

**GENOA CHARTER TOWNSHIP
PLANNING COMMISSION
PUBLIC HEARING
JULY 12, 2021
6:30 P.M.
AGENDA**

CALL TO ORDER:

PLEDGE OF ALLEGIANCE:

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...Review of a site plan and environmental impact assessment for a proposed 31 space parking lot on the adjacent parcel of 1183 Parkway Drive, southeast corner of Parkway Drive and Grand River Avenue for The Learning Tree. The request is petitioned by The Learning Tree.

- A. Recommendation of Environmental Impact Assessment (6-1-21)
- B. Disposition of Site Plan (6-23-21)

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 June 14, 2021 Planning Commission meeting minutes*
- *Member discussion*
- *Adjournment*



GENOA CHARTER TOWNSHIP
Application for Site Plan Review

TO THE GENOA TOWNSHIP PLANNING COMMISSION AND TOWNSHIP BOARD:

APPLICANT NAME & ADDRESS: The Learning Tree 23800 Ino Park Drive Farmington Hills 48335
If applicant is not the owner, a letter of Authorization from Property Owner is needed.

OWNER'S NAME & ADDRESS: The Learning Tree 23800 Ino Park Drive Farmington Hills 48335

SITE ADDRESS: 1183 Parkway Drive PARCEL #(s): 4711-09-100-070

APPLICANT PHONE: (517) 545-3440 OWNER PHONE: (517) 545-3440

OWNER EMAIL: caroldepatewood@gmail.com

LOCATION AND BRIEF DESCRIPTION OF SITE: Parking Lot Addition to The Learning Tree Child Care Center at 1183 Parkway Drive.

BRIEF STATEMENT OF PROPOSED USE: Parking Lot addition to supplement existing Learning Tree facility.

THE FOLLOWING BUILDINGS ARE PROPOSED: No buildings or building additions are proposed

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

BY: Carol R. Depatewood

ADDRESS: 23800 Ino Park Drive Farmington Hills, MI 48335

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

1.) David LeClair of Lungsten Engineering at david@lungsteng
Name Business Affiliation E-mail Address .com

FEE EXCEEDANCE AGREEMENT

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

SIGNATURE: Coral A. Gatoro DATE: 6/21/2021
PRINT NAME: Coral Gatoro PHONE: 517-545-3440
ADDRESS: 23800 Ino. Park Drive Farmington Hills, MI 48335



June 30, 2021

Planning Commission
Genoa Township
2911 Dorr Road
Brighton, Michigan 48116

Attention:	Kelly Van Marter, AICP Planning Director and Assistant Township Manager
Subject:	The Learning Tree – Site Plan Review #2
Location:	1183 Parkway Drive – southeast corner of Parkway Drive and Grand River Avenue
Zoning:	IND Industrial District

Dear Commissioners:

At the Township’s request, we have reviewed the revised submittal from the Learning Tree requesting site plan review/approval for a parking lot expansion (plans dated 6/23/21).

A. Summary

1. The applicant must execute a land division/parcel combination as part of the project.
2. The excess parking proposed requires Planning Commission approval in accordance with Section 14.02.06.
3. The applicant must address any comments provided by the Township’s engineering consultant and/or the Brighton Area Fire Authority.

B. Proposal/Process

The applicant proposes construction of a new 31-space parking lot on the adjacent property to the south. The project includes a land division of the parcel to the south, and a combination of the northerly 90 feet with the developed property.

The land division/parcel combination is necessary to accommodate the project, so the Commission should include this as a condition if favorable action is considered on the site plan.

Procedurally, the Planning Commission has approval authority over the site plan, while a recommendation to the Township Board is needed for the impact assessment.

C. Site Plan Review

1. **Dimensional Requirements.** Given the nature of the proposal, the only IND dimensional requirements that apply are parking lot setbacks and impervious surface lot coverage.

Based on the revised submittal, parking lot setbacks, and impervious surface lot coverage are met.

2. **Pedestrian Circulation.** There is an existing public sidewalk along Grand River Avenue. A sidewalk is not proposed, nor required along Parkway Drive, though the project includes an internal pedestrian connection between the existing and proposed parking lots.

3. **Vehicular Circulation.** The project includes a new curb cut for vehicular access to/from Parkway Drive.

The applicant must address any comments provided by the Township’s engineering consultant or the Brighton Area Fire Authority with respect to vehicular circulation.



Aerial view of site and surroundings (looking north)

- 4. Exterior Lighting.** The submittal includes a lighting plan, which identifies 5 parking lot light poles (4 within the proposed lot, and 1 along the pedestrian connection between parking lots).

Details note the use of shielded, downward directed LED fixtures mounted at a height of 14'. The photometric plan notes compliant intensities both on-site, and along property lines.

- 5. Parking.** The parking lot has been reviewed for compliance with the standards of Article 14, as follows:

	Required	Proposed	Comments
Parking Spaces Child care centers (2 spaces + 1 per 8 children of capacity)	22	22 existing 31 proposed 55 total	14.02.06 requires PC approval for parking above 120%. Revised submittal notes staffing levels and COVID protocols as the need for additional parking.
Barrier Free Spaces	3	3 existing	Located w/in the existing parking lot
Dimensions Spaces (75 to 90-degree) Drive aisle width (two-way)	9' x 18' 24'	9' x 18.5' 24'	In compliance In compliance
Construction	Looped striping Curbing on all sides	Looped striping Curbing	In compliance In compliance

- 6. Landscaping.** The landscape plan has been reviewed for compliance with the standards of Section 12.02, as shown in the following table:

Standard	Required	Proposed	Notes
Front yard greenbelt	20' width 3 canopy trees	20' width 3 canopy trees	In compliance
Parking lot	3 canopy trees 310 SF landscaped area	3 canopy trees 310 SF landscaped area	In compliance
Detention pond	8 canopy OR evergreen trees 80 shrubs	5 canopy trees 4 evergreen trees 81 shrubs	In compliance

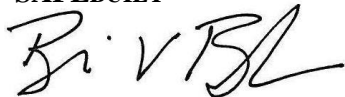
- 7. Impact Assessment.** The submittal includes an Environmental Impact Assessment dated June 1, 2021.

In summary, the Assessment states that the proposed project is not expected to have an adverse impact upon natural features, stormwater, surrounding land, public services/utilities, or traffic and pedestrians.

Should you have any questions concerning this matter, please do not hesitate to contact our office.

Respectfully,

SAFE BUILT

A handwritten signature in black ink, appearing to read "B. V. Borden". The signature is stylized and cursive.

Brian V. Borden, AICP

Michigan Planning Manager

July 7, 2021

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

**Re: Learning Tree Parking Addition
Site Plan Review No. 2**

Dear Ms. Van Marter:

Tetra Tech conducted a second review of the proposed Learning Tree Parking Lot Addition site plan last dated June 23, 2021. The plans were completed by Livingston Engineering on behalf of Learning Tree Child Care Center. The existing building is on a 2.37 acre parcel on the east side of Parkway Drive and the Petitioner is proposing to add 0.75 acres from the south parcel to use for a new parking lot. The 0.75 acre lot where the parking lot is proposed is currently a vacant site and on-site detention is proposed.

After reviewing the site and impact assessment we offer the following:

DRAINAGE AND GRADING

1. The Petitioner provided storm calculations to demonstrate that the proposed site will not exceed the 0.43 runoff coefficient that the existing detention basin was designed for. The Petitioner is proposing a sedimentation forebay to intercept drainage prior to draining to the existing detention basin and they are providing additional detention volume to mitigate fill that is proposed in the existing detention basin. With these updates to the site plan we have no concern with the proposed storm drainage plan.

UTILITIES

1. The petitioner is proposing to relocate an existing hydrant assembly. The hydrant should be relocated by extending the existing lead to the new location, using bends as necessary. The existing 6-inch valve can be abandoned in place by removing the d-box and burying the valve in the open position, and a new 6-inch isolation valve can be installed out of the driveway closer to the hydrant. This will eliminate the need to shut down the single feed water main on Parkway Drive.
2. A note should be added to the plan to coordinate hydrant relocation with MHOG Sewer and Water Authority. The plans should also note that the hydrant must be a minimum of 3 feet off the back of the curb.

We recommend the petitioner revise the site plan to address the above comments as part of the site plan approval process. Please call or email if you have any questions.

Sincerely,



Gary J. Markstrom, P.E.
Vice President



Shelby Scherdt
Project Engineer



BRIGHTON AREA FIRE AUTHORITY

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

July 02, 2021

Kelly VanMarter
Genoa Township
2911 Dorr Road
Brighton, MI 48116

RE: Learning Tree Parking Addition
1183 Parkway
Genoa Twp., MI

Dear Kelly:

The Brighton Area Fire Department has reviewed the above-mentioned site plan. The plans were received for review on June 30, 2021 and the drawings are dated June 23, 2021. The project is based on the redevelopment of a portion of a vacant parcel for use as parking for an existing daycare structure. The plan review is based on the requirements of the International Fire Code (IFC) 2021 edition.

1. The two-way emergency vehicle access roads shall be a minimum of 26-feet wide. With a width of 26-feet, one side (building side) of the drive shall be marked as a fire lane. Access roads shall be constructed to be capable of supporting the imposed load of fire apparatus weighing at least 84,000 pounds. **(The fire authority has agreed to allow the width to remain at 24-feet with a dead-end exceeding 150-feet with the understanding that should the site be further developed in the future for building access, this requirement will need to be met.)**

IFC D 103.1
IFC D 102.1

Additional comments will be given during the building plan review process (specific to the building plans and occupancy). The applicant is reminded that the fire authority must review the fire protection systems submittals (sprinkler & alarm) prior to permit issuance by the Building Department and that the authority will also review the building plans for life safety requirements in conjunction with the Building Department.

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

Cordially,

A handwritten signature in black ink, appearing to read "R. Boisvert".

Rick Boisvert, FM, CFPS
Fire Marshal

cc: Amy Ruthig amy@genoa.org

**Impact Assessment
For
Learning Tree Day Care
Parking Lot Addition
Genoa Township
Livingston County, Michigan**

Prepared By

**Livingston Engineering
3300 S. Old US-23
Brighton, MI 48114
(810) 225-7100
June 1, 2021**

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

I. Party Responsible for preparation of Impact Statement

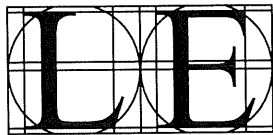
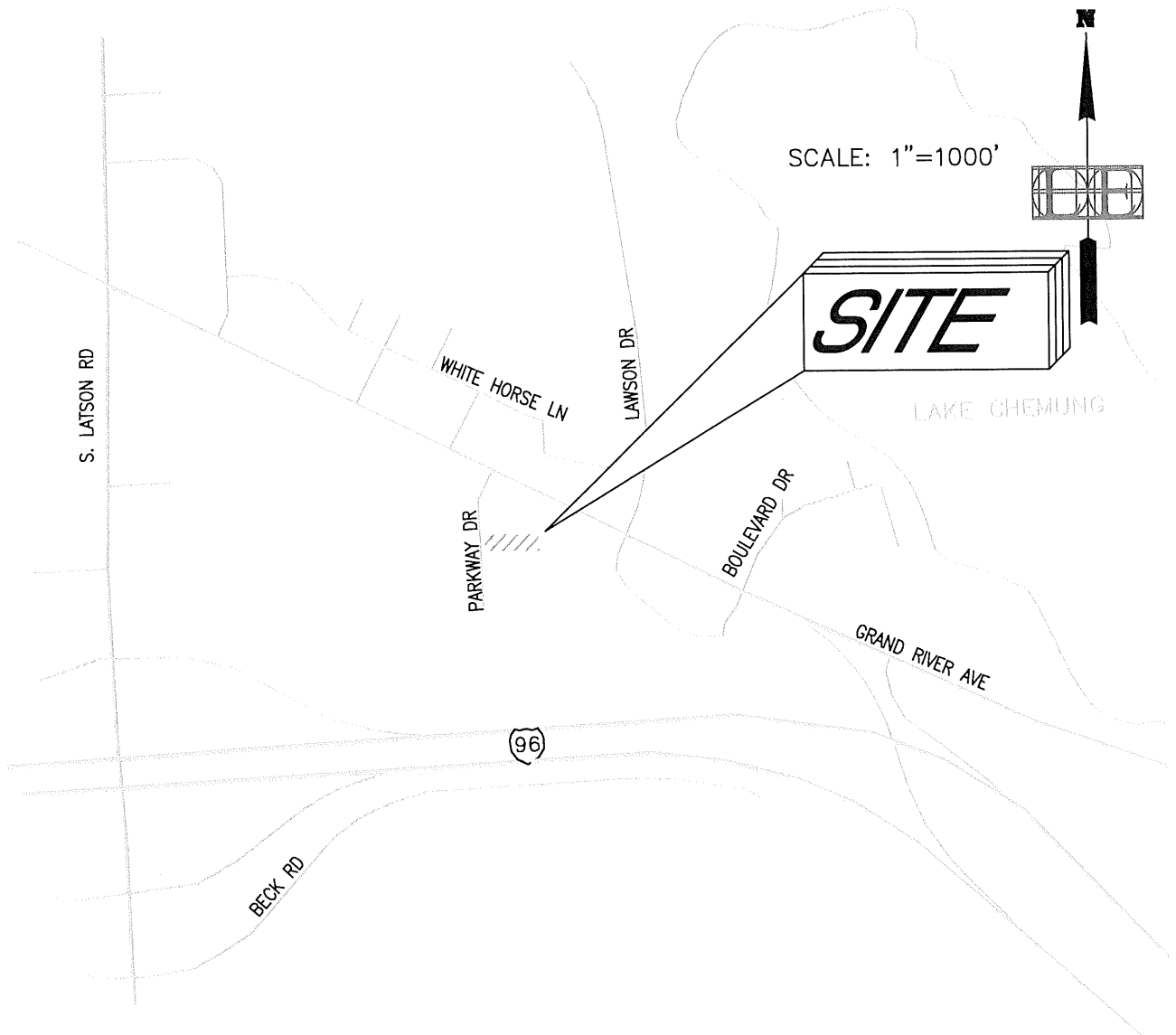
This impact assessment has been prepared by Livingston Engineering, a professional services company offering civil engineering, land surveying, and site planning services throughout southeast Michigan. Livingston Engineering is licensed to provide engineering and surveying services in Michigan, as well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

II. Site Location

The subject site contains approximately .75 acres of a 2.0 acre parcel that will be added to the current Learning Tree facility located in the northwest $\frac{1}{4}$ of section 9 of Genoa Township, Livingston County, Michigan. This parcel is located on Parkway Drive, south of Grand River Ave between Latson and Lawson Roads. It is bordered on the North by the existing Learning Tree Facility, the South by the WHMI building, the East by the Reuland Electric Building and across Parkway Drive is the Grand River Golf Range parcel. A location map and aerial photograph of the subject site is included in this report as Exhibit “A” and Exhibit “B” respectively.

Currently, the site is zoned IND, Industrial. The site is bordered on the North, South and East sides by similar Industrial parcels with the driving range parcel across Parkway Drive being zoned PRF.

LOCATION MAP - EXHIBIT A



LIVINGSTON ENGINEERING
 CIVIL ENGINEERING SURVEYING PLANNING

3300 S. OLD US-23, BRIGHTON, MI 48114

PHONE: (810) 225-7100

FAX: (810) 225-7699

<http://www.livingstoneng.com>

DRAWN BY MA JOB No. 21167

DATE 06/01/21 SHEET No. 1 OF 4 SCALE 1"=1000'

DESCRIPTION
 LEARNING TREE PARKING EXPANSION

AERIAL PHOTOGRAPH - EXHIBIT B

N



LIVINGSTON ENGINEERING

CIVIL ENGINEERING SURVEYING PLANNING

3300 S. OLD US-23, BRIGHTON, MI 48114

PHONE: (810) 225-7100

FAX: (810) 225-7899

<http://www.livingstoneng.com>

DRAWN BY MA JOB No. 21167

DESCRIPTION
LEARNING TREE PARKING EXPANSION

DATE 06/01/21 SHEET No. 2 OF 4 SCALE 1"=1000'

A copy of the Genoa Township Zoning Map is included in this report as Exhibit “C”.

III. Impact on Natural Features

Currently, the site is vacant and consists of an open fallow field with scattered brush and small saplings. The parking lot as designed will utilize the westerly 2/3rd of the property with the remainder being left in its natural condition. Storm water runoff will be collected and directed into a proposed on-site detention area and discharged in its Northeast corner to maintain the existing drainage patterns.

Soils on the site consist primarily of Miami Loam. Miami loam is described as poorly drained soils with slow runoff characteristics and moderate permeability. A soils map of the subject site is included as Exhibit “D”.

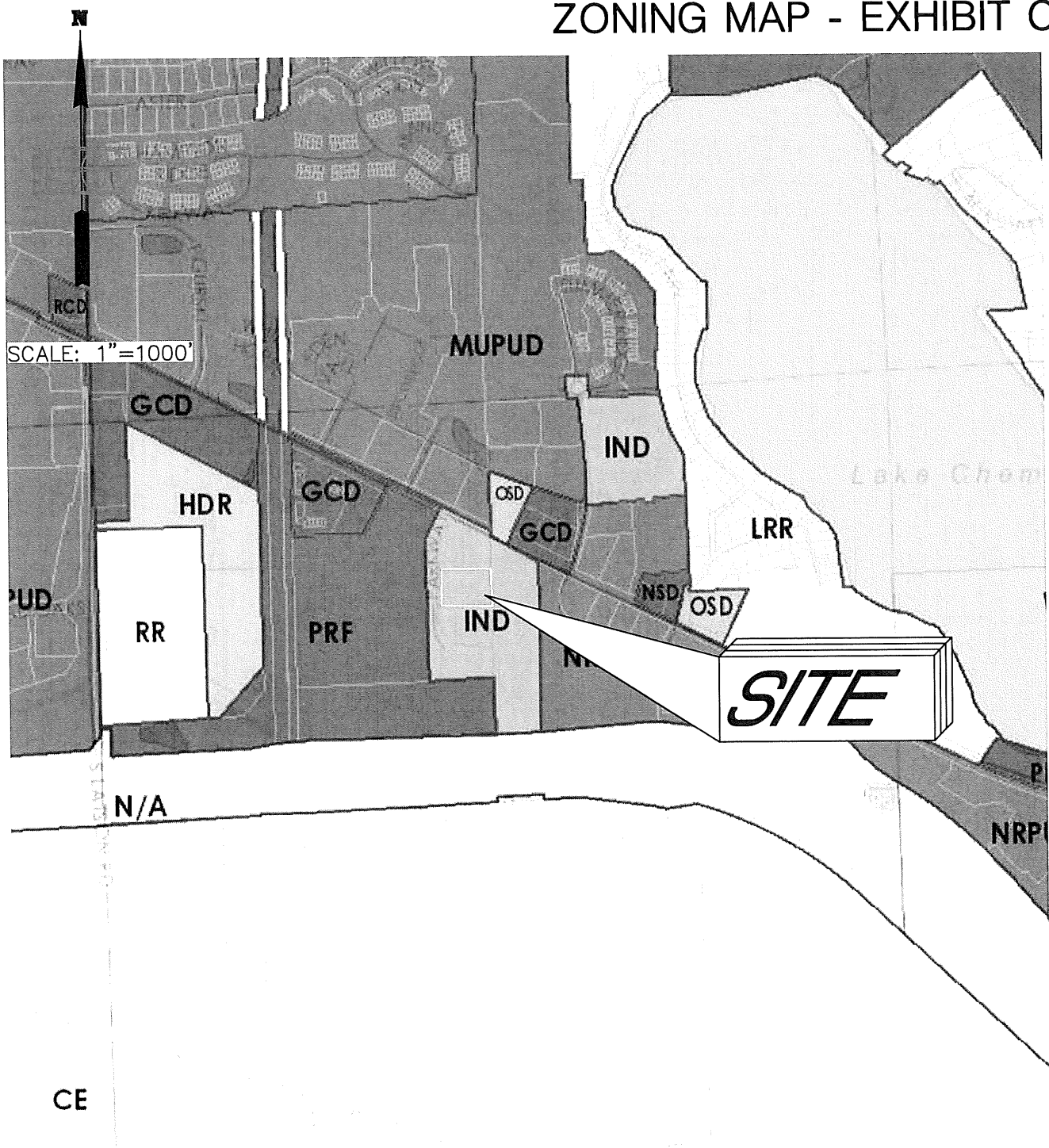
Landscape treatments and buffers will be placed both within the site and around its perimeters to compliment the vegetation that will remain in place.

IV. Impact on Storm Water Management

The proposed development will provide storm water quality and flood control treatment using an on-site storm water detention pond, located immediately East of the parking expansion. The detention pond is designed to meet the current standards of the Livingston County Drain Commissioner’s Office and those of Genoa Township. Storm water runoff from the adjacent areas will continue to drain in their current state and not be affected by this parking expansion.

During construction, soil erosion and dust control measures will be implemented. Best management practices including silt fence, check dams, and inlet filter mechanisms will be utilized during this time. For dust control, soil watering to keep the site in a moisture optimum condition will be performed with a water truck on an as

ZONING MAP - EXHIBIT C



PROPERTY ZONED - (IND) INDUSTRIAL



LIVINGSTON ENGINEERING

CIVIL ENGINEERING SURVEYING PLANNING

3300 S. OLD US-23, BRIGHTON, MI 48114

PHONE: (810) 225-7100

FAX: (810) 225-7699

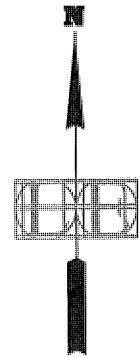
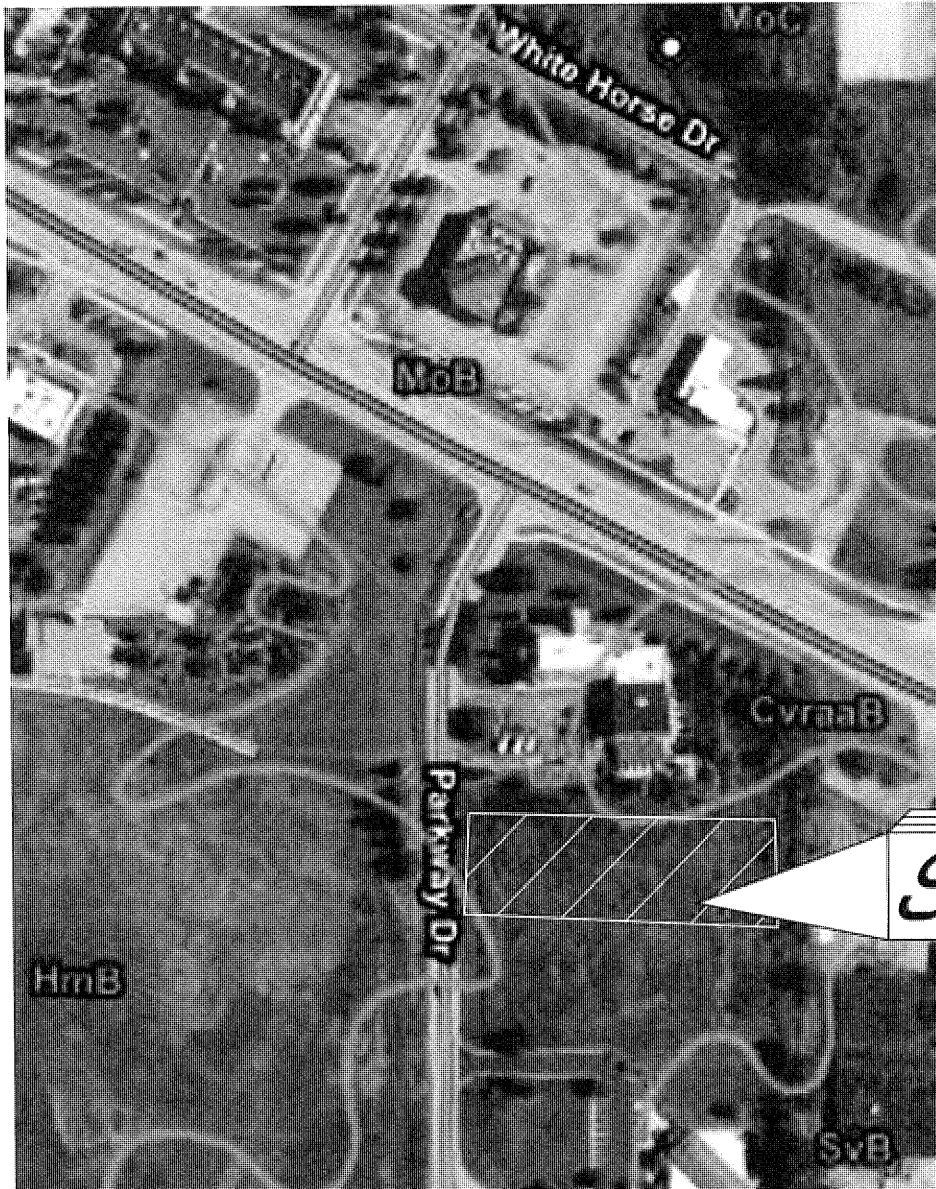
<http://www.livingstoneng.com>

DRAWN BY MA JOB No. 21167

DATE 06/01/21 SHEET No. 3 OF 4 SCALE 1"=1000'

DESCRIPTION
LEARNING TREE PARKING EXPANSION

SOILS MAP - EXHIBIT D



SCALE: 1"=200'

SOILS LEGEND

- CvraaB - CONOVER LOAM, 0 TO 4 PERCENT SLOPES
- HmB - HILLSDALE-MIAMI LOAMS, 2 TO 6 PERCENT SLOPES
- MoB - MIAMI LOAM, 2 TO 6 PERCENT SLOPES
- MoC - MIAMI LOAM, 6 TO 12 PERCENT SLOPES
- SvB - SPINKS-OAKVILLE LOAMY SANDS, 0 TO 6 PERCENT SLOPES



<http://www.livingstoneