ~~and~~, 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

Formatted: Not Highlight

Formatted: Not Highlight

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.

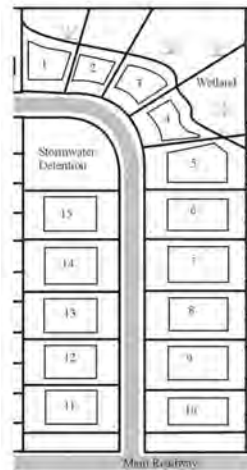
(5) The layout of the open space cluster development shall comply with the requirements of the Subdivision Control Ordinance. Roads and driveways shall comply with the Township Subdivision Control Ordinance, Livingston County Road Commission standards and the private road regulations of Article 15, as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

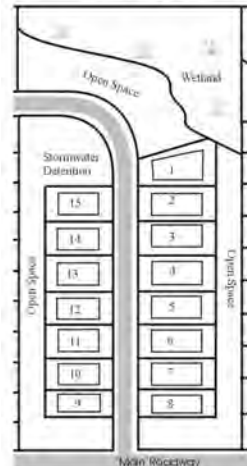
- a. A one hundred (100) foot deep open space area shall be preserved along road frontages bordering the open space cluster development and adjacent to existing residential lots.
- b. All wetlands and areas within fifty (50) feet of a wetland or shoreline shall be preserved as open space. Lakes and ponds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

**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 an 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

dwelling, 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)
<u>Commercial solar farms</u>	<u>S</u>	<u>11.06</u>
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	
<u>Food trucks</u>	<u>P</u>	<u>6.02.02(r)</u>

(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~~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~~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 effects 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~~ sixty-six (86) foot wide right-of-way.
- (4) Development features including the principal and accessory buildings and structures shall be located to minimize adverse ~~ea~~ffects 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-effects~~ 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.

(r) Food trucks may be allowed as accessory to a permitted principal use provided the following conditions are met:

- (1) All such uses shall be contained on-site and shall not have an adverse impact on adjacent properties or the surrounding neighborhood. Parking shall be provided on-site and shall not exceed parking and/or occupancy loads.
- (2) Such uses shall not occupy or utilize the street right-of-way nor block traffic movement on the street, and shall not interfere with pedestrian's use of the sidewalks. Available sanitation facilities must be adequate to meet the requirements of the expected attendance and any temporary facilities shall be approved for use by the Livingston County Health Department. Traffic and dust control measures shall be utilized as deemed necessary by the Zoning Administrator throughout the duration of the sale or event.
- (3) In addition to being subject to Genoa Township Ordinances, such uses shall be subject to all other applicable law, rules, and regulations including but not limited to the Livingston County Sanitary Code, the regulations of the Livingston County Health Department, Building Department, Road Commission, Drain Commission, Sheriff's Department and the Brighton Area Fire Authority, as applicable. The applicant shall allow for inspections by Township officials, the Brighton Area Fire Authority and all other public agencies having jurisdiction.
- (4) The applicant shall submit and obtain the Zoning Administrator's approval of a Land Use Permit. The application for Land Use Permit shall include a site plan illustrating location of structures and sale/event areas (with setbacks), sufficient off-street parking, means of ingress/egress, location of utilities, fire lanes, proposed and existing lighting and signs prior to initiation of such activity, as well as authorization from the property owner.
- (5) The use of any sound system shall be controlled so as not to become a nuisance to adjacent properties and shall comply with the Township Noise Ordinance.

(6) Failure to comply with any of the standards within this section shall constitute grounds for immediate termination of the Land Use Permit.

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~~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~~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~~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~~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.

**GENOA CHARTER TOWNSHIP
PLANNING COMMISSION
PUBLIC HEARING
June 11, 2018
6:30 P.M.
MINUTES**

CALL TO ORDER: The meeting of the Genoa Charter Township Planning Commission was called to order at 6:30 p.m. Present were Chairman Doug Brown, Jim Mortensen, Chris Grajek, Jill Rickard and Marianne McCreary. Absent was Eric Rauch and Jeff Dhaenens. Also present was Kelly VanMarter, Community Development Director/Assistant Township Manager, Brian Borden of Safebuilt Studio, and an audience of nine.

PLEDGE OF ALLEGIANCE: The pledge of allegiance was recited.

APPROVAL OF AGENDA:

Moved by Commissioner Grajek, seconded by Commissioner Mortensen, to approve the agenda as presented.

CALL TO THE PUBLIC: The call to the public was made at 6:32 pm with no response.

OLD BUSINESS

OPEN PUBLIC HEARING # 1... Review of a request of a rezoning application and impact assessment to rezone approximately 61 acres from Agriculture (AG) to Low Density Residential (LDR) for the following parcels: 11-33-400-003 and 11-34-300-005. The parcels are located on the east side of Chilson Road, south of Brighton Road along the southern Township boundary with Hamburg Township. The request is petitioned by Chestnut Development LLC.

A. Recommendation of rezoning

B. Recommendation of Environmental Impact Assessment

Mr. David LeClair of Livingston Engineering was present and representing the property owner, Steve Gronow. They are requesting to rezone 67 acres from Agricultural (AG) to Low Density Residential (LDR). The Master Plan Future Land Use Map shows this area as being zoned LDR so they feel the rezoning is appropriate.

Mr. Borden agrees that the Master Plan Future Land Use Map designates this area as LDR. He noted that the proposed rezoning is consistent with the zoning and uses in the surrounding area.

Commissioner McCreary questioned if the applicant will need a permit from the DEQ for the wetlands on the site. Mr. LeClair stated yes, they will need a DEQ permit for their storm water discharge. One wetland is regulated; however, they are waiting to learn if the other one is regulated.

The Call to the Public was made at 6:52 pm.

Mr. David Keller owns the 103-acre parcel to the north of this site. For safety reasons, he would like the Planning Commission to require the developer to put up a fence and possibly a landscaped berm to restrict people who will be living in this area from entering into his property. They have a 3-acre pond and large well-drilling equipment.

Chairman Brown advised Mr. Keller that State law prohibits conditions being placed on a rezoning; however, it could be discussed during the next item on the agenda, which is the Site Plan approval for this property.

The call to the public was closed at 6:55 pm.

Moved by Commissioner Mortensen, seconded by Commissioner Grajek, to recommend to the Township Board approval of the rezoning of two parcels: 11-33-400-003 and 11-34-300-005 known as Chestnut Springs and as depicted on a Site Plan prepared by Livingston Engineering dated May 2, 2018 from Agriculture to Low Density Residential. This recommendation is made because the Planning Commission finds that the rezoning is consistent with the requirements of Section 22.04 of the Township Ordinance and is consistent with the surrounding uses, which are also Low Density Residential.

The motion carried unanimously.

Moved by Commissioner Mortensen, seconded by Commissioner Rickard, to recommend to the Township Board approval of the Environmental Impact Assessment for two parcels: 11-33-400-003 and 11-34-300-005 known as Chestnut Springs and as depicted on a Site Plan prepared by Livingston Engineering dated May 2, 2018 conditioned upon the following:

- At this time, descriptions of the site plan details will be removed from the statement by Township Staff until such time as the site plan is recommended for approval by the Planning Commission and forwarded to the Township Board.

The motion carried unanimously.

OPEN PUBLIC HEARING #2... Review of a request of a site plan and impact assessment requesting preliminary site condominium approval for a proposed 25-unit site condominium. The property in question is located on approximately 61 acres involving parcels: 11-33-400-003 and 11-34-300-005 on the east side of Chilson Road, south of Brighton Road along the southern Township boundary with Hamburg Township. The request is petitioned by Chestnut Development LLC.

- A. Recommendation of Environmental Impact Assessment**
- B. Recommendation of Preliminary Site Plan**

Mr. David LeClair of Livingston Engineering was present and representing the owner, Steve Gronow. He showed and reviewed the proposed site plan. They are proposing 25 units, 24 of which are 1 acre + parcels and then there is one 25 acre parcel where the wetland is located. There will be paved, private roads. There will be an association so the owners will own the homes and the property, but all maintenance will be done by the association. There will be individual wells and septic systems.

They would like lenience from the Township for the following items:

1. The planting requirements around the wetlands. There is existing vegetation.

2. The Road commission required them to move the entrance drive further from the railroad tracks so they are encroaching 20 feet into the wetland, which does not meet the Township's requirements.
3. The road length is 1,900 feet, which is longer than the allowable maximum length of 1,000 feet.

The do exceed the open space requirement by approximately three times.

Mr. Borden reviewed his letter of June 1, 2018. The following items were noted:

- The site plan approval is contingent upon the Township Board's approval of the rezoning, which was recommended by the Planning Commission earlier this evening.
- Condominium documents are required. Mr. Borden is recommending that the areas that are to be undisturbed and remain natural be clearly noted in these documents.
- Details for Unit 25 must be provided
- The plans must include a clear delineation of the natural feature setbacks, specifically the walking trails and roads and drives.
- The applicant should provide a copy of the MDEQ permit.
- A private road maintenance agreement shall be provided.
- The applicant shall provide proof that the park/open space requirements are met and their preservation must be shown in the condominium documents.

Mr. Siwek reviewed Tetra Tech's letter dated May 31, 2018. The following items were note:

- Due to the groundwater quality concerns on this site, the petition has agreed to install monitoring wells prior to the development.
- A final grading and site development plan must be submitted and comply with the Livingston County
- They agree to allow the 1,900 foot road. The natural features on this site would make it impossible to loop the road back to the entrance.
- All drainage, grading, and soil erosion control measures must be approved by the Livingston County Drain Commissioner.
- The applicant shall obtain an MDEQ permit to use the wetland as a detention pond.
- The pipe plunge pools that will be managing the sediment discharge for the detention area are located near lots and the wetland area; the applicant should prepare a maintenance plan or relocate them towards the roadway ditch for easier maintenance.
- The Livingston County Health Department shall approve the suitability of the soils for the wells and septic systems.

Commissioner Rickard questioned the storm water plan. Mr. LeClair showed the retention pond as well as the location where it will discharge. Commissioner Rickard advised the petitioner that an easement must be obtained since it will be going through Lot #7.

Mr. LeClair reviewed the three shared drives and which parcels each will service.

Commissioner McCreary questioned if the petitioner would consider eliminating the shared driveways. Mr. LeClair stated he has engineered several communities with shared driveways and they seem to work well. Because of the irregularly shaped lots and the wetlands, it would not be possible to develop these lots as they would not be able to be accessed from the main roadway that runs through the community.

Commissioner Grajek noted there is an error on the cover sheet of the plans. It notes 67 acres; however, the site plan is not for the entire 67 acres that were previously recommended for rezoning this evening.

The call to the public was made at 7:36 pm.

Mr. David Keller reiterated his concerns requesting a fence and berm be installed between this property and his.

The call to the public was closed at 7:37 pm.

The Commissioners questioned if the plans presented this evening are ready to be recommended for approval. There are concerns regarding the drinking water source, there is an outstanding legal issue in regard to the former sand extraction on the property between the owner and the Township, engineering concerns, the detention pond, regulated wetlands, and the legal description.

Mr. LeClair stated that the regulatory approvals are typically obtained between preliminary and final site plan approval. He does not believe the engineer's comments need to be addressed until the construction phase of the project nor do the comments from the planning consultant need to be addressed in order to receive preliminary site plan approval. The wells for the groundwater quality are being drilled right now and they will be providing that information to the Township. The property owner has also granted permission to the Township to do surface water testing.

Mr. Steven Gronow stated that they will be addressing the monitoring wells and the access to these wells in their by-laws and master deed.

The Commissioners were in agreement that this item should be tabled this evening. Mr. LeClair requested the Commissioners provide him with feedback on the three requests they have, specifically, the planting requirements around the wetland, the road length, and their encroachment into the wetlands for the access drive.

Chairman Brown and Commissioners Mortensen and Rickard are in favor of granting the requests. Mr. Borden noted that the wetland encroachment is not able to be addressed during Site Plan approval process. It would need to have a Special Land Use Permit.

Moved by Commissioner Grajek, seconded by Commissioner Rickard, to table the recommendation of the Environmental Impact Assessment and Preliminary Site Plan for Chestnut Springs until the July 9, 2018 meeting. **The motion carried unanimously.**

OPEN PUBLIC HEARING #3... Consideration of Zoning Ordinance Text amendments to Article 10 of the Zoning Ordinance, entitled "Planned Unit Development" and Article 25, entitled "Definitions". The ordinance is proposed to be amended to add standards and definitions related to "Interchange Commercial PUD" and "Interchange Campus PUD".

A. Recommendation of Text Amendments

Ms. VanMarter provided a history of the rezoning discussion and proposed development for the Interchange Commercial PUD, which is the area to the south of I-96 and on the west side of Latson Road. The property owner is interested in developing it as industrial.

She reviewed the changes that she is proposing, which includes the definitions for different types of industrial uses. All of them would be permitted uses. She is also suggesting that all buildings exceeding 40,000 square feet require a Special Lane Use Permit.

Other changes are the permitted uses, site dimensional requirements, and architectural requirements in the Interchange Campus PUD zoning

She asked the Planning Commission for feedback on her proposed changes.

All Commissioners agreed that industrial zoning is not what is desired for this area; however, certain types of industrial or manufacturing could be allowed with a Special Land Use Permit. They are also not in favor of truck/distribution centers in this area. The desired zoning for this location is Interchange Campus PUD, which is what is shown on the Master Plan Future Land Use Map.

There was further discussion regarding transitional zoning from this area to the surrounding residential properties.

The call to the public was made at 8:46 pm.

Mr. Leo Nicholas, who lives on South Latson Road, suggested to the Planning Commission that they reconsider allowing industrial uses in this area. The industrial uses today are not the same as they were in the past. There is very little, if any, contamination from industry.

His property abuts the south of the area being discussed this evening, and he would like to have his property zoned the same.

Ms. Michaela Zint, of 4159 Sweet Road stated she would like her property to be included in the Campus zoning area. She would prefer that it stay AG; however, the future Master Plan Map shows it as being zoned large lot rural residential - 2 acres. She presented a plat map showing the location of her property as well as a memo explaining why her property would benefit from the rezoning to Campus versus two acres. She added that the other residential properties on the north side of Sweet Road should also be included in the rezoning. If they were not included, they would all be residential properties surrounded by campus and commercial properties.

Mr. Rob Vedro of 4036 Sweet Road would like the Planning Commission to stay with the Master Plan and not allow a property owner to determine what is developed. He is not in agreement with industrial in this area. People who live in this area still want to live in the country.

Stephanie Wooster agrees with what Mr. Nicholas said. She knows change is going to happen as it already has. She is in support of the discussion by the Planning Commission and what they would like to see developed in this area.

The call to the public was closed at 9:12 pm.

Ms. VanMarter thanked the Commissioners for their feedback. She will make the changes discussed and return with revised texted amendments.

Moved by Commissioner Mortensen, seconded by Commissioner Grajek to table the Recommendation of the Text Amendments to Article 10 of the Zoning Ordinance until the July 9, 2018 Planning Commission meeting. **The motion carried unanimously.**

Administrative Business:

Staff Report

Ms. VanMarter stated that Jeff Dhaenens has been appointed to the Planning Commission to replace Commissioner John McManus. Jeff was previously the Chairman of the Zoning Board of Appeals.

There will be a July Planning Commission meeting.

Approval of the May 14, 2018 Planning Commission meeting minutes

Moved by Commissioner McCreary, seconded by Commissioner Rickard, to approve the minutes of the May 14, 2018 Planning Commission Meeting with changes noted by Commissioner McCreary. **The motion carried unanimously.**

Member Discussion - There were no items discussed.

Adjournment

Moved by Commissioner McCreary, seconded by Commissioner Grajek, to adjourn the meeting at 9:18 pm. **The motion carried unanimously.**

Respectfully Submitted,

Patty Thomas, Recording Secretary

DRAFT