

## **VIRTUAL MEETING**

*Due to Michigan Department of Health and Human Services Epidemic Order requirements and by Local Declaration of Emergency (Resolution #210503A), this meeting will be virtual. The public may participate in the meeting/public hearing through Zoom access by computer and smart phone. A link will be posted at [genoa.org](http://genoa.org). Please email [info@genoa.org](mailto:info@genoa.org) or call (810) 227-5225 if you have questions.*

### **GENOA CHARTER TOWNSHIP PLANNING COMMISSION PUBLIC HEARING MAY 10, 2021 6:30 P.M. AGENDA**

#### **CALL TO ORDER:**

#### **PLEDGE OF ALLEGIANCE:**

#### **INTRODUCTION OF MEMBERS: (Name and Location)**

#### **APPROVAL OF AGENDA:**

#### **DECLARATION OF CONFLICT OF INTEREST:**

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

**OPEN PUBLIC HEARING #1...Request to postpone due to insufficient statutory notice review of a special use application, environmental impact assessment and site plan for a proposed 28,851 sq. ft. addition to the existing St. George shrine for the Prophet Elijah Retreat Center located at the Our Lady of the Fields Camp at 1391 Kellogg at the southwest corner of Kellogg and McClements Roads as petitioned by the Chaldean Catholic Church of the U.S.A.**

**OPEN PUBLIC HEARING #2...Review of Zoning Ordinance Text amendments to Article 11 "General Provisions" and Article 25 "Definitions" of the Zoning Ordinance.**

#### **ADMINISTRATIVE BUSINESS:**

- *Staff Report*
- *Approval of March 8, 2021 Planning Commission meeting minutes*
- *Member discussion*
- *Adjournment*



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

## MEMORANDUM

**TO:** Planning Commission

**FROM:** Kelly VanMarter, Assistant Township Manager/Community Development Director

**DATE:** May 6, 2021

**RE:** Postpone – Prophet Elijah Retreat Center

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Dear Commissioners,

Yesterday afternoon I received a complaint and the attached letter from an adjacent neighbor to the Prophet Elijah Retreat Center project on Kellogg Road indicating that neither he or his neighbors had received notice for the Planning Commission meeting. In response to the complaint I double checked to verify that proper notice was completed. Unfortunately, it was determined that one of the label sheets was inadvertently left out when we mailed notice to the adjacent property owners.

Unfortunately, lack of proper notice is a violation of state law and therefore we cannot proceed with the hearing scheduled for this project at Monday's meeting. Since partial letters were mailed and publication was completed in the local newspaper, I have left the item on the agenda as a request to postpone. I have also issued a written apology to the applicant for this mistake and am working on arranging a special meeting to accommodate the request.

Please let me know if you have any questions or concerns.

Sincerely,

Kelly VanMarter  
Assistant Township Manager/Community Development Director

**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

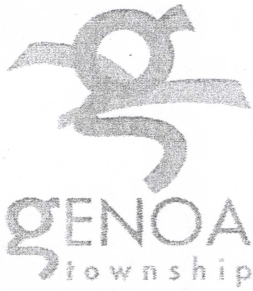
I HAVE NOT RECEIVED ANY NOTIFICATIONS OF THE APRIL 12 MEETING CANCELLATION OF THE APRIL 12 MEETING, OR RESCHEDULING OF THE MEETING TO MAY 10, IT IS MY UNDERSTANDING THAT ANY PROPERTY OWNER WITHIN 300 FEET OF CAMP CHALDEAN MUST RECEIVE NOTICE CONCERNING A SPECIAL USE PERMIT FOR A 28,851 SQ FT. ADDITION, 75% OF NEIGHBORS I HAVE SPOKE WITH HAVE NOT RECEIVED ANY NOTIFICATION. THIS IS A VIOLATION OF STATE LAW,

JAMES DROUILLARD



6781 FILICE  
BRIGHTON MI.





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**NOTICE OF PUBLIC HEARING  
(SPECIAL USE)**

August 28, 2020

To Whom It May Concern:

Please be advised that the Planning Commission of Genoa Charter Township will conduct a public hearing on Monday, September 14, 2020 commencing at 6:30 p.m. This public hearing is planned to be held at the Township Hall located at 2911 Dorr Road, Brighton, Michigan, as required under the provisions of the Michigan Zoning Enabling Act.

If necessary, this meeting may alternatively be held by electronic remote access. If required, electronic remote access will be implemented in response to COVID-19 social distancing requirements and Michigan Governor's Executive Order. The public may participate in the meeting/public hearing through Zoom access by computer and smart phone by clicking the Streaming Meeting Link that will be available at <https://www.genoa.org/government/boards/planningcommission>.

As required by state law, you are receiving this notice because you have been identified as an owner or occupant of real property within 300 feet of the subject parcels. The property in question is located at 1391 Kellogg Road on the southwest corner of the Kellogg Road and McClements Road intersection. Involving parcel numbers: 4711-12-100-002 and 4711-11-200-001. The applicant is requesting to a special use permit for a proposed 28,851 sq. ft. addition to house a retreat center, including space for overnight stay. The request is petitioned by The Chaldean Catholic Church of the U.S.A.

You are invited to attend this hearing. Members of the public will be able to speak during the public hearing and public comment portions of the meeting. To provide for orderly public participation a person wishing to speak must state their name and request to be recognized by the Planning Commission Chairperson. The Chairperson will recognize all persons wishing to speak during the public hearing and public comment. If, prior to the meeting, members of the public have certain questions or wish to provide input on any business that will be addressed at the meeting then such persons may contact the Planning Commissioners through Kelly VanMarter, Township Community Development Director by email to [Kelly@genoa.org](mailto:Kelly@genoa.org), or by mail at 2911 Dorr Road, Brighton, Michigan 48116.

A copy of the meeting materials may be found in the Packet link on the Township's webpage located at <https://www.genoa.org/government/boards/planningcommission>.

Genoa Charter Township will provide necessary reasonable auxiliary aids and services to individuals with disabilities at the meeting/hearing upon seven (7) days' notice to the Township. Individuals with disabilities requiring auxiliary aids or services should contact the Township in writing or by calling at (810) 227-5225.

**SUPERVISOR**

Bill Rogers

**CLERK**

Paulette A. Skolarus

**TREASURER**

Robin L. Hunt

**TRUSTEES**

Jean W. Ledford

H. James Mortensen

Terry Croft

Diana Lowe

Sincerely,

Kelly VanMarter

We had our home appraised last week, and with the location and measurements of this project we will lose 10% plus on the price of our home. Who will buy property with a motel in their backyard?

So what will people pay to live by a motel? They have had a year to fix their fences and clean up their property. I have seen no improvements.

They are slapping us in the face how much they care for their property and neighbors.

The people who live in Genoa Township and pay the taxes <sup>here</sup> are the people who should have the louder voice.

PLEASE VOTE NO on this project.

Lynne Drouillard  
LYNNE DROUILLARD  
6781 Filice Dr.



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Brighton, MI 48116  
810.227.5225  
810.227.3420 fax  
genoa.org

## MEMORANDUM

**TO:** Planning Commission

**FROM:** Kelly VanMarter, Assistant Township Manager/Community Development Director

**DATE:** May 6, 2021

**RE:** Ordinance Updates re: Articles 11 and 25

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Dear Commissioners,

In the following pages you will find draft ordinance amendments to Article 11 entitled General Provisions with supporting amendments to Article 25 entitled Definitions. These amendments have been identified over time and are recommended by staff either in response to resident input or for clarification and improved enforcement.

The attached is a preliminary draft meant to solicit input and garner direction from the Commission. Although you are able to make a recommendation if so inclined at Monday's meeting, my hope is for discussion and direction.

Please let me know if you have any questions or concerns.

Sincerely,

Kelly VanMarter  
Assistant Township Manager/Community Development Director

### **SUPERVISOR**

Bill Rogers

### **CLERK**

Paulette A. Skolarus

### **TREASURER**

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**ARTICLE 11  
GENERAL PROVISIONS**

**Sec. 11.01 GENERAL DIMENSIONAL STANDARDS**

- 11.01.01 **Calculation of (Buildable) Lot Area:** In the calculation of areas required to maintain specific densities, open space requirements and similar needs, no lot or parcel or portion of same shall be used more than once in such calculation, nor shall adjacent outlots or other open space be used in lieu of space contained within the stated boundaries of the subject lot or parcel. In calculating density for residential developments, twenty-five percent (25%) of wetlands area shall be included in computing gross density. Submerged lands shall not be counted towards minimum lot area or density calculations.
- 11.01.02 **Required Area or Space to be Maintained:** No lot or lots in common ownership and no yard, court, parking area, or other space shall be divided, altered or reduced to make such area or dimension less than the minimum required under this Ordinance. If already less than the minimum required, said area or dimension shall not be further divided or reduced.
- 11.01.03 **Access to Dedicated Streets:** Any lot created after the effective date of this Ordinance shall have frontage upon a public street right-of-way or legally recorded access easement meeting the private road or shared driveway requirements of Article 15. Additional access requirements for specific types of uses:
- (a) Single family dedicated lots or condominiums within a planned unit development may have secondary access to a dedicated street through a private road built to Township standards.
  - (b) Multiple family developments, mobile home parks and other types of medium-high density residential development shall have as a minimum, secondary access to a thoroughfare as noted in the Township Master Plan from a private road constructed to Township standards.
  - (d) The Planning Commission may allow secondary access to a dedicated street through a private frontage road, service drive or private road within an approved access easement.

11.01.04 **Projections into Yards:** Except as otherwise provided, all projections shall comply with the setback requirements as provided for principle or accessory buildings for the district in which they are located. For the purposes of this requirement, porches with screens, lattice or removable storm window sashes shall be considered enclosed.

Notwithstanding these requirements, required yard encroachments may be permitted subject to the following regulations:

(a) **Architectural Features:** Certain architectural features may project into the required yards as follows; noted in the table below: In no case shall projecting architectural elements be less than three (3) feet from a property line.

**PERMITTED ARCHITECTURAL PROJECTIONS INTO REQUIRED YARDS\***

Projection	Front Yard	Rear/ Waterfront Yard	Interior Side/Waterfront Yard	Corner-Side Yard	
				Side Yard 10' or less in LRR	Side Yard
<u>Air conditioning equipment shelters Fireplaces and chimneys under 8' wide</u>	<u>-3 ft.</u>	5 ft.	<u>3/2 ft.</u>	<u>2 ft.</u>	3 ft.
<u>Arbors and trellises</u>	<u>Permitted up to 4 feet from any lot line</u>				
Awnings and canopies	3 ft.	5 ft.	<u>3/2 ft.</u>	<u>2 ft.</u>	3 ft.
Bay <u>and bow</u> windows	3 ft.	5 ft.	<u>3/2 ft.</u>	<u>2 ft.</u>	3 ft.
<u>Decks, open or enclosed*</u>	<u>See Section 11.04.02</u>				
<u>Eaves and cornices, overhanging</u>	3 ft.	<u>5/3 ft.</u>	3 ft.	<u>2 ft.</u>	3 ft.
<u>Fences and walls*</u>	<u>See Section 11.04.04</u>				
<u>Flagpoles</u>	<u>Permitted up to 4 feet from any lot line</u>				
<u>Gardens and landscaping</u>	<u>Permitted in all yards</u>				
Gutters	3 ft.	<u>5/3 ft.</u>	3 ft.	<u>2 ft.</u>	3 ft.
<u>Laundry drying equipment</u>		-	5 ft.	3 ft.	-
<u>Light standard, ornamental</u>	<u>Permitted in any yard</u>				
Mechanical equipment such as HVAC <u>and generators</u>	--	5 ft.	<u>2 ft.</u>	<u>2 ft.</u>	3 ft. -
<u>Paved terraces</u>	<u>Permitted up to 4 feet from any lot line</u>				
Unroofed porches and stoops*	3 ft.	5 ft.	<u>3 ft.--</u>	<u>2 ft.</u>	3 ft.
<u>Approved signs*</u>	<u>See Article 16</u>				
<u>Stairways, open unroofed</u>		3 ft.	5 ft.	3 ft.	3 ft.
Steps		3 ft.	5 ft.	3 ft.	3 ft.
<u>Television or radio towers or antennas*</u>		-	5 ft.	3 ft.	3 ft.
<u>Window air conditioning units</u>		3 ft.	5 ft.	3 ft.	3 ft.

\* See additional regulations in this ordinance.



\*In no case shall projecting architectural elements be less than three (3) feet from a property line.

(b) **Minor accessory structure and use encroachments.** In addition to the standards found in 11.04, certain structures and uses may encroach into the required yard as provided below:

(1) **Gardens and landscaping.** Gardens and landscaping are permitted in all yards.

(2) **Manufactured landscape features and minor structures.** Manufactured landscape features and minor structures may be permitted in all yards subject to the following:

a. Any such feature or structure that exceeds three (3) feet in any dimension (height, width, length, diameter, etc.) shall not be located closer than three (3) feet from a front, side or rear property line and five (5) feet from a shoreline.

b. No landscape feature or minor structure shall exceed twelve (12) feet in height, measured from the lowest ground level at the base of the structure/feature to the highest point of the feature.

c. No such landscape feature or minor structure shall be located where it will obstruct the vision of drivers or otherwise impede traffic.

11.01.05 **Supplementary Height Regulations:** The following kinds of structural appurtenances may be permitted to exceed the height limitations for authorized use.

(a) Schools, churches, hospitals and other institutional buildings may be erected to a height not exceeding sixty (60) feet provided the front, side and rear yards shall not be less than the height of the building wall abutting on such yard.

(b) Chimneys, church spires, cupolas, domes, towers, ~~penthouses~~, water tanks, monuments or other architectural features approved by the Planning Commission may be erected to a height up to sixty (60) ~~feet tall~~; flag poles may be up to ~~forty (40)~~ sixty (60) feet tall. The Township shall be provided with sufficient evidence to assure that adjacent uses and structures are not threatened due to a collapse of the structure for any reason.

(c) Any mechanical equipment, including water and gas meters, elevator housings, stairways, tanks, heating, ventilation and air conditioning equipment, and other similar equipment, located on the roof of any building shall comply with the following standards:

(1) All such equipment shall be screened by a solid wall, fence, landscaping and/or architectural feature that is constructed of the same material and compatible in appearance with the principal building.

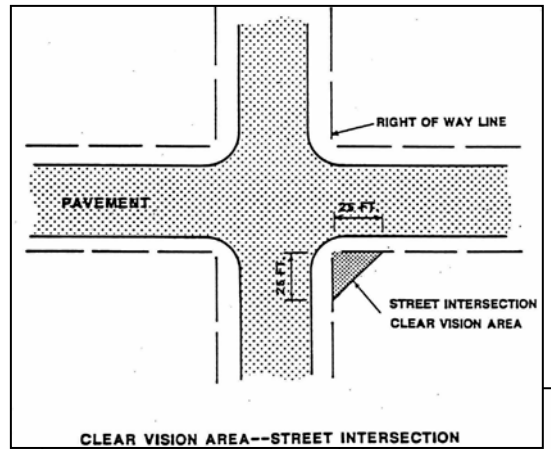
(2) Roof-mounted equipment shall not exceed a height of ten (10) feet above the surrounding roof surface, and shall occupy no more than fifteen percent (15%) of the total roof area. When roof-mounted equipment is located on a building

that is adjacent to a residential use or is in view from the adjacent roadway, appropriate architectural screening shall be required.

- (d) Structural extensions appropriate to the building design, such as cornices, shall be limited to five feet above the stated height limit.
- (e) Silos and other farm features shall be limited to fifteen (15) feet above the principal structure height limit.

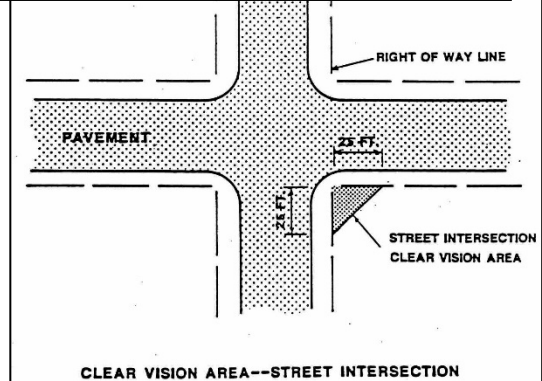
11.01.06 **Intersection Clear Vision Triangle:** No fence, wall, or structure shall be erected, established, or maintained on any lot which will obstruct the view of drivers in vehicles approaching the intersection adjacent to a corner lot or a driveway on any lot. Fences, walls, or structures located in the triangular area described below shall not be permitted to exceed a height of thirty six (36) inches above the lowest point of the intersecting road(s). The unobstructed triangular area is described as follows:

- (a) The area formed at the corner intersection of two road right of way or easement lines, the two (2) sides of the triangular area being twenty five (25) feet in length measured along abutting public right of way lines, and third side being a line connecting these two sides, or
- (b) The area formed at the corner intersection of a road right of way or easement and a driveway, the two (2) sides of the triangular area being ten (10) feet in length measured along the right of way line and edge of the driveway, and the third side being a line connecting these two sides.



**Sec. 11.02 USES**

11.02.01 **Principal Building, Structure or Use:** No lot may contain more than one (1) principal building, structure or use, except groups of multiple-family dwellings, under the same ownership, site condominium projects, mobile home parks, farm worker housing, unified retail/business centers, auto dealerships, office complexes or other groups of buildings the Zoning Administrator deems to be a principal use collectively.



11.02.02 **Determination of "Similar Uses":** Since every type of potential use cannot be addressed in the zoning ordinance, each district provides for "similar uses", referencing this section. All applications for a use not specifically addressed in any zoning district shall be submitted to the Planning Commission for review at a public hearing, based on the following standards.

- (a) A finding the proposed use is not listed as a Permitted or Special Land Use in any zoning district.

- (b) If the use is not addressed in the Zoning Ordinance, the Planning Commission shall select the use listed in the zoning ordinance which most closely resembles the proposed use using criteria such as the nature of the use, aesthetics, traffic generated, potential impact on property values, noise, vibration, dust, smoke, odor, glare and other objectionable impacts in terms of health, safety and welfare in the Township.
- (c) Once a similar use is determined, the proposed use shall comply with any conditional use standards that apply to the similar use.
- (d) Where the Planning Commission determines a proposed use is not similar to a use addressed in the Zoning Ordinance, the applicant may petition for an amendment to the Zoning Ordinance, as described in Article 22.
- (e) The determination as to whether a proposed use is similar in nature and class to another Permitted or Special Land Use within a district should be considered as an expansion of the use regulations, not a variance applying to a particular situation. Any use determined by the Planning Commission to be similar shall thereafter be included in the enumeration of the uses.
- (f) Any use that would constitute a violation of any other Federal, State or local law or regulation shall be prohibited. (as amended 12/31/06)

11.02.03 **Changes in Tenancy/Ownership:** All structures or uses which are conforming uses, nonconforming uses, or approved special uses, planned unit developments or site plans with conditions attached for approval, shall comply with these regulations, special approvals or conditions regardless of change of tenancy or ownership of the property or use. Regulations in this Ordinance pertaining to the discontinuance of nonconforming uses, as provided for elsewhere in this Article, shall continue to be met.

11.02.04 **Voting Place:** The provisions of this Ordinance shall not be so construed as to interfere with the temporary use of any property as a voting place in connection with Township, school or other public election.

11.02.05 **Temporary ~~Construction~~ Buildings and Structures:** Temporary buildings and structures, including trailers, incidental to construction work on a lot, may be placed on such lot for a period no to exceed twelve (12) months in conjunction with a project subject to the restrictions of this section.

- (a) Temporary buildings and structures may only be used in conjunction with an approved construction project for the storage of construction materials, tools, supplies and equipment, for construction management and supervision offices, sales and for temporary on-site sanitation, solid waste or fuel facilities, related to construction activity on the same lot. No temporary building or structure shall be used as a dwelling unit.
- (b) A land use permit for such building or structure shall be issued by the Zoning Administrator prior to installation.
- (c) Temporary buildings and structures shall be removed from the lot within fifteen (15) days after an occupancy permit is issued by the Building Department for the permanent

structure on such lot, or within fifteen (15) days after the expiration of a building and use permit issued for construction on such lot.

(d) Non-construction related residential temporary buildings and structures shall comply with accessory structure provisions and shall be properly maintained.

11.02.06 **Open Storage, Parking and Repair of Vehicles:** Except as otherwise provided in this Section, no boat, tractor, trailer, recreation vehicle, commercial vehicle, or other equipment and supplies may be parked or stored on a lot without a principal building. Except as otherwise provided in this Section, no boat, tractor, trailer, recreation vehicle, commercial vehicle, or other equipment and supplies may be parked or stored on a residentially zoned lot with a principal building unless they are parked or stored in an enclosed ~~structure~~building, or may be permitted as follows:s:

(a) — (a) — Boats, trailers and recreational vehicles of twenty-four (24) feet or less in length ~~may~~shall be parked or stored in a rear or side yard. Boats, trailers and recreational vehicles more than twenty-four (24) feet in length shall not be parked or stored within the minimum required rear or side yard setback. All such vehicles and/or trailers must display proof of current license or registration. The maximum number of boats, tractors, trailers, recreation vehicles may be stored or parked in and residential zoning district is:

(b) — (1) Maximum of two (2) per residential lot or parcel of land if both are under 24 feet in length.

(2) Maximum of one (1) if twenty-four (24) feet in length or more.

(b) — Recreation trailers or recreation vehicles may be parked in the front yard for loading, unloading and cleaning purposes for a maximum of 48 hours (see also Section 11.03.03).

