

GENOA CHARTER TOWNSHIP BOARD
Regular Meeting
September 4, 2018
6:30 p.m.

AGENDA

Call to Order:

Pledge of Allegiance:

Call to the Public (Public comment will be limited to two minutes per person)*:

Approval of Consent Agenda:

1. Payment of Bills.
2. Request to Approve Minutes: Aug. 20, 2018
3. Request for post-approval adjustment to August 6, 2018 minutes showing roll call vote for Item #16, Chestnut Springs Rezoning (Z-18-03).
4. Request for approval of a \$10 increase for refuse collection to be placed on the 2018 Winter Tax Bill as discussed during this Fiscal Year's budget approval.

Approval of Regular Agenda:

5. Presentation by Erin MacGregor, superintendent of Howell schools, concerning the sinking fund millage proposal to be included on the Nov. 6, 2018 ballot.
6. Request for approval of Resolution 5A [amending the special assessment roll] for Timberview Road Improvement Project. Amendment for project cost reduction of \$37,551.21. Roll call vote.
7. Conduct second reading and consider for adoption Ordinance #Z-18-04 to amend Article 10 entitled "Planned Unit Development Districts" and Article 25 entitled "Definitions" to add standards and definitions related to "Interchange Commercial PUD" and "Interchange Campus PUD". Roll call vote for ordinance adoption.
8. Request for approval for the printing of the October newsletter concerning refuse collection and disposal and the November General Election.

Correspondence

Member Discussion

Adjournment

***Citizen's Comments-** In addition to providing the public with an opportunity to address the Township Board at the beginning of the meeting, opportunity to comment on individual agenda items may be offered by the Chairman as they are presented.

CHECK REGISTERS FOR TOWNSHIP BOARD MEETING

DATE: September 4, 2018

TOWNSHIP GENERAL EXPENSES: Thru September 4, 2018	\$88,624.72
August 24, 2018 Bi Weekly Payroll	\$100,053.95
OPERATING EXPENSES: Thru September 4, 2018	\$246,113.61
TOTAL:	<u>\$434,792.28</u>

Check Date	Check	Vendor Name	Amount
Bank FNBCK CHECKING ACCOUNT			
08/14/2018	34637	NETWORK SERVICES GROUP, L.L.C.	175.00
08/14/2018	34638	NETWORK SERVICES GROUP, L.L.C.	50.00
08/17/2018	34639	AT&T	241.22
08/17/2018	34640	BLUE CROSS & BLUE SHIELD OF MI	34,602.82
08/17/2018	34641	CHRISTOPHER BROWN	112.00
08/17/2018	34642	MARY KRENCICKI	90.62
08/17/2018	34643	BARBARA LEWIS	8.47
08/17/2018	34644	LINDA GALLERANI	45.23
08/17/2018	34645	PACKERLAND RECORDS MANAGEMENT	25.00
08/17/2018	34646	PAULETTE SKOLARUS	167.50
08/20/2018	34647	BULLSEYE TELECOM	404.81
08/20/2018	34648	COMCAST	190.16
08/20/2018	34649	EHIM, INC	16,869.48
08/20/2018	34650	LAURA GAMBINO	301.03
08/20/2018	34651	NEOPOST USA INC	140.00
08/20/2018	34652	OFFICE EXPRESS INC.	149.09
08/20/2018	34653	DEBRA ROJEWSKI	689.60
08/20/2018	34654	TRI COUNTY SUPPLY, INC.	276.86
08/20/2018	34655	TRISTAR ELECTRICAL AND LIGHTING	210.00
08/20/2018	34656	US BANK EQUIPMENT FINANCE	1,765.56
08/20/2018	34657	VERIZON WIRELESS	440.95
08/22/2018	34658	CHASE CARD SERVICES	4,186.76
08/22/2018	34659	DELTA DENTAL	3,603.66
08/22/2018	34660	ELECTION SOURCE	210.34
08/22/2018	34661	FEDERAL EXPRESS	84.21
08/22/2018	34662	GREEN OAK TWP TREASURER'S OFC	10.00
08/22/2018	34663	GUARDIAN	2,274.80
08/22/2018	34664	SAFEBUILT STUDIO	3,206.83
08/22/2018	34665	WALMART COMMUNITY	335.06
08/24/2018	34666	ELECTION SOURCE	4,070.00
08/24/2018	34667	GENOA TOWNSHIP D.P.W. FUND	286.60
08/24/2018	34668	K & J ELECTRIC, INC.	1,981.00
08/24/2018	34669	MHOG UTILITIES	403.52
08/24/2018	34670	OAK POINT OPERATING	238.20
08/24/2018	34671	OAK POINT OPERATING	2,300.00
08/24/2018	34672	OFFICE EXPRESS	148.32
08/24/2018	34673	PINE CREEK OPERATING	198.20
08/28/2018	34674	AMERICAN VIDEO TRANSFER INC	357.50
08/28/2018	34675	AT&T	63.42
08/28/2018	34676	JESSICA BUTTERMORE	163.56
08/28/2018	34677	ELECTION SOURCE	346.70
08/28/2018	34678	GFL ENVIRONMENTAL USA INC.	2,500.00
08/28/2018	34679	LIVINGSTON COUNTY CLERK, ELECTION	3,470.64
08/28/2018	34680	MICHIGAN ASSOC. OF PLANNING	815.00
08/28/2018	34681	MICHIGAN.COM	415.00

FNBCK TOTALS:

Total of 45 Checks:	88,624.72
Less 0 Void Checks:	0.00
Total of 45 Disbursements:	<u>88,624.72</u>

Check Date	Check	Vendor Name	Amount
Bank 503FN DPW-UTILITIES #503			
08/15/2018	4393	POSTMASTER	302.68
08/17/2018	4394	WEX BANK	4,214.54
08/17/2018	4395	CHASE CARD SERVICES	926.76
08/17/2018	4396	STAPLES CREDIT PLAN	275.21
08/17/2018	4397	VERIZON WIRELESS	651.63
08/21/2018	4398	GENOA TOWNSHIP	150,000.00
08/21/2018	4399	GENOA/OCEOLA SEWER AUTHORITY	9,447.00
08/21/2018	4400	HOME DEPOT CREDIT SERVICES	812.94
08/21/2018	4401	LAKE EDGEWOOD	1,859.00
08/21/2018	4402	MHOG	14,679.00
08/21/2018	4403	OAK POINTE OPERATING S/W	3,593.00
08/21/2018	4404	OAK POINT OPERATING	2,959.00
08/24/2018	4405	MWEA	70.00
08/24/2018	4406	MWEA	70.00
08/24/2018	4407	PINE CREEK OPERATING	6,964.61
08/24/2018	4408	UTILITY ESCROW FUND #103	13,508.57
08/24/2018	4409		0.00 V
Void Reason: PRINTED REPORT ON CHECK			
08/27/2018	4410	GENOA TOWNSHIP	8.38
503FN TOTALS:			
Total of 18 Checks:			210,342.32
Less 1 Void Checks:			0.00
Total of 17 Disbursements:			210,342.32

Check Date	Check	Vendor Name	Amount
Bank 592FN OAK POINTE OPERATING FUND #592			
08/21/2018	4350	AT&T LONG DISTANCE	40.46
08/21/2018	4351	AT&T	120.05
08/21/2018	4352	BRIGHTON ANALYTICAL , L.L.C.	205.00
08/21/2018	4353	CONSUMERS ENERGY	20.96
08/24/2018	4354	OAK POINTE SEWER RESERVE	25,000.00
592FN TOTALS:			
Total of 5 Checks:			25,386.47
Less 0 Void Checks:			0.00
Total of 5 Disbursements:			25,386.47

Check Date	Check	Vendor Name	Amount
Bank 593FN LAKE EDGEWOOD OPERATING FUND #593			
08/21/2018	3443	BRIGHTON ANALYTICAL , L.L.C.	67.00
08/21/2018	3444	BULLSEYE TELECOM	226.46
08/21/2018	3445	USA BLUEBOOK	34.20
08/24/2018	3446	CONSUMERS ENERGY	57.16
08/24/2018	3447	LAKE EDGEWOOD RESERVE	10,000.00
593FN TOTALS:			
Total of 5 Checks:			10,384.82
Less 0 Void Checks:			0.00
Total of 5 Disbursements:			10,384.82

GENOA CHARTER TOWNSHIP BOARD
Regular Meeting and Public Hearing
August 20, 2018

MINUTES

Supervisor Rogers called the regular meeting of the Genoa Charter Township Board to order at 6:30 p.m., with the Pledge of Allegiance. The following members were present constituting a quorum for the transaction of business: Bill Rogers, Paulette Skolarus, Robin Hunt, Jim Mortensen, Terry Croft, Diana Lowe and Jean Ledford. Also present were Township Manager, Michael Archinal; Township Attorney, Joe Seward; and approximately ten persons in the audience.

A Call to the Public was made with no response.

Approval of Consent Agenda:

Moved by Ledford and supported by Mortensen to approve all items under the Consent Agenda with a clarification of the August 6, 2018 Minutes of the member discussion related to GFL and Advance "New carts will be delivered the week of Oct. 22, 2018 and old carts will be picked up the following week". The motion carried unanimously.

1. Payment of Bills.

2. Request to Approve Minutes: Aug. 6, 2018

Approval of Regular Agenda:

Moved by Lowe and supported by Croft to approve for action all items listed under the Regular Agenda as requested. The motion carried unanimously.

3. Request for approval of Resolution No. 5 (confirming the special assessment district roll) for Novel Estates Road Improvement Project.

A. A Call to the Public was made with no response.

B. Disposition of Resolution No. 5.

Moved by Hunt and supported by Mortensen to approve Resolution No. 5 with the following clarification to Exhibit A, adding "If the Special Assessment District and financial participation are approved by the Township Board." The motion carried by roll call vote as follows: Ledford, Croft, Hunt, Lowe, Mortensen, Skolarus and Rogers. Nays – None. Absent – None.

4. Request for approval of Resolution No. 5 (confirming the special assessment district roll) for Earl Lake Road Improvement Project.

A. Call to the Public was made with the following response: Lori Hieber – I spoke at the last meeting. Will our private road be plowed? Archinal - Private roads are your responsibility. We did review the parcel numbers for Earl Lake and they are accurate.

B. Disposition of Resolution No. 5.

Moved by Mortensen and supported by Skolarus to approve Resolution No. 5 as requested. The motion carried by roll call vote as follows: Ledford, Croft, Hunt, Lowe, Mortensen, Skolarus and Rogers. Nays – None. Absent – None.

5. Request for approval of Resolution No. 5 (confirming the special assessment district roll) for Fendt Road Improvement Project.

A. A Call to the Public was made with no response.

B. Disposition of Resolution No. 5.

Moved by Skolarus and supported by Lowe to approve Resolution No. 5 as requested. The motion carried by roll call vote as follows: Ledford, Croft, Hunt, Lowe, Mortensen, Skolarus and Rogers. Nays – None. Absent – None.

6. Project Report by Utility Director Greg Tatara on the Lake Edgewood Wastewater Treatment Plant Equalization upgrade.

Dr. Tatara thanked the board for their support and approval for the Lake Edgewood equalization improvement project. Deputy Director Dave Miller advised the board that they are starting to get positive data regarding the process control changes and that they are seeing a significant improvement to quality effluent. According to the data provided there is a 70.73% improvement to Phosphorus removal, a 71.77% saving in chemical use, and 32.54% saving in electrical usage. No formal action was taken by the board.

7. Introduction of proposed Zoning Ordinance Text Amendment (ordinance Z-18-04) and to set the date for a second reading and consideration for adoption for Tuesday, September 4th, 2018. The proposed Zoning Text Amendment (Z-18-04) involves changes to the ordinance in regard to Article 10 entitled “Planned Unit Development Districts” and Article 25 entitled “Definitions” to add standards and definitions related to “Interchange Commercial PUD” and “Interchange Campus PUD”.

Moved by Skolarus and supported by Lowe to introduce the proposed Zoning Ordinance Text Amendment (ordinance Z-18-04) and to set the date for a second reading and consideration for adoption for Tuesday, September 4th, 2018. The proposed Zoning Text Amendment (Z-18-04) involves changes to the ordinance in regard to Article 10 entitled “Planned Unit Development Districts” and Article 25 entitled “Definitions” to add standards and definitions related to “Interchange Commercial PUD” and “Interchange Campus PUD”. A minor change to the text was provided to the board prior to discussion. The amended language was voted and approved unanimously.

Member Discussion

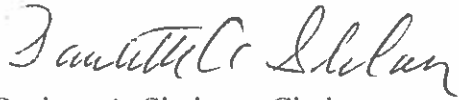
Archinal

- The policy for financial participation in road improvement projects was approved in 2004. Recent board action justifies an update to coincide with our actions (ref. Novel Estates and Red Oaks of Chemung, and a 2% interest charge). At the request of the board, the Administrative Committee will review the policy and make recommendations that are flexible. Formal action will be taken at the next regular meeting of the board.
- A third application of chloride is scheduled near Labor Day.

GENOA CHARTER TOWNSHIP BOARD – Regular Meeting and Public Hearing – August 20, 2018

- Repairs will be made to the Brighton Road bike/walk path (across from the High School) as a result of an accident by a bicyclist traveling along the pathway.
- The bridge has been ordered for the new sidewalk construction along Grand River between Bordines and Cortland Condominiums.

The regular meeting and public hearing of the Township Board was adjourned at 7:25 p.m.



Paulette A. Skolarus, Clerk
Genoa Charter Township Board

August 28, 2018

To: Genoa Charter Township Board

From: Polly Skolarus, Clerk

- The Township recently contracted with Advance for refuse collection and disposal.
- According to our assessing department there are currently 7052 parcels eligible for service.
- The annual cost of service from 10/01/2018 thru 09/30/2019 is \$147.00.
- Under Act 188 our current revenue is estimated at \$853,292.00.
- Our expected expenditure under this contract will be \$1,042,567.68.
- This calculation results in a shortfall of \$189,275.68.
- The current fee included in the 2017 winter tax bill was \$121.00.
- By increasing the refuse fee to \$131.00 the shortfall will be reduced to \$118,755.68.

EXHIBIT A

SERVICE FEES

**GENOA TOWNSHIP
APPENDIX "A"**

The following is the price per unit not including any fuel adjustment charges as agreed to in section 5.2.2 of this agreement. Unit pricing includes collection, disposal and processing of Solid Waste, Recyclables and Bulk Items. Yard Waste collection will be on a subscription basis for \$10.00 per unit per month for every other week pickup with a limit of 15 bags per pickup.

Year One: October 1, 2018 to September 30, 2019	\$12.32 per unit per Month
Year Two: October 1, 2019 to September 30, 2020	\$12.68 per unit per Month
Year Three: October 1, 2020 to September 30, 2021	\$13.07 per unit per Month
Year Four: October 1, 2021 to September 30, 2022	\$13.46 per unit per Month
Year Five: October 1, 2022 to September 30, 2023	\$13.87 per unit per Month

EXHIBIT A

SERVICE FEES

**GENOA TOWNSHIP
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Year Five: October 1, 2022 to September 30, 2023	\$13.87 per unit per Month

<u>Refuse collection history</u>	2013/2014	2014/2015	2015/2016	2016/2017	2017/2018
Number of parcels	6,896	6,912	6,951	6,982	7,015
Audited expenditure for refuse @ \$121.00 per parcel	931,751	970,891	967,656	956,602	1,009,542
Audited revenue for refuse	762,623	767,616	782,652	802,947	822,370
General fund subsidy	169,128	203,275	185,004	153,655	187,172

<u>Tax Revenue vs Refuse Fees</u>					
Property Tax Revenue	805,572	820,731	845,920	858,935	871,032
Refuse annual expense	169,128	203,275	185,004	153,655	187,172
Percentage of tax revenue for refuse collection	0.21	0.25	0.22	0.18	0.21

<u>Advance Contract for five years</u>	2018/2019	2019/2020	2020/2021	2021/2022	2022/2023
Adding 50 units annually	7,065	7,115	7,165	7,215	7,265
Annual cost per parcel 3% annual increase	147.84	152.28	156.84	161.55	166.40
Annual projected expenditure for refuse	1,039,315	1,083,472	1,123,759	1,165,583	1,208,896

<u>Annual Reduction in Refuse Expense</u>					
Annual \$10.00 increase \$5.40 increase 5th year	131.00	141.00	151.00	161.00	166.40
Township projected revenue	925,515	1,003,215	1,081,915	1,161,615	1,208,896
Township annual expense	113,800	80,257	41,844	3,968	-

<u>Advance Contract Includes</u>
Weekly refuse collection and disposal
Bi-weekly recycling collection
New cart for refuse provided at no charge
New cart for recycling provided at no charge
Bulk pickup at no charge
\$80.00 seasonal pickup for yard waste (individual contract)

refuse collection analysis 2018/PS



Securing Our Future

Howell Public Schools Sinking Fund Millage Request
November 6, 2018

What is a sinking fund?

- Section 1212 of the Revised School Code permits a school district to “levy a tax on the...property of the school district each year for the purpose of creating a sinking fund.”
- May be used...
 - **to construct and/or repair buildings**
 - **for school security improvements***
 - to purchase property
 - for the acquisition or upgrading of technology*
- Any newly-approved sinking fund is limited to 10 years

What is the difference between a sinking fund and a bond?

School Bonds

- Used to generate one-time funds for new construction or renovations
- Not meant to be used for ongoing repairs
- Subject to interest rates and fees, which are paid back by the taxpayer

Sinking Fund

- Used to collect funds each year for major repairs and renovations
- Levied, not borrowed, which means the District and taxpayer does not take on additional debt or interest expense

Why does Howell Public Schools need a sinking fund?

10-year Capital Needs Assessment Plan

Capital Need	Estimated Amount
School Security Improvements (perimeter security, building/room access, security cameras, communication system)	\$1,750,000
Building Improvements/Repairs (roofs, carpet, repairs, pavement, HVAC, lighting)	\$16,300,000
Vehicles (buses, service vehicles, mowers)	\$4,500,000
Instructional Resources (textbooks, materials)	\$2,500,000
Total	\$25,050,000*

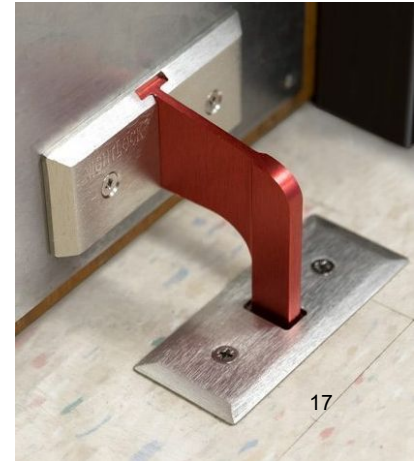


*Sinking Fund request would satisfy¹⁶ approximately \$13 million of these needs.

The Need: Keeping Students Safe

Security Improvements

- Upgraded security cameras in all buildings
- Updated building and room door access system
- Perimeter security



The Need: Building Maintenance

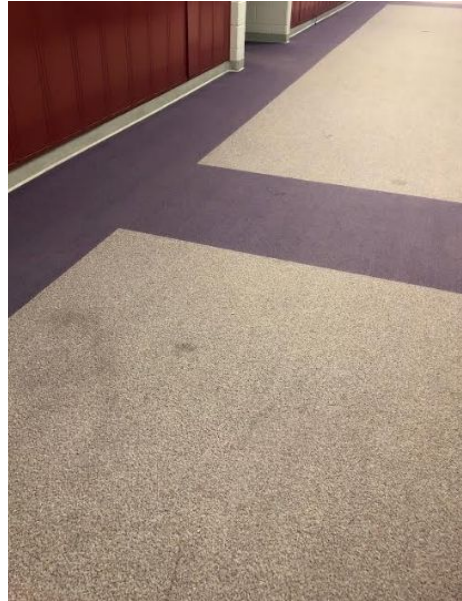


Building Maintenance

- Heating and cooling system repair and replacement
- Roof repair and replacements
- Parking lot and road repair
- Carpet replacement



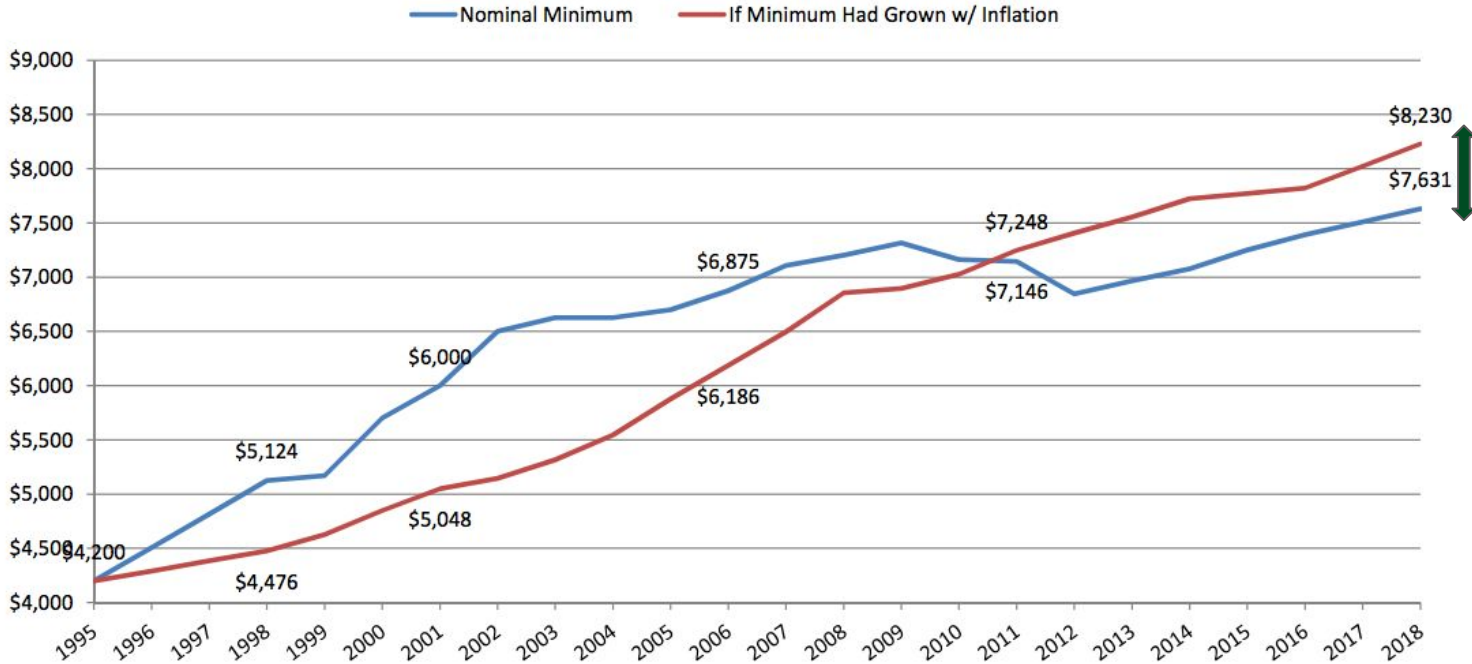
The Need: Building Maintenance



Building Maintenance

- Roof repair and replacements
- Heating and cooling system repair and replacement
- **Parking lot and road repair**
- **Carpet replacement**

Minimum Foundation Allowance and Inflation



\$4 Million Annual Gap in Revenue

\$12,124

\$7,631

*Inflation measured by Government Price Deflator

What does this request mean for a taxpayer?



.5 mill request for 10 years

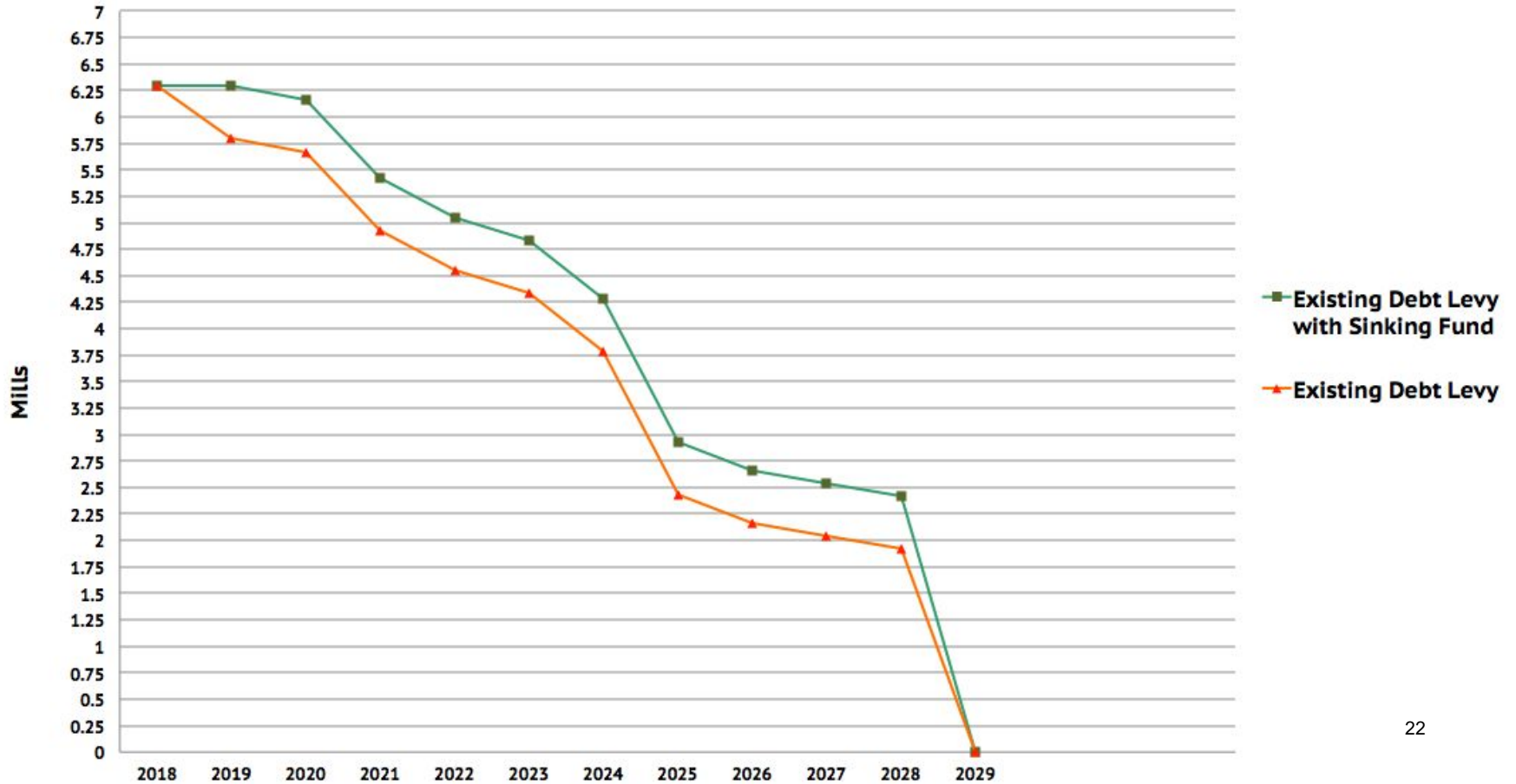


Would generate approximately \$1,300,000 per year for capital needs



Expected no tax rate increase

Howell Public Schools Debt Levy Schedule



Livingston County Schools Debt Millage Rates

District	Debt Millage Rate	Debt Expiration
Howell	6.30	2029
Brighton	7.1	2042
Pinckney	7.55	2042
Hartland	8.55	2035
Fowlerville	9.55	2035

Learn more at...

howellschools.com/securingourfuture

Includes...

- Ballot language
- FAQ
- Absentee voter information



Questions

Resolution No. 5 A – Timberview Road Improvement Project
Reimbursement Special Assessment Project (Winter 2017)

GENOA CHARTER TOWNSHIP

At a regular meeting of the Township Board of the Genoa Charter Township, Livingston County, Michigan, (the “Township”) held at the Township Hall on Sept. 4, 2018, at 6:30 p.m., there were

PRESENT:

ABSENT:

The following preamble and resolution were offered by _____ and seconded by _____:

Resolution Amending the Special Assessment Roll

WHEREAS, the Board of Trustees of the Township approved a special assessment roll for the Timberview Road Improvement Project within the Township on Sept. 18, 2017 in accordance with Act No. 188, Michigan Public Acts of 1954, as amended;

WHEREAS, the Board of Trustees of the Township determined to advance the costs of the Project from Township funds and to use special assessments to raise the money necessary to reimburse the Township for the advance of such funds;

WHEREAS, the Special Assessment Roll for Timberview Road Improvement Project was assessed on the winter 2017 tax rolls;

WHEREAS, the township Board has now determined that the final cost was \$37,551.21 less than estimated;

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Amended Roll Confirmed - in accordance with Act No. 188, Michigan Public Acts of 1954, as amended, and the laws of the State of Michigan, the Township Board hereby confirms the Amended Special Assessment Roll for the Timberview Road Improvement Project.
2. The completed Road Improvement Project - will now be amended with the revised total assessment per parcel in the amount of \$4,396.91.
3. Future Installments – Interest - all unpaid installments shall not bear interest.
4. Warrant - The Township Clerk is hereby directed to attach a warrant (in the form of Exhibit B to this resolution) to the Roll and to deliver such warrant and the Roll to the Township Treasurer, who shall thereupon collect the special assessments in accordance with the terms of this resolution, the Clerk’s warrant and the statutes of the State of Michigan.

5. Refund – The Township Treasurer is directed to issue refunds to the current property owner of record for any parcels paid in full prior to this date in the amount of \$766.35.
6. Inconsistent Prior Resolutions. All previously adopted resolutions that are in conflict with this resolution are repealed to the extent of such conflict.

A vote on the foregoing resolution was taken and was as follows:

YES:

NO:

ABSENT:

CLERK'S CERTIFICATE

The undersigned, being the duly qualified and acting Clerk of the Township, hereby certifies that (1) the foregoing is a true and complete copy of a resolution duly adopted by the Township Board at a meeting of the Township Board, at which meeting a quorum was present and remained throughout; (2) the original thereof is on file in the records in my office; (3) the meeting was conducted, and public notice thereof was given, pursuant to and in full compliance with the Open Meetings Act (Act No. 267, Public Acts of Michigan, 1976, as amended); and (4) minutes of such meeting were kept and will be or have been made available as required thereby.

Paulette A. Skolarus, Clerk
Genoa Charter Township Clerk

Date: Sept. 4, 2018

Exhibit B

Warrant

WARRANT

TO: Treasurer
Genoa Township
Livingston County, Michigan

I certify that attached to this Warrant is a true copy of the special assessment roll for the Genoa Township Timberview Road Improvement Project (201) (the "Roll") confirmed by the Township Board on Sept. 18, 2017 (the "Confirming Resolution"). You are hereby directed to proceed to collect the amounts due on such Roll in accordance with this Warrant, the Confirming Resolution and the statutes of the State of Michigan.

Paulette A. Skolarus, Clerk
Genoa Charter Township

Date: Sept. 4, 2018

Parcel Balances for GENOA TOWNSHIP
Population: Special Assessment District (X3311)
Spec. Population: Both Active and Inactive Parcels
All Payments Included
Current Installment Year: 2018

Parcel No. Owner	Assessment Code/Name	Assessment Amount	Assessment Cur Install	Tot Prin Pd Cur Prin Pd	Tot Intrst Pd Cur Intrst Pd	Tot Adm Pd Cur Adm Pd	Tot Pen Pd Cur Pen Pd	Tot Addtl Penlty Pd Cur Addtl Penlty Pd	Tot Cert Pd Cur Cert Pd	Tot Balance Cur Balance
4711-33-100-003 TREFY KEVIN & MARA, CALE	X3311 Timberview Rd Imp	4,396.91	0.00	860.54 0.00	0.00 0.00	0.00 0.00	0.00 0.00	0.00 0.00	0.00 0.00	3,536.37 0.00
4711-33-100-021 STABY SCOTT R & AMY	X3311 Timberview Rd Imp	4,396.91	0.00	860.54 0.00	0.00 0.00	0.00 0.00	0.00 0.00	0.00 0.00	0.00 0.00	3,536.37 0.00
4711-33-100-024 ADAMS JAMES R & LYNN A	X3311 Timberview Rd Imp	4,396.91	0.00	860.54 0.00	0.00 0.00	0.00 0.00	0.00 0.00	0.00 0.00	0.00 0.00	3,536.37 0.00
4711-33-100-028 MEIJA MARCO & RUMSCHLAG-	X3311 Timberview Rd Imp	4,396.91	0.00	860.54 0.00	0.00 0.00	0.00 0.00	0.00 0.00	0.00 0.00	0.00 0.00	3,536.37 0.00
4711-33-100-029 DARRAH JULIEN & JULIANA	X3311 Timberview Rd Imp	4,396.91	0.00	860.54 0.00	0.00 0.00	0.00 0.00	0.00 0.00	0.00 0.00	0.00 0.00	3,536.37 0.00
4711-33-100-031 BEHRENDT, MARK R. & JANET	X3311 Timberview Rd Imp	4,396.91	0.00	860.54 0.00	0.00 0.00	0.00 0.00	0.00 0.00	0.00 0.00	0.00 0.00	3,536.37 0.00
4711-33-100-032 SADOWSKI ADAM & BRIDGET	X3311 Timberview Rd Imp	4,396.91	0.00	860.54 0.00	0.00 0.00	0.00 0.00	0.00 0.00	0.00 0.00	0.00 0.00	3,536.37 0.00
4711-33-101-007 DADEPPO DAVID & KAREN	X3311 Timberview Rd Imp	4,396.91	0.00	860.54 0.00	0.00 0.00	0.00 0.00	0.00 0.00	0.00 0.00	0.00 0.00	3,536.37 0.00
4711-33-101-008 OVERMYER ROBERT & TANYA	X3311 Timberview Rd Imp	4,396.91	0.00	860.54 0.00	0.00 0.00	0.00 0.00	0.00 0.00	0.00 0.00	0.00 0.00	3,536.37 0.00
4711-33-101-009 NELSON JOYCE E	X3311 Timberview Rd Imp	4,396.91	0.00	860.54 0.00	0.00 0.00	0.00 0.00	0.00 0.00	0.00 0.00	0.00 0.00	3,536.37 0.00
4711-33-101-010 SAMBRANO, ERNEST P. & MAT	X3311 Timberview Rd Imp	4,396.91	0.00	860.54 0.00	0.00 0.00	0.00 0.00	0.00 0.00	0.00 0.00	0.00 0.00	3,536.37 0.00
4711-33-101-011 GIROUX STEVE & SKRONEK K	X3311 Timberview Rd Imp	4,396.91	0.00	860.54 0.00	0.00 0.00	0.00 0.00	0.00 0.00	0.00 0.00	0.00 0.00	3,536.37 0.00
4711-33-101-012 MATERSON LEE & AMBER	X3311 Timberview Rd Imp	4,396.91	0.00	860.54 0.00	0.00 0.00	0.00 0.00	0.00 0.00	0.00 0.00	0.00 0.00	3,536.37 0.00
4711-33-101-013 DUNASKI, MARK & JACLYN	X3311 Timberview Rd Imp	4,396.91	0.00	860.54 0.00	0.00 0.00	0.00 0.00	0.00 0.00	0.00 0.00	0.00 0.00	3,536.37 0.00
4711-33-101-014 BAKER THERESA A LIFE EST	X3311 Timberview Rd Imp	4,396.91	0.00	860.54 0.00	0.00 0.00	0.00 0.00	0.00 0.00	0.00 0.00	0.00 0.00	3,536.37 0.00
4711-33-101-015 TERRY, JEFFRY J. & BARBA	X3311 Timberview Rd Imp	4,396.91	0.00	860.54 0.00	0.00 0.00	0.00 0.00	0.00 0.00	0.00 0.00	0.00 0.00	3,536.37 0.00
4711-33-101-016 CHAPMAN, JEFFREY & COLLE	X3311 Timberview Rd Imp	4,396.91	0.00	860.54 0.00	0.00 0.00	0.00 0.00	0.00 0.00	0.00 0.00	0.00 0.00	3,536.37 0.00

Parcel Balances for GENOA TOWNSHIP
Population: Special Assessment District (X3311)
Spec. Population: Both Active and Inactive Parcels
All Payments Included
Current Installment Year: 2018

Parcel No. Owner	Assessment Code/Name	Assessment Amount	Assessment Cur Install	Tot Prin Pd Cur Prin Pd	Tot Intrst Pd Cur Intrst Pd	Tot Adm Pd Cur Adm Pd	Tot Pen Pd Cur Pen Pd	Tot Addtl Penlty Pd Cur Addtl Penlty Pd	Tot Cert Pd Cur Cert Pd	Tot Balance Cur Balance
4711-33-102-017 LANDGRAF, RONALD W. & NAT	X3311 Timberview Rd Imp	4,396.91	0.00	860.54 0.00	0.00 0.00	0.00 0.00	0.00 0.00	0.00 0.00	0.00 0.00	3,536.37 0.00
4711-33-102-018 JAVIT LINDSAY & GESTRO E	X3311 Timberview Rd Imp	4,396.91	0.00	860.54 0.00	0.00 0.00	0.00 0.00	0.00 0.00	0.00 0.00	0.00 0.00	3,536.37 0.00
4711-33-102-019 DUNASKI TAMMY	X3311 Timberview Rd Imp	4,396.91	0.00	860.54 0.00	0.00 0.00	0.00 0.00	0.00 0.00	0.00 0.00	0.00 0.00	3,536.37 0.00
4711-33-102-020 NEELY JR TONY & LAUREN	X3311 Timberview Rd Imp	4,396.91	0.00	860.54 0.00	0.00 0.00	0.00 0.00	0.00 0.00	0.00 0.00	0.00 0.00	3,536.37 0.00
4711-33-102-021 DUNN TERENCE & LINDA	X3311 Timberview Rd Imp	4,396.91	0.00	860.54 0.00	0.00 0.00	0.00 0.00	0.00 0.00	0.00 0.00	0.00 0.00	3,536.37 0.00
4711-33-102-022 LEROY, RALPH E., JR.	X3311 Timberview Rd Imp	4,396.91	0.00	860.54 0.00	0.00 0.00	0.00 0.00	0.00 0.00	0.00 0.00	0.00 0.00	3,536.37 0.00
4711-33-102-023 KEILLOR, JAMIE & KATHRYN	X3311 Timberview Rd Imp	4,396.91	0.00	860.55 0.00	0.00 0.00	0.00 0.00	0.00 0.00	0.00 0.00	0.00 0.00	3,536.36 0.00
4711-33-102-024 FRANKS JEFFREY & EMILY	X3311 Timberview Rd Imp	4,396.91	0.00	860.55 0.00	0.00 0.00	0.00 0.00	0.00 0.00	0.00 0.00	0.00 0.00	3,536.36 0.00
4711-33-102-025 WISSER CATHERINE TRUST	X3311 Timberview Rd Imp	4,396.91	0.00	860.55 0.00	0.00 0.00	0.00 0.00	0.00 0.00	0.00 0.00	0.00 0.00	3,536.36 0.00
4711-33-102-026 SCHILLER, GOTTFRIED & MO	X3311 Timberview Rd Imp	4,396.91	0.00	860.55 0.00	0.00 0.00	0.00 0.00	0.00 0.00	0.00 0.00	0.00 0.00	3,536.36 0.00
4711-33-102-027 BROWN CHRISTOPHER R & TA	X3311 Timberview Rd Imp	4,396.91	0.00	860.55 0.00	0.00 0.00	0.00 0.00	0.00 0.00	0.00 0.00	0.00 0.00	3,536.36 0.00
4711-33-102-028 WISSER DOUGLAS & KATHLEET	X3311 Timberview Rd Imp	4,396.91	0.00	860.55 0.00	0.00 0.00	0.00 0.00	0.00 0.00	0.00 0.00	0.00 0.00	3,536.36 0.00
4711-33-102-029 NOVACK, FREDERICK C. & S	X3311 Timberview Rd Imp	4,396.91	0.00	860.55 0.00	0.00 0.00	0.00 0.00	0.00 0.00	0.00 0.00	0.00 0.00	3,536.36 0.00
4711-33-102-030 SPALDING, JOHN C.	X3311 Timberview Rd Imp	4,396.91	0.00	860.55 0.00	0.00 0.00	0.00 0.00	0.00 0.00	0.00 0.00	0.00 0.00	3,536.36 0.00
4711-33-102-031 BOUGHNER JOHN & ANITA RET	X3311 Timberview Rd Imp	4,396.91	0.00	5,163.27 0.00	0.00 0.00	0.00 0.00	0.00 0.00	0.00 0.00	0.00 0.00	0.00 0.00
4711-33-102-033 HAGAN JR TEDDY & KATHLEET	X3311 Timberview Rd Imp	4,396.91	0.00	860.55 0.00	0.00 0.00	0.00 0.00	0.00 0.00	0.00 0.00	0.00 0.00	3,536.36 0.00
4711-33-102-034 KLUEGER, JEFFREY B. & BR	X3311 Timberview Rd Imp	4,396.91	0.00	860.55 0.00	0.00 0.00	0.00 0.00	0.00 0.00	0.00 0.00	0.00 0.00	3,536.36 0.00

Parcel Balances for GENOA TOWNSHIP
Population: Special Assessment District (X3311)
Spec. Population: Both Active and Inactive Parcels
All Payments Included
Current Installment Year: 2018

Parcel No. Owner	Assessment Code/Name	Assessment Amount	Assessment Cur	Install	Tot Prin Cur	Pd Pd	Tot Intrst Cur	Pd Pd	Tot Adm Cur	Pd Pd	Tot Pen Cur	Pd Pd	Tot Addtl Cur	Penlty Penlty	Pd Pd	Tot Cert Cur	Pd Pd	Tot Balance Cur
4711-33-102-035 WELSH ROBERT W	X3311 Timberview Rd Imp	4,396.91		0.00	860.55	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	3,536.36 0.00
4711-33-102-036 WELSH ROBERT	X3311 Timberview Rd Imp	4,396.91		0.00	860.55	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	3,536.36 0.00
4711-33-102-037 PHILLIPS JOSHUA	X3311 Timberview Rd Imp	4,396.91		0.00	860.55	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	3,536.36 0.00
4711-33-102-038 BLUMENAU, CYNTHIA & MARK	X3311 Timberview Rd Imp	4,396.91		0.00	860.55	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	3,536.36 0.00
4711-33-102-039 SHAFER, RUSSELL JR. & KAT	X3311 Timberview Rd Imp	4,396.91		0.00	860.55	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	3,536.36 0.00
4711-33-102-040 BAILEY, GLEN, JR. & ALI	X3311 Timberview Rd Imp	4,396.91		0.00	860.55	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	3,536.36 0.00
4711-33-102-041 BALDORI PETER & DOROTHY	X3311 Timberview Rd Imp	4,396.91		0.00	860.55	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	3,536.36 0.00
4711-33-102-042 RAYNES JONATHAN & SCHMITT	X3311 Timberview Rd Imp	4,396.91		0.00	860.55	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	3,536.36 0.00
4711-33-102-043 EVANS JAMES LIVING TRUST	X3311 Timberview Rd Imp	4,396.91		0.00	860.55	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	3,536.36 0.00
4711-33-102-044 BANNING TODD & STEPHANIE	X3311 Timberview Rd Imp	4,396.91		0.00	860.55	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	3,536.36 0.00
4711-33-102-045 VALENTINE JAMES & BOZZI	X3311 Timberview Rd Imp	4,396.91		0.00	860.55	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	3,536.36 0.00
4711-33-102-046 DOBY PAUL & CAROL LIFE E	X3311 Timberview Rd Imp	4,396.91		0.00	860.55	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	3,536.36 0.00
4711-33-102-047 WOODY MATTHEW & MICHELLE	X3311 Timberview Rd Imp	4,396.91		0.00	860.55	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	3,536.36 0.00
4711-33-102-048 FRONCZAK, MARY C.	X3311 Timberview Rd Imp	4,396.91		0.00	860.55	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	3,536.36 0.00
4711-33-102-049 DORGAN LINDSAY & AARON	X3311 Timberview Rd Imp	4,396.91		0.00	860.55	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	3,536.36 0.00
Totals For X3311 Timberview Rd Imp Unit 4711	Parcels: 49	215,448.59		0.00	46,469.44	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	169,745.51 0.00
Gr. Totals....	49	215,448.59		0.00	46,469.44	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	169,745.51 0.00



September 4, 2018

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

Timberview Property Owners

Re: Timberview Road Improvement Special Assessment District

Dear Sir or Madam,

As part of the process of the Townships Annual Audit a complete review and close out of your Timberview Road Improvement project was completed. The good news for residents within this project is that the costs came in under the estimated cost that we received from the Livingston County Road Commission.

At a Regular Meeting of the Genoa Township Board held on Tuesday, September 4, 2018, the Board approved a reduction to the Timberview Road Improvement Special Assessment roll in the amount of \$37,551.21 to reflect actual construction costs. The reduction has been calculated over the 49 parcels in the district resulting in a per parcel reduction of \$766.35, spread over the remaining 5 years of the district. The original assessment of \$5,163.26 has been reduced to \$4,396.91. Your new annual assessment beginning on the 2018 Winter tax will be approximately \$707.27.

Please find enclosed an amortization table showing the breakdown of the reduction.

If you have any questions please feel free to contact the Genoa Township Treasurer's office at 810-227-5225.

Best Regards,

Robin L. Hunt
Genoa Township Treasurer

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

Amortization Table
Special Assessment: X3311 Timberview Road Improvement
Year Started: 2017 Winter Tax
Original Assessment \$5,163.26

Period	Payment	Adjustment	Balance
2017 Winter Tax	\$ 860.54		\$ 4,302.72
Bd. Adj.-Reflect actual construction costs		\$ (766.35)	\$ 3,536.37
2018 Winter Tax	\$ 707.27		\$ 2,829.10
2019 Winter Tax	\$ 707.27		\$ 2,121.83
2020 Winter Tax	\$ 707.27		\$ 1,414.56
2021 Winter Tax	\$ 707.27		\$ 707.29
2022 Winter Tax	\$ 707.29		\$ -
Revised Assessment	\$ 4,396.91		



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


MEMORANDUM

TO: Honorable Board of Trustees

FROM: Kelly VanMarter, Assistant Manager/Community Development Director

DATE: August 30, 2018

RE: Zoning Ordinance Articles 10 and 25 Text Amendments
 Ordinance No. Z-18-04

MANAGERS REVIEW: 

In consideration of the recommendations by the Township Planning Commission (07/09/18) and the Livingston County Planning Commission (08/15/18) please find the attached proposed Ordinance Number Z-18-04 for your consideration. The proposed ordinance involves updates to the text of the Township Zoning Ordinance in regard to the creation of new Interchange Campus and Interchange Commercial Planned Unit Development (PUD) districts to implement the recommendations of the 2013 Township Master Plan.

- In the following pages you will find the below listed documents for your consideration:
- Proposed Ordinance Z-18-04;
 - Minutes from the three Planning Commission meetings at which this was reviewed as well as the minutes from the Joint meeting of the Board, Planning Commission and Zoning Board of Appeals which was held in April of this year;
 - Livingston County Planning Commission approval and staff review;
 - Full text marked-up version of the changes to Articles 10 and 25; and
 - Correspondence received last week from an attorney representing Mr. Todd Wyett.

In regard to the attorney comment letter, Mr. Wyett owns approximately 40% of the total land area within the planned Interchange Commercial and Interchange Campus area. Many of the issues presented are relevant to the Master Plan rather than the text amendment. In addition, there are a number of concerns raised which were deliberated by the Planning Commission and recommended to remain as submitted to you in the following pages. Lastly, a few of the comments related to the vagueness of terms are addressed by the proposed amendments to Definitions (Article 25) as

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

suggested by the Planning Commission. As a significant land owner in the interchange area, staff will continue to work closely with Mr. Wyett moving forward. In consideration of his concerns, I think it would be appropriate for the Board to consider whether or not an amendment to the Master Plan is in order. Township staff is committed to and will continue to work with all interested parties to ensure that zoning regulation along the S. Latson Road corridor is both in keeping with the goals and objectives of the community as well as being pragmatic for landowners and developers within the framework of the ever changing marketplace.

As required pursuant to the Zoning Ordinance and the Charter Township Act (Act 359 of 1947) the Board has introduced and published notice of the proposed Text Amendment. The second reading and consideration for adoption is therefore requested for your consideration. If inclined, please consider the following action:

Please note the ordinance requires adoption by a majority of the membership on roll call vote.

Moved by _____, supported by _____ to approve and adopt ordinance no. Z-18-04 entitled "An ordinance to amend Articles 10 and 25 of the Zoning Ordinance of Genoa Charter Township in regard to Interchange Campus and Interchange Commercial Planned Unit Development districts"

Secondary Motion regarding a Master Plan amendment if inclined:

Moved by _____, supported by _____ to direct staff to initiate an amendment to the Township Master Plan to consider changes to the S. Latson Road area subarea plan, as well as to review other components of the Master Plan that may need review and/or revision.

ORDINANCE NO. Z-18-04

AN ORDINANCE TO AMEND ARTICLES 10 AND 25 OF THE ZONING ORDINANCE OF GENOA CHARTER TOWNSHIP IN REGARD TO INTERCHANGE CAMPUS AND INTERCHANGE COMMERCIAL PLANNED UNIT DEVELOPMENT DISTRICTS

THE TOWNSHIP OF GENOA ORDAINS:

SECTION 1: SHORT TITLE: This Ordinance shall be known as the “**Amendments to Zoning Ordinance Articles 10 and 25 regarding Interchange Commercial and Interchange Campus Planned Unit Development Districts**”.

SECTION 2: SUMMARY OF ORDINANCE: Pursuant to the Michigan Zoning Enabling Act (P.A. 110 of 2006), notice is hereby given that an ordinance to amend the Zoning Ordinance regulating the development and use of land in Genoa Charter Township has been adopted by the Township Board on _____. The Board conducted the second reading and approved Ordinance #Z-18-04 to adopt the ordinance and amend the Zoning Ordinance of the Charter Township of Genoa by amending Articles 10 and 25 in regard to interchange commercial and interchange campus planned unit development districts. The following provides a summary of the regulatory effect of the ordinance.

Article 10 of the Zoning Ordinance, entitled Planned Unit Development is hereby amended as follows:

Section 10.01.04 is amended to include two separate PUD Districts for the S. Latson Road interchange area.

Section 10.02.03(c) is amended to allow the Township to waive the minimum site area requirements for parcels within the Interchange Commercial and Campus PUDs.

Section 10.03 is amended to add the Interchange Commercial and Interchange Campus districts to the type of PUD designations.

Section 10.03.06 is added to provide standards for the Interchange Planned Unit Developments (Commercial and Campus) as follows:

(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.*
 - iii. *Any indoor storage must be clearly accessory to the principal permitted use.*
 - iv. *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, Section 8.03.01 for the CAPUD and the Regional Commercial District, Section 7.03.01 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.*

Article 25 of the Zoning Ordinance, entitled Definitions, is hereby amended to add the following definitions:

- 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.*
- 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.*
- 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.*
- 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.

- *Office: A building or portion of a building wherein services are performed involving predominantly administrative, professional, or clerical operations.*
- *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.*
- *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.*
- *Small distiller: A manufacturer of spirits annually manufacturing in Michigan not exceeding 60,000 gallons of spirits, of all brands combined.*

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

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

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

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

On the question: “SHALL THIS ORDINANCE NOW PASS?” the following vote was recorded:

Yeas:

Nays:

Absent:

I hereby approve the adoption of the foregoing Ordinance this day of , .

Paulette Skolarus
Township Clerk

Bill Rogers
Township Supervisor

Township Board First Reading: August 20, 2018

Date of Posting of Proposed Ordinance: August 21, 2018

Date of Publication of Proposed Ordinance: August 26, 2018

Township Board Second Reading and Adoption: proposed September 4th, 2018

Date of Publication of Ordinance Adoption:

Effective Date:

He believes that preliminary site plan approval can be granted without the groundwater testing information being provided. This will be addressed during final site plan approval.

It was noted that the applicant has addressed all of the concerns of the Brighton Area Fire Authority's concerns.

Ms. VanMarter stated that although Wetland C is not regulated, it connects to Wetland E which is regulated. She has asked the DEQ for clarification if it changes the status Wetland C. If that is the case, then the same requirements for all wetlands shall also apply to Wetland C.

The call to the public was made at 7:39 pm with no response.

Moved by Commissioner Mortensen, seconded by Commissioner Grajek, to recommend to the Township Board approval of the Impact Assessment dated June 19, 2018 for Chestnut Springs, subject to the following:

1. Approval by the Township Board of the rezoning of the property from Agriculture to Low Density Residential
2. Approval by the Township Board of the preliminary site plan dated June 20, 2018.

The motion carried unanimously.

Moved by Commissioner Mortensen, seconded by Commissioner Grajek, to recommend to the Township Board approval of the preliminary site plan dated June 20, 2018 for Chestnut Springs, conditioned upon the following:

- 1) Approval by the Township Board of rezoning the property to Low Density Residential.
- 2) Approval of the Impact Assessment dated June 19, 2018.
- 3) Clarification to the Township Board regarding the location of the building envelope and setbacks for Lot #25.
- 4) Further acknowledgement by the petitioner of the following:
 - a) The requirements for the final site plan will, at a minimum, include the following:
 - i) Following all procedures of Article 13 of the Township Zoning Ordinance.
 - ii) Obtaining all other governmental regulatory approvals, including water quality from the Livingston County Health Department.
 - iii) Providing access easements for water testing and sampling by the Township.
 - iv) Providing an access easement for a groundwater monitoring well at a location determined by the Township Engineer.
 - v) Approval by the Township Attorney of the Master Deed, Bylaws, and covenants covering maintenance including, but not limited to, rights for Township inspection of wells, maintenance agreements of common areas, including a Private Road Maintenance Agreement, which includes the financial and maintenance assurances, and educating the property owners on the potential harm of using salt on paved areas.
 - vi) The condominium Master Deed and covenants shall clearly note the protected areas that are to be undisturbed and remain natural so the residents do not encroach.
- 5) Requirements of Tetra Tech's letter dated June 26, 2018 will be met.
- 6) Requirements of the Brighton Area Fire Authority's letter dated June 22, 2018 shall be met.

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 reviewed the changes that she made based on feedback from the Planning Commission last month.

She added a new section entitled "Compatible Uses", which explains that uses which are not specifically listed in the ordinance will be considered based on the use, traffic impact, building specifications, etc.

The call to the public was made at 8:21 pm.

Rob Vedro of 4036 Sweet Road complimented Ms. VanMarter and the Planning Commission for the hard work that was done on the development of this zoning area.

Ms. VanMarter stated this item will go before the Livingston County Planning Commission for their recommendation to the Township Board.

Moved by Commissioner Grajek, seconded by Commissioner McCreary, to recommend to the Township Board and Livingston County Planning Commission approval of the Text Amendments to Article 10 of the Zoning Ordinance. **The motion carried unanimously.**

NEW BUSINESS

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

Mr. Borden stated he and staff have been working on updating the entire zoning ordinance. They will be presenting it to the Planning Commission in small sections at this and future Planning Commission meetings.

Commissioners and staff discussed the proposed changes. Amendments will be made based on recommendations and brought back before the Commission.

ADMINISTRATIVE BUSINESS

Staff Report: Ms. VanMarter had nothing to report.

Approval of the June 11, 2018 Planning Commission meeting minutes:

Moved by Commissioner Mortensen, seconded by Commissioner Grajek, to approve the minutes of the June 11, 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 Rauch, to adjourn the meeting at 9:28 pm. **The motion carried unanimously.**

Respectfully Submitted,

Patty Thomas, Recording Secretary

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

GENOA CHARTER TOWNSHIP BOARD
Joint Meeting with the Planning Commission and Zoning Board of Appeals
April 30, 2018

MINUTES

Supervisor Rogers called the joint meeting of the Genoa Charter Township Board to order at 6:30 p.m., with the Pledge of Allegiance. The following members were present constituting a quorum for the transaction of business: Bill Rogers, Robin Hunt, Paulette Skolarus, Terry Croft, Jim Mortensen, Diana Lowe and Jean Ledford. Also present were Township Manager, Michael Archinal; Assistant Township Manager, Kelly VanMarter; Zoning Board of Appeals members Jeff Dhaenens, Marianne McCreary, Bill Rockwell and Greg Rassel; Planning Commission members Doug Brown, Jill Rickard, Chris Grajek; Township Attorney, Joe Seward and approximately 8 persons in attendance.

A Call to the Public was made with no response.

Special Topic Work Session:

Discussion of S. Latson Road area zoning: Ms. VanMarter gave a presentation on the proposed S. Latson Road interchange area planned zoning ordinance text amendments. Ms. VanMarter demonstrated the areas on maps featuring Interchange Campus, Interchange Commercial and the Interchange Transition area. The Planning Commission discussed this topic and tabled their decision to receive more information and input. The Master Plan was updated in 2013 to include the new interchange area on Latson Road.

Trustee Mortensen stated that he would like to see Prototype Manufacturing and Light Industrial require a special use. Mr. Brown stated that the uses would need to be fully defined. Ms. Rickard questioned what the proposed buffers would be from residential. Ms. VanMarter stated that they would follow what is already in place in the Zoning Ordinance and that the Industrial buffering would be the minimum where adjacent to residential. Discussion was had in regards to limiting access points on the main road, define where the commercial would be developed, utility service area and internet and broadband services. The members determined that medical and dental offices should be allowed in the Interchange Campus District.

Ms. VanMarter stated that Sweet Road is planned to be the primary access to the proposed Interchange Campus area with discussion about right in and right out curb cuts in other locations along S. Latson where warranted.

Ms. McCreary questioned if MDOT still owns the property west of Latson Road, north of the railroad tracks and if they planned to use the property as a car pool lot. Ms. VanMarter stated that it is unlikely given the land value and amount of excess parking north of I-96 but if requested it would need to be rezoned.

The following members of the Public spoke: Rob Vedro, 4036 Sweet Road, asked if the Township is prepared to install 4 lights on Latson Road to control traffic and if Latson Road was proposed to be widened to handle the traffic volume. Ms. VanMarter stated that as each proposed development goes through the approval process they would be required to conduct a traffic study. Mr. Vedro questioned when utilities would be available. Township Manager Archinal stated that the major sewer plant improvement would be completed in 2020. The bid was just awarded for the project.

Brenda Daniels, 1947 S. Latson Road, asked if there was a change from the proposed master plan and if utilities would be made available to the residential owners. Ms. VanMarter stated that the township will be meeting with the residents in the area in regards to their interest in utility services and cost and the township does not want to burden residents with unwanted special assessments.

Micheala Zint, 4159 Sweet Road, stated that she is troubled about this proposed change and she just recently found out about it. She had multiple issues mainly as to why her property was excluded from the proposed Interchange PUD zoning and what the landscaping buffer would be required from her property. Ms. VanMarter stated that she is available to meet with anyone to discuss this proposed text amendment. Ms. Zint stated that Ms. VanMarter has been very gracious in previous discussions.

Discussion of Zoning Amendment to allow Planning Commission disposition of site plans and impact assessments:

Township Manager Archinal asked the Board and Planning Commission to considered eliminating Board approval of impact assessments for site plan approvals. He stated that site plan approval is a two-step process and is considered costly and a time constraint on the developers. The board is an extra step that is not needed in the approval process as it is just often a rubber stamp. The Planning Commission does a great job. Rezoning, special uses, and PUD approvals would continue going before the Board of Trustees for approval after Planning Commission recommendation.

Treasurer Hunt stated that this would cause the trustees to become more involved in the planning process.

Rob Vedro, 4036 Sweet Road, stated that he does not see why they would want to take away the board's voice on a project.

It was received favorably by the group to eliminate board review of impact assessments on site plan projects.

Member Discussion:

Mr. Seward, Township Attorney addressed the members to inform them that the United States Supreme Court denied consideration Livingston Christians Schools appeal.

Ms. McCreary questioned if the ZBA variance fee amount could be increased due to the cost of the projects and to help cover the cost of the meetings. She also stated that the state legislature is proposing regulation of well and septic inspections every 10 years for point of sales.

Moved by Croft and supported by Ledford to adjourn the Joint Meeting at 8:11 p.m.

Amy Ruthig
Zoning Official

Moved by Commissioner Mortensen, seconded by Commissioner Grajek, to recommend to the Township Board approval of the Final Site Plan dated January 23, 2018 for a six-unit site condominium for St. John Providence located on the east side of the Latson Road and Grand Oaks Drive intersection, Howell 48843 with the following conditions:

- Approval of the Master Deed by the Township Attorney
- Acknowledgement by the petitioner that the Master Deed for St. John Providence Site Condominium does not supersede the Planned Unit Development or the Genoa Township Zoning Ordinance.

The motion carried unanimously.

OPEN PUBLIC HEARING #5...Consideration of Zoning Ordinance Text amendments to Article 10 of the Zoning Ordinance, entitled "Planned Unit Development" is proposed to be amended to add standards related to "Interchange Commercial PUD" and "Interchange Campus PUD".

Planning Commission Recommendation of Petition:

A. Recommendation of Zoning Ordinance Text Amendment.

Ms. VanMarter provided details of the proposed text amendments to Article 10 of the Township's Zoning Ordinance. She showed maps that depicted the locations of the proposed changes. She and the engineers have developed the plan for the water and sewer services for this area. These changes are needed because to the continued demand due to the installation of the Latson Road / I-96 Interchange.

Mr. Todd Wyatt, who owns 200 acres of property in this area, stated that he is interested in developing the property with low-intensity industrial uses. He has been assisting with the development of the text amendments. He would like to show the Planning Commission some proposed designs.

The Planning Commission is interested in seeing Mr. Wyatt's ideas for the area. It was suggested to have him return to a future meeting.

The call to the public was made at 10:08 pm with no response.

Moved by Commissioner McManus, seconded by Commissioner Mortensen, to table the consideration of Zoning Ordinance Text amendments to Article 10 of the Zoning Ordinance to allow staff and the Planning Commission to do some additional studies. **The motion carried unanimously.**

Administrative Business:

- Staff Report

Ms. VanMarter had nothing to report.

- Approval of the December 11, 2017 Planning Commission meeting minutes



Livingston County Department of Planning

August 16, 2018

Kathleen J. Kline-Hudson
AICP, PEM
Director

Genoa Charter Township Board of Trustees
c/o Polly Skolarus, Township Clerk
Genoa Charter Township Hall
2911 Dorr Road
Brighton, MI 48116

Robert A. Stanford
AICP, PEM
Principal Planner

**Re: County Planning Commission Review of Genoa Charter Township
Zoning Ordinance Amendment: Z-31-18**

Scott Barb
AICP, PEM
Principal Planner

Dear Board Members:

The Livingston County Planning Commission met on Wednesday, August 15, 2018 and reviewed the zoning text amendment referenced above. The County Planning Commissioners made the following recommendation:

Z-31-18 Approval.

The proposed text amendments related to Interchange Commercial PUD and Interchange Campus PUD are well thought out and well written. This proposed text amendment was needed to further the Genoa Township Master Plan I-96/ Latson Road Subarea Plan.

County Planning Staff urge Genoa Charter Township to consider the minor revisions and observations noted by staff in this review.

Copies of the staff review and Livingston County Planning Commission meeting minutes are enclosed. Please do not hesitate to contact our office should you have any questions regarding county actions.

Sincerely,

Kathleen J. Kline-Hudson, Director

Enclosures

c: Doug Brown, Chair Genoa Charter Township Planning Commission
Kelly VanMarter, Assistant Township Manager/Community Development
Director, Genoa Charter Township

Meeting minutes and agendas are available at:
<http://www.livgov.com/plan/Pages/agendas.aspx>

Department Information

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7. ZONING REVIEWS

A. Z-30-18: TYRONE TOWNSHIP, ZONING ORDINANCE AMENDMENTS - ARTICLE 21 SUPPLEMENTAL DISTRICT REGULATIONS, SECTION 21.55 MEDICAL MARIJUANA USES.

The Tyrone Township Planning Commission proposes revising amendments regarding medical marijuana uses, more specifically in the Township's FR district.

Township Planning Commission Recommendation: Approval. The Tyrone Township Planning Commission recommended Approval of the text amendments at their July 10, 2018 meeting. There were a few public comments as noted in the review.

Staff Recommendation: Approval. The proposed amendments appear to be reasonable and appropriate and are consistent with provisions in Michigan Public Acts 281 and 283. It appears that the proposed amendments should successfully eliminate the identified loophole in the township's current Michigan Medical Marijuana Act (MMMA) regulations.

Because of the fluidity and evolving course of action by the State of Michigan and its legislature and associated agencies related to the passage of PA 281 and 283 (MMMA), Staff would highly recommend that the Township consult with Township legal counsel before taking any formal action to approve these amendments.

Commission Discussion: Commissioner Prokuda invited Mr. Mark Meisel, Tyrone Township Planning Commission, to speak further and provide a brief background and summary of these amendments to the Commission.

Public Comment: Mark Meisel, Tyrone Township Planning Commission Chair, provided a comprehensive update as to where in the process these amendments currently stand. Mr. Meisel stated that the Township is currently undergoing further legal review of these amendments with Township counsel and other legal experts as to their consistency and legal standing concerning the provisions of the Michigan Medical Marijuana Act (MMMA, PA 281 and PA 283 and Initiated Law 1 of 2008).

Commissioner Action:

**Commissioner Action: IT WAS MOVED BY COMMISSIONER SPARKS TO RECOMMEND NO ACTION, ENCOURAGE FURTHER REVIEW. SECONDED BY COMMISSIONER ANDERSON.
Motion passed: 6-0**

B. Z-31-18: GENOA CHARTER TOWNSHIP, ZONING ORDINANCE AMENDMENTS - ARTICLE 10 PLANNED UNIT DEVELOPMENT AND ARTICLE 25 DEFINITIONS.

The Genoa Charter Township Planning Commission proposes several amendments to Article 25 Definitions and Article 10 Planned Unit Development of the Genoa Charter Township Zoning Ordinance.

The majority of proposed amendments regard the addition of two new types of Planned Unit Developments (PUD). These PUD zoning districts may be applied to the south Latson Road interchange area.

Township Planning Commission Recommendation: Approval. The Genoa Charter Township Planning Commission recommended Approval of the Zoning Ordinance Text amendments to Articles 10 and 25 at their July 9, 2018 meeting. Several public comments were received at the June 11, 2018 public hearing; some in support of industrial use south of I-96 along Latson Road and other comments that were not in support of industrial use.

Staff Recommendation: Approval. The proposed text amendments related to Interchange Commercial PUD and Interchange Campus PUD are well thought out and well written. This proposed text amendment was needed to further the Genoa Township Master Plan I-96/ Latson Road Subarea Plan. County Planning Staff urge Genoa Charter Township to consider the minor revisions and observations noted by staff in the review.

Commission Discussion: Commissioner Clum asked how far south the districts extend. Kelly Van Marter, Genoa Township Community Development Director, explained the limits in more detail. Commissioner Sparks asked about the microbrewery, less than 60,000 gallons – what size barrel is this based on. Kelly Van Marter stated that the proposed regulations are based on State regulations. Commissioner Prokuda asked about where the Township is in the process of implementing these provisions. Kelly Van Marter provided more details about the development process going forward.

Public Comment: Kelly Van Marter, Genoa Township Community Development Director, provided a few brief comments regarding the proposed amendments.

Commissioner Action:

**Commissioner Action: IT WAS MOVED BY COMMISSIONER SPARKS TO RECOMMEND APPROVAL. SECONDED BY COMMISSIONER CLUM.
Motion passed: 6-0**

8. **OLD BUSINESS:** None.

9. **NEW BUSINESS:** None.

10. REPORTS

A. County Planning Staff Reports

1. **2018 Livingston County Master Plan Review Period.** Materials were provided to Commissioners highlighting the local and regional organizations that were contacted regarding the Draft Livingston County Master Plan. In addition, a spreadsheet was also provided to Commissioners detailing public comments garnered thus far.
2. **Schedule Public Hearing for 2018 Livingston County Master Plan.** Commissions agreed to hold a public hearing for the Livingston County Master Plan as part of the October, 17, 2018, County Planning Commission meeting.

Commissioner Action: IT WAS MOVED BY COMMISSIONER IKLE TO FORMALLY SET THE PUBLIC HEARING DATE AND TIME REGARDING THE 2018 LIVINGSTON COUNTY MASTER PLAN TO BE HELD DURING THE REGULARLY SCHEDULED PLANNING COMMISSION MEETING ON OCTOBER 17, 2018 AT 6:30 PM. SECONDED BY COMMISSIONER STEVENS.

Motion passed: 6-0

3. **Schedule Visits To Local Planning Commissions.** Commissioners and Staff coordinated scheduling of visits to local Planning Commissions for the month of September and early October. Planned visits will be to Conway Township (Sept. 10), Green Oak Township (Sept. 20), Howell Township (Sept. 25), Marion Township (Sept. 25), Unadilla Township (Sept. 27), and the Village of Fowlerville (Oct. 9).
4. **Other.** A handout was provided to Commissioners regarding the upcoming opening of the new University of Michigan Medical Clinic in Brighton.



Livingston County Department of Planning

MEMORANDUM

TO: Livingston County Planning Commissioners and the
Genoa Charter Township Board of Trustees

FROM: Kathleen Kline-Hudson, Director

DATE: August 6, 2018

SUBJECT: Z-31-18
Article 25 Definitions and Article 10 Planned Unit Development

Kathleen J. Kline-Hudson
AICP, PEM
Director

Robert A. Stanford
AICP, PEM
Principal Planner

Scott Barb
AICP, PEM
Principal Planner

The Genoa Charter Township Planning Commission proposes several amendments to Article 25 Definitions and Article 10 Planned Unit Development of the Genoa Charter Township Zoning Ordinance.

The majority of proposed amendments regard the addition of two new types of Planned Unit Developments (PUD). These PUD zoning districts may be applied to the south Latson Road interchange area.

A summary of the proposed amendments is contained in this review. Proposed additions to existing text are noted in **bold red underline**, deletions in ~~strikethrough~~, and staff comments are noted in ***bold, italic underline***.

Article 25, Definitions

The following ten (10) new definitions are proposed for inclusion in the Genoa Township Zoning Ordinance. The terms define many of the permitted uses of the proposed Interchange PUD's.

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.

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.

Department Information

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•
Web Site
livgov.com



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.

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.

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.

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

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.

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.

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

County Planning Staff Comments: Each of these proposed definitions are easy to interpret and they support the permitted and specially permitted uses of the proposed Interchange Commercial Planned Unit Development and Interchange Campus Planned Unit Development zoning districts. Typo's are noted in black in the last two proposed definitions.



Article 10, Planned Unit Development

10.01.04 **Types of PUD's.** This article provides for five ~~(5)~~ **seven (7)** 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.

10.02.03 **Minimum Site Area.**

(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.

County Planning Staff Comments: "the broader Latson Road Subarea Plan" refers to the Genoa Township Master Plan and the subarea plans within it. It would probably be helpful to the reader if the master plan were referenced in Sec. 10.02.03.

10.03 **TYPES OF PUD ZONING DESIGNATION**

The two proposed types of PUD's would be added to this existing table of the original five (5) types of PUD's, as follows:

District Name	Type of District	Permitted Uses	Special Land Uses	Additional Provisions
<u>Interchange Commercial PUD (ICPUD)</u>	<u>Separate zoning district</u>	<u>See Sec. 10.03.06 c</u>	<u>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</u>	<u>See Sec. 10.03.06</u>
<u>Interchange Campus PUD (CAPUD)</u>	<u>Separate zoning district</u>	<u>See Sec. 10.03.06 c</u>	<u>See Sec. 10.03.06 c</u>	<u>See Sec. 10.03.06</u>

10.03.06 Interchange Planned Unit Developments (Commercial and Campus).

This new section of text begins with an intent statement (a.) and reference to the recommendations contained within the Genoa Township Master Plan and Subarea Plans (b.). Subsection (c.) regards Land Use and reads as follows:



(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.**

County Planning Staff Comments: Section 7.02.02 referenced above is Permitted and Special Land Uses in the Commercial and Service Districts.

- (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 uses or licensed vehicles used in the normal operation of a permitted use may be parked on the site in the rear only.**



In summary, the remainder of the text for Section 10.03.06 regarding Interchange Planned Unit Developments regards:

- 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 with 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. Lastly, 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.

County Planning Staff Comments: This text should reference the locations of the Table of Dimensional Standards for the Industrial District (Sec. 8.03.01) and the Regional Commercial District (7.03.01).

- Site Design – A previous PUD section for Non-residential Planned Unit Developments is referenced. This section lists site design requirements such as: greenbelts, signage, and lighting.
- Architecture - A previous PUD section for Non-residential Planned Unit Developments is referenced. This section lists architecture information that must be submitted with the concept plan.
- **(g) Access Management and Connectivity.**

(1) ICPUD:

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

(2) CAPUD:

- The primary access to the area west of South Latson Road, south of the railroad, shall be aligned with Sweet Road.**
- 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.**
- 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.**



- Utilities – The Concept Plan shall include a Utility Master Plan, based on guidelines provided by the Township Engineer.
- Future Transition Area – The last proposed subsection states that incremental southward expansion of the CAPUD is anticipated and evaluation factors for this expansion are listed such as:
 - Projected population growth within the Township and demand for additional land areas for development
 - The capacity and condition of the road system

Township Planning Commission Recommendation: Approval. The Genoa Charter Township Planning Commission recommended Approval of the Zoning Ordinance Text amendments to Articles 10 and 25 at their July 9, 2018 meeting. Several public comments were received at the June 11, 2018 public hearing; some in support of industrial use south of I-96 along Latson Road and other comments that were not in support of industrial use.

Staff Recommendation: Approval. The proposed text amendments related to Interchange Commercial PUD and Interchange Campus PUD are well thought out and well written. This proposed text amendment was needed to further the Genoa Township Master Plan I-96/ Latson Road Subarea Plan.

County Planning Staff urge Genoa Charter Township to consider the minor revisions and observations noted by staff in this review.

**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 (7) 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 Master Plan –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
<u>Interchange Commercial PUD (ICPUD)</u>	<u>Separate zoning district</u>	<u>See Sec. 10.03.06 c</u>	<u>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</u>	<u>Sec. 10.03.06</u>
<u>Interchange Campus PUD (CAPUD)</u>	<u>Separate zoning district</u>	<u>See Sec. 10.03.06 c</u>	<u>See Sec. 10.03.06 c</u>	<u>Sec. 10.03.06</u>

(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 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.
- iii. ~~Any indoor, and any~~ storage must be clearly accessory to the principal permitted use.
- iv. 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, Section 8.03.01 for the CAPUD and the Regional Commercial District, Section 7.03.01 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.

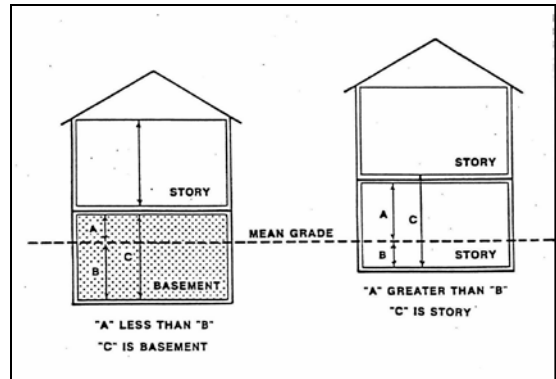


Figure 25.1 Basement

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.

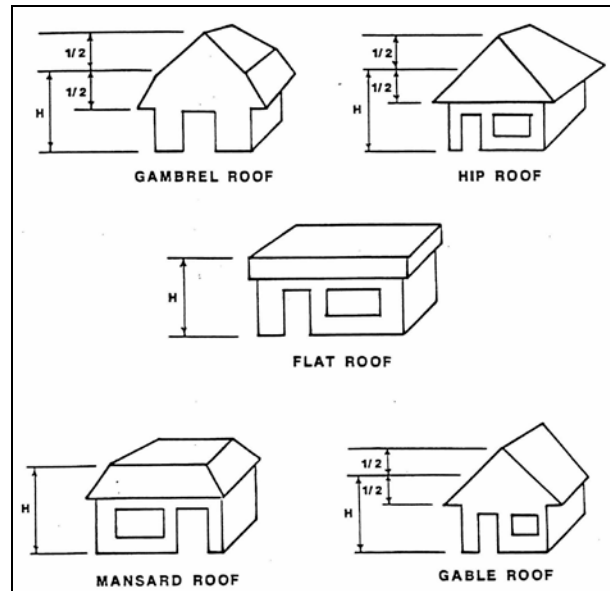


Figure 25.2 Building Height

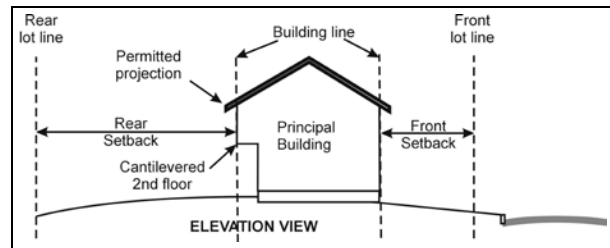


Figure 25.3 Building Line

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).

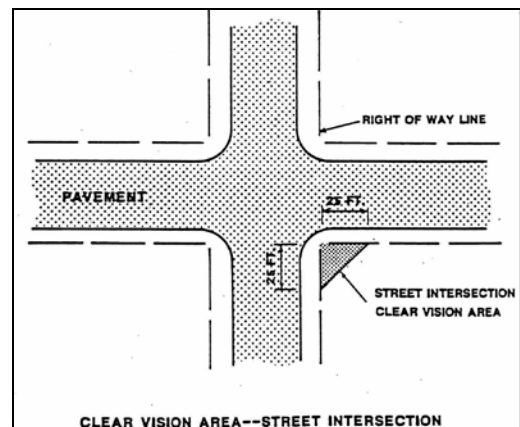


Figure 25.4 Clear Vision Area

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)

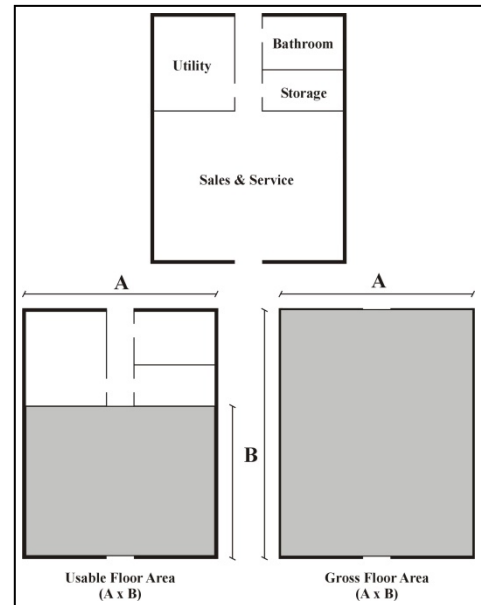


Figure 25.5 Floor Area

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.

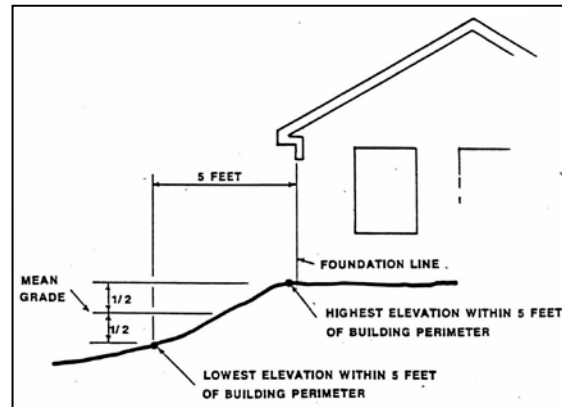


Figure 25.6 Measurement of Mean Grade

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 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.

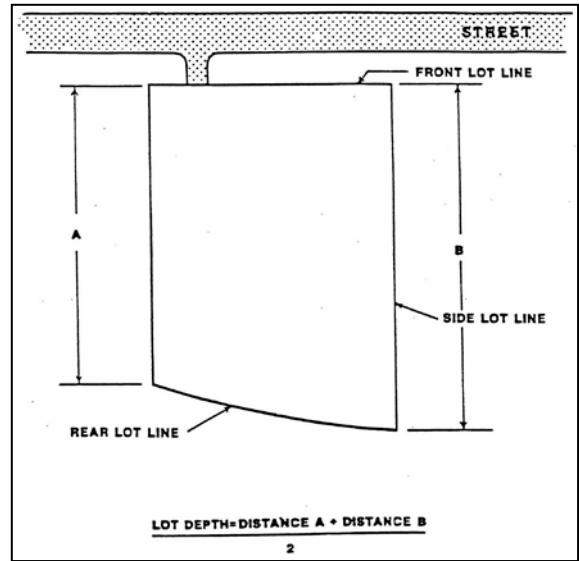


Figure 25.8 Lot Depth Measurement

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)

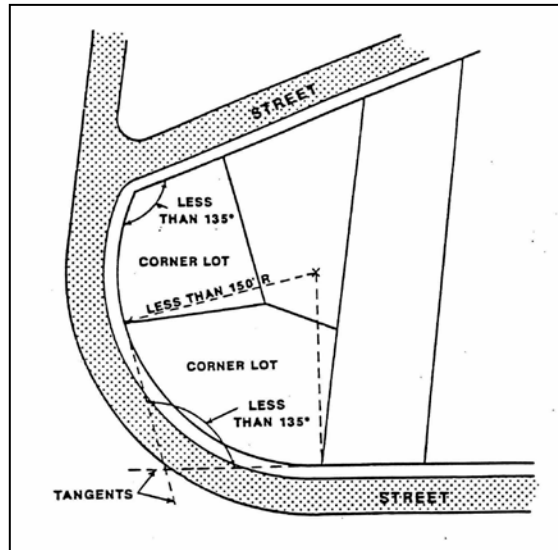


Figure 25.7 Lot, Corner Measurements

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.

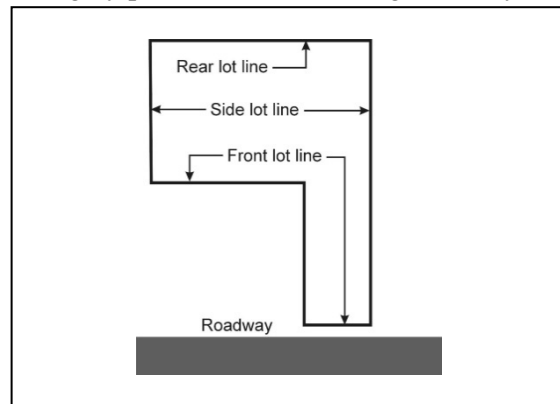


Figure 25.9 Flag-lot Lot Lines

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

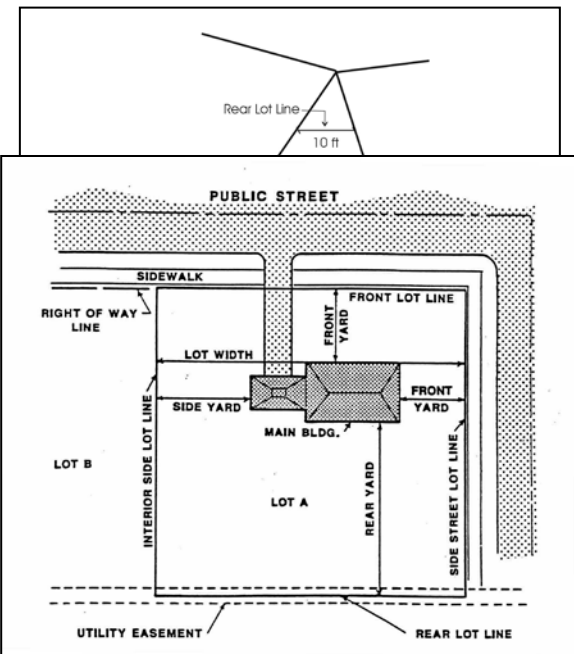


Figure 25.10 Lot Lines and Yards Measurement (Note: Yards May Not Always Equal Required Setbacks)

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.

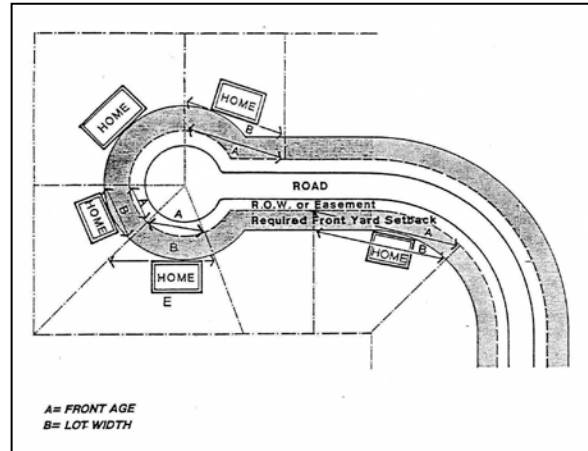


Figure 25.12 Lot Width on Curvilinear Streets

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).

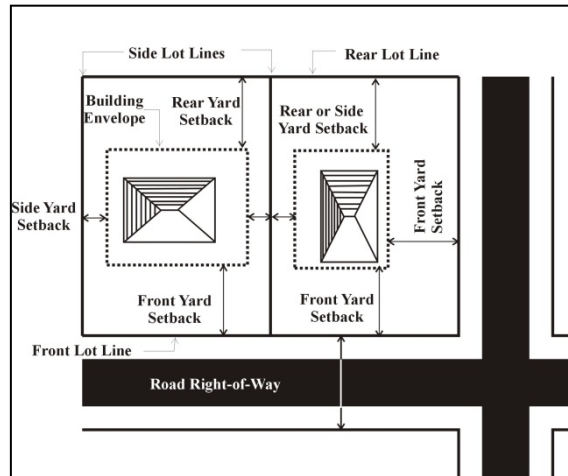


Figure 25.13 Setbacks

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.

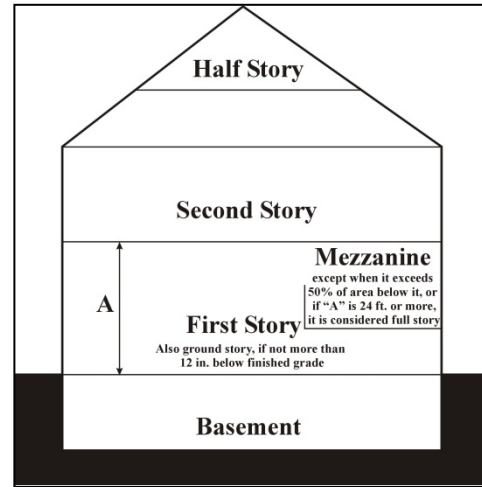


Figure 25.14 Story

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.

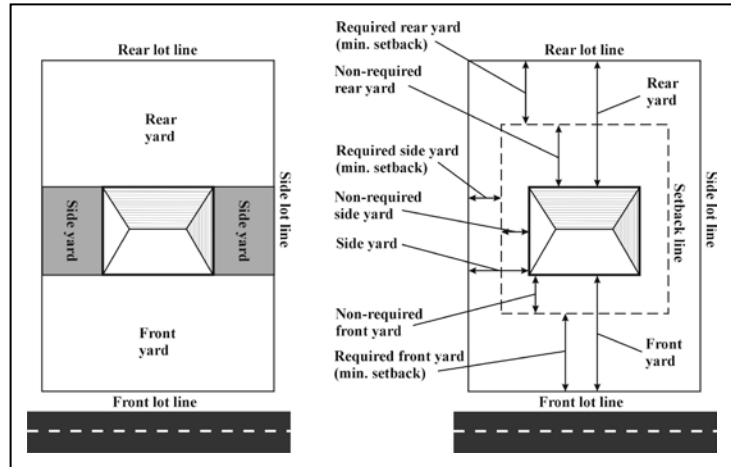


Figure 25.15 Yards

- 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)



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August 21, 2018

Via Email

Kelly VanMarter
Assistant Township Manager
Genoa Township
2911 Dorr Road
Brighton, Michigan 48116

Re: Proposed Zoning Articles 10 and 25 Amendments—S. Latson Road Area

Dear Ms. VanMarter:

I am working with Versa Development and Todd Wyett in connection with the review of the proposed Township Zoning Ordinance amendments for properties located on the west and east sides of Latson Road south of the I-96 expressway. As you know, Versa owns most of the lands subject to the proposed Ordinance amendments (approximately 200 acres) and, therefore, has a great interest in the outcome of this process. (See Appendix 1 for an aerial depiction of the properties owned by Versa.) Mr. Wyett asked me to collaborate with Brad Strader, an experienced and respected planning consultant who has worked with and is very familiar with Genoa Township, to review the draft proposed Ordinance revisions recommended by the Planning Commission and provide our comments and observations.

We recognize that the Latson Road/I-96 interchange is a relatively new and important highway interchange in the community. Having a single landowner who owns virtually all of the property also provides a rare opportunity to create a vibrant and synergistic business environment for the mutual benefit of the Township and the property owner. But the uses permitted should be realistic and reflect the present and future market conditions. Moreover, the procedures for obtaining development approvals should be clear and realistic.

The comments below reflect our joint observations. Some of these observations are general and conceptual and merit a more detailed dialogue between the Township and Versa, while other comments are very specific. Our objective is to work cooperatively with the Township to create a clear and useable set of regulations regarding the use and development of the properties at issue. We would appreciate it if you would provide copies of this letter to the Township Board.

1. One common problem is that the underlying zoning of the property is country estates. This zoning allows single family residential and small scope farming. The underlying zoning is inconsistent with the master plan or any other provision of the revisions to the PUD ordinances intended to cover the property. Many provisions of the PUD ordinance itself, including the standards for PUD qualification, look to comparisons between the proposed PUD development and the underlying zoning. None of those provisions should apply here and the ordinance language is confusing and inapplicable in this respect.
2. Another more important problem caused by the above disconnect between the underlying zoning and the new PUD provisions is that there are simply no uses consistent with the master plan or the intended new provisions that are allowed as of right. Every use must proceed through the PUD process, which has multiple layers of discretion and, in some cases, without objective requirements. And, because of the 40,000 square foot limit, most of the logical and realistic uses would be treated as special land uses. Further, the actual list of authorized uses (to be discussed further below) is so narrowly described and limited, that the vast majority of likely business uses for the property would be excluded. The daunting procedural requirements, narrow description of uses, broad discretion of the Planning Commission and Board at multiple stages of the process, would probably discourage most users from willing to even risk the time and expense for such a speculative result and likely look elsewhere. **One structural suggestion that could make the whole process easier to use and understand is to simply establish the Interchange Commercial and Interchange Campus designations as new and separate zoning classifications and rezone certain properties to those designations.** Detailed standards can be referenced and the option to develop parcels as a PUD can still be authorized.
3. Focusing on the interchange campus designation, probably the most important thing for the property owner is the very restrictive designation of permitted uses. Most of the permitted uses are somewhat unique and aspirational, such as hospitals, education and training facilities and multi-media production facilities. While we recognize that the interchange location would seem to offer appeal to those types of uses, but there are many places offering better locational factors and financial incentives for those types of uses. With such restrictions, the land could sit fallow for many years. Instead, we request the Township open up the list of permitted uses to include certain types and sizes of light industrial, which also seek such locations. The current proposed description of high-tech businesses is so narrowly described as to be potentially useless to the nature of the business users who are likely to locate here. For example, most research and development facilities also include some level of assembly, light manufacturing and warehousing, as well as office use. It is also unclear as to what type of business would be

acceptable within the Township's description of "high" technology and similarly vague terms. Businesses are not often willing to go through a detailed procedure of having their technology or business evaluated to determine even if they are sufficiently high tech to be welcomed in the community or limit the ongoing evolution that such businesses need in response to the rapidly changing technology and markets.

4. While stringent standards of design, architecture and landscaping might be appropriate to create the type of business environment sought by the Township, the authorized uses seem to have no relationship to each other in terms of impact, whether traffic or any other measure. A hospital would have a huge impact in this respect with traffic, hours of operation, noise, including sirens, etc. While virtually all commercial uses are prohibited, including restaurants to serve the businesses, a microbrewery is permitted.
5. The elimination of commercial uses is even of greater concern here because the lands designated for Interchange Commercial are either not suitable by size, location or ownership for development in that manner. We understand the goal to preserve the vibrancy of the existing commercial centers along Grand River Avenue amid the continued emergence of e-commerce and reduced demand for brick and mortar stores. But there still is a demand for certain commercial uses in the area immediately around the interchange that can complement other uses in the district.
6. Some other suggested uses that are clearly compatible with the uses permitted in terms of impacts, include the following: (a) light manufacturing, warehousing and office uses; (b) financial institutions; (c) retail and restaurant uses on properties with frontage along Latson Road; (d) health and fitness clubs and recreational facilities; (e) conference centers and hotels; and (f) government offices and facilities. Having more flexibility and diversity can create the mixed use environment desired and such uses have little external impacts and can be integrated by good design, landscaping, building materials, etc.
7. Requiring a special land use for any permitted use over 40,000 square feet would discourage most of the more desirable operations. Versa has prepared some preliminary layouts of buildings based on its understanding of the market and from specific business inquires and virtually every building is in excess of 40,000 square feet. To require an applicant to go through a special land use procedure simply to determine if the Township will allow a use that is otherwise permitted simply because the building is larger would be an impediment. Moreover, a special land use designation can cause potential investors to avoid a location in the Township because of the uncertainty and time involved. If there is really a concern about a special review of very large buildings, a different limitation would be more reasonable, such as buildings in excess of 125,000 square feet.

8. The draft Ordinance allows light industrial use only as a special land use and “where activities involve high technology research and development type uses.” First, we do not understand why this would be a special land use as opposed to a permitted land use. But we also do not understand what this means, particularly the phrase “high technology and development type uses.” Businesses should not be left to guess as to whether their business operation involves technology sufficiently “high” enough to satisfy the community. There really should be no distinction for light industrial uses regardless of the nature of the business as long as the activity meets the criteria for operating within an enclosed building and the meets the standards for external impacts. Whatever the business, whether making robots or parts for driverless vehicles, as long as the building and development meets the architectural and other design and landscaping criteria, it should not matter what the actual product made would be. The real result is employment and tax dollars for the community. Brad Strader has provided some illustrations of light industrial, warehousing and other mixed use business facilities to show the kinds of design standards that might be incorporated into an ordinance. (See Appendix 2.) If the Township’s main concern is to avoid a saturation of very large, lower employment and unattractive industrial uses, there are other effective ways to accomplish such objective.
9. In considering an expansion of the business uses permitted as described above, another issue that should be considered is potential re-sale or re-use. Whether a building is constructed by a developer for a specific tenant or built by a specific business for its own use, the owner of the building and lenders always look to potential re-use as a factor in valuation and lending. Even if there was a user that met the limited definition of high-tech or research use in the draft ordinance, the concern would always be what happens if that user or tenant should leave. This further could be a significant impediment to obtaining financing for any such development.
10. There are several other issues we identified that can be addressed by revisions to the draft ordinance. One example is the reference to architectural standards. The draft ordinance refers back to the standards of Section 10.03.05(f). These were the existing PUD standards that apply to residential and other PUDs. Standard (4), which provides that the predominant material utilized on facades visible from a public right of way or parking lots shall be brick. This is really not appropriate or even desirable for these kinds of uses. Moreover, there are many materials more appropriate and at least as attractive as brick. Similarly, the provision giving the Planning Commission discretion to allow for “alternative innovative high quality exterior façade material” is also vague. Another provision provides that all setback standards of the industrial district should apply to development within the Campus PUD. Are these standards really appropriate? Rather than refer to standards of a district with many uses that are not even permitted in the Campus PUD, it would be more appropriate for the ordinance to provide the specific

Kelly VanMarter
August 21, 2018
Page 5

standards applicable for development within the Campus PUD itself, while giving the Planning Commission or Board discretion to modify those standards in appropriate instances. There are other requirements regarding road alignments that may be too rigid in view of the existing conditions at the properties at issue and we would like to discuss those requirements as well.

11. Finally, we have some concerns with the boundary lines proposed for the two new PUD districts. In particular, the approximate 10 acres owned by Versa on the east side of Latson and south of the railroad tracks (see Appendix 1), should more appropriately be treated as part of the Commercial PUD and not the Campus PUD. If we meet, we can discuss our reasons in more detail.

Kelly, we appreciate your consideration of these observations and ask that this letter be distributed to the Township Board. I wanted to get these comments to you because I understand we are meeting tomorrow to discuss Versa's comments on the draft ordinance revisions. Thank you considering these observations.

Sincerely,

DYKEMA GOSSETT PLLC



Alan M. Greene

Enclosures

cc: Michael Archinal, Township Manager
Todd Wyett
Brad Strader

4839-4235-8384.3
102984\000185

Appendix 1



meijer

LOWE'S

Walmart

Latson Road

I-96

1

2

3

4

Appendix 2























NOTICE

To residents of Genoa Charter Township We contracted with a new provider for Refuse Collection and Disposal Service

The Township Contract with GFL recently expired. As a result the township will be making a change in how your refuse and recyclables are collected. The Township contracted with a new company called Advanced Disposal. Advance was founded in 2000 and employs 5,700 workers in 16 Eastern U.S. States with 2.8 million residential customers. This new service contract will provide the following services:

- Weekly refuse collection and disposal
- **carts must be used for refuse and recycling because of collection automation**
- Bi-weekly recycling collection
- A new 96 gallon refuse cart provided at no charge
- A new 64 gallon recycling cart provided at no charge
- Bulk pickup provided at no charge – one item per week

Under the previous contractor residents paid \$36.00 annually for the rental cart. The new service provides carts to homeowners at no charge. The carts allow a single driver to load refuse and recycling efficiently and safely into the truck. It is important to face your cart so that it can be manually be picked up by the vehicle. The 64 gallon recycling cart will replace the 18 gallon bin. The recycling cart will have a lid to keep recyclables from blowing out on windy days. "Drive Cam" monitors the driver and the route to assure that pick-ups are not missed and safety rules are followed. Your old carts will be picked up the last week of September by GFL. Just leave them at the curb after refuse is collected. The new carts should be used beginning Oct. 29, 2018.

Previously, the Township provided one free sticker a year for bulky item disposal and additional stickers were \$10.00 each. Effective October 1, 2018 Advance will pick up a single bulk item every week at no cost to you if placed at the curb along with your refuse. **There is no need to call and schedule a special pickup.** All call takers in the Northville Service Center for Advanced Disposal will have Genoa specific service guidelines at their desk for easy customer reference and will be ready to take your calls as early as 7:00 a.m. A smart phone app will be available to assist residents with holiday schedules and pick-up dates.

Yard waste disposal will be provided through a monthly subscription service at \$80.00 per season or \$10.00 a month with pick-ups twice a month basis. There is a limit of 15 bags per pickup. Please call the provider for service subscription.

We choose to continue this important service to keep our community clean and to eliminate the necessity of having our residents' contract individually for service at a much higher cost. We want to limit the number of heavy trucks using our streets on a daily basis which will save wear and tear on our roads. Most of all we want you to be satisfied with the service we deliver.

This notice includes details of pickup and additional cost for yard waste. Updates will be posted on the Township website www.genoa.org

Recycling Did You Know?

Plastic grocery bags should never be placed in with your recycling. Never wrap your newspapers or other recycling products in plastic grocery or retail plastic shopping bags. Plastic bags are a great concern to recycling companies. They get caught in the conveyors and damage the equipment. Plastic bags may be recycled at your local grocery store. Help us to help save the planet.

Just Say No To Styrofoam

The U.S. Environmental Protection Agency (EPA) and the International Agency for Research on Cancer have established styrene as a possible human carcinogen. Those who work in styrene product manufacturing and are regularly exposed to high levels of styrene have experienced acute health effects.

Styrofoam containers are commonly used for take-out food, but chemicals can leach into it and contaminate that food, affecting human health and reproductive systems. This effect is further accentuated if food is reheated while still in the container. **NEVER heat Styrofoam:** always remove food to a cooking vessel for reheating.

Styrofoam is non-biodegradable and appears to last forever. It's resistant to photolysis, or the breaking down of materials by photons originating from light. Styrofoam floats and is considered a main component of marine debris.



Along with the health risks associated with the manufacture of polystyrene, air pollution is another concern. The National Bureau of Standards Center for Fire Research has found 57 chemical byproducts released during the creation of Styrofoam. This not only pollutes the air, but also results in liquid and solid toxic waste that requires proper disposal.

Styrofoam manufacture also uses hydrofluorocarbons (HFCs), which negatively impact the ozone layer and climate change. HFCs are less detrimental to the ozone than chlorofluorocarbons (CFCs), which were used in the manufacturing of Styrofoam in the past, but it is thought that the impact of HFCs on climate change is much more serious.

Lastly, Styrofoam is made from petroleum, which is a non-sustainable resource, the production of which creates heavy pollution and accelerates climate change.

The Secretary of State has your Ballot on Line

- Voters wishing to view their ballot or find their polling place may do so by logging on to www.genoa.org. This address will provide a link to the Secretary of State. Then, simply type in your name and address and click on the icon to view your ballot as well as your polling location.
- Included on the November ballot is a **proposed initiated law to authorize the personal possession and use of marihuana** by individuals aged 21 years and older and control the commercial production and distribution of marihuana.
- The township web site includes an application to vote absent voter ballot. Please be assured that your vote will count on Election Day. A special counting board has been set up to tally those ballots electronically. The process provides for complete integrity and confidentiality of your vote. If you have questions, please contact me (polly@genoa.org).
- The following is a listing of polling locations within the township. Please check your voter Identification card to determine your precinct and polling place.

Cleary University
3750 Cleary Drive
Howell, MI
Precincts 1 & 9

Three Fires Middle School
4125 Crooked Lake Rd.
Howell, MI
Precincts 2 & 10

Hornung Elementary School
4680 Bauer Road
Brighton, MI
Precinct 6

The Naz Church
7679 Brighton Road
Brighton, MI
Precincts 4 & 8

2/42 Church
7572 W. Grand River
Brighton, MI
Precincts 11 & 13

Community Bible Church
7372 W. Grand River
Brighton, MI
Precinct 3

Cleary University
3750 Cleary Drive

Howell, MI
Precincts 1 & 9

New Voting Equipment

For those of you who voted in the August Primary you may have noticed that Genoa Township has new voting equipment. This equipment is provided by a company called Hart Intercivic and purchased in conjunction with the Michigan Secretary of State's Office. Hart is engaged in the national conversation about election security that has become evident these past few years. Hart is partnering with the Department of Homeland Security, the Election Assistance Commission and others to secure our elections. Included in this new *Verity Voting System* are some of the following features:

1. We are never connected to the internet, intranet or other election office networks.
2. This system has never included remote access software.
3. There is always a paper trail should recounts or post-election audits be necessary.
4. Whitelisting, a form of Anti-virus software, prevents any unauthorized program, application or code from running on this voting system.
5. Voting devices and workstations operate in "kiosk" mode, ensuring the user can only access those parts of the system which are required for election operation.

Election security comes first when you are voting in Michigan. Michigan's extensive voting laws are one of the best in the country. Be assured that we are doing everything to ensure your vote is cast in privacy and secrecy. The hard copy paper trail assures the integrity of elections all over Michigan.

The Township web-site includes an application to vote absent voter ballot. Please be assured that your vote will count on Election Day. A special counting board has been set-up to tally those votes electronically. The process provides for complete integrity and confidentiality of your vote. If you have questions, please contact me (polly@genoa.org).

MAYBE still not approved for the ballot but being reviewed

VOTERS NOT POLITICIANS: Proposed constitutional amendment to create the Independent Citizens Redistricting Commission and authorize the Commission to adopt reapportionment plans for Congressional, State Senate and State House of Representatives districts.

MICHIGAN ONE FAIR WAGE: Proposed initiated law to gradually increase the hourly minimum wage from \$10.00 in 2019 to \$12.00 in 2022

MI TIME TO CARE: Proposed initiated law to create the Earned Sick Time Act, requiring employers to provide sick leave for personal or family health reasons, subject to certain

Board Correspondence

To Board 9/4/18

Cromaine District Library
Regular Board Meeting
Thursday, July 26, 2018

APPROVED

Members Present: Cafmeyer, DeRosier, Lewis, Oemke, Sargent, Thompson

Members Absent: None

Staff Present: Stefanie Furge, Ceci Marlow, Barb Rentola, Janice Yaklin

Guests Present: Barbara Krueger, Richard Krueger

I. President Lewis called the meeting to order at 7:00 p.m. in the Community Room of the Cromaine Village Library.

II. **Approval of agenda** Agenda Approval
Member DeRosier moved to approve the agenda, seconded by Vice-President Thompson. Passed unanimously.

III. **Approval of Consent Calendar** Consent Calendar Approval
Secretary Oemke moved to approve the consent agenda, seconded by Treasurer Sargent. Passed unanimously.

- A. Approval of minutes, 6/21/2018
- B. Acknowledge receipt of the June Financial Report and payment of June invoices totaling \$116,046.02 and payroll obligations totaling \$76,146.46.
- C. Director's Report
- D. Committee Reports
 - Community Relations July 6
 - Finance July 23
 - Personnel July 5
 - Planning July 11

IV. **Call to the Public:** No Response Call to the Public

V. **Director's Report Update – Update, Comments & Questions from the Community** Director's Update

The Director shared the following verbally:

Volunteers gave 473.5 hours this month; 126.5 by adults and 347 by teens. We are very grateful for the teen volunteers during a very full summer of programming for youth. Their participation in carrying out a variety of programs—everything from the summer concert popcorn-making to the Harry Potter wand-waving—makes a big difference. This week and next we send good and well wishes to Lisa Banister. She garnered a record \$89.85 in popcorn money the night of July 18 and then needed to take the last two weeks off for cardiac treatment. Her comment, "I really miss this when I cannot be here."

Last night's concert with The George Brothers had an audience of over 200—very good for a hot but beautiful night and no Ranger's 4-H. Thank you to one of our concert series sponsors who stepped up and provided a starter batch of pizzas and to the Village Market who gave us discounted prices on the other ten pizzas. Concert attendees could donate a "substantial" gift of school

July 26, 2018

supplies for the LESA Backpack Project or a \$1.00 for a slice of pizza, limit two. Over \$178 was raised in cash donations and at least twice the amount of school supplies as what were collected up to the concert were brought in. And, attendees promised to bring more school supplies next week, the last of the summer concert series.

The south lawn manholes which were holding up final release of the construction project have been completed. Hartland Township was notified, but added steps were required. We now have the final review letter from Hubbell, Roth, Clark, an email from Troy Langer which we believe resolves the project, and clearance from the county on removing the silt fencing. Nearly one year after the project was supposedly complete; it has been signed off on by Livingston County and Hartland Township. Copies of the letters and emails are in the blue packet for your reading.

The Marketeer has continued the ad for the summer concert series, pro bono, thanks to local resident Kathy Smolinski. We are grateful.

According to Google, in June 11,041 people found us on Google. 777 visited our web site, up 57% from the prior month. 100 people called us, also up from the prior month.

The tactic development portion of the strategic plan will be worked on by the library's management team with facilitator Nick Dimassis in a three-hour session the morning of August 23.

Earlier this summer, a snake came to visit the library, making it all the way to the grandfather clock. Today, although probably last night when the garden entrance door was open, a bat came to visit. He or she hung out on the second floor ceiling between the restrooms and was very tenacious in the hanging. The teen volunteers working the Harry Potter camp this week believe that we got the word out to even the local wildlife.

Senior Power Day, Disco-themed, is Friday, August 3 at the Brighton High School. Livingston Libraries will be there, with Janice Yaklin and Diana Dart (from Brighton) at the table. A full day with vendors and workshops and other special activities is planned. Let the Director know if you are able to attend.

The full-time Youth Services Librarian position as posted statewide with a request that applications be submitted by August 6. A second, more personal, plea went out from Marta Jackson July 26.

The letter of agreement for the schools, relative to the Engagement Specialist position filled by Stefanie Furge, is on its way to Chuck Hughes, along with an invoice for the first quarter of wages and benefits. Stefanie's proposal for computing equipment to support the collaboration will go to Hartland Township shortly. The Chamber's collaboration includes support for Stefanie to attend events, plus the help of specific Chamber members on parts of the project such as the web site.

Questions and Comments from the Trustees:

Trustee DeRosier appreciated that the Director's report included the legislative agenda items from the Michigan Library Association weekly email and that the Livingston County's master plan and avenue for commenting were noted in the report. Trustee Cafmeyer shared a story about her mother, who lives in Rochester, not knowing that Emagine offered a deal. Mary has heard from two others that the deal is not exactly as described, including that the "free" popcorn actually costs \$1.

Questions &
Comments from
the Trustees

July 26, 2018

(The Director will follow up, but we are awaiting approval of our promotion plan by Emagine.) Trustee Cafmeyer also asked about the Google Mail letter distributed to the board members. The Director explained that this is a library-only email for trustees to use when communicating library business with one another. Each named email also has an alias that is specific to the trustee's position on the board and that email, e.g., board-president@cromaine.org, can be passed along to the next board president when there are changes in personnel.

President Lewis invited Trustee Cafmeyer to report on her attendance at the **Friends of Cromaine quarterly meeting July 16, 2018**. Mary reported that the Friends are purchasing new sandwich board or similar signs. The Deneweth's fundraiser brought in \$58. The Friends were disappointed, but there wasn't a clear understanding on why it was so low (compared to the Hartland Home & Garden's return for Memorial Day 2017 that was much more.) The Friends adopted the Thanksgiving Pie Sale to be led by Barbara Rentola and Lisa Banister. Pies are to be homemade, brought in Tuesday night or at opening on Wednesday morning. Buyers can select from what's available; there's no order-taking. Pumpkin pies will be \$10.00 and cream, nut, and fruit pies will be \$15.00. Mary Lynn Thomson volunteered to ask Gordon Food Service for a donation of pie boxes. The next Book and Bake Sale is September 13, 14, and 15 with a Bake Sale on Thursday and Friday, "while supplies last." Mary volunteered to help Lisa Moses with the publicity for the sales. At the October 16 quarterly Friends meeting, the dates for the sales and meetings in 2019 will be set. The meeting was well-attended; going forward, a bigger room may be needed. One tidbit Mary was not aware of is that the Friends scan all incoming donations and if a book "pings" it is sent to a dealer who pays more than what they would get at a sale for it. Over the past several years, this has brought in a lot of cash for the Friends. Secretary Oemke thanked Mary for attending the meeting.

VI. Discussion

A. Review of Year-end Statistics

Secretary Oemke liked that the physical visits are up. Treasurer Sargent asked if the CARL migration is complete, as regards statistics collection. The Director replied that there has not been an email of a new portion of statistics being implemented, so she believes that aspect of CARL migration has been completed. President Lewis asked why teen attendance is so much more this year. The Director replied that this year, a different teen open house night was used to promote library services to Cromaine and that resulted in a much higher number of connections.

Review of Year-end Statistics

B. Strategic Plan 2018-2022

The final draft of the plan is included in this meeting's agenda. Trustee DeRosier stated that she likes the final draft. It is "crisp, clean, with active language." Treasurer Sargent asked how the Goal 3, strategy 2 "Continue to work with the local homeschool community to provide needed resources and services" will be implemented. The Director replied that tactics and measures are the next step for the Library's management team to develop. Vice President Thompson stated that he is very comfortable with this plan and considers it very doable. The process

Strategic Plan
2018-2022

July 26, 2018

of engaging the community brought the best turnout of the community so far. President Lewis asked about Goal 2, strategy 1: "Rework the media wall to open up the first floor" and strategy 2: "Enrich the physical environment throughout the Library with refreshed furnishings, designated nursing spaces, re-energized teen and children's space, and other attractive amenities." She expressed dismay that these are here so soon after the building was updated and the addition was completed. Trustee DeRosier explained that the comments came from the community and those large areas, e.g., the first floor Adult shelving area and the second floor Youth shelving area were not touched. The Director noted that the plan has been that when carpet is replaced and a new paint job is needed in these spaces, that will be the ideal time to address some of the arrangement challenges currently faced. Also, she noted, that with the installation of two new self-checks replacing the three currently being used, there will be no self-check in the space on the media wall as there is now which will allow for investigation of how that can be opened up and still meet accessibility and safety standards. Trustee DeRosier commented that the self-check there is much faster than the one by the holds shelf and if there would be three, she'd ask that one be kept and used. The Director noted that the three existing self-checks are all being offered to libraries in the state to recover some of the funds from their purchase. There will only be two self-checks, one on each floor.

C. Board Education Moment: Strategic Planning

A Strategic Planning video from United for Libraries "Trustee Takes" series was shown. Following the video, Treasurer Sargent commented that the process followed in the development of this strategic plan was "textbook."

Board Education
Moment:
Strategic
Planning

D. Recommendation of Candidate for Trustee Appointment

Holly Naylor was chosen of the three candidates who applied for appointment to fill the position vacated by Paul Black when he retired June 21, 2018. President Lewis stated that all three of the applicants were excellent. Secretary Oemke stated that they were all so good, that it was very helpful to talk to each of them. Trustee Cafmeyer noted that the questions were well thought-out. Trustee DeRosier appreciated the committee's work on this. Vice President Thompson was very pleased that we attracted three such well-qualified candidates and he believes that says a lot about Cromaine's reputation, the work of the Director and the library's staff.

Recommendation
of Candidate for
Trustee
Appointment

VII. Decision

A. Strategic Plan Adoption

Vice-President Thompson moved to adopt the 2018-2022 Strategic Plan as recommended, including mission and vision, by the Planning Committee, seconded by Trustee Cafmeyer. Passed unanimously.

Strategic Plan
Adoption

B. Trustee Appointment

Treasurer Sargent moved that Holly Naylor be appointed to fill the vacancy on the Cromaine District Library Board of Trustees, created by the resignation of Paul Black, through December 31, 2018, seconded by Secretary Oemke. Passed unanimously.

Trustee
Appointment

VIII. Information

Upcoming meeting dates include:

August 2	Personnel Committee, 6:30 pm, Director's Office
August 7	Community Relations Committee, 10 am, Director's Office
August 8	Planning Committee, 10:00 am, Director's Office
August 15	Finance Committee, 6:30 pm., Director's Office
August 16	Board of Trustees meeting, 7 pm, Village Community Room

Upcoming Meeting Dates

Other dates of note:

Wednesday, October 3, joint meeting of the Partners in Progress' boards. Time and location to be determined.

Wednesday, October 10, 7:00 pm: joint meeting of the Livingston County Libraries Directors and Trustees at Fowlerville District Library.

IX. Agenda Items for Next Meeting

Agenda Items for Next Meeting

- Review of Board By-laws
- Review of Library Mission
- Presentation of employees' work goals completed for prior year and for current year, FY2018-2019
- Strategic Plan 2018-2022
- Board Education Moment
- Personnel Committee Policy Review
 - 7002 – Personnel Policy & Employee Handbook
 - 7003 – Evaluation of Director and Library Staff
 - 7005 – Compensation of Library Employees

X. Call to the Public:

Public Call

Barbara Krueger asked who will notify the appointed trustee and how will that person be notified? President Lewis replied that the Director will continue to communicate with Trustee Naylor and she will be notified as soon as possible.

XI. Motion by Vice-President Thompson, seconded by Treasurer Sargent to adjourn at 7:57 pm.

Adjournment

KATHLEEN OEMKE, SECRETARY

Barbara Rentola, Recording Secretary
Cromaine District Library Board

Documents distributed to the Board for/at this meeting:

- 6/21/18 Proposed Minutes
- June 2018 Financial Reports & Checks Issued Totals
- June 2018 CDL Investment Performance Report
- Director's Report 7/26/18
- CDL Statistics for June 2018 & updated CDL 4-year Circulation Graph
- Patron Comments Received June 2018
- Community Relations Committee Minutes, 7/6/18

July 26, 2018

- Finance Committee Action/Decision List, 7/23/18
- Personnel Committee Minutes, 7/5/18
- Interview Questions for Trustee Candidates, July 2018
- Application for Trustee Opening from Holly Naylor
- Planning Committee Minutes, 7/11/18
- Year-end Statistics w/Director's Memo attached
- Cromaine Library Strategic Plan: Final Draft
- *Short Takes for Trustees: Strategic Planning*, United for Libraries
- Director's Report to the Friends, July 2018
- CDL Organizational Chart, 2018-2019
- Revised Policy 6025, Library Credit Card
- July 2018 *Board & Administrator*

July 26, 2018

Genoa Township 2018 Project Status

<u>Project Name</u>	<u>Board Approval Date</u>	<u>Expected Completion Date</u>	<u>Project Completion Date</u>	<u>Notes</u>
Township Hall Restroom repairs	February 19, 2018	March 9, 2018	March 12, 2018	Completed ahead of schedule
BSA Planning/Zoning module installation	March 5, 2018	July 2, 2018	June 29, 2018	Completed
Township Network Consolidation	April 16, 2018	June 1, 2018	May 25, 2018	Completed ahead of schedule
Township Hall Lighting replacement	May 21, 2018	September 1, 2018	ongoing	Installation ongoing
Township Sled Hill Light	n/a	September 1, 2018	ongoing	Working with contractors to solve the issue
Township Gutter System Repairs	n/a	May 1, 2018	ongoing	Completed
Township Driveway light repairs	May 21, 2018	July 1, 2018	August 1, 2018	Completed, delayed due to manufacturing issues
Brighton Road sidewalk emergency repair	n/a	August 20, 2018	August 17, 2018	Completed
Sidewalk Installation - Grand River	n/a	November 1, 2018	ongoing	Bridge sections delivered, concrete work beginning