(c) — On waterfront lots, no tractor, trailer, commercial vehicle, ~~recreation~~recreational vehicle or similar equipment and supplies ~~may~~shall be parked or stored in the waterfront yard ~~within twenty five (25) feet of the shoreline~~ except boats under 15 feet in length, boating supplies and docking equipment. ~~Recreational vehicles~~One (1) recreational vehicle, boat or trailer may be parked in the front yard ~~driveways~~driveway of a waterfront ~~lots~~lot provided a minimum setback of twenty (20) feet is provided from ~~May 1st through September 30th of each year~~the front lot line.

(d) — (d) — ~~The parking,~~ Parking of vehicles, boats, trailers, recreational vehicles, tractors or other equipment in residential zoning districts shall be provided on a paved or gravel surface. Gravel surfaces shall be of sufficient depth to accommodate the weight of a vehicle and shall be resistant to erosion and weathering. Short term parking may be allowed on a grass/lawn for temporary short-term events whereby in no case shall vehicles be parked in grass/lawn for more than forty-eight (48) hours or more than ten (10) times in a calendar year.

(e) — The carrying out of repair, restoration and maintenance procedures or projects on vehicles in any residential zoning district, when such work is not conducted entirely within the interior of the vehicle, shall be subject to the following limitations:

- (1) All vehicles parked or being worked on outside shall be ~~on an improved driveway surface,~~ licensed and operable. All cars, boats, tractors, trailers, recreation vehicles, and commercial vehicles shall be parked or placed on a paved surface. The Zoning Administrator may approve alternative surfaces, such as gravel or stone, if the applicant demonstrates that the surface is resistant to erosion and weathering and will not have a negative impact on the environment.
  - (2) Procedures exceeding forty-eight (48) hours in duration or which require the vehicle to be inoperable in excess of forty eight (48) hours shall be conducted within an enclosed building.
  - (3) Inoperable vehicles and vehicle parts shall be stored inside an enclosed building.
- ~~(e) Parking of commercial vehicles with a rated capacity over one (1) ton shall be prohibited in all residential districts; except this restriction shall not apply to essential public service vehicles, and parking, and storage of larger vehicles for farming or lumbering operations is permitted in agricultural, and residential districts if the Zoning Administrator determines the vehicle is used exclusively for uses or activities permitted in the district.~~
- ~~(f) Class one (1) and two (2) US DOT Gross Vehicle Weight Rating vehicles, less than 10,000 pounds, may be parked on residential property. No more than one class three (3) heavy duty pickup truck, not more than 14,000 pounds, may be parked on residential property. Vehicles associated with GAAMPs-verified farms are exempt from this requirement.~~
- (g) It shall be unlawful for the owner, tenant or lessee of any lot to permit the open storage or outdoor parking of semi-tractor (WB-50 or larger) trucks and/or semi-trailers, bulldozers, earth carriers, cranes or any other similar equipment or machinery, unless the storage or display of such vehicles is an approved use or unless the vehicles are temporarily parked while in use for approved construction on such lot (i.e., active land use permit). (as amended 8/24/07)
- ~~(h) No vehicle used for transporting flammable liquids, explosives, toxic or noxious materials shall be parked or stored in a residential district.~~
- ~~(i) Open storage, parking and repair is not permitted on any vacant land.~~
- ~~(j) No part of any boat, tractor, trailer, recreation vehicle, commercial vehicle, or other equipment and supplies may encroach into public right-of-way or be placed or parked over sidewalks, pathways, private roads or other thoroughfares.~~

11.02.07 **Essential Public Services**

- (a) Essential services shall be permitted as authorized under any franchise in effect within the Township, subject to regulation as provided in any law of the State of Michigan or in any ordinance of the Township, provided it is the intent of this section to ensure



conformity of all structures and uses to the requirements of this Zoning Ordinance wherever such conformity shall be practicable and not in conflict with the specific requirements of such franchise, state legislation or Township Ordinance. In the absence of such conflict, the Zoning Ordinance shall prevail. Appeal from the application of this Ordinance in regard to any essential service may be made to the Zoning Board of Appeals. Wireless communication facilities shall be subject to the requirements of Section 11.02.08.

- (b) Necessary utility services shall be provided for all uses. Prior to obtaining a plumbing permit for sewer or water, a land use permit shall be obtained from the Township. On-site septic systems shall be designed in accordance with the standards of the Livingston County Health Department.

**11.02.08 Wireless Communication Facilities**

- (a) Purpose and Intent. The regulations of this Section are intended to conform with federal laws and administrative rules governing facilities needed to operate wireless communication systems and to set forth procedures and standards for review and approval for the location of such facilities within Genoa Township. It is the Township's intent to reasonably regulate the location and design of such facilities to retain the integrity of neighborhoods and the character, property values and aesthetic quality of the township. Given the increase in the number of wireless communication facilities requested as a result of the new technology and the Federal Telecommunications Act of 1996, it is the policy of the township that all users should co-locate on Attached Wireless Communication Facilities and Wireless Communication Support Structures. Collocation is proposed in order to assure the most economic use of land and to prevent the proliferation of duplicative services. In recognition of the Township's concern that technological advances may render certain Wireless Communication Facilities obsolete or unnecessary in the future, requirements are set forth for the removal of unused or unnecessary facilities in a timely manner and provide security for removal.
- (b) Definitions. The following definitions shall apply in the interpretation of this Section:
  - (1) Wireless Communication Facilities. All structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals. This may include, but shall not be limited to, radio towers, television towers, telephone devices, personal communication transmission equipment and exchanges, microwave relay towers, telephone transmission equipment building, small cell wireless equipment and commercial mobile radio service facilities. This definition does not include "reception antenna" for an individual lot as otherwise defined and regulated in this zoning ordinance.
  - (2) Attached Wireless Communication Facilities. Wireless communication facilities affixed to existing structures, including but not limited to existing buildings, towers, water tanks, or utility poles.
  - (3) Wireless Communication Support Structures. Structures erected or modified to support wireless communication antennas. Support structures within this definition include, but shall not be limited to, monopoles, lattice towers, light

GENOA TOWNSHIP ZONING ORDINANCE

poles, wood poles and guyed towers, or other structures which appear to be something other than a mere support structure.

- (4) Collocation. Location by two (2) or more wireless communication providers of wireless communication facilities on a common structure, tower, or building, to reduce the overall number of structures required to support wireless communication antennas within the township.
- (c) Zoning Districts and Approval Process for Wireless Communication Facilities. Wireless Communication Facilities may be located within the Township in accordance with the Table set forth below.

Type/Location of Wireless Communication Facility	Districts Permitted	Approval Procedure
<b>1. Attached to existing structures:</b>		
- Attached to an existing conforming structure that will not be materially altered or changed in appearance	All non-single family residential districts	Administrative Land Use Permit approval by the Zoning Administrator
- Attached to an existing utility pole that will not be modified or materially alter the pole or impair sight lines or compromise safety	All districts	Administrative Land Use Permit approval by the Zoning Administrator, provided letter of acceptance is provided by the utility company
- Collocation upon an attached wireless communication facility previously approved for such collocation	All districts	Administrative Land Use Permit approval by the Zoning Administrator
<b>2. Located on a municipally owned site:</b>		
-Monopole up to 150 feet in height <sup>1</sup>	All districts	Special Land Use and Site Plan approval by the Township Board in accordance with Article 19.
<b>3. Located on a site owned by another governmental entity, religious institution, or public school</b>		
-Monopole up to 100 feet in height <sup>1</sup>	All districts	Special Land Use and Site Plan approval by the Township Board in accordance with Article 19.
<b>4. New facility not addressed above:</b>		
- Monopole up to 120 feet tall <sup>1</sup>	PRF, OSD, GCD & RCD Districts <u>or AG with a minimum lot area of forty (40) acres</u>	Special Land Use and Site Plan approval by the Township Board in accordance with Article 19.
- Monopole any height	IND District	Special Land Use and Site Plan approval by the Township Board in accordance with Article 19.
- Lattice tower where it can be demonstrated that a monopole is not feasible.	IND District	Special Land Use and Site Plan approval by the Township Board in accordance with Article 19.

1. Height may be increased ten (10) feet where determined necessary to provide future collocation. (as amended 12/31/06)

- (d) Application Requirements. The following information shall be provided with the application, in addition to other submittal requirements for sketch plan or site plan, as required in Article 18.

- (1) Signed certification by a professional engineer licensed by the State of Michigan with regard to the manner in which the proposed structure will fall in the event of damage, accident or injury (i.e. “fall zone”), and that the setback area provided shall accommodate the structure should it fall or break and provide a reasonable buffer in the event the structure fails.
- (2) A description of performance guarantee to be posted at the time of receiving a land use permit for the facility to ensure removal of the facility when it is abandoned or is no longer needed. The applicant shall demonstrate that funds will be available to the Township for removal of any structure used for wireless communication in an amount which reasonably reflects the cost of removal of the facility and restoration of the property or structure upon which the facility is located or placed. Adequate funds shall also be provided to cover the Township's administrative costs in the event that the applicant or its successor does not remove the Wireless Communication Facility in a timely manner.

The security shall, at the election of the Township Board, be in the form of: (1) cash; (2) security bond; (3) letter of credit; or, (4) an agreement in a form approved by the Township Attorney and recordable at the office of the Register of Deeds, establishing a promise of the applicant and owner of the property, or their successors, to remove the facility in a timely manner as required under this section of the ordinance. It shall further be provided that the applicant, owner or successor, shall be responsible for payment of any costs or attorney fees incurred by the Township in securing removal.

- (3) A map that illustrates existing and known proposed wireless communication facilities within Genoa Township and adjacent communities, which are relevant in terms of potential collocation or to demonstrate the need for the proposed facility. If and to the extent the information in question is on file with the township, the applicant shall be required only to update as needed. Any such information which is trade secret and/or other confidential commercial information which, if released would result in commercial disadvantage to the applicant, may be submitted with a request for confidentiality in connection with the development of governmental policy MCL 15.243(1)(g). This ordinance shall serve as the promise to maintain confidentiality to the extent permitted by law. The request for confidentiality must be prominently stated in order to bring it to the attention of the community.
  - (4) For all new facilities, in recognition of the township’s policy to promote collocation, a written agreement, transferable to all assessors and assigns, that the operator shall make space available on the facility for collocation.
  - (5) The name, address and phone number of the person to contact for engineering, maintenance and other notice purposes. This information shall be continuously updated during all times the facility is on the premises.
- (e) Design Standards Applicable to All Facilities. In addition to the Criteria of Site Plan Review listed in Article 18 and Special Land Use Review listed in Article 19, all wireless communication facilities shall be constructed and maintained in accordance with the following standards:

- (1) Facilities shall be located and designed to be harmonious with the surrounding areas. The Planning Commission may require unique design of the structure to either diminish the visual impact or to create an architectural feature that will contribute to or enhance community character.
- (2) A permit for the construction and use of a new wireless communication facility shall not be granted until the applicant demonstrates a feasible collocation is not available for the coverage area and capacity needs. Additionally, a permit for the construction and use of a new wireless communication facility shall not be granted in the AG District until the applicant demonstrates that there are no feasible alternative locations.
- (3) All new and modified wireless communication facilities shall be designed and constructed to accommodate collocation, with a written agreement in a format approved by the Township Attorney.
- (4) Landscaping shall be provided to screen the structure base, accessory buildings and enclosure from adjacent uses and public rights-of-way.
- (5) Elevations of the accessory buildings shall be provided. All accessory buildings shall be constructed of brick, provided the Planning Commission may waive this requirement for a building that is located in the Industrial district and is not visible from a public right-of-way or non-industrial zoning district.
- (6) Fencing shall be provided for protection of the support structure and security from children and other persons who may otherwise access facilities.
- (7) Any nonconforming situations on the site, such as, but not limited to, outdoor storage, signs, inadequate landscaping, unpaved parking, lack of a sidewalk, improper lighting or similar conditions shall be brought into conformance prior to the erection of the wireless communication facility. If existing buildings or structures are not in conformance with the current zoning standards, improvements shall be made to decrease the nonconformity or additional landscaping shall be provided to reduce the impact of the nonconformity and the wireless facility.
- (8) The operator shall comply with applicable federal and state standards relative to the environmental effects of radio frequency emissions.
- (9) The applicant shall demonstrate that the requested height of the new or modified support structure and antenna shall be the minimum height necessary for reasonable communication by the applicant, including additional height to accommodate future collocation where appropriate.
- (10) Minimum required setbacks for new facility or support structure.
  - a. From any residential district - the height of the structure, plus twenty five (25) feet, provided the engineering information required in (d)(1) is provided. The person or body with authority to approve the facility

may decrease this setback to that provided in c below upon a finding that no residential use exists or is expected on the adjacent site.

b. From any existing or proposed rights-of-way or other publicly traveled roads or non-motorized improved pathways - half the height of the structure, plus twenty—five (25) feet, provided the engineering information required in (d)(1) is provided; otherwise the setback shall be the height of the facility.

c. From non-residential district - one half the height of the structure, plus ten (10) feet, provided the engineering information required in (d)(1) above demonstrates such setback is adequate.

d. In the AG District, spacing from an off-site residential building shall be not less than one thousand (1000) feet.

- (11) Accessory buildings shall be a maximum of fourteen (14) feet high and shall be set back in accordance with the requirements for principal buildings in that zoning district.
- (12) There shall be unobstructed access to the support structure, for operation, maintenance, repair and inspection purposes, which may be provided through or over an easement. This access shall have a width and location determined by such factors as: the location of adjacent thoroughfares and traffic and circulation within the site; utilities needed to service the tower and any attendant facilities; the location of buildings and parking facilities; proximity to residential districts and minimizing disturbance to the natural landscape; and the type of equipment which will need to access the site.
- (13) Where an attached wireless communication facility is proposed on the roof of a building if the equipment enclosure is proposed as a roof appliance or penthouse on the building, it shall be designed, constructed and maintained to be architecturally compatible with the principal building. The equipment enclosure may be located within the principal building or may be an accessory building. If proposed as an accessory building, it shall conform with all district requirements for principal buildings, including yard setbacks.
- (14) The support system shall be constructed in accordance with all applicable building codes and shall include the submission of a soils report from a geotechnical engineer, licensed in the State of Michigan. This soils report shall include soil borings and statements confirming the suitability of soil conditions for the proposed use.
- (15) The requirements of the Federal Aviation Administration, Federal Communication Commission, and Michigan Aeronautics Commission shall be noted. Any aviation hazard lighting shall be detailed on the plans.
- (16) A maintenance plan, and any applicable maintenance agreement, shall be presented and approved as part of the site plan for the proposed facility. Such plan shall be designed to ensure the long term, continuous maintenance to a reasonably prudent standard.



(f) Removal. As a condition of every approval of a wireless communication facility, adequate provision shall be made for removal of all or part of the facility by users and owners upon the occurrence of one or more of the following events:

- (1) When the facility has not been used for one hundred eighty (180) days or more. For purposes of this section, the removal of antennas or other equipment from the facility, or the cessation of operations (transmission and/or reception of radio signals) shall be considered as the beginning of a period of non-use.
- (2) Six (6) months after new technology is available at reasonable cost, as determined by the Township Board, which permits the operation of the communication system without the requirement of the support structure.
- (3) The situations in which removal of a facility is required, as set forth in paragraph 1 above, may be applied and limited to portions of a facility.
- (4) Upon the occurrence of one or more of the events requiring removal, specified in paragraph (1) above, the property owner or persons who had used the facility shall immediately apply or secure the application for any required demolition or removal permits, and immediately proceed with and complete the demolition/removal, restoring the premises to an acceptable condition as reasonably determined by the Zoning Administrator.
- (5) If the required removal of a facility or a portion thereof has not been lawfully completed within sixty (60) days of the applicable deadline, and after at least thirty (30) days written notice, the Township may remove or secure the removal of the facility or required portions thereof, with its actual cost and reasonable administrative charge to be drawn or collected and/or enforced from or under the security posted at the time application was made for establishing the facility.

(g) Collocation.

- (1) Statement of Policy. It is the policy of Genoa Township to minimize the overall number of newly established locations for Wireless Communication Facilities and Wireless Communication Support Structures within the Township and to encourage the use of existing structures for Attached Wireless Communication Facilities. If a provider fails or refuses to permit collocation on a facility owned or controlled by it, where collocation is feasible, the result will be that a new and unnecessary additional structure will be required, in contradiction with Township policy. Collocation shall be required unless an applicant demonstrates that collocation is not feasible.
- (2) Feasibility of Collocation. Collocation shall be deemed "feasible" for the purpose of this section where all of the following are met:
  - a. The wireless communication provider or property owner where collocation is proposed will accept market rent or other market compensation for collocation and the wireless communication provider seeking the facility will pay such rates.

- b. The site on which collocation is being considered, taking into consideration reasonable modification or replacement of a facility, is able to provide structural support.
  - c. The collocation being considered is technically reasonable, e.g. the collocation will not result in unreasonable interference, given appropriate physical and other adjustments in relation to the structure, antennas and the like.
- (h) Nonconforming facilities and penalties for not permitting collocation. If a party who owns or otherwise controls a wireless communication facility shall fail or refuse to alter a structure to accommodate a proposed and otherwise feasible collocation, such facility shall thereupon and thereafter be deemed to be a nonconforming structure and use, and shall not be altered, expanded or extended in any respect. In addition, if a party refuses to allow collocation in accordance with the intent of this Section, and this action results in construction of a new tower, the township may refuse to approve a new wireless communication support structure from that party for a period of up to five (5) years. Such a party may seek and obtain a variance from the Zoning Board of Appeals if and to the limited extent the applicant demonstrates entitlement to variance relief which, in this context, shall mean a demonstration that enforcement of the five (5) year prohibition would unreasonably discriminate among providers of functionally equivalent wireless communication services, or that such enforcement would have the effect of prohibiting the provision of personal wireless communication services.
- (i) Variances. The Zoning Board of Appeals may consider a variance from the standards of this Section, based upon a finding that one or more of the following factors exist, as appropriate for the type of variance requested:
- (1) For location, the applicant has demonstrated that a location within a district or location in accordance with the standards of this Section ~~can not~~ reasonably meet the coverage or capacity needs of the applicant.
  - (2) For no collocation the applicant has demonstrated that a feasible collocation is not available for the coverage area and capacity needs because existing structures ~~can not~~ support the facility, that collocation would result in unreasonable interference, or that reasonable financial terms are not available for collocation.
  - (3) For setback, the applicant has provided engineering information that documents that the tower is self-collapsing and that the setback area provided shall accommodate the structure should it fall or break and provide a reasonable buffer in the event the structure fails.
  - (4) For height, the height requested is due to signal interference due to topography, tall buildings, masses of trees, or other obstructions, or would reduce the number of towers to the benefit of the township.
  - (5) For all, the applicant has proposed means to mitigate any negative impacts through provision for future collocation, if found to be appropriate by the township, and special design of the facility and site.

- (6) For all, the wireless communication and accessory facilities shall be designed to be compatible with the existing character of the proposed site, neighborhood and general area such as a steeple, bell tower, or similar form.

**Sec. 11.03 DWELLINGS**

11.03.01 **Single Family Dwelling Design Standards:** Single family dwellings and mobile homes located outside a mobile home park or manufactured housing subdivision shall conform to the standards of this section.

- (a) Certification: If the dwelling unit is a mobile home, the mobile home must either be (i) new and certified by the manufacturer and/or appropriate inspection agency as meeting the Mobile Home Construction and Safety Standards of the U.S. Dept. of Housing and Urban Development, as amended, or any similar successor or replacement standards which may be promulgated, or (ii) used and certified by the manufacturer and/or appropriate inspection agency as meeting the standards referenced in (i) above, and found, on inspection by the Zoning Administrator or his/her designee, to be in excellent condition and safe and fit for residential occupancy.
- (b) Dimensional Standards: Each such dwelling unit shall comply with the minimum standards listed in Article 3 for the Zoning District in which it is located, including minimum lot area, minimum lot width, minimum floor area, required setbacks and maximum building height.
- (c) Dimensions: Each such dwelling unit shall have a minimum width across any front, side or rear elevation of 20 feet and comply in all respects with the Michigan State Construction Code Commission, including minimum heights for habitable rooms. Where a dwelling is required by law to comply with any federal or state standards or regulations for construction and where such standards or regulations for construction are different than those imposed by the Michigan State Construction Code Commission, then such federal or state standard or regulation shall apply.
- (d) Foundation: Each such dwelling unit shall be firmly attached to a permanent foundation constructed on the site in accordance with the Michigan State Construction Code Commission and shall have a wall of the same perimeter dimensions of the dwelling and constructed of such materials and type as required in the applicable building code for single-family dwellings. If said dwelling is a mobile home, the dwelling shall be securely anchored to the foundation to prevent displacement during windstorms.
- (e) Undercarriage: In the event that such dwelling unit shall be a mobile home, the wheels, tongue, hitch assembly and other towing appurtenances shall be removed before attachment to a permanent foundation. The foundation or masonry skirting shall fully enclose the undercarriage and chassis prior to occupancy.
- (f) Sewage disposal and water supply: Each such dwelling unit shall be connected to a public sewer and water supply approved by the Township or to such private facilities approved by the Livingston County Health Department.

- (g) Code compliance: Each such dwelling unit shall comply with all pertinent building and fire codes. In the case of a mobile home, all construction and all plumbing, electrical apparatus and insulation within and connected to said mobile home shall be of a type and quality conforming to the "Mobile Home Construction and Safety Standards" as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, and as from time to time such standards may be amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.
- (h) Storage area: Each such dwelling unit shall contain a storage area equal to 10% of the square footage of the dwelling or 100 square feet, whichever shall be less. This storage area shall consist of a basement, attic, closet areas or attached garage, or in a separate detached accessory structure which complies with the standards of this Article regarding accessory buildings and structures.
- (i) Compatible Building Design: All newly constructed single family and two-family homes shall be aesthetically compatible in design and appearance with other residences in the vicinity. This shall be accomplished by maintaining the architectural styles, details, building materials and design themes of dwelling units on both sides of the street, within five hundred (500) feet of the subject lot and in the same zoning district. Similarity and compatibility with surrounding dwelling units in terms of the following design requirements and features must be provided in order to meet this requirement:
  - (1) roof drainage systems that concentrate roof drainage at collection points along the sides of the dwelling;
  - (2) minimum of two exterior doors with one facing the front lot line and the second one being in either the rear or side of the dwelling;
  - (3) steps connected to exterior door areas or to porches connected to the door areas where a difference in elevation requires the same;
  - (4) roof pitch of no less than four (4) feet of rise for each twelve (12) feet of horizontal run;
  - (5) front facade appearance that is manifestly designed as a front façade containing a door, windows and other architectural features customary of the front facade of a residence; and
  - (6) exterior building materials compatible with surrounding dwellings;
- (j) Compatibility determination: The compatibility of design and appearance shall be determined in the first instance by the Township Zoning Administrator. An applicant may appeal to the Board of Zoning Appeals within a period of fifteen (15) days from the receipt of notice of said Zoning Administrator's decision. The determination of compatibility shall be based upon the building compatibility design standards listed in Section 11.03.01(i) above and all other design standards outlined in this Section. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard designed home.

- (k) Additions: Each such dwelling unit shall contain no addition or room or other area which is not constructed with similar quality workmanship as the original structure, including permanent attachment to the principal structure and construction of a foundation as required herein. In addition, the dwelling unit shall have no less than two (2) exterior doors, with one being either at the rear or side of the dwelling unit.
- (l) Building permit: All construction required herein shall be commenced only after a building permit has been obtained in accordance with the applicable Michigan State Construction Code provisions and requirements.
- (m) Exceptions: The foregoing standards shall not apply to a mobile home located in a licensed mobile home park except to the extent required by state or federal law or otherwise specifically required in this ordinance and pertaining to such parks. Mobile homes which do not conform to the standards of this section shall not be used for dwelling purposes within the Township unless located within a mobile home park or a mobile home subdivision district for such uses, or unless used as a temporary residence as otherwise provided in this Ordinance.

**11.03.02 Dwellings Outside of the Agricultural and Residential Districts:**

- (a) The construction of dwellings in nonresidential districts is prohibited except for housing used exclusively by security, custodial maintenance or management personnel and approved by the Planning Commission. The use of trailers and recreational vehicles for housing such security and custodial personnel, or other persons, is prohibited.
- (b) The use of recreation vehicles and trailers is permitted as a temporary residence between May 1st and October 1st each year provided the vehicles and trailers are located in a designated recreation vehicle/trailer park, and that they are connected to appropriate sewer, water and electric facilities serving the park.

**Sec. 11.03.03 Regulations on Accessory Dwellings**

- (a) Recreational vehicles or camping trailers may be used for living purposes when accessory to single-family or two-family dwellings, provided such use shall only be permitted for a cumulative total of no more than twenty~~one~~ (21) days in any twelve (12) month period. Any such recreational vehicle parked in a front yard shall be parked in the driveway.
- (b) For lots of 120 acres or more in the Agricultural District, one additional principal building (a total of two) shall be permitted if the additional principal building is occupied by a member of the family who occupies the principal building, or employees working on the property for farming purposes, raising livestock or training horses, provided each accessory dwelling unit meets the minimum size for a one (1) bedroom unit as specified in Section 3.04.
- (c) The use of any portion of the basement of a partially completed building, or any detached garage or accessory building for dwelling or sleeping purposes in any zoning district is prohibited.



**Sec. 11.04 ACCESSORY BUILDINGS AND STRUCTURES**

**11.04.01 Accessory Buildings, Structures and Uses in General**

- (a) Relation to Principal Building: Accessory buildings, structures and uses are permitted only in connection with, incidental to and on the same lot with a principal building, that is occupied by a use permitted in the particular zoning district. ~~In the Agricultural District an accessory building or structure may be permitted on a separate lot in conjunction with activity of a permitted use on another lot under same ownership.~~ No accessory building, structure or use shall be occupied or utilized unless the principal structure to which it is accessory is occupied or utilized.
- ~~(b)~~ (b) Permit Required: Any accessory building or structure shall require a land use permit, except minor accessory structures, gardens, landscaping, flagpoles, and play structures, as defined herein. In addition, one (1) accessory ~~building or structure~~ two hundred twenty (120/200) square feet or less shall be allowed ~~without~~with a land use ~~permit~~waiver.
- ~~(c)~~ (c) ~~Required Setbacks (Attached):~~ Where the accessory building, structure or use is structurally attached to a principal building, structure or use, it shall be subject to all the regulations applicable to principal buildings, structures and uses, except for decks as noted in Section 11.04.03(a) and fences, walls, and screens as noted under section 11.04.03(b). An accessory building, structure or use shall be considered part of the principal building if it is structurally and architecturally integrated into the principal building, and/or is attached by a covered or enclosed breezeway or similar architectural feature with a roof style consistent with the principle building by a distance not greater than twenty (20) feet in length.
- ~~(d)~~ (d) For the purposes of this section screens, lattice, trellis, slats, beams, rafters or removable storm window sashes shall be considered enclosed and/or covered.
- ~~(e)~~ (e) Natural Features Setback: All accessory buildings, structures, and uses are subject to the natural feature setback requirements of Section 13.02.04(d).

**11.04.02 Accessory Buildings**

- (a) Restrictions in Front Yard: Detached accessory buildings shall not be erected in any front yard, except accessory buildings are permitted in the front yards as follows:
  - (1) Waterfront lots in the Lakeshore Resort Residential District, provided the front setback is ten (10) feet.
  - (2) Lots of at least five (5) acres in the AG or CE District when the front setback is equal to or greater than the average setback of established buildings on adjoining lots or seventy-five (75) feet, whichever is greater, as determined by the Zoning Administrator. If both of the adjacent lots are undeveloped, then front yard accessory buildings are permitted with a minimum front yard setback of two hundred (200) feet.
  - ~~(3)~~ (3) In the case of attached residential dwelling complexes, detached parking garages or carports may be permitted in the non-required front yard provided

the Planning Commission approves the site plan, elevation drawings and construction materials. In reviewing such structures, the Planning Commission shall consider the impact of headlights and views from nearby public streets and adjacent properties.

- ~~(d)~~ ~~Required Setbacks (Attached): Where the accessory building, structure or use is structurally attached to a principal building, structure or use, it shall be subject to all the regulations of this section applicable to principal buildings, structures and uses, except for unenclosed decks as noted in Section 11.04.02 and privacy walls as noted under section 11.04.04 "Fences, Walls and Screens."~~
- ~~(e)~~ Required Setbacks (Detached, ~~one~~two hundred ~~twenty~~ ~~(120(200))~~ square feet or less total floor area): Detached accessory buildings ~~or structures~~ with one hundred ~~twenty~~ ~~(120(200))~~ square feet or less total floor area shall be at least four (4) feet from any principal building, and at least four (4) feet from any lot line.
- ~~(f)~~ Required Setbacks (Detached, over ~~one~~two hundred ~~twenty~~ ~~(120(200))~~ square feet total floor area): Detached accessory buildings ~~and structures~~ over one hundred ~~twenty~~ ~~(120(200))~~ square feet of total floor area shall be at least ten (10) feet from any principal building, and at least ten (10) feet from any side or rear lot line; except as follows:
  - (1) On lots greater than one (1) acre detached accessory buildings ~~and structures~~ over one hundred ~~twenty~~ ~~(120(200))~~ square feet of total floor area shall meet the setback requirements for principal ~~structures~~buildings.
  - (2) On lots in the Lakeshore Resort Residential District ~~a~~ detached accessory ~~building~~buildings over one hundred ~~twenty~~ ~~(120(200))~~ square feet of total floor area shall be allowed to reduce one (1) side yard setback to at least five (5) feet as follows:
    - ~~a.~~ a. The accessory building shall be setback at least ten (10) feet from the other side lot line.
    - b. There shall be a minimum of ten (10) feet of separation from buildings on adjacent lots.
- ~~(g)~~ ~~(3) In non-residential districts, all detached accessory buildings shall meet the setbacks requirements for principle structures unless otherwise provided herein.~~
- ~~(d)~~ Setback from Shoreline: Detached accessory buildings shall be setback at least fifty (50) feet from the nearest edge of any lake shoreline, except in the Lakeshore Resort Residential District where accessory buildings shall meet the shoreline setback requirements for the principle ~~structure~~building as specified in Table 3.04.02. ~~Detached~~All accessory buildings ~~shall be subject to the natural feature setback at least twenty five (25) feet from the edge~~requirements of ~~any wetland. Section 13.02.04(d).~~
- ~~(h)~~ Maximum Size: The combined total of all accessory buildings in any residential district shall be a maximum of nine hundred (900) square feet in area for lots less than two (2)

acres and one thousand two hundred (1200) square feet in area for lots equal to or greater than two (2) acres. Accessory buildings ~~and structures~~ located on ~~conforming~~ lots five (5) acres or more in Agricultural and Country Estates Districts shall not be limited by size, provided all required setback are met.

- (~~fi~~) Maximum Number: No more than two (2) detached accessory buildings shall be permitted on any lot in any district except conforming lots in the Agricultural and Country Estate ~~Districts~~District.
- (~~fg~~) Maximum, Height: The maximum building height of any detached accessory building shall be ~~fourteen (14)~~eighteen (18) feet (see Article 25 for calculation of building height), except as follows:
  - (1) Antenna heights may be as noted in Section 11.04.~~06-03(1)~~
  - (2) ~~Accessory buildings on conforming~~On lots two (2) acres or greater in the Agricultural, Country Estate ~~Districts~~and Rural Residential districts ~~may~~Districts, accessory building heights shall not exceed the maximum height restrictions for principal buildings by up to fifteen (15)35 feet..
- (~~fh~~) Restrictions on Use: Accessory garages shall only be used to store vehicles or equipment associated with a Permitted Use.
- (~~fi~~) Not used for dwelling/business: Accessory buildings shall not be occupied for dwelling purposes nor used for any business profession, trade or occupation except for agricultural uses in an Agricultural District as permitted in Section 3.03 and home occupations as provided for in Section 3.03.02(a). (as amended 12/31/06, 3/5/10, and 2/25/11)

11.04.02—03 Accessory Structures

- (a) **Decks, Balconies, Porches, and Similar Structures.** Decks, balconies, porches or similar structures are permitted only when they are attached to or abutting buildings that are occupied by a use permitted in the particular zoning district.
  - (1) ~~(a)~~Attached or unattached~~abutting~~ covered or enclosed decks, balconies, porches or similar structures with an open or enclosed roof and/or walls or enclosure shall be considered to be part of the building for purposes of determining setbacks with the exception of one (1) pergola or gazebo as regulated in Section 11.04.03(a)(3) below.
  - (2) Required Setbacks: When attached or abutting the building uncovered decks and ~~porches~~similar structures without a roof, walls or other form of enclosure shall be permitted ~~to extend a maximum of twenty five (25)~~within all principle structure non-required yards. Within the principle structure required yard, attached or abutting uncovered decks, balconies and similar structures without a roof, walls of other form of enclosure shall be permitted as follows:

- a. Front Yard: Attached or abutting uncovered decks, balconies and similar structures without a roof, walls or other form of enclosure may extend twelve (12) feet from the rearfront building line of the principal building, provided they shall be at least twenty (20) feet from the front lot line.
  - b. Side Yard: Attached or abutting uncovered decks, balconies and similar structures without a roof, walls or other form of enclosure may extend into the required side yard provided they shall be at least four (4) feet from any side lot line and.
  - c. Rear Yard: Attached or abutting uncovered decks, balconies and similar structures without a roof, walls or other form of enclosure may extend into the required rear yard provided they shall be at least ten (10) feet from any rear lot line. Covered or enclosed decks and porches with a roof or walls shall be considered to be part of the principal building for purposes of determining setbacks. One pergola or gazebo as regulated in (d) is permitted.
  - d. (b) Waterfront Yard: Attached or abutting uncovered decks, balconies and similar structures without a roof, walls or other form of enclosure may extend a maximum fifteen (15) feet into the required waterfront yard provided that a minimum fifteen (15) foot wide open space greenbelt shall be provided between the deck and the closest edge of the shoreline.
- (3) Gazebos/Pergolas: When attached or abutting a principle building and not within the principle structure required waterfront yard, uncovered decks, balconies and similar structures may include a covered or enclosed pergola or gazebo with a maximum size of one hundred fifty (150) square feet and a maximum height of fourteen (14) feet (see Article 25 for calculation of building height). Detached, freestanding gazebos or pergolas shall meet accessory building setbacks of Section 11.04.02.
- (4) For condominiums, the placement of decks shall be stipulated in the Condominium Master Deed and Exhibit B Site Plan, in conformance with the regulations of this section. Where there are no property ~~(site condominium)~~ lines between the two condominium units, decks shall be setback a minimum of four (4) feet from the halfway point between the two units, provided the decks are separated a minimum of eight (8) feet (combined four (4) foot setback of both decks).
- (e) ~~Shoreline Lots: Decks without roofs on a waterfront lot shall extend a maximum fifteen (15) feet from the rear building line of the principal structure. A minimum fifteen (15) foot wide open space greenbelt shall be provided between the deck and the closest edge of the shoreline. A separate deck or patio of one hundred (100) square feet or less shall be permitted along the shoreline, with a maximum length along the shoreline of ten (10) feet and a maximum height of six (6) inches above the mean grade.~~
- (d) ~~Gazebos/Pergolas: Decks may include a covered or enclosed pergola or gazebo with a maximum size of one hundred fifty (150) square feet and a maximum height of~~

~~fourteen (14) feet (see Article 25 for calculation of building height). (as amended 5/13/05 and 3/5/10)~~

~~(5) 11.04.03—Detached, freestanding, or non-abutting decks, balconies, porches, and similar structures<sup>[kv 0206191]</sup> shall comply with the requirements of Section 11.04.02 for Accessory Buildings.~~

**(b) Swimming Pools, Spas, Hot Tubs and Similar Structures.**

~~(1) (a) Requirement for Fence: Every person owning land on which there is located a swimming pool, spa, hot tub, or similar device (below ground or above ground) which contains twenty-four (24) inches or more of water in depth at any point, shall erect and maintain thereon a fence or **other form of** enclosure approved by the Building Official surrounding the device sufficient to make such device inaccessible to small children. Such fence ~~or enclosure~~, including the gates, shall not be less than four (4) feet or greater than (6) feet above grade. All gates shall be self-latching with latches placed no less than four (4) feet above grade or otherwise made inaccessible from the outside to small children. A hot tub or spa with a locking cover shall not require a fence.~~

~~(2) (b) Restriction from Front Yard: Swimming pools, spas, hot tubs and similar devices and their associated enclosures, decks, and/or patio shall not be located in any front yard.~~

~~(3) Restriction from Waterfront Yard: All pools, spas, hot tubs, and their associated enclosures, decks and /or patio shall not be erected in the required shoreline setback for principle buildings as stated in Table 3.04.02. Such structures are also subject to the natural feature setback requirements of Section 13.02.04(d).~~

~~(4) Relationship of Height to Setback: Swimming pools, spas, hot tubs, similar facilities and associated enclosures or surrounding decks with an elevation measured from the mean grade at any point adjacent to such facility of three (3) feet or less shall be at least ten (10) feet from any side or rear lot line. Where the elevation is greater than three (3) feet above grade at any point, the setback shall be at least fifteen (15) feet from any side or rear lot line.~~

~~(c) Restriction from Front Yard: Swimming pools, spas, hot tubs and similar devices shall not be located in any front yard.~~

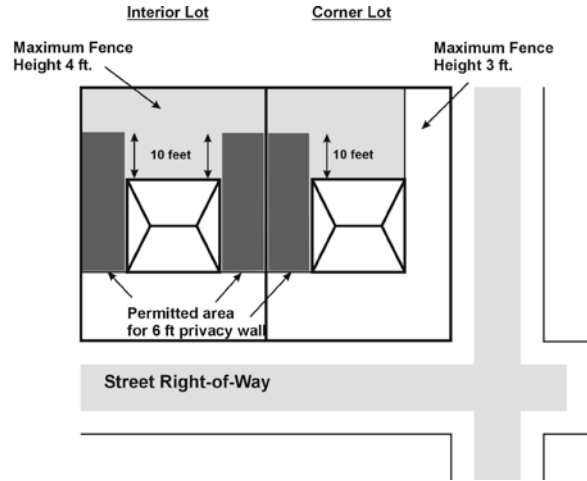
**(c) 11.04.04—Fences, Walls and Screens<sup>[kv 0206192]</sup>**

~~(1) (a) Unless specifically authorized elsewhere in this Ordinance, fences, walls or screens located within the front yard in any residential zoning district shall not exceed three (3) feet in height, or be in excess of forty-nine (49) percent (%) solid or impervious.~~

~~(2) (b) Chain link fences shall not be erected in any front yard within a residential district, unless enclosing a retention pond that has been approved by the Planning Commission.~~

(3) Waterfront Lots: Fences, walls or screens shall not be permitted in the required waterfront yard/shoreline setback for principle buildings as stated in Table 3.04.02.

(e) Unless specifically authorized elsewhere in this Ordinance, fences, walls or screens located within the ~~required side yard or required rear yard or non-required waterfront yard~~ in any zoning district shall not exceed a height of ~~four (4) six (6)~~ feet, except the Zoning Administrator may approve the following:



(1) ~~A privacy fence or wall up to six (6) feet high within the required side yard provided the wall does not extend beyond the front building line or more than ten (10) feet beyond the rear building line;~~

(2) ~~A six (6) foot high dog run or pet enclosure enclosing a maximum of twenty percent (20%) of the required rear yard or two hundred (200) square feet maximum area within the required rear yard, whichever is less~~

(3) ~~A six (6) foot high fence in an Agricultural or Country Estate District, which does not exceed forty nine percent (49%) solid or impervious area except as provided for in 11.04.04(e).;~~

(4) ~~(4) An~~ eight (8) foot high security fence of a permitted essential public service building, essential public service storage yard, towers, conforming commercial-use or industrial use, which may also include a maximum of one (1) additional foot of barb wire.

(5) ~~(d) Fences must be constructed of a natural or synthetic material that is all-weather resistant and is engineered and designed to be used for permanent installation as a fence or screen material. Where a fence has a finished and unfinished side, the more decorative side shall face outward toward the adjoining property or street.~~

(6) ~~Fences shall be installed and maintained free from defects, safety hazards and collapse, and shall be kept in good repair. No signs, words, letters, images, or illustrations shall be installed on any fence.~~

(7) ~~Fences, walls or screens shall not be erected within any public right-of-way or maintained in such a way as to obstruct the vision of motorists exiting driveways or within the triangular area formed by the intersection of the street right-of-way lines and a line connecting two points located on those intersecting right-of-way lines twenty-five (25) feet from the point of intersection with the right-of-way lines.~~

~~(8) (e)~~ The use of electric current or charge on any fence or part thereof is prohibited, except for low voltage fences in the Agricultural ~~and~~ Country Estate ~~and Rural Residential District~~Districts, intended to enclose permitted livestock, or electronic fences buried beneath the ground. ~~(as amended 12/31/06 and 3/5/10)~~

~~(d) 11.04.05~~ **Waterfront Accessory Structures:** Waterfront structures ~~and appurtenances~~ are permitted accessory structures on waterfront property, subject to the requirements of this section. The following requirements apply to all structures ~~and appurtenances~~ within the required waterfront yard (i.e. the ~~minimum~~ required principle structure setback from the ordinary high ~~water~~ mark.) in all zoning districts.

~~(1) (a)~~ Only the following structures ~~and appurtenances~~ shall be permitted within the required waterfront yard:

~~(1)~~ ~~docks and mooring apparatus;~~

a. ~~(2) decks~~ Permitted Projections, subject to the requirements of Section 11.01.04.02~~(e)~~;

b. ~~(3) No~~ more than one gazebo accessory building, subject to the requirements of Section 11.04.02~~(d)~~;

c. ~~(b) Accessory Structures, subject to the requirements of Section 11.04.03.~~

d. A dock and mooring apparatus;

e. Allowable accessory use of the waterfront in a single family residential district shall be limited to not more than (1) dock per lot or per dwelling unit occupied with a principle permitted use. Boat houses shall not be permitted.

~~(e) No more than one (1) boat slip per dwelling unit shall be permitted for multiple family dwellings.~~

f. ~~(d)~~ Commercial boat rental shall be prohibited in residential districts.

g. ~~(e)~~ Boat launching sites and boat docks within a common use riparian lot and dockminiums shall comply with the provisions of Section 13.03.

~~(e) 11.04.06~~ **Gardens and landscaping.** Gardens and landscaping are permitted in all yards.

~~(f)~~ **Manufactured landscape features and minor structures.** Manufactured landscape features and minor structures may be permitted in all yards subject to the following:

~~(1)~~ Any such feature or structure that exceeds three (3) feet in any dimension (height, width, length, diameter, etc.) shall not be located closer than three (3) feet from a front, side or rear property line and five (5) feet from a shoreline.



(2) No landscape feature or minor structure shall exceed twelve (12) feet in height, measured from the lowest ground level at the base of the structure/feature to the highest point of the feature.

(3) No such landscape feature or minor structure shall be located where it will obstruct the vision of drivers or otherwise impede traffic.

(g) **Ground level unenclosed projections (G.L.U.P.).** Ground level unenclosed projections shall be permitted to encroach into the required setback areas as follows:

(1) G.L.U.P.s shall be not be permitted within three (3) feet of any front, side or rear property line.

(2) For riparian waterfront lots, a minimum fifteen (15) foot wide open space greenbelt shall be provided between the G.L.U.P. and the closest edge of the shoreline with the following exception:

a. Within the fifteen (15) foot greenbelt a G.L.U.P. of one hundred (100) square feet or less shall be permitted along the shoreline with a maximum length along the shoreline of ten (10) feet.

(3) G.L.U.P.s shall be subject to lot coverage requirements.

(h) **Steps, stairways and stoops.** Unroofed and unenclosed steps, stairways and stoops may encroach in the required yards as follows:

(1) Steps, stairways and stoops shall not be located any closer than three (3) feet to any property line.

(2) Steps, stairways and stoops may include a landing area which does not exceed twenty (20) square feet.

(3) Encroachments into required yards shall be allowed as indicated in the table below:

<u>Front Yard</u>	<u>Rear Yard</u>	<u>Waterfront Yard<sup>(1)</sup></u>	<u>Side Yard</u>	
			<u>Side Yard 10' or less in LRR</u>	<u>Side Yard</u>
<u>10 ft.</u>	<u>15 ft.</u>	<u>15 ft. <sup>(1)</sup></u>	<u>2 ft.</u>	<u>5 ft.</u>

<sup>1</sup> Waterfront yard - Steps, staircases and landing areas (not to exceed twenty (20) square feet in area) may be permitted to extend to the shoreline where required by topography as confirmed by the Zoning Administrator. Stair treads shall not exceed four (4) feet in width by fourteen (14'') or less in depth.

(i) **Flagpoles.** Flagpoles are permitted in all yards provided that they are setback a distance at least equal to their height.

(j) **Retaining walls.** Retaining walls may be permitted subject to the following conditions:

- (1) Retaining walls may be utilized only where needed to stabilize steep slopes which exceed twelve (12) percent, to establish grade for buildings and accessory structures, preserve grade around trees, wetlands or other natural features to be preserved or as part of a grading plan to establish positive drainage from a site as determined by the Zoning Administrator.
- (2) In no case shall any retaining wall be permitted where it would disrupt natural drainage patterns, except where it is demonstrated that a proposed change in draining patterns will not have an adverse impact on adjoining properties or cause a threat to public safety.
- (3) Retaining walls shall not be used to alter the overall natural topography of the land. For example, retaining walls could be used to create a terrace on the slope, but the direction of the slope and the drainage patterns should not be altered.
- (4) Retaining walls shall comply with the following dimensional standards:

<u>FRONT YARD</u>		<u>SIDE YARD<sup>(7)</sup></u>		<u>REAR YARD<sup>(7)</sup></u>		<u>WATERFRONT YARD<sup>(6)(7)</sup></u>	
<u>Required</u>	<u>Non-required</u>	<u>Required</u>	<u>Non-required</u>	<u>Required</u>	<u>Non-Required</u>	<u>Required</u>	<u>Non-required</u>
<u>Not Permitted</u>	<u>3 ft.</u>	<u>6 ft.</u>	<u>Permitted</u>	<u>6 ft.</u>	<u>Permitted</u>	<u>6 ft.</u>	<u>Permitted</u>

- (5) Total length of retaining walls along a lot line may not exceed thirty (30) percent of the lot line length, except in the waterfront yard as provided for in (8) below.
- (6) In no case shall any retaining wall be located closer than fifteen (15) feet to the shoreline.
- (7) Retaining walls taller than six (6) feet in height, measured at any point on either side of the wall, from the grade level adjacent to the wall to the top of the wall shall be required to be stepped in multiple tiers as follows:
  - i. A series of two (2) or more parallel or tiered walls, each measuring up to three (3) feet in height, may be permitted within a required setback area provided the walls are separated at least six (6) feet from each other by a flat area.
  - ii. Any wall height proposed to be over six (6) feet in height must be determined to be the least amount necessary by the Zoning Administrator.
- (8) Retaining walls within the required waterfront yard shall generally be parallel to the shoreline, provided short segments of the wall may be perpendicular to the shoreline to allow variations in the wall. Retaining walls shall not be permitted parallel to side lot lines except for short segments along the sides where the waterfront yard is stepped.

(9) If a railing is required by the building code, said railing shall not exceed the minimum required height and shall be the maximum amount of transparency utilizing thin rails, wire, glass or similar and in no case shall the railing be less than fifty (50) percent pervious or transparent. Except for a railing required by the building code, where a fence is located on top of a retaining wall, the height of the retaining wall shall be included in the height of the fence for the purpose of determining compliance with the fence height requirements of Section 11.04.03(c).

(10) Notwithstanding the conditions above, this ordinance shall not prohibit the replacement or maintenance of existing retaining walls that do not meet the requirements of this ordinance but were constructed prior to the effective date of this ordinance provided that the replacement or maintenance does not increase the non-conformity of the structure.

(k) **Play Structures.** Play structures shall be permitted in required side, rear, and waterfront yards subject to the following:

(1) Play structures shall not be permitted in the front yard.

(2) Play structures shall not be located any closer than ten (10) feet to any property line.

(3) Encroachments into the required waterfront yard yards shall not exceed fifteen (15) feet.

(4) Play structures shall not exceed a height of twelve (12) feet. A safety rail may exceed the maximum height by no more than three (3) feet.

(l) **Reception Antennas and Towers:** Radio or television antennas or towers, including satellite dish antennas and transmission or reception antennas erected or installed in any zoning district as an accessory structure to a permitted use shall comply with the standards below. Wireless communication facilities, such as cellular antenna and commercial broadcasting antenna, shall be subject to the requirements of Section 11.02.08

(1) ~~(a)~~ Intent and Exceptions: The intent of this section is to provide reasonable regulations for reception antenna facilities to achieve the objectives listed below.

~~(+)~~i. Promote safety and prevent hazards to persons and property resulting from accidents involving antenna facilities which could fall from building or structural mountings due to wind load, snow load or other factors.

~~(-)~~ii. Promote utilization of ground mounting for antennae facilities where reasonably feasible.

- ~~(3)~~ iii. Require screening of ground-mounted facilities and minimize visibility to roof or structure mounted facilities to maintain architectural integrity and aesthetic quality of property improvements and preserve property values.
- iv. ~~(4)~~—Exclude from provisions of this section are conventional VHF and UHF television antennae, satellite dishes less than one (1) meter in diameter and short wave radio antennae based upon the following findings: there is relatively minor concern for wind and snow load issues due to an established safety record; there has been an historical acceptance of such facilities from architectural and aesthetic standpoints; and the cost of complying with the procedure for application and review would be unreasonable in relation to the cost of purchasing and installing the facility.
- v. ~~(5)~~—Balance regulations on the placement and manner of reception antenna installation to the minimum required to achieve the objectives herein.
- vi. ~~(6)~~—Promote and protect the public health, safety and welfare by the exercise of Township police powers in relation to a property owner's right to construct and use reception antennae to receive signals without reasonable restriction.
- ~~(2)~~ ~~(b)~~—Requirements: A ground mounted regulated reception antenna or tower, shall be located only in a rear yard and shall not be within the required side yard setback. For lots with lake frontage, regulated reception, antenna and towers shall be located in the side or front (street side) yard. A roof mounted regulated reception antenna shall be placed on a section of the roof in the rear yard.

  - i. ~~(1)~~—Conventional VHF and UHF television antennae, satellite dishes less than one (1) meter in diameter and short wave radio antennae shall be exempt from the regulations of this section and not require a land use permit, provided the equipment is not located in the front yard or on the portion of the building facing the front lot line.
  - ii. ~~(2)~~—No portion of a regulated reception antenna shall be located closer than six (6) feet, measured on a horizontal plane, from any side or rear lot line or placed on any easement.
  - iii. ~~(3)~~—Ground-mounted antenna in a front yard within one hundred (100) feet of a public street or within fifty (50) feet of a residential lot line shall be screened from such street by landscaping or a wall with a sketch plan approved by the Zoning Administrator prior to erection of the antenna. If there is no conforming location on the property where the facility may be so obscured from view, screening shall be accomplished to the extent reasonably feasible, as approved by the Zoning Administrator or if the antenna is mesh type, screening need not exceed six (6) feet in height.

~~iv. (4)~~—The color of all antennae shall be of tones similar to the surroundings. Ground-mounted antennae shall not be white unless they are of a mesh type or unless the background consists primarily of a white building. Bright or pastel colors shall not be used in any instance.

~~v. (5)~~—Ground mounted reception antenna shall be secured to the ground with cement or similar material.

~~(6)~~—The diameter of a regulated reception antenna shall not exceed twelve (12) feet.

~~vi. (7)~~—~~Regulated reception antenna and towers shall extend a maximum of twenty~~ (20) feet above the rooftop.

~~vii. (8)~~—No advertising or identification display shall be placed on any portion of a reception antenna or tower, except for the name of the manufacturer and serial number.

~~viii. (9)~~—All electrical and antenna wiring shall be placed underground, where applicable.

~~ix. (10)~~—The antenna shall be located and designed to meet the manufacturer specifications to withstand a wind force of one hundred (100) miles per hour.

~~(11)~~—

~~x.~~ If a usable signal cannot be obtained by locating the antenna in the rear yard, the antenna may be located in the side yard of the property subject to the submission of a written affidavit and approval of the Zoning Board of Appeals provided the placing of an antenna in a side yard shall remain subject to all other conditions set forth in this section.

~~xi. (12)~~ Erection of regulated reception antenna or towers shall require a land use permit from the Township Zoning Administrator.

~~(m) 11.04.07~~—**Outdoor Furnaces:**

~~(1) (a)~~ **Purpose.** Although outdoor furnaces may provide an economical alternative to conventional heating systems, concerns have been raised regarding the safety and environmental impacts of these heating devices, particularly the production of offensive odors and potential health effects of uncontrolled emissions. This section is intended to ensure that outdoor furnaces are utilized in a manner that does not create a nuisance or hazard and is not detrimental to the health, safety and general welfare of the residents of Genoa Charter Township.

~~(2) (b)~~ **Permit Required.** No outdoor furnace shall be constructed or installed without obtaining a land use permit.

~~(3)~~ **Definitions.** The following definitions shall apply to the terms used in this section:

i. ~~(1)~~ — **Firewood.** Trunks and branches of trees and bushes, but does not include leaves, needles, vines or brush smaller than three inches in diameter.

ii. ~~(2)~~ — **Outdoor Furnace.** Any equipment, device or apparatus, or any part thereof, which is installed, affixed or situated outdoors for the primary purpose of combustion of fuel to produce heat or energy used as a component of a heating system providing heat for any interior space.

iii. ~~(3)~~ — **Untreated Lumber.** Dry wood that has been milled and dried but which has not been treated or combined with any petroleum product, chemical, preservative, glue, adhesive, stain, paint or other substance.

iv. ~~(4)~~ — **Stack.** A vertical structure enclosing a flue or flues that carry off smoke or exhaust from an outdoor furnace, including that part of the structure extending above a roof.

(e4) **Requirements.** Outdoor furnaces located outside the principal building may be permitted in any zoning district as an accessory structure to a permitted use only under the following conditions:

i. ~~(1)~~ — The outdoor furnace shall be for the purpose of providing heat to a dwelling or accessory structure on the same lot.

ii. ~~(2)~~ — The outdoor furnace shall be a minimum of forty (40) feet from all structures on the lot.

iii. ~~(3)~~ — The outdoor furnace shall be a minimum of one hundred (100) feet from all property lines.

iv. ~~(4)~~ — The outdoor furnace may only be located in a rear or side yard and shall not be located in the front yard.

v. ~~(5)~~ — An area at least thirty (30) feet in diameter around the outdoor furnace shall be free of ignitable materials or debris; except that fuel for the outdoor furnace may be stored within this area.

(6) The outdoor furnace shall utilize a stack with a minimum height of fifteen (15) feet and shall not exceed fifteen (15) feet above the height of the principal structure height limit. All outdoor furnaces shall be equipped with properly functioning spark arrestors.

(7) Only materials meeting outdoor furnace manufacturer's specifications are permitted to be burned in the outdoor furnace, such as firewood, untreated lumber, natural gas, propane or pellets. Burning of any and all other materials in an outdoor furnace is prohibited. Trash, garbage, plastics, gasoline, rubber, naphtha, material treated with petroleum products (particle board, railroad ties and pressure treated wood), painted or stained wood, leaves, paper products, cardboard, and material that could pose a hazard to surrounding residents shall

not be used for fuel. Lighter fluids, gasoline or chemicals to start the furnace are prohibited.

- (8) The outdoor furnace shall not be located where smoke will create a nuisance to neighboring properties pursuant to Section 13.05.
- (9) The outdoor furnace shall be from a manufacturer with a safety certification from a qualified independent laboratory that has tested the furnace and certified that it complies with safety standards established by Underwriters Laboratory (UL 391-1955).
- (10) Use of the outdoor furnace must follow all operating instructions supplied by the manufacturer.
- (11) The outdoor furnace must also comply with all applicable county, state or federal guidelines. (as amended 2/25/11)

**Sec. 11.05 WIND ENERGY CONVERSION SYSTEMS (WECS)**

**11.05.01 General:**

- (a) **Intent:** The intent of these regulations is to provide for sustainable energy sources by allowing the development of Wind Energy Conversion Systems (WECS), while providing regulations that limit the impact of these facilities as follows:
  - (1) Protect public health, safety, welfare, and quality of life by minimizing the potential adverse impacts of a WECS.
  - (2) Protect the aesthetic quality of the natural, rural open spaces of the Township.
  - (3) Protect neighboring property owners from noise and safety impacts.
  - (4) Protect waterfowl and birds.
  - (5) Ensure structures do not exceed a height that would impact aviation safety.
  - (6) To establish standards and procedures by which the siting, design, engineering, installation, operation, and maintenance of a WECS shall be governed.
- (b) **Applicability:** WECS shall comply with the standards below.
  - (1) On-site use WECS up to a height of seventy two (72) feet shall be allowed in any zoning district as an accessory structure, subject to the requirements of Section 11.05.02.
  - (2) On-site use WECS over a height of seventy two (72) feet shall be allowed in certain zoning districts as an accessory structure, subject to the requirements of Section 11.05.03.
  - (3) A utility grid WECS shall be allowed as a principal use of land in certain zoning districts, subject to the requirements of Section 11.05.03.



(c) **Definitions:** For the purpose of this section, the following words and phrases shall have the meanings respectively ascribed to them as follows:

- (1) **Ambient Noise:** The amount of background noise at a given location prior to the installation of a WECS which may include, but is not limited to, traffic, machinery, lawnmowers, general human activity and the interaction of the wind with the landscape. Ambient Sound Level is measured on the Decibel – dB (A) – weighted scale as defined by the American National Standards Institute (ANSI). Such noise levels shall be measured on the property line or on the adjacent property, which is receiving the noise.
- (2) **Anemometer tower:** A freestanding tower containing instrumentation such as anemometers that is designed to provide present moment wind data for use by the supervisory control and data acquisition (SCADA) system used by utility companies to monitor energy production from a central control unit, which is an accessory land use to a utility grid WECS.
- (3) **ANSI:** The American National Standards Institute.
- (4) **dB (A):** dB (A) means the sound pressure level in decibels measured on the "A" scale of a standard sound level meter having characteristics defined by the American National Standards Institute, Publication ANSI s1.4-1971.
- (5) **Decibel:** The unit of measure used to express the magnitude of sound pressure and sound intensity (dB).
- (6) **Horizontal axis WECS:** A WECS which converts wind energy into electricity through the use of a wind turbine generator with a horizontal axis of rotation. This type of WECS is directional in that it achieves optimal energy production while pointed into or away from the direction of the wind.
- (7) **IEC:** The International Electrotechnical Commission.
- (8) **ISO:** The International Organization for Standardization.
- (9) **Lease unit boundary:** The boundary around property leased for purposes of a WECS, including adjacent parcels to the parcel on which the WECS tower or equipment is located. For purposes of setback, the lease unit boundary shall not cross road right-of-ways.
- (10) **On site WECS:** A land use for generating electric power from wind that is accessory to a legal principal use and intended to primarily serve the needs of the electric power consumer at that site.
- (11) **Rotor:** An element of a WECS that acts as a multi-bladed airfoil assembly, thereby extracting through rotation, kinetic energy directly from the wind.
- (12) **Shadow flicker:** Alternating changes in light intensity caused by the moving blades of a WECS casting shadows on the ground and stationary objects, such as but not limited to a window at a dwelling.

- (13) **Tower height:** The vertical distance as measured from the ground level of the base of a wind energy conversion system tower to the uppermost vertical extension of a rotor blade, or the maximum height reached by any part of a WECS.
- (14) **Utility grid WECS:** The use of wind power to generate electric power for the principal purpose of supplying electric power to the energy grid, with little or no on-site use of the generated power.
- (15) **Vertical axis WECS:** A WECS which converts wind energy into electricity through the use of a wind turbine generator with a vertical axis of rotation. This type of WECS is not directional in that it does not need to be pointed into or away from the direction of the wind in order to achieve optimal energy production.
- (16) **Wind energy conversion system (WECS):** A land use for generating power by use of wind; utilizing wind turbine generators, including the turbine, blades, and tower as well as related electrical equipment. This does not include wiring to connect the WECS to the electric utility grid. See also on-site WECS and utility grid WECS.
- (17) **Wind site assessment.** An assessment to determine the wind speeds at a specific site and the feasibility of using that site for construction of a WECS.

11.05.02 **On-site Use WECSs:** An On-site Use WECS up to seventy two (72) feet tall is an accessory use which shall meet the following standards:

- (a) **Locations Where System Allowed:** An accessory WECS up to seventy two (72) feet tall shall be permitted in all districts with administrative land use permit approval by the Zoning Administrator.
- (b) **Number of Systems:** An on-site use WECS is to be designed to primarily serve the needs of a home, farm, or on-site business. One (1) on-site use WECS shall be permitted per property.
- (c) **Clearance above Ground:** The minimum blade or rotor clearance will be at least ten (10) feet from the ground.
- (d) **System Attached to a Structure or Roof:** A WECS may be attached to an existing structure. Roof-mounted equipment shall not exceed a height of fifteen (15) feet above the surrounding roof surface.
- (e) **Property Setback:** The minimum distance between an on-site use WECS and the owner's property lines shall be equal to the height of the WECS tower including the top of the blade in its vertical position. No part of the WECS structure, including guy wire anchors, may extend closer than ten (10) feet to the owner's property lines, or the distance of the required setback in the respective zoning district, whichever results in the greater setback. Where a WECS is located in the front yard, it shall be setback two hundred (200) feet from the front lot line.

- (f) **Color:** WECS shall be painted a non-obtrusive (light color such as white, beige or light gray) color that is non-reflective. No striping or color shall be visible on the blades or tower. No lettering, company insignia, advertising, or graphics shall be on any part of the tower, hub, or blades. Nacelles may have lettering that exhibits the manufacturer's identification.
- (g) **Towers:** WECS shall use tubular towers. Lattice towers shall be prohibited.
- (h) **Sound Pressure Level:** On site use WECS shall not create noise levels that exceed sixty (60) dB (A) measured at the property line.
- (i) **Construction Codes, Towers, & Interconnection Standards:** On-site use WECS, including towers shall comply with all applicable state construction and electrical codes and local building permit requirements. On-site use WECS including towers shall comply with Federal Aviation Administration requirements, the Michigan Airport Zoning Act (Public Act 23 of 1950, MCL 259.431 *et seq.*), and the Michigan Tall Structures Act (Public Act 259 of 1959, MCL 259.481 *et seq.*).
- (j) **Connection to Energy Grid:** An interconnected on-site use WECS shall comply with Michigan Public Service Commission and Federal Energy Regulatory Commission standards. Off-grid systems are exempt from this requirement.
- (k) **Safety:** An on-site use WECS shall have automatic braking, governing, or a feathering system to prevent uncontrolled rotation or over speeding. All wind towers shall have lightning protection. If a tower is supported by guy wires, the wires shall be clearly visible to a height of at least eight (8) feet above the guy wire anchors.
- (l) **Accessibility:** Towers shall be designed and constructed in such a manner that integrated tower climbing devices are a minimum of twelve (12) feet above the base of the tower and only accessible by using a separate climbing device.
- (m) **Labeling of WECS Tower Subsystem:** The following information shall be provided on labels attached to the tower in a visible, easily read, and easily accessible location:
  - (1) Equipment weight of the tower subsystem;
  - (2) Manufacturer's name and address;
  - (3) Model number;
  - (4) Serial number;
  - (5) The survival wind speed in miles per hour and meters per second;
  - (6) Name of installer;
  - (7) Name of person responsible for maintenance;
  - (8) Emergency telephone number in force for (6) and (7) above.

- (n) **Labeling of WECS Power Conversion Subsystem:** The following information shall be provided on labels attached to the WECS power conversion subsystem in a visible, easily read, and easily accessible location:
  - (1) Maximum power input (KW), rated voltage (volts) and rated current output (amperes) of the generator, alternator, etc.;
  - (2) Manufacturer's name and address;
  - (3) Model number;
  - (4) Serial number;
  - (5) Emergency and normal shutdown procedures;
  - (6) Underwriters label, where appropriate.
- (o) **Utilities:** Power lines shall be placed underground. If the WECS is connected to a public utility system for net metering purposes, it shall meet the requirements for interconnection and operation as set forth in the public utility's current service regulations that meet federal, state and industry standards applicable to wind power generation facilities. Any such connection shall be inspected and approved by the appropriate utility company.
- (p) **Removal of Abandoned Facilities:** Any WECS that is not operated for a continuous period of twelve (12) months shall be considered abandoned and the owner of such WECS shall remove the WECS within ninety (90) days of receiving an abandonment notification from the Township. Failure to remove an abandoned WECS within ninety (90) days shall be grounds for the Township to remove the WECS at the owner's expense.

11.05.03 **Utility Grid WECS, Anemometer Towers and On-site Use WECS Over Seventy Two (72) Feet High:** A utility grid WECS and anemometer towers, or on-site use WECS over seventy two (72) feet high shall meet the following standards:

- (a) **Locations Where System Allowed:** Utility grid WECS and on-site WECS over seventy two (72) feet in height shall be permitted in the AG, CE, PRF and IND districts with special land use approval by the Township Board in accordance with Article 19 and site plan approval by the Planning Commission in accordance with Article 18.
- (b) **Clearance above Ground:** The minimum blade or rotor clearance for a horizontal axis tower mounted WECS will be at least twenty (20) feet above ground or above any outdoor areas intended for human use. The minimum rotor clearance for a vertical axis WECS installed on-grade will be at least ten (10) feet above ground.
- (c) **System attached to a Structure or Roof:** A WECS may be attached to an existing structure so that the appearance of the structure will not be materially altered or changed. Roof-mounted equipment shall not exceed a height of twenty (20) feet above the surrounding roof surface. The equipment shall not be attached to a portion of the roof that is highly visible.

- (d) **Height:** No utility grid WECS or on-site use WECS shall exceed one hundred fifty (150) feet in height.
- (e) **Property Setback:** The minimum distance between a WECS and the property lines shall be equal to the height of the WECS tower including the top of the blade in its vertical position. The minimum distance between an anemometer tower and the owner's property lines shall be equal to the height of the tower. No part of the WECS structure, including guy wire anchors, may extend closer than ten (10) feet to the owner's property lines, or the distance of the required setback in the respective zoning district, whichever results in the greater setback. Any operations and maintenance office building, a sub-station, or ancillary equipment shall comply with any property set-back requirement of the respective zoning district. Where a WECS is located in the front yard, it shall be setback two hundred (200) feet from the front lot line.
- (f) **Color:** WECS shall be painted a non-obtrusive (light color such as white, beige or light gray) color that is non-reflective. No striping or color shall be visible on the blades or tower.
- (g) **Sound Pressure Level:** WECS shall not create noise levels that exceed sixty (60) dB (A) measured at the property line.
- (h) **Safety Requirements:** WECS shall be designed to prevent unauthorized access to electrical and mechanical components and shall have access doors that are kept securely locked at all times when service personnel are not present. All spent lubricants and cooling fluids shall be properly and safely removed in a timely manner from the site of the WECS. A sign shall be posted near the tower or operations and maintenance office building that will contain emergency contact information. Signage placed at the road access shall be used to warn visitors about the potential danger of falling ice.
- (i) **Accessibility:** Towers shall be designed and constructed in such a manner that integrated tower climbing devices are a minimum of twelve (12) feet above the base of the tower and only accessible by using a separate climbing device.
- (j) **Performance Security:** Performance guarantee, pursuant to Section 21.03 of this Ordinance, shall be provided for the applicant making repairs to public roads damaged by the construction of the WECS.
- (k) **Utilities:** Power lines shall be placed underground. If the WECS is connected to a public utility system for net metering purposes, it shall meet the requirements for interconnection and operation as set forth in the public utility's current service regulations that meet federal, state and industry standards applicable to wind power generation facilities. Any such connection shall be inspected and approved by the appropriate utility company. Utility grid WECS shall comply with applicable utility, Michigan Public Service Commission, and Federal Energy Regulatory Commission interconnection standards.
- (l) **Permits:** WECS shall comply with all applicable state construction and electrical codes and County building permit requirements.

- (m) **Aviation Hazard:** WECS shall comply with Federal Aviation Administration (FAA) requirements, the Michigan Airport Zoning Act (Public Act 23 of 1950 as amended, M.C.L. 259.431 et seq.), and the Michigan Tall Structures Act (Public Act 259 of 1959 as amended, M.C.L. 259.481 et seq.). The minimum FAA lighting standards shall not be exceeded. All tower lighting required by the FAA shall be shielded to the extent possible to reduce glare and visibility from the ground. The tower shaft shall not be illuminated unless required by the FAA.
  
- (n) **Standards:** The following standards apply only to utility grid WECS:
  - (1) **Visual Impact:** Utility grid WECS projects shall use tubular towers and all utility grid WECS in a project shall be finished in a single, non-reflective matte finished color. A project shall be constructed using WECS of similar design, size, operation, and appearance throughout the project. No lettering, company insignia, advertising, or graphics shall be on any part of the tower, hub, or blades. Nacelles may have lettering that exhibits the manufacturer's and/or owner's identification.
  
  - (2) **Decommissioning:** A decommissioning plan for the WECS and any anemometer towers shall be provided that indicates 1) the anticipated life of the project, 2) the estimated decommissioning costs net of salvage value in current dollars, 3) the method of ensuring that funds will be available for decommissioning and restoration, 4) the anticipated manner in which the project will be decommissioned and the site restored and 5) performance guarantee, pursuant to Section 21.03 of this Ordinance.
  
  - (3) **Electromagnetic Interference:** Utility grid WECS shall not be installed in any location where its proximity to existing fixed broadcast, retransmission, or reception antennae for radio, television, or wireless phone or other personal communication systems would produce electromagnetic interference with signal transmission or reception unless the applicant provides a replacement signal to the affected party that will restore reception to at least the level present before operation of the WECS. No utility grid WECS shall be installed in any location within the line of sight of an existing microwave communications link where operation of the WECS is likely to produce electromagnetic interference in the link's operation unless the interference is proven to be insignificant.
  
- (o) **Site Plan:** Site plan requirements for utility grid WECS and on-site WECS over seventy two (72) feet in height are as follows:
  - (1) Documentation that sound pressure level, construction code, tower, interconnection (if applicable), and safety requirements have been reviewed and the submitted site plan is prepared to show compliance with these issues.
  
  - (2) Proof of the applicant's general liability insurance for at least three million dollars (\$3,000,000) for the project to cover the operator, the landowner and the Township.
  
  - (3) A copy of that portion of all the applicant's lease(s) with the land owner(s) granting authority to install the anemometer tower and/or utility grid WECS; legal

description of the property(ies), lease unit(s); and the site plan shows the boundaries of the leases as well as the boundaries of the lease unit boundary.

- (4) The phases, or parts of construction, with a construction schedule.
- (5) The project area boundaries.
- (6) The location of all dwellings within three hundred (300) feet of the system.
- (7) The location of all guy wires or other support devices.
- (8) The location, height, and dimensions of all existing and proposed structures and fencing.
- (9) The location, grades, and dimensions of all temporary and permanent on-site and access roads from the nearest county or state maintained road.
- (10) All new above ground infrastructure related to the project.
- (11) A copy of manufacturers' material safety data sheet(s) which shall include the type and quantity of all materials used in the operation of all equipment including, but not limited to, all lubricants and coolants.
- (12) For utility grid WECS only:
  - a. A copy of a noise modeling and analysis report and the site plan shall show locations of equipment identified as a source of noise. Equipment shall be placed so that the WECS will not exceed the maximum permitted sound pressure levels. The noise modeling and analysis shall conform to IEC 61400 and ISO 9613. After installation of the utility grid WECS, sound pressure level measurements shall be done by a third party, qualified professional according to the procedures in the most current version of ANSI S12.18. All sound pressure levels shall be measured with a sound meter that meets or exceeds the most current version of ANSI S1.4 specifications for a Type II sound meter. Documentation of the sound pressure level measurements shall be provided to Genoa Township within sixty (60) days of the commercial operation of the project.
  - b. A visual impact simulation showing the completed site as proposed on the submitted site plan. The visual impact simulation shall be from four viewable angles and conducted adjacent to property lines or the lease unit boundaries.
  - c. A copy of an environment analysis by a qualified professional to identify and assess any potential impacts on the natural environment including, but not limited to wetlands and other fragile ecosystems, historical and cultural sites, and antiquities. The applicant shall take appropriate measures to minimize, eliminate or mitigate adverse impacts identified in the analysis, and shall show those measures on the site plan. The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts.



- d. A copy of an avian and wildlife impact analysis by a qualified professional to identify and assess any potential impacts on wildlife and endangered species. The applicant shall take appropriate measures to minimize, eliminate or mitigate adverse impacts identified in the analysis, and shall show those measures on the site plan. The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts. (Sites requiring special scrutiny include wildlife refuges, other areas where birds are highly concentrated, bat hibernacula, wooded ridge tops that attract wildlife, sites that are frequented by federally and/or state listed endangered species of birds and bats, significant bird migration pathways, and areas that have landscape features known to attract large numbers of raptor.)
  - 1. At a minimum, the analysis shall include a thorough review of existing information regarding species and potential habitats in the vicinity of the project area. Where appropriate, surveys for bats, raptors, and general avian use should be conducted. The analysis shall include the potential effects on species listed under the federal Endangered Species Act and Michigan's Endangered Species Protection Law.
  - 2. The analysis shall indicate whether a post construction wildlife mortality study will be conducted and, if not, the reasons why such a study does not need to be conducted.
- e. A copy of a shadow flicker analysis for residential buildings and livestock areas within one thousand (1,000) feet of the proposed system. The analysis shall to identify the locations of shadow flicker that may be caused by the project and the expected durations of the flicker at these locations from sun-rise to sun-set over the course of a year. The analysis shall identify problem areas where shadow flicker may affect residents and livestock within one thousand (1,000) feet. The analysis shall also show measures that shall be taken to eliminate or mitigate the problems.
- f. A second site plan which shows the restoration plan for the site after completion of the project which includes the following supporting documentation:
  - 1. The anticipated life of the project.
  - 2. The estimated decommissioning costs net of salvage value in current dollars.
  - 3. The method of ensuring that funds will be available for decommissioning and restoration.
  - 4. The anticipated manner in which the project will be decommissioned and the site restored.

- g. A description of the complaint resolution process developed by the applicant to resolve complaints from nearby residents concerning the construction or operation of the project. The process may use an independent mediator or arbitrator and shall include a time limit for acting on a complaint. The process shall not preclude the local government from acting on a complaint. During construction the applicant shall maintain and make available to nearby residents a telephone number where a project representative can be reached during normal business hours.

~~(as amended 3/5/10)~~ **Sec. 11.06 SOLAR ENERGY COLLECTORS AND COMMERCIAL SOLAR ENERGY SYSTEMS**

**11.06.01 General Requirements:**

- (a) **Glare and reflection:** The exterior surfaces of solar energy collectors shall be generally neutral in color and substantially non-reflective of light. A unit may not be installed or located so that sunlight or glare is reflected into neighboring uses or onto adjacent streets.
- (b) **Location:** Solar energy equipment shall be located in the least visibly obtrusive location where panels would remain functional.
- (c) **Installation:**
  - (1) A solar energy collector shall be permanently and safely attached to the building or structure, or to the ground. Solar energy collectors, and the installation and use thereof, shall comply with the construction code, the electrical code and other applicable Township, county, state and federal requirements.
  - (2) Solar energy collectors shall be installed, maintained and used only in accordance with the manufacturer's directions. Upon request, a copy shall be submitted to the Township or building official prior to installation. The Township may inspect the completed installation to verify compliance.
- (d) **Permitting:**
  - (1) Building-mounted units are subject to administrative review of a land use permit.
  - (2) Ground-mounted equipment is subject to special land use review except small residential equipment which occupies less than 500 square feet in area are subject to administrative review of a land use permit.
- (e) **Applications:** In additional to all other required application contents, equipment and unit renderings or plans shall be submitted.

**11.06.02 Building-Mounted Solar Energy Collectors:**

- (a) **Weight and Installation:** A building mounted unit shall be only of such weight as can safely be supported by the structure. Proof thereof, in the form of certification by a

professional engineer or other qualified person, shall be submitted to the Township prior to installation.

(b) **Location:** Wall-mounted units shall not be located on the front wall of a building.

(c) **Height:**

(1) Wall-mounted unit shall not exceed the height of the building wall to which they are attached.

(2) A roof-mounted unit shall not project more than three (3) feet above the highest point of the roof and shall not exceed the maximum building height for the zone district in which it is located.

(d) **Extension:** A solar energy collector that is wall-mounted shall not extend further than five (5) feet from the building wall, may not extend into a required yard and may not exceed the height of the building wall to which it is attached.

#### 11.06.03 Ground-Mounted Solar Energy Collectors:

(a) **Location:**

(1) The unit may be located in the rear yard and/or the side yard, but not in the required rear yard or in the required side yard.

(2) The unit may be located in the front yard only if permitted by the Planning Commission provided that the unit is no less than 150 feet from the front lot line.

(b) **Number:** One (1) per lot plus one (1) for each whole acre over one acre.

(c) **Size:** Not more than 1% of the size of lot with a maximum of 2,500 square feet.

(d) **Spacing:** 15 feet minimum.

(e) **Height:** 16 feet maximum, measured from the natural grade below the unit to the highest point.

(f) **Lot Coverage:** The total area of ground-mounted solar energy collectors shall be included in the calculation of maximum permitted lot coverage.

(g) **Screening:** Screening may be required in cases where ground-mounted units impact views from adjacent residential properties.

#### 11.06.04 Commercial Solar Energy System:

(a) **Setbacks:** 100 feet minimum.

(b) **Height:** 16 feet maximum, measured from the natural grade below the unit to the highest point.

(c) **Minimum Acreage:** Five (5) acres.

- (d) **Lot Coverage:** The total area of ground-mounted solar energy collectors shall be included in the calculation of maximum permitted lot coverage.
- (e) **Screening:** Screening may be required in cases where ground-mounted units impact views from adjacent properties or public streets.

**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 Structure, Minor:** Any small, movable accessory structure serving a functional purpose that is less than twenty square feet in area and less than five feet tall such as pet houses, pump houses, play equipment, chiminea, outdoor kitchen, firepits, grills, bike racks and similar. Permanent structures over twenty (20) square feet total floor area shall be considered accessory structures for purpose of this ordinance.

**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~~a. **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~~b. **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~~c. **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~~[JD1].

~~e~~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.

**Architectural feature:** A part, portion, or projection that is not intended for shelter or occupancy and contributes to the beauty or elegance of a building or structure, exclusive of signs, that is not necessary for the structural integrity of the building or structure or to make said building or structure habitable. Examples include cornices, eaves, gutters, belt courses, sills, lintels, bay windows, chimneys, and decorative ornaments.

**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."

**Balcony:** A projecting platform that is open, roofless and enclosed by a railing and which is supported solely by, the principle structure with no additional independent supports.

**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.

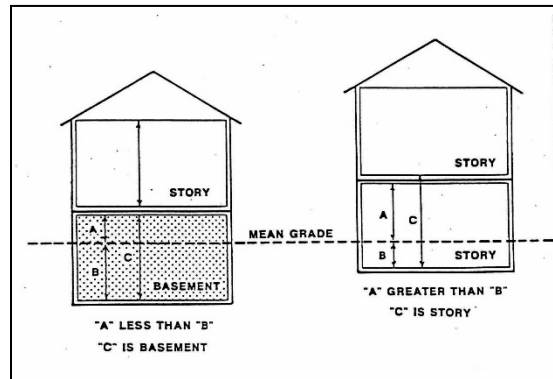


Figure 25.1 Basement

**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).

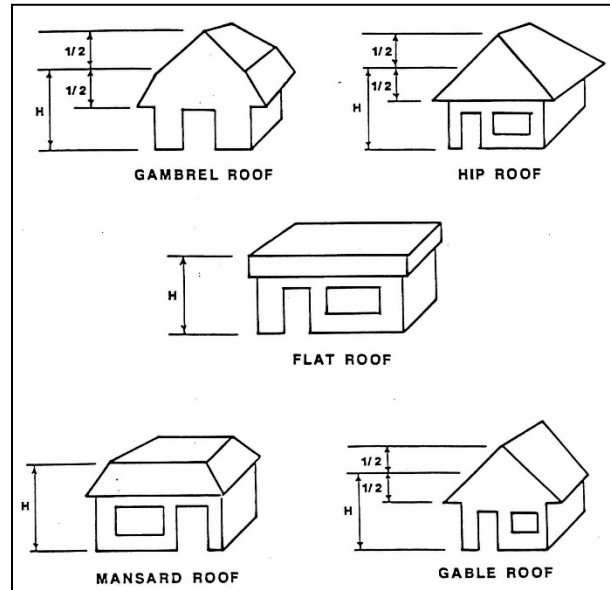


Figure 25.2 Building Height

**Building Line:** A horizontal line parallel to a front, side or rear lot line which is located at the point of principal exterior wall or structural feature nearest the front, side or rear lot line, not including permitted yard projections. (See Figure 25.3)

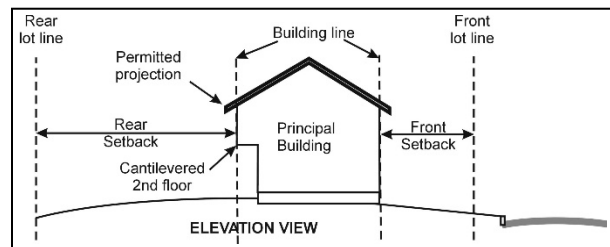


Figure 25.3 Building Line

**Building Permit:** An authorization issued by the Livingston County Building Department to move, erect or alter a structure within the Township.

**Business:** A company, enterprise or similar organization designed to provide goods or services to consumers. A business may provide goods or services to the public or cliental on-site, such as with retail sales, or be involved in the administration, production, distribution or storage of goods to be provided at another location, such as with manufacturing. A business may include any commercial, office, institutional or industrial use (see "Use"). (as amended 3/5/10)

**Caliper:** The diameter of a deciduous (canopy) tree trunk measured as follows:

- a. Existing trees are measured at four and one-half (4.5) feet above the average surrounding grade; and,
- b. Trees which are to be planted shall be measured twelve (12) inches above the average surrounding grade if the tree caliper is more than four (4) inches, or if the tree caliper is less

than four (4) inches, it shall be measured at six (6) inches above the average surrounding grade.

**Caretaker (living quarters):** An independent residential dwelling unit or living area within a principal building designed for and occupied by no more than two (2) persons, where at least one (1) is employed to provide services or to look after goods, buildings, or property on the parcel on which the living quarters are located.

**Cemetery:** Land used or intended to be used for burial of the human dead and dedicated for such purposes. Cemeteries include accessory columbaria and mausoleums, but exclude crematories.

**Child Care Facility:** A facility for the care of children under eighteen (18) years of age, as licensed and regulated by the State under Michigan Public Act 116 of 1973 and the associated rules promulgated by the State Department of Social Services. Such organizations shall be further defined as follows:

- a. **Child Care or Day Care Center:** A facility, other than a private residence, receiving more than six pre-school or school age children for group care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. It includes a facility which provides care for not less than two consecutive weeks, regardless of the number of hours of care per day.

The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. "Child care center" or "day care center" does not include a Sunday school conducted by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services.

- b. **Child Caring Institution:** A child care facility which is organized for the purpose of receiving minor children for care, maintenance, and supervision, usually on a 24 hour basis, in a building maintained for that purpose, 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).

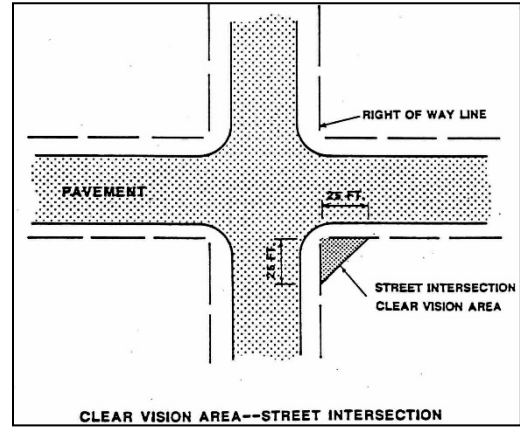


Figure 25.4 Clear Vision Area

**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"

**Deck:** An open, unenclosed and roofless platform structure and associated stairs/steps, either freestanding or attached to a building which has an elevation of six (6) inches or greater from finished grade. A deck may be constructed of any materials.

**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.

**Extraction:** Any pit, excavation, or mining operation for the purpose of searching for or removing from the premises materials including, but not limited to, sand, gravel, clay, aggregate, topsoil, minerals, coal or rock. This definition shall not include an oil well or excavation preparatory to the construction of a building, structure, roadway, pipeline, or common household gardening and general farm 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:** ~~-An artificially constructed enclosure or barrier constructed of wood, masonry, stone, wire, metal, vinyl, or other manufactured material or combination of materials erected as a boundary or a means of enclosure, screening or separation. For the purpose of this ordinance, the definition of fence shall not include railings required by the building code, retaining walls, seawalls or landscaping walls. A structure of definite height and location constructed of wood, masonry, stone, wire, metal, or any other material or combination of materials serving as a physical barrier, marker, or enclosure, (see also "Wall").~~

**Fence, privacy:** A fence which is over ninety (90%) percent solid or impervious and serves as an opaque screen. (as amended 3/5/10)

**Floodplain.** That area which would be inundated by storm runoff or flood water equivalent to that which would occur with a rainfall or flood of one hundred (100) year recurrence frequency after total development of the watershed.

**Floor Area, Gross.** The sum of all gross horizontal areas of all floors of a building or buildings, measured from the outside dimensions of the outside face of the outside wall. Unenclosed courtyards or patios shall not be considered as part of the gross floor area except where they are utilized for commercial purposes, such as the outdoor sale of merchandise. (see Figure 25.5)

**Floor Area, Residential:** For the purpose of computing the minimum allowable floor area in a residential dwelling unit, the sum of the horizontal areas of each story of the building shall be measured from the exterior faces of the exterior walls or from the centerline of walls separating two dwellings. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, breezeways, and enclosed and unenclosed porches.

**Floor Area, Usable:** That area used for or intended to be used for the sale of merchandise or services' or for use to serve patrons, clients or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, hallways, or for utilities or sanitary facilities, shall be excluded from this computation of "Usable Floor Area." Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls. (see Figure 25.5)

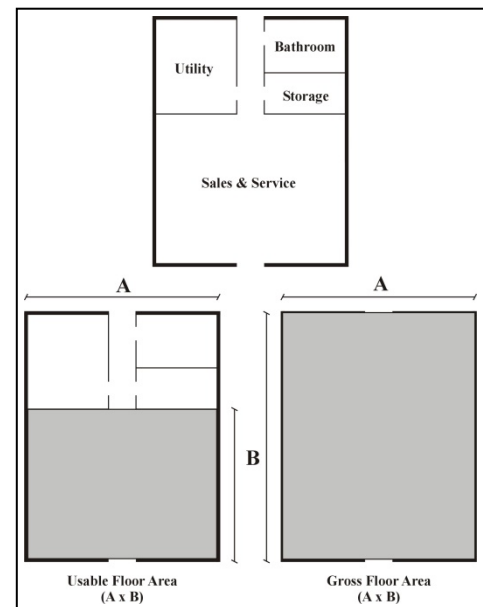


Figure 25.5 Floor Area

**Freeboard:** for storm water retention or detention ponds it is the vertical distance between the design high water elevation and the top of the pond elevation. (as amended 3/5/10)

**Frontage.** The linear dimension of a lot measured along the public road right-of-way line, private road access easement, or shared driveway.

**Funeral Home or Mortuary Establishment:** An establishment where the dead are prepared for burial or cremation and where wakes or funerals may be held. A funeral home or mortuary establishment shall not include crematoria.

**Garage:** Part of a principal building or an accessory building or structure used primarily for the parking or storage of vehicles in connection with a permitted use of the principal building, where there is no vehicle servicing or storage for compensation.

**Garden Center:** An establishment with retail sales of trees, fruits, vegetables, shrubbery, plants, landscaping supplies, lawn furniture, playground equipment and other home garden supplies and equipment.

**Gazebo:** A freestanding, roofed, usually open-sided structure offering a place for shade or rest. (as amended 12/17/10)

**Grade, Mean:** The arithmetic average of the lowest and highest grade elevations in an area within five (5) feet of the foundation line of a building or structure, or in the area between the foundation line and the lot line, where the foundation line is less than five (5) feet from the lot line. (see Figure 25.6).

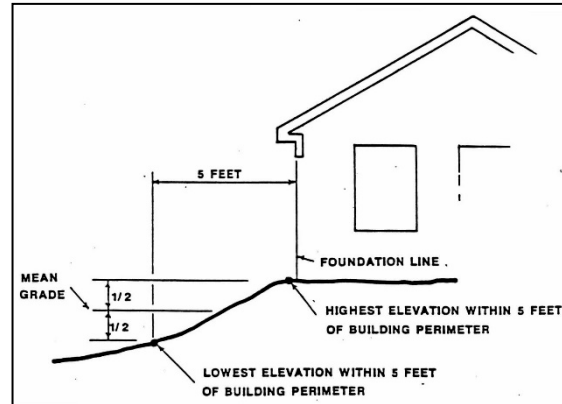


Figure 25.6 Measurement of Mean Grade

**Greenbelt:** See “Landscaping, Greenbelt”

**Ground Level Unenclosed Projection:** A ground level unenclosed projection shall include patios, terraces, walkways, landings, steps (but not including waterfront stairs as permitted in \_\_\_\_\_), and similar landscape features without railings that are generally flat and are installed flush with the surface of the ground. For the purposes of this definition, “flush with the ground” shall mean plus or minus six (6) inches of the adjacent ground level. Materials used to construct such features may include brick pavers, patio blocks, cut stone, fieldstone, granite, masonry, limestone, sandstone, slate, marble, wood blocks, concrete or other paving, gravel, exposed aggregate concrete or similar materials. Pavers, blocks, stone and similar materials may be constructed with mortar or similar substance to create an impervious surface, or they may be “dry laid” without mortar or similar substance. Terraces that are constructed primarily of soil (rather than impervious material) and are planted with grass or other live landscaping shall not be considered Ground Level Unenclosed projections and therefore, are not subject to minimum setback requirements. A ground level unenclosed projection that exceeds a height of six (6) inches above grade shall be considered a deck or a detached accessory structure as determined by the Zoning Administrator.

**Hazardous uses and materials:** Any use which involves the storage, sale, manufacture, or processing of materials which are dangerous, combustible and/or produce either poisonous fumes or explosions in the event of fire. These uses include all high hazard uses listed in the State Building Code.

**Hazardous or toxic waste:** Waste or a combination of waste and other discarded material (including but not limited to solid, liquid, semisolid, or contained gaseous material) which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause or significantly contribute to the following if improperly treated, stored, transported, disposed of, or otherwise managed: an increase in mortality, or an increase in serious irreversible illness, or serious incapacitating but reversible illness, or substantial present or potential hazard to human health or the environment.

**Home Occupation:** An occupation or profession conducted ~~entirely within a dwelling~~ by the inhabitants thereof, such use being clearly incidental to the principal use of the dwelling as a residence.

**Hospital:** A facility offering primarily inpatient care, and services for observation, diagnosis, and active treatment of patients with a medical, surgical, obstetric, chronic, or rehabilitative condition requiring the daily care and supervision of a physician(s) and medical support staff. A hospital may or may not also have a clinic offering outpatient services.

**Hotel:** A building or part of a building, with a common entrance or entrances, in which the dwelling units or rooming units are used primarily for transient occupancy, and/or in which one or more of the following services are offered: maid service, furnishing of linen, telephone, secretarial or desk service, and bellboy service. A hotel may include a restaurant or cocktail lounge, public banquet halls, or meeting rooms.

**Housing For The Elderly:** Housing constructed for the exclusive use of an individual fifty five (55) years of age or older, or for a couple where at least one (1) of the individuals is over the age of fifty five (55). Housing for the elderly may include the types of facilities listed below.

- a. **Senior Apartments:** multiple-family dwelling units where occupancy is restricted to persons fifty five (55) years of age or older.
- b. **Congregate Or Interim Care Housing:** A semi-independent or assisted care housing facility containing congregate kitchen, dining, and living areas, but with separate sleeping rooms. Such facilities typically provide special support services, such as transportation and limited medical care.
- c. **Dependent Housing Facilities:** Extended care facilities such as convalescent homes and nursing homes which are designed for older persons who need a wide range of health and support services, including personal nursing care.

**Impact Assessment:** An assessment of the ecological, social, economic, and physical impacts of a project on and surrounding the development site.

**Improvements:** Any additions to the natural state of land which increases its value, utility or habitability. Improvements include but are not limited to street pavements, with or without curbs and gutters, sidewalks, water mains, storm and sanitary sewers, trees and other appropriate and similar items.

**Intensive Livestock Operation:** An agricultural operation in which many livestock are bred and/or raised within a confined area, either inside or outside an enclosed building. While the density of confined livestock varies, it significantly exceeds that of traditional farming operations and includes both the number of confined livestock in the confined area and the amount of land which serves as the waste disposal receiving area.

**Junk Yard:** (see Salvage Yard).

**Kennel, Commercial:** Any premise on which more than the below specified number cats or dogs, (but not including wild, vicious or exotic animals) of more than six (6) months of age are either permanently or temporarily kept for the purposes of breeding, boarding, training, sale, protection, hobby, pets or transfer. Lots less than ten (10) acres with more than three (3) cats or three (3) dogs or more than a total of five (5) in combination (e.g. 3 dogs and 2 cats) shall be considered a kennel. Lots of ten (10) acres or more with more than five (5) cats or five (5) dogs or more than a total of seven (7) in combination (e.g. 5 dogs and 2 cats) shall be considered a kennel. (as amended 12/31/06)

**Land Use Permit:** An authorization issued by the Township Zoning Administrator to erect, move or alter a structure within the Township or to approve a change in use of land or structure. For certain uses, the land use permit is issued following site plan approval by the Planning Commission or special land use approval by the Township Board.

**Lake.** A permanent water body that has definite banks, a bed, visible evidence of a continued occurrence of water, and a surface area of water that is ten (10) acres or more in size.

**Landscaping:** The treatment of the ground surface with live plant materials normally grown in Livingston County such as, but not limited to, grass, ground cover, trees, shrubs, vines, and other live plant material. In addition, a landscape design may include other decorative natural or processed materials, such as wood chips, crushed stone, boulders or mulch. ~~Structural features such as fountains, pools, statues, and benches shall also be considered a part of landscaping if provided in combination with live plant material.~~ Various landscaping related terms are defined below.

- a. **Berm:** A continuous, raised earthen mound comprised of non-toxic materials with a flattened top and sloped sides, capable of supporting live landscaping materials.
- b. **Buffer Zone:** (see "Buffer Zone").
- c. **Grass:** Any of a family of plants with narrow leaves normally grown as permanent lawns.
- d. **Greenbelt:** A strip of land of definite width and location reserved for the planting of a combination of shrubs, trees, and ground cover to serve as an obscuring screen or buffer for noise or visual enhancement.
- e. **Ground Cover:** Low-growing plants that form a dense, extensive growth after one complete growing season, and tend to prevent weeds and soil erosion.
- f. **Hedge:** A two (2) to three (3) foot tall row of evergreen or deciduous shrubs that are planted close enough together to form a solid barrier.
- g. **Parking lot landscaping:** Landscaped areas located in and around a parking lot in specified quantities to improve the safety of pedestrian and vehicular traffic, guide traffic movement, improve the environment and improve the appearance of the parking area and site.
- h. **Planting:** A young tree, vine or shrub that would be placed on or in the ground.
- i. ~~**Landscape Screen or screening:** A wall, wood fencing or combination of pPlantings 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.

**Living Space:** An area within a building, typically a residential occupancy, used for living, sleeping, eating, or cooking purposes, also known as habitable space. Those areas not considered to meet this definition include bathrooms, closets, hallways, laundry rooms, storage rooms, and utility spaces.

**Loading Space, Off-Street:** Space logically and conveniently located for bulk pick-ups and deliveries, designed to accommodate the maneuvering area needed by expected sizes of delivery vehicles when all off-street parking spaces are filled.

**Lot:** An undivided portion of land of at least sufficient size to meet minimum zoning requirements for use, buildings, structures, lot coverage, yards, and other open spaces as may be present or required under provisions of this Ordinance and having frontage on an improved public street, or on an approved private road, or shared driveway. A lot may consist of either: a single lot of record, a portion of a lot of record, a combination of contiguous lots of record that have been combined into one tax ID number, or a parcel of land described by metes and bounds. (as amended 12/31/06)

**Lot Area:** The total horizontal area within the lot lines of a lot, exclusive of any submerged area of any lake, stream or canal (below the shoreline or ordinary high water mark).



**Lot, Corner:** A lot where the interior angle of two adjacent sides at the intersection of two streets is less than one hundred and thirty-five (135) degrees. A lot abutting upon a curved street or streets shall be considered a corner lot for the purposes of this Ordinance if the arc is of less radius than one hundred fifty (150) feet and the tangents to the curve, at the two points where the lot lines meet the curve or the straight street line extended, form an interior angle of less than one hundred and thirty-five (135) degrees. (See Figure 25.7)

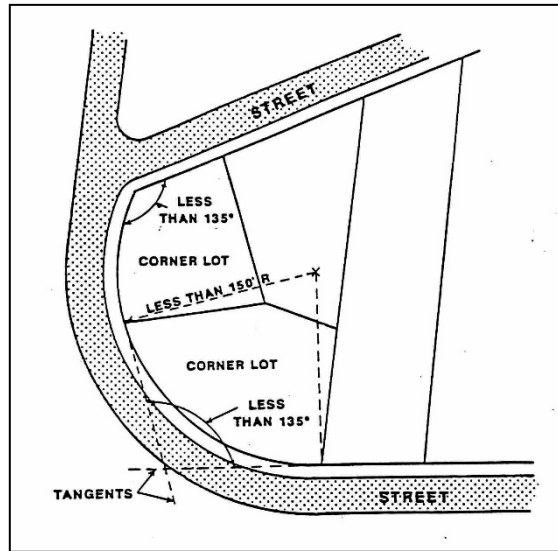


Figure 25.7 Lot, Corner Measurements

**Lot Coverage, Building:** The part or percent of a lot occupied by buildings, structures and accessory buildings.

**Lot Coverage, Impervious Surface:** The part or percent of a lot occupied by building, structures, uses, accessory buildings, accessory structures and paved areas.

**Lot Depth:** The arithmetic mean of the shortest and longest distances from the front lot line to the rear lot line (see figure 25.8).

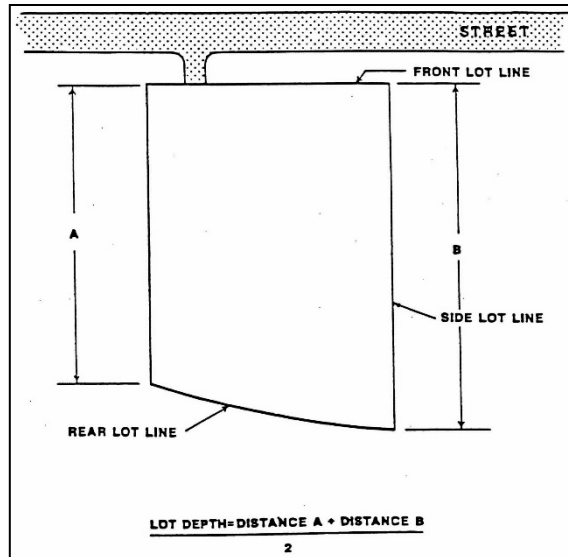


Figure 25.8 Lot Depth Measurement

**Lot, Flag:** A lot that has access to a public right-of-way or private road access easement by means of a narrow strip of land (see figure 25.9).

**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

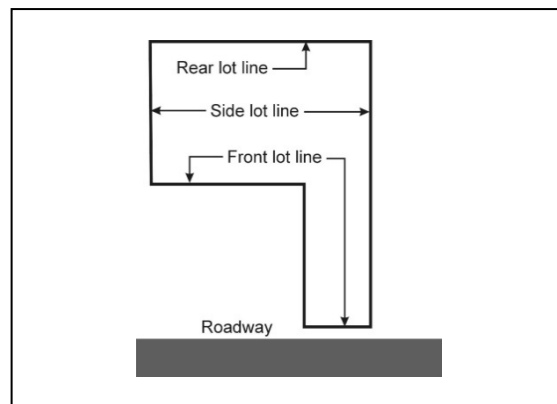


Figure 25.9 Flag-lot Lot Lines



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.

**Lot of Record:** A parcel of land, the dimensions of which are shown on a document or map on file with the County Register of Deeds or in common use by Municipal or County Officials, and which actually exists as so shown, or any part of such parcel held in a record ownership separate from that of the remainder thereof.

**Lot, Through:** Any interior lot having frontage on two more or less parallel streets as distinguished from a corner lot. In the case of a row of double frontage lots, all yards of said lots adjacent to streets shall be considered frontage, and front yard setbacks shall be provided as required.

**Lot, Width:** The horizontal distance between side lot lines measured parallel to the front lot line at the minimum required front setback excluding private road access easement. For irregularly shaped lots with access easements or "flag lots" connecting to a public street, the minimum lot width shall be measured at the point where the narrow access connects to the main section of the parcel. This determination shall be made by the Zoning Administrator. Figure 25.12 illustrates calculation of minimum lot width for lots along curvilinear streets.

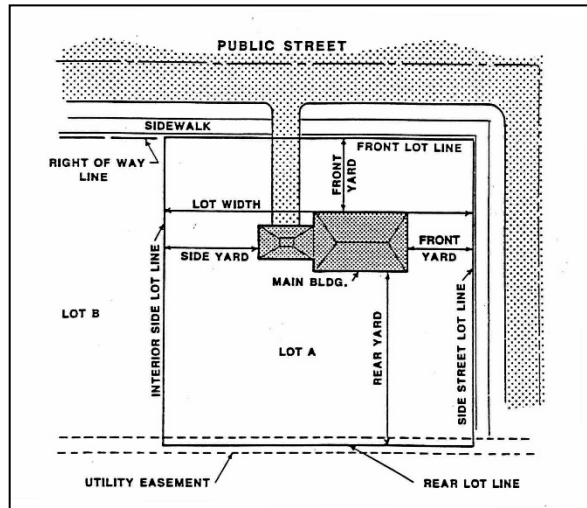


Figure 25.10 Lot Lines and Yards Measurement (Note: Yards May Not Always Equal Required Setbacks)

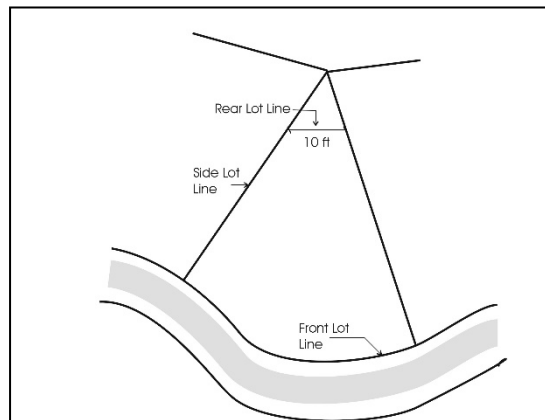


Figure 25.11 Rear Lot Line on Triangular Lot

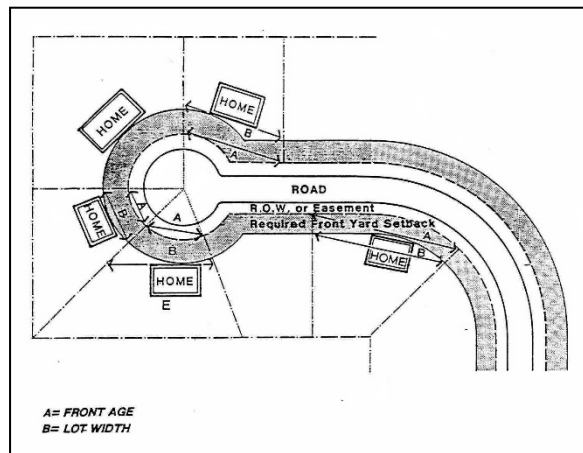


Figure 25.12 Lot Width on Curvilinear Streets

**Major Thoroughfare:** An arterial street, state trunkline, or roadway classified as a Primary Road by the Livingston County Road Commission, which is intended to service as a large volume of traffic, generally within a right-of-way at least eighty six (86) feet wide.

**Manufactured Home:** A dwelling unit which is designed for long-term residential use and is wholly or substantially constructed at an off-site location.

**Master Plan:** The Comprehensive Community Plan, sub area plans or corridor plans including graphic and written proposals for future land use, zoning, site design, physical development and or capital improvements.

**Mezzanine:** An intermediate floor in any story occupying a maximum one-third (1/3) of the story's floor area.

**Mini or Self Storage Warehouse:** A building or group of buildings in a controlled-access and fenced compound that contains varying sizes of individual, compartmentalized, and controlled-access stalls or lockers for the storage of customer's goods or wares.

**Manufactured Housing Park:** A parcel or tract of land under the control of a person, group or firm upon which two (2) or more mobile homes are located on a continual non-recreational basis and which is offered to the public for that purpose regardless of compensation, including any building, structure, enclosure, street, drive, equipment or facility used or intended for use incidental to the occupancy. Mobile home parks are licensed and regulated by the Michigan Mobile Home Commission.

**Manufactured Landscape Feature:** Any manufactured object used primarily for ornamental purposes, in landscaping. A manufactured landscape feature may include, but is not limited to, statues, lawn ornaments, bird baths/feeders, water features, fountains, lawn art, benches, arbors, trellises or other feature that if produced by hand or machine, including objects that are created from raw materials that occur in nature (such as statues created from stone, wood or tree trunks).

**Mobile Home or Manufactured Home Subdivision:** Individually owned lots subdivided according to the provisions of Act 288 of the Public Acts of Michigan of 1967 intended as a site for the placement for dwelling purposes of mobile or modular homes.

**Motel:** A series of attached, semidetached or detached rental units containing a bedroom, and sanitary facilities. Units shall provide for overnight lodging and are offered to the public for compensation, and shall cater primarily to the public traveling by motor vehicle.

**Non-Conforming Building or Structure:** A building or structure portion thereof lawfully existing at the effective date of this Ordinance, or amendments thereto, and that does not conform to the provisions of the Ordinance in the district in which it is located.

**Non-Conforming Lot:** A lot of record, lawfully in existence on the effective date of this Ordinance and any amendments thereto, which no longer meets the dimensional requirements of this Ordinance for the district in which it is located.

**Non-Conforming Site.** A development on a site which met Ordinance requirements for site design elements at the time the site was developed, such as the amount of parking, parking lot pavement or landscaping; but which does not meet the current site standards of the Township.

**Non-Conforming Use:** A use which lawfully occupied a building or land at the effective date of this Ordinance, or amendments thereto, and that does not conform to the use regulations of the district in which it is located.

**Nursery, Plant Materials:** A space, building or structure, or combination thereof, for the storage of live trees, shrubs or plants offered for retail sale on the premises including products used for gardening or landscaping. The definition of nursery within the meaning of this Ordinance does not include any space, building or structure used for the sale of fruit, vegetables or Christmas trees.

**Nuisance Factors:** An offensive, annoying, unpleasant or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being, or the generation, of an excessive or concentrated movement of people or things, such as, but not limited to: (a) noise, (b) dust, (c) smoke, (d) odor, (e) glare, (f) fumes, (g) flashes, (h) vibration, (i) shock waves, (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.

**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, display, or sales:** The keeping, ~~in an unroofed area,~~ of any goods, junks, material, merchandise, equipment or vehicles outside of an enclosed building or structure in the same place for more than ~~seventy two (72) twenty-four~~ seventy two (72) hours.

**Parking Lot:** A facility providing vehicular parking spaces along with driveways, aisles and other paved areas for vehicular maneuvering. For the purpose of determining setbacks, parking lots shall not include driveways providing access to a roadway or dedicated service drives providing cross-access to adjacent lots. (as amended 12/31/06)

**Parking Space:** An area of definite length and width, said area shall be exclusive of drives, aisles or entrances giving access thereto, and shall be fully accessible for the parking of permitted vehicles.

**Patio:** An uncovered floor, usually made of concrete, brick, or other masonry material, which is not elevated above the finished grade surface of the ground more than six (6) inches in any manner, and without walls or a roof. See “Ground Level Unenclosed Projection”.

**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 siting, 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).

**Play Structure:** A structure generally constructed of chiefly wood, metal and/or vinyl components that is designed for children to play on. A play structure may consist of by way of example, swings, climbers, climbing structures, slides, ladders, platforms, climbing walls, monkey bars, spiral climbers, tree houses, trampolines, sandbox, or combinations thereof. See “Accessory Structure, Minor”.

**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.

**Porch:** A covered but unenclosed one-story projection from the main wall of a building that may or may not use columns or on the ground supports for structural purposes with the purpose of shelter from the rays of the sun and from rain and weather.

**Principal Building, Structure or Use:** The main building, structure or use to which the premises are devoted and the principal purpose for which the premises exist. In cases where there is more than one use, the use comprising the greatest floor area shall generally be considered the Principal Use, except in cases where a use comprising a secondary amount of floor area is considered to have greater impact in terms of traffic generated, noise levels, disruption of views and similar impacts.

**Public Utility:** A person, firm or corporation, municipal department, board or commission duly authorized to furnish and furnishing under federal, state or township regulations to the public through transmission

lines: gas, steam, electricity, sewage disposal, communication, telegraph, transportation or water. Cellular communication facilities are not considered a public utility.

**Railing:** A safety barrier feature required by the building code which is meant to provide fall protection with a defined top rail and bottom rail with infill such as pickets, cables or pipe which terminate at a bottom line and one of the top lines, never extending beyond the top most horizontal line. Also known as a balustrade, handrail, or guard rail.

**Reception Antenna:** An exterior apparatus capable of receiving communications for radio or television purposes including satellite dishes and other satellite reception antennae but excluding facilities considered to be essential public services or those preempted from township regulation by applicable state, Federal Communication Commission (FCC), or federal laws or regulations.

**Recognizable and substantial benefit:** A clear benefit, both to the ultimate users of the property in question and to the community, which would reasonably be expected to accrue, taking into consideration the reasonably foreseeable detriments of the proposed development and uses(s). Such benefits may include: long-term protection or preservation of natural resources and natural features, historical features, or architectural features; and elimination of or reduction in the degree of nonconformity of a nonconforming use or structure.

**Recreational Vehicle or Unit:** Includes a tent or vehicular-type structure designed primarily as temporary living quarters for recreational, camping or travel use, which either has its own motive power or is mounted on or drawn by another vehicle which is self-powered. Recreational units of this type shall include, but shall not be limited to, the following: travel trailers, camping trailers, tent trailers, motor homes and truck campers. Recreational units shall also include, but shall not be limited to, the following: boats, boat trailers, snowmobiles, snowmobile trailers, all terrain vehicles, dune buggies, horse trailers and similar equipment.

**Recycling Center:** A facility in which used material, such as paper, glass, plastic or motor oil, is separated and processed prior to shipment to other locations for processing or manufacturing into new products. A recycling center is distinct from a junkyard or salvage yard.

**Residential Zoning District.** RR, LDR, SR, ~~UR~~, LRR, MDR, HDR, AND MHP Districts.

**Restaurants:** An establishment serving foods and/or beverages to a customer in a ready-to-consume state. The method of operation may be characteristic of a carry-out, drive-in, drive-through, fast food, standard restaurant, or lounge/tavern, or combination thereof, as defined below:

- a. **Restaurants with Outdoor Seating.** A use that involves the sale or delivery of any prepared food or beverage for consumption in a defined area on premises but outside of the building in which it is prepared. Examples of defined areas include an external deck, patio, mall, garden, balcony or sidewalk. (as amended 12/31/06)
- b. **Carry-Out Restaurant.** A use that involves the sale of food, beverages, and/or desserts in disposable or edible containers or wrappers in a ready-to-consume state for consumption mainly off the premises. A carry out restaurant differs from a drive through restaurant in that a customer must park and walk up to the restaurant or an employee must exit the restaurant and deliver the food to a customer in a parked car.
- c. **Drive-In Restaurant.** A use that involves delivery of prepared food so as to allow its consumption within a motor vehicle while parked on the premise.

- d. **Drive-Through Restaurant.** A use that involves the delivery of prepared food to the customer within a vehicle, typically passing through a pass-through window, for consumption off of the premises.
- e. **Standard Restaurant.** A standard restaurant is a use that involves either of the following:
  - 1. The delivery of prepared food by waiters and waitresses to customers seated at tables within a completely enclosed building.
  - 2. The prepared food is acquired by customers at a cafeteria line and is subsequently consumed by the customers within a completely enclosed building.
- f. **Bar/Lounge/Tavern.** A bar, lounge or tavern is a type of restaurant that is operated primarily for the dispensing of alcoholic beverages. The preparation and sale of food or snacks to customers may be permitted.

**Retaining Wall:** A retaining wall is a wall or similar upright structure over eighteen (18) inches often constructed of stone, brick, block, wood or similar materials that is placed or constructed to retain or restrain lateral forces of soil or other materials for the purpose of retarding erosion or terracing a parcel or site. For the purpose of this ordinance, the definition of retaining walls shall not include seawalls, rip rap or landscaping walls.

**Riparian Right:** Those rights which are associated with the ownership by holding title in fee simple absolute of a bank or shore of an inland lake or stream.

**Road-Private:** (See Article 15.)

**Roof:** The impervious cover of a building or a portion of a building, permanently attached, but excluding chimneys, antennas, vents, mechanical equipment and other rooftop structures permitted as exceptions to building height. (as amended 12/31/06)

**Salvage Yard:** An area where waste, used or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled, or handled including but not limited to: scrap iron and other metals, paper, rags, rubber tires and bottles. A "Salvage Yard" includes junk yards and similar facilities including automobile wrecking yards and any open area of more than two hundred (200) square feet for storage, keeping or abandonment of junk.

**Service drive:** An access drive which parallels the public right-of-way in front of or behind a building or buildings, or may be aligned perpendicular to the street between buildings, which provides shared access between two or more lots or uses.



**Setback, Required:** The minimum horizontal distance between the building line and a front, rear, or side lot line, a natural feature or a shoreline. Procedures for measuring setbacks for site condominium projects are listed under the definition of condominium setback. (required setbacks are distinct from actual yard, see definitions for yards, setbacks measurements are illustrated on Figure 25.13).

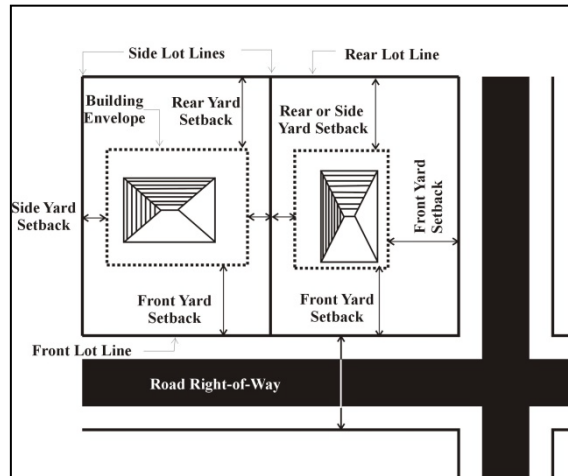


Figure 25.13 Setbacks

**Sanitary sewer, public:** A sanitary sewer system owned and operated by a municipal government or a utility authority consisting of multiple municipal governments used for the collection and transportation of sanitary sewage for treatment or disposal.

**Shelters and rehabilitation centers:** Centers operated by philanthropic or non-profit institutions that assist individuals with social needs. These centers may provide temporary housing, meals, counseling, health services, education, job placement assistance and leisure-time activities. Adult care facilities, community centers, hospitals, medical centers, medical/psychiatric offices, shelters for abused women, and children and county/state health/social services facilities are not regulated as “shelters and rehabilitation centers.” Churches or other places of worship that provide community outreach services are also not regulated under this definition, unless they also operated an onsite homeless shelter. (as amended 12/31/06)

**Shopping Center:** A grouping of two (2) or more business establishments developed in accordance to an overall plan and designed and built as an interrelated project. Buildings constructed on outlots shall not be considered part of the shopping center unless access and parking easements are provided.

**Shoreline:** The ordinary high water mark which is the line between upland and bottomland which persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil, the configuration of the soil surface and the vegetation.

**Sign:** Definitions for signs are listed separately in Article 16, Sign Standards.

**Site plan:** A plan, prepared to scale, showing accurately and with complete dimensions, the boundaries of a site and the location of all buildings, structures, uses, and principal site development features proposed for a specific parcel of land, and conforming to the standards of this Ordinance.

**Special land use:** A use of land for an activity which, under usual circumstances, could be detrimental to other land uses permitted within the same district but which may be permitted because of circumstances unique to the location of the particular use and which use can be conditionally permitted without jeopardy to uses permitted within such district. Such uses are defined as "Special Land Uses" in the Michigan Zoning Enabling Act (Public Act 110 of 2006).

**Stable, Commercial:** A facility for the rearing and housing of horses, mules and ponies or for riding and training academies.

**Stable, Private:** A facility for the rearing and training of horses, ponies and mules which are owned by the occupant of the dwelling unit.

**Story:** That part of a building included between the surface of any floor and the surface of the floor, or roof, next above. When the distance from the average established grade to the ceiling of a story partly below such grade exceeds five (5) feet, then the basement or cellar constituting the story partially below grade shall be counted as a story (refer to Figure 25.14).

**Story, Half:** An uppermost story lying under a sloping roof having an area of at least two hundred (200) square feet with a clear height of seven feet six inches (7' - 6"). For the Purposes of this Ordinance, the usable floor area is only that area having at least four (4) feet clear height between floor and ceiling.

**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.

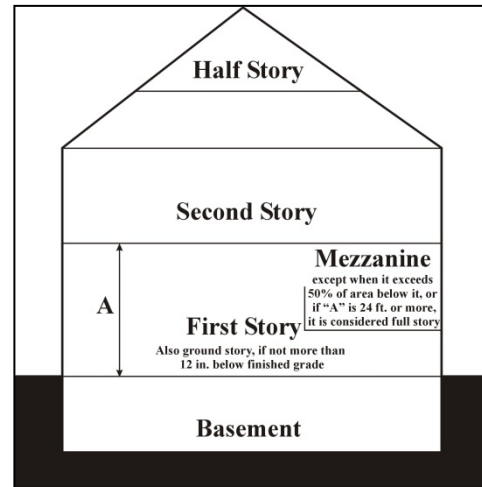


Figure 25.14 Story

- a. **Arterial Street or Roadway:** A street or roadway which carries high volumes of traffic at relatively high speeds, and serves as an avenue for circulation of traffic onto, out of, or around the Genoa Township area. An arterial roadway may also be defined as a major thoroughfare, major arterial or minor arterial roadway. Since the primary function of the regional arterial roadway is to provide mobility, access to adjacent land uses may be controlled to optimize capacity along the roadway. Arterial roadways are listed in the Township Master Plan.
- b. **Collector Street:** A street or road whose principal function is to carry traffic between minor and local roads and arterial roadways but may also provide direct access to abutting properties. Collector streets are classified in the Township Master Plan.
- c. **Cul-de-Sac:** A street or road that terminates in a vehicular turnaround.
- d. **Expressway:** Limited access interregional arterial routes, including I-96, designed exclusively for unrestricted movement, have not private access, and intersect only with selected arterial roadways or major streets by means of interchanges engineered for free-flowing movement.
- e. **Highways:** Streets and roadways which are under the jurisdiction of the Michigan Department of Transportation. Highways may also be classified as expressways or arterial roadways.
- f. **Local or Minor Street:** A street or road whose principal function is to provide access to abutting properties and is designed to be used or is used to connect minor and local roads with collector or arterial roadways. Local streets are designed for low volumes and speeds of twenty-five (25) mph or less, with numerous curb cuts and on-street parking permitted.
- g. **Private Road:** Any road or thoroughfare for vehicular traffic which is to be privately owned and maintained and has not been accepted for maintenance by the City, Livingston County, the State of Michigan or the federal government, but which meets the requirements of this Ordinance or has been approved as a private road by the Township under any prior ordinance.
- h. **Public Street:** Any road or portion of a road which has been dedicated to and accepted for maintenance by a municipality, Livingston County, State of Michigan, or the federal government.



**Structure:** Anything constructed or erected, the use of which requires location on ground or attachment to something having location on the ground. Structures include, but are not limited to, principal and accessory buildings, radio, television and cellular phone towers, decks, fences, privacy screens, walls, antennae, swimming pools, signs, gas or liquid storage facility, mobile homes, street directional or street name sign and billboards.

**Substance abuse center or treatment facility:** A facility offering counseling, care and treatment for individuals addicted to drugs and alcohol licensed by the Michigan Department of Mental Health, Office of Substance Abuse Services. Such a facility may include or detoxification services. A generally recognized pharmacy or licensed hospital dispensing prescription medicines shall not be considered a substance abuse treatment facility.

**Swimming Pool:** Any artificially constructed portable or non-portable pool; capable of being used for swimming or bathing, having a depth of two (2) feet or more at any point and having a surface area of two hundred fifty (250) square feet or more.

**Tattoo Parlor:** An establishment whose principal business activity is the practice placing designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin.

**Temporary Building or Structure.** A building or structure which is not permanently affixed to the property, and is permitted to exist for a specific reason for a specific period of time. An example of a temporary building is a trailer used on a construction site or a tent.

**Temporary Use.** A use which is not permanent to the property and is permitted to exist for a specific reason for a specific period of time.

**Terrace:** A relatively level paved or planted area adjoining a building. See “Ground Level Unenclosed Projection”.

**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:** Any structure or device forming a physical barrier that is constructed so that the vertical surface is closed, thus preventing the passage of light, air, and vision in a horizontal plane. The material of which a wall is constructed may be masonry, stone, stucco, brick, concrete, metal, wood, vinyl or other similar materials. See "fence".~~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 principle building setback, but may also be larger, such as where a building is farther from the street than the required setback. Yards are defined below and illustrated in Figure 25.15:

- a. **Front Yard:** An open space extending the full width of the lot, the depth being the minimum horizontal distance between the front lot line or public street right-of-way line/private road easement and the nearest point of building line. A front yard shall be maintained on each side of a corner lot or through lot. For lots along a shoreline of a lake, river, stream or channel the yard facing a public street or private road shall be considered the front yard for zoning purposes and the yard adjoining the shoreline shall be considered the waterfront yard, as defined below. (as amended 12/31/06)

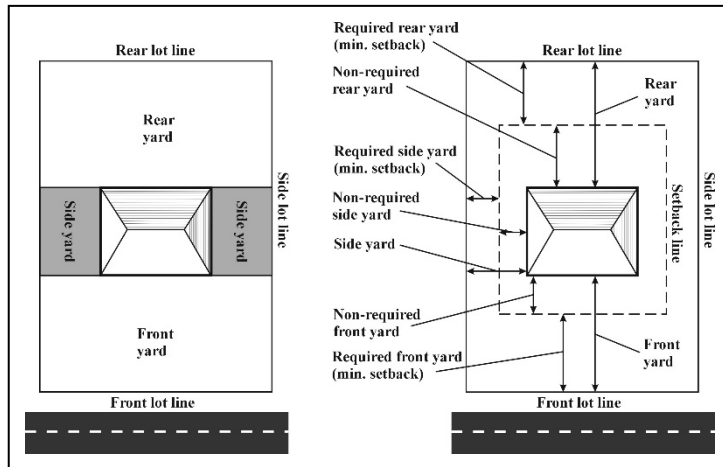


Figure 25.15 Yards

- b. **Rear Yard:** An open space extending the full width of the lot, the depth being minimum horizontal distance between the rear lot line and the nearest point of the principal building line. In the case of a corner lot the rear yard may be opposite either street frontage and there shall only be one (1) rear yard. 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.
- 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. 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.

- 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 principle building 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 principle setback line and the principle~~main~~ building. The non-required yard is the additional yard area that the building is setback beyond the minimum principle building setback requirement for the district. (as amended 12/31/06)

**Zero Lot Line:** The location of a building on a lot in such a manner that one or more of the buildings sides rests directly on a lot line, separated only by fire walls.

**Zoning Act:** The Michigan Zoning Enabling Act (Public Act 110 of 2006). (as amended 12/31/06)

**GENOA CHARTER TOWNSHIP  
PLANNING COMMISSION  
PUBLIC HEARING  
MARCH 8, 2021  
6:30 P.M.  
MINUTES**

**This meeting was conducted via Zoom**

CALL TO ORDER: Chairman Grajek called the meeting of the Genoa Charter Township Planning Commission to order at 6:30 p.m. Present were Chris Grajek, Marianne McCreary, Eric Rauch, Jim Mortensen, Jeff Dhaenens, Glynis McBain, and Jill Rickard. Also present were Kelly VanMarter, Community Development Director/Assistant Township Manager; Joseph Seward, Township Attorney; Gary Markstrom of Tetra Tech; and Brian Borden of Safebuilt Studio.

PLEDGE OF ALLEGIANCE: The pledge of allegiance was recited.

INTRODUCTION OF MEMBERS: All members introduced themselves noting their current location during the meeting.

APPROVAL OF AGENDA:

**Moved** by Commissioner Mortensen, seconded by Commissioner Dhaenens, to approve the agenda as presented. **The motion carried unanimously.**

DECLARATION OF CONFLICT OF INTEREST:

Commissioner McBain noted that she is doing business at this time with Kelly Hansen from State Street Blinds.

Commissioner McCreary noted that she is also doing business at this time with Kelly Hansen from State Street Blinds.

Chairman Grajek stated that those are not considered conflicts of interest for this item.

CALL TO THE PUBLIC: The call to the public was made at 6:34 pm with no response.

OPEN PUBLIC HEARING # 1...Review of a sketch plan application requesting a second wall sign as provided Table 16.1 Footnote (2) b. The property in question is located at 7041 Grand River Avenue on the northwest corner of Grand River Avenue and Pless Drive. The request is petitioned by Kelly Hansen, State Street Blinds and Design.

A. Disposition of Sketch Plan Application.

Ms. Hansen stated she has been in business in this location for two years; however, she realized that customers were having trouble seeing her sign. The sign is recessed about eight feet from the neighboring business when cars are traveling on Grand River. Their entrance is off of Pless Drive and the sign is not able to be seen from that road. She showed photographs

showing the views from Grand River and Pless Drive. A second sign would help customers on Pless Drive.

Commissioner McCreary questioned the wording on the sign, which says "Furniture Showroom" and not "State Street Blinds and Design". Ms. Hansen stated this logo is also used in their social media so customers will recognize it.

Commissioner Rauch questioned if Pless Drive is a private road. Ms. VanMarter stated that it is a private road so, per the sign ordinance, this business does not qualify for two wall signs. She thought it better for the Planning Commission to review this request instead of the Zoning Board of Appeals.

Commissioner Rauch stated that both signs together are still under the total allowable square footage and although Pless Drive is a private road, he believes the public thinks it is a public road, so there is good cause to support this second sign. Commissioners Dhaenens and Rickard agree.

The call to the public was made at 6:45 pm with no response.

**Moved** by Commissioner Rauch, seconded by Commissioner Dhaenens, to recommend to the Township Board approval of the sketch plan for the property at 7041 Grand River Avenue by Kelly Hansen with the understanding that the support is due to the building existing on two roadways, one being a public roadway, Grand River, and the other a private road, Pless Drive, and since it is a corner building, The Planning Commission finds the need for two wall signs is appropriate in this instance. The sign meets all other requirements of the sign ordinance. **The motion carried unanimously.**

OPEN PUBLIC HEARING # 2...Review of a special use application, environmental impact assessment and site plan for a proposed 6,090 sq. ft. church with accessory outdoor uses including Grotto and Stations of the Cross. The property in question is located at 3280 Chilson Road on the west side of Chilson Road, south of Crooked Lake Road. The request is petitioned by Catholic Healthcare International.

- A. Recommendation of Special Use Application
- B. Recommendation of Environmental Impact Assessment (2-16-21)
- C. Recommendation of Site Plan (2-16-21)

Mr. Scott Tousignant of Boss Engineering, Mr. Jere Palazzolo, President of Catholic Healthcare International, Father Tim, and Mary Swanson, the project architect, were present.

Mr. Tousignant stated they are seeking site plan approval for a chapel with outdoor amenities and uses.

He noted that there were items discussed at last month's meeting that needed to be addressed.

- They have continued the evergreen tree line on the southern property line with a double row of staggered evergreen trees. They have also placed the same type of screening south of the chapel. There is not enough space along Chilson Road for them to plant additional trees and shrubs to meet the ordinance because there is a lot of vegetation in this area already; however, they have added three trees to this area.



- They were asked to add curb and gutter to control storm water flow around the site. They have adjusted the grading and now have added the curbing. They have added curb drops around the site for better and easier pedestrian movement. The stormwater location has not changed and it is now better directed and will be collected more efficiently. They are still including two bumper blocks on the ADA parking spaces. There is a small row of ADA spaces near the chapel.
- There was concern regarding fire truck movements on the drive off of Chilson Road. They have reviewed it and made changes and it does meet the requirements of the Brighton Area Fire Authority.
- They have provided an Operations Plan that will include additional insight onto the use of the property.
  - They would have liked to have the bell, ring on the hour between 9 am and 9 pm, but have changed it to ring at noon and 6 pm daily, which will be three short rings. It will also be manually rung during special events, and this is outlined in their operations plan.
  - At the beginning, they will be holding one mass per week and once awareness of their site increases, it may increase to three masses per week. The maximum use would be a mass a day. As mass times are increased, the amount of people at each mass will decrease.
  - They have provided a local security or emergency contact, Ann O'Reilly, and her contact information is in the Operations Plan. They are also pursuing placing cameras on the church and lighting will be used as little as possible and only be used at dawn or dusk for movement into and out of the site. If there is ever a full time priest added to the site, he would be the on-site security contact.
  - For events, they are listed in the documentation and they will be controlled by using an event planning platform to assess the number of attendees.
  - If needs increase and there is not enough parking, they will encourage carpooling, institute a shuttle service or stagger the events. This will also be known before the event happens, and would then be moved to a local parish to accommodate the number of attendees. This site is not big enough to host massive 200 car events.

Their use does not warrant a traffic study; however, if the intensity of the use increases, a traffic study could be conducted to determine if improvements to Chilson Road are needed.

They understand how the members of the public would think that a hospital would be placed on this site based on information that is on their website. They have revised their website to clear up any confusion. There are many tangible physical items lacking on and around this site that would prohibit them from building a hospital, medical school, etc. There is a lack of infrastructure, public water and public sewer, there is a zoning issue, the size of the site, etc. There are way too many hurdles, it is not the intent nor is it the desire of Catholic Healthcare International (CHI) to have a medical facility or hospital on this specific site in Genoa Township.

Mr. Palazzolo reiterated that there is no plan to develop a hospital, medical school, research lab, physician practices, etc. on this site, which is being called the Chilson Road Prayer Campus. He read a statement that was published by CHI. This site will be only dedicated to prayer as a peaceful and pastoral site of pilgrimage.



Mr. Tousignant stated they hope that their changes to the plans based on last month's feedback as well as Mr. Palazzolo's statement meet the needs of the Planning Commission.

Commissioner Rickard asked if the bumper blocks could be removed and perhaps the width of the sidewalk could be increased. Mr. Tousignant stated the sidewalk is seven feet wide; however, they would like the bumper blocks to prohibit any vehicles from driving onto the sidewalk.

Commissioner McCreary stated a maintenance plan is not included in the General Operations Plan. Mr. Tousignant stated their operations plan provides information on mass times, bell use, etc. It is more geared toward the use and not so much the maintenance of those items. They would provide all asphalt, sidewalk, turf, tree maintenance, etc. as necessary, which is standard for the maintenance of any other property.

She asked what the refuse pickup would be. Mr. Tousignant stated there is one bathroom and one meeting room. It would be similar to a residential trash service.

She asked where the finances will come from to maintain the integrity of the buildings and the property. Mr. Palazzolo stated the funding will come from donations that they raise through their organization.

Commissioner Rauch thanked the petitioner for the operations plan. It is concise and easy to read. He asked for clarification regarding "Immediate Future". What day do they anticipate and then "Short Term", what days? Mr. Tousignant stated the mass will most likely be on Sunday and the three days would be two weekdays and then a Sunday, always during the non-peak traffic hours. Commissioner Rauch asked if there will be any outdoor amplification at any of the events. Mr. Palazzolo stated there may be a microphone for the person speaking; there will be no loud music. It may be background music for the event.

Commissioner Dhaenens also thanked the petitioner for updating the website. He wants to ensure that they always abide by the Township noise ordinance.

Commissioner McCreary asked if their upcoming events are being advertised or promoted. Mr. Palazzolo stated they have not advertised for them at this time, but they will advertise those events. They will be a small mass, which will require reservations and they will limit the number of people allowed to attend.

Commissioner Rickard is concerned with the rain gardens. They require significant maintenance. She asked if there are plans in place for this. Are they are doing soil borings and providing overflow pipe to release water? Mr. Tousignant stated that the drainage they are using is natural based on the topography of the site and they are only added a small amount of impervious surface in this area, so they feel what they have is appropriate.

Mr. Borden reviewed his letter dated March 3, 2021, noting that many of his issues were discussed by the petitioner and the Commission this evening.

- He recommends the Commission request decibal readings be provided regarding the bell chimes.
- The applicant should provide the Township with building material and color samples for inclusion with the project file.

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- The applicant added one space to the parking lot since their last proposal so now they are over the maximum allowed by ordinance by one space. This requires Township approval.
- He suggested the applicant provide an indication of the number of people expected for special events. If deemed necessary, banked parking may be an appropriate option. He wants to ensure that parking does not take place on the turf.
- The Township must approve allowing existing landscaping in lieu of additional plantings for the front yard greenbelt (5 trees) and parking lot (landscaped islands).

Mr. Tousignant stated they can remove the additional space and only allow the parking on the turf during the two large events that they hold each year. Commissioner Rickard stated that "bank parking" is only showing on the site where it would be placed, if needed, and not necessarily developed at this time.

Ms. Swanson stated the building materials were delivered to the Township in February.

Mr. Markstrom stated the applicant has addressed his comments from the last meeting. He noted that they will need to obtain approvals from Livingston County Health Department for the proposed well and septic systems.

Also, any future additions or changes to the site will require a traffic study and possibly improvements to the driveway approach or Chilson Road to accommodate increased traffic to and from the site, which will need to be reviewed and approved by the Livingston County Road Commission.

He does not have concerns regarding the two bumper blocks they are proposing.

Fire Marshal Rick Boisvert's letter dated February 18, 2021 states all previous comments have been addressed including rearrangement of the entrance drive for emergency vehicle access.

Ms. VanMarter stated that the meeting packet included all letters received by the Township at the time it was published and sent to the Planning Commission; however, an additional 30 emails were received over the weekend and they were sent to the Commission today. She received two more this afternoon. Reverend Michael Gilbert of New Hope Counseling in Brighton and Maryann Brown St. Agnus Catholic Church in Fowlerville are both encouraging the Commissioners to support the project.

The call to the public was made at 7:40 pm.

Kim stated there is a website [stjosephhowell.com](http://stjosephhowell.com) where there is a plan for Phase 2 for the residents of the brain injured. The residents near the prayer campus are confused by what was said this evening and what is noted on the website. She asked if CHI or if anyone representing them have approached anyone to purchase additional land on Chilson Road and if yes, will it be named anything other than the Chilson Road Prayer Campus. Will you state in writing that there will be no hospital or medical center built on any land off of Chilson Road owned by CHI or in support of CHI?

Mr. Palazzolo stated that they have written a statement saying they will not be building a home, medical school or medical facility. They have never approached anyone about purchasing additional land. They have no intention to buy more property on Chilson road at this time. He stated that the neighbor asked them if they wanted to purchase their property. He said they have no plans but if the resident ever decides to sell, then you can ask them.

Mr. Grajek stated that what is being requested this evening should be addressed in the call to the public, which is a church, a grotto, and the signs of the cross. Kim asked why does the website state something other than what is being discussed this evening. Mr. Grajek reiterated that the petitioner stated that services are not available for this location, such as water and sewer.

Ms. Debra Oberpeul of 5920 Brighton Road asked what the maximum number of events are planned for each year. Mr. Palazzolo stated they will do reservations only and limit the number of vehicles. If larger events are planned, they will not be on this property. They will be at a different facility. She asked the Township what recourse do the neighbors have if these events are too large. Chairman Grajek stated they will have to comply with all Township ordinances.

Mr. Shawn Nester of 3360 Chilson Road lives directly south of the site. He has spoken to his neighbors and they have put together a petition with over 200 signatures asking the Township to deny the proposal. This is a great project for the Township and they support it, but this area is not zoned for this type of use. He stated that his neighbors have been approached by the petitioner to purchase their property. He did not receive the notice for the last meeting until 15 days after the meeting was held.

Mr. Michael Williams, who lives off of Westphal Road, asked how much of their property will be built. Mr. Tousignant stated they are building on just under five acres. Mr. Williams asked what will be done with the additional 40 acres of the property. He does not believe they will be left over for walking trails and the applicant will be building on this in the future. He does not want to hear bells ringing day and night. There is plenty of land at Latson and I-96. He does not want this in this area.

Mr. John Wallbank of 2899 Pardee Road, which is less than ¼ acres from the proposed site, is an amateur astronomer and likes the dark skies. He does not use chemicals on his property because he enjoys nature. The neighbors want rural and remote character and not large parties with rock bands. His quality of life would be impacted by this project. He is not assured by the developer that nothing is going to change. He does not feel the zoning should be changed. He urges the Planning Commission to deny this request.

Ms. Melanie Johnson of 3990 Chilson Road signed the petition. There is no reason this should be put here. She is opposed to an international pilgrimage site. She noted research she did regarding other pilgrimage sites and the number of visitors that have visited them and they are in the tens of thousands. It does not belong in this area. It is not appropriate.

Mr. Jim McArdle and his wife, Karen, are opposed to this. This is not something that should be put in this location. There will be traffic problems and it will not be good for the community.

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Mr. Robert Jones of 3553 Westphal said this would be destroying the quality of life of those who bought a home knowing no one is going to build here, instead there will be a church and a parking lot and shuttle buses. This use is not compatible with the area. He is requesting that the Planning Commission reject the proposal and have them remove the structures already in place.

Mr. Robert Moran agrees with Mr. Jones that this is not a use that is compatible with adjacent properties. Unless there were some guarantees of numbers and clearly enforceable penalties, he cannot fathom how this makes sense for this land. If the Planning Commission makes a recommendation to the Township Board for approval, they would be taking the easy way out.

Ms. Lexi Jones of 3553 Westphal Road stated her property is adjacent to this site. She is opposed to the special use application to allow the church to be built here. If this was approved, it would set a precedent for other non residential or non agricultural development in this area. She read sections of the Master Plan to cite why it is not consistent with the Plan. She questioned why DTE has installed power on this site. Mr. Palazzolo stated there was an existing power pole on their site so there is electricity that runs through their site and any work they would be doing would be on their own.

Mr. Robert Fish of 2303 Chilson Road agrees with the others who object to this proposal. He does not want this to turn into a traffic, light, and noise pollution situation.

Mr. James Reader of 3217 Pine View Trail stated there have been good comments this evening. His main concern is the traffic, particularly the intersection of Latson and Chilson Road. It is currently dangerous. If the chapel were the only item on the site, he would not be opposed to this; however, with buses and 39 parking spaces, it will only make that intersection more dangerous.

Mr. Jacob Vogan of 5790 Pinckney Road opposes this project for the same reasons given by the other callers. He is concerned with the traffic. He believes there are other intentions down the road for the developer, regardless of what they are saying right now.

Ms. Leslie Bohnett of 3367 Chilson Road, which is right across the street, opposes this project and agrees with the other callers' comments. She is concerned that if the water that is directed from the parking lot flows to her property, she will have flooding on her property. The event that they had previously had 60 to 80 cars on the property and then more cars parked on the road.

Mr. Bill Galvin stated what is being proposed is putting a destination location in the middle of a neighborhood. This is not in the Master Plan. His neighbors are not opposed to the project, but in an appropriately zoned location. CHI has a large messaging problem. They say that they are not building the hospital on this site, but they are not saying where it will be built. His church's pastor stated tonight's meeting is for the chapel and a hospital.

Ms. Cynthis Telup lives off of Crooked Lake Road and agrees with what was said this evening. She said that there will be a lot of people who will manually ring the bell, and that one mass per day can bring in a lot of people. There could be 100-200 people. This is the start of a large development. She would like the Planning Commission to deny this request. She agrees with the dangerous intersection comment made by the previous caller.

Ms. Jessica Sproull of 2099 and 2185 Chilson Road stated the traffic is bad in this area. She is terrified of all of the extra traffic. She is not opposed to the church, but feels that there is another place for this in the Township. She is not in favor of the bell ringing all day. She would like the Township to support the residents and their feelings. She thanked the Commission for letting the neighbors speak.

Ms. VanMarter stated that there was a phone caller who was having technical problems; she did not get the caller's name however, they indicated they were the president of the Oak Meadows subdivision and agrees with the other comments made this evening.

Mr. Pat Powers on Kellogg Road stated this project has his full support. The real mission of this church is of heavenly appeal and people are trying to frame it in an earthly term. Traffic will not be a problem. Their goal is to serve souls. It is fundamental to the fabric of being an American. The people who live in this area will be neighbors of people who want to worship and pray. If the neighbors trust in God, they will see good fruit.

Ms. Cady Johnson of 3352 Brighton Road agrees with the previous comments. There is a long term goal other than what is being stated. She requests the Planning Commission deny the request.

Ms. Linda Holland of 3023 Pardee stated her property is adjacent to this parcel. The vision of a parking lot and a building on just the other side of her home does not make sense. There are horses and cornfields. This is a rural area and it needs to be preserved. It will change our area permanently.

Ms. Oberpeul stated that this is not about people lacking religion or spirituality and it is about the character of the area. She noted that a previous speaker researched how many pilgrims could come to this site.

Ms. Dawn Williams of Westphal Road stated this is not right for this location and people in the area do not want it. They can sell the property and build it somewhere else. It is quiet in this area. She believes their long-term goal is to build more.

The call to the public was closed at 8:55 pm.

Commissioner Rauch appreciates the petitioner's and public's respectful comments. He was researching to see what other churches exist in a Country Estates Zoning and there were none; however he knows that a special use does allow for one. His concern is with the character of the area. He is feeling uneasy with this project's compatibility with the surrounding area. This is a church with regular church services, and possibly every day.

Commissioner Dhaenens agrees with Commissioner Rauch. The residents want the peace and tranquility so the trails and the cross would be ok, but the building and the parking lot and the potential for noise is there. He is empathetic. Everyone likes why we live here. He would love to hear from the applicant if they have considered selling the property or using it without the church. He noted that the applicant has met every request they have had.

Commissioner Mortensen noted that the Chaldean Church is in a rural area.



Commissioner Rickard was surprised about the number of people who come to pilgrimage sites. She would like more information from the developer.

Commissioner McCreary stated this area is zoned country estates for a reason. She read the definition of Country Estates zoning. While a special use is allowed, she does not see where it is in harmony of the Master Plan. She does not see this location as suitable for this use.

Commissioner Mortensen stated the property owner has rights; it is irrelevant of how or where he got the property or how long he has owned it. A church is a special use in every zoning district in the Township. It would not cause a drain on public services, such as sewer and water, will have no demand on police and fire, and no effect on schools, so they have the right to use their property as provided in the ordinance. Also, what is before the Planning Commission this evening is what should be voted on.

Commissioner McBain referenced the Master Plan and how and why it was developed. She agrees that the intersections in that area are horrible. The adding of additional vehicles could be a problem for the land owners in the area. While there is one church and a small parking lot, there is a lot of land to be used.

Commissioner Rickard agrees with property rights and knows that what must be voted on this evening is what is being presented.

Commissioner Rauch agrees with Commissioner Mortensen. He noted that the Chaldean property is different because it was a camp and then the church was put in after as an accessory use of the camp. This property is in the middle of the country estates zoning and not adjacent to any more intense zoning districts. That is what is causing him to not be in favor of this proposal. It is a church with weekly functions.

The Planning Commission took a 5 minute recess from 9:20 to 9:25.

Chairman Grajek noted that the petitioner has met all of the requests made by the Planning Commission and noted that as a property owner, they have a right to come and make this request. There were very good points made by the neighbors. He would like CHI to reach out to them to help them understand that there will not be a medical center or hospital on this site.

Mr. Tousignant addressed the concerns from this evening. With regard to the parking on Chilson Road from last year's event, there was no designated parking area so it was a "free for all" so events in the past will not be what they will be in the future. This will generate traffic, but other permitted or special uses allowed on this site will also add traffic. Additionally, the peak traffic hours for their use will not coincide with school drop off or pick up. They want peace and tranquility. The church will be 600 feet off of Chilson Road. Why aren't churches developed in Country Estates zoning? It is because the infrastructure isn't there, such as water and sewer. CHI has a different mission than other churches. They are preserving most of the property to allow for trails on the property and allow people to find peace. They are only building on five acres of the property. They developed in the open area of the site. Not all sites like this bring the tens of thousands of people mentioned by one of the members of the public. They have gone above and beyond and addressed all of the concerns of the Planning Commission and the consultants.

Mr. Palozzolo understands why the residents don't believe that they are only building a small chapel with walking trails. They are not an international pilgrimage site. This will not be advertised to have busloads of pilgrims coming here. They want it for the local parishes and dioceses to come. They do not want it to be a high volume site. They want people to come to a small country church and walk the trails and pray. They want to do something good. They are going to do what they say they are going to do.

Commissioner McCreary asked the petitioner to address the grotto or statue that is built on the property and its current situation. She believes that the Township advised the church as to what has to happen to comply with buildings on the site. Mr. Tousignant stated the mural wall was starting to be constructed and after conversations with the Township, it was decided that no foundation shall be put on it, so it is not permanent yet. Mr. Palozzolo stated the Township advised them they need a permit to put in the footings and have it there permanently. They advised they wanted it in place for an upcoming event and the Township said it could be put up temporarily so it could be taken down if needed.

Chairman Grajek is confused by this. He has read all of the letters between the Township, the church, and the attorneys and the fact that those items are still erected is very irresponsible. There is still a structure that is still there that wasn't inspected, wasn't approved as an accessory item on the site, and should have been dismantled. The petitioner is saying they want to be transparent; however, they did this knowing that it wasn't allowed, so does the Township actually know what is going to happen in the future. It is very disappointing to him to hear the situation described this way after everything that was said this evening.

Mr. Palozzolo stated they built it without the footings so it is only temporary. They were never told to take it down. If they would have been told to take it down, they would have.

Ms. VanMarter stated she has a different recollection of that meeting. The Township was specific and clear to make sure that any type of use for the property would have to go through the approval process. There was a bishop coming to the property for a ribbon cutting so they wanted to have something that was portable and temporary and would be brought in and removed that day. Instead what occurred was the construction of the benches, the stations of the cross, and the mural wall sign, which is against what they were told by the Township. Mr. Palozzolo stated that was not their understanding.

Commissioner McCreary questioned the "model of healthcare delivery vision" in the warranty deed. Mr. Palozzolo stated it was generally written that if the diocese donated this to them, it would be part of that is the prayer foundation and this is what this will be. The bishop is very happy with the plan for this site and overall vision. If it is approved as presented, would that comply with the provision in the warranty deed. It would be the prayer foundation for the overall vision.

**Moved** by Commissioner Mortensen, seconded by Commissioner Dhaenens, to recommend to the Township Board approval of the Special Land Use permit for a church and accessory to that church at 3280 Chilson Road subject to the following:

- The general operations schedule which will be attached to the Special Land Use permit will be revised to indicate that in the case mass is held before 9:00 am, the bell "will" not be used rather than "should" not be used.

- The petitioner will adhere to all Township ordinances not accepted with this use.
- This recommendation to the Township Board is made because the Planning Commission finds that it is compatible with the Master Plan as a special use within this zoning ordinance. The PC believes it will not adversely impact the natural features and agricultural features in the surrounding area and will, in fact, preserve them.
- The Planning Commission finds that it will not require public utilities from the Township, such as sewer, wastewater and school usage or will it burden police and fire services.
- Events and use of the property shall not exceed the available provided parking on the site.

**The motion carried with a roll call vote (Mortensen - yes; McBain - no; Rauch - no; Rickard - yes; Dhaenens - yes; McCreary - no; Grajek - yes)**

**Moved** by Commissioner Mortensen, seconded by Commissioner Dhaenens, to recommend to the Township Board approval of the Environmental Impact Assessment dated February 16, 2021, subject to the following:

- The operations plan presented this evening by the petitioner will be attached to and become part of the Environmental impact Assessment.
- The documents regarding the future plans presented this evening will become attached to and become part of the Environmental Impact Assessment.

**The motion carried with a roll call vote (Rauch - yes; Rickard - yes; Dhaenens - yes; McCreary - no; Mortensen - yes; McBain - no; Grajek - yes)**

**Moved** by Commissioner Mortensen, seconded by Commissioner Rickard, to recommend to the Township Board approval of the Site Plan dated February 16, 2021 for a church and related amenities at 3280 Chilson Road, subject to the following:

- The building materials reviewed this evening are acceptable and will become the property of the Township.
- The Planning Commission recommends approval of 39 parking spaces and two bumper blocks
- The plantings as displayed on the site plan are accepted as shown, given that existing plants exceed above the ordinance and greenbelts in the parking lot will not be required.
- The requirements of the Township Engineer in his letter of March 3, 2021 shall be met.
- The requirements of the Brighton Area Fire Marshal's letter dated February 18, 2021 shall be met.
- The requirements of the Livingston County Road Commission will be met as spelled out in their letter of January 22, 2021.

**The motion carried with a roll call vote (Rickard - yes; Dhaenens - yes; McCreary - no; Mortensen - yes; McBain - no; Rauch - yes; Grajek - yes).**

Commissioner Rauch clarified that he voted no for the special land use application because he could not personally reconcile Sections 19.03.01 and 19.03.02, but he voted yes for the impact assessment and site plan.

## ADMINISTRATIVE BUSINESS

### **Staff Report**

Ms. Van Marter advised that there will be a meeting in April. It will include a resubmittal and some zoning ordinance amendments.



Genoa Township Planning Commission  
March 8, 2021  
Unapproved Minutes

There will be a joint meeting between the Planning Commission, Township Board, and Zoning Board of Appeals on Monday, April 26.

**Approval of the February 8, 2021 Planning Commission meeting minutes**

Needed changes were noted.

**Moved** by Commissioner McCreary, seconded by Commissioner Dhaenens, to approve the minutes of the February 8, 2021 Planning Commission Meeting as amended. **The motion carried unanimously.**

**Member Discussion**

There were no items to discuss this evening.

**Adjournment**

**Moved** by Commissioner Rickard, seconded by Commissioner Rauch, to adjourn the meeting at 10:15 pm. **The motion carried unanimously.**

Respectfully Submitted,

Patty Thomas, Recording Secretary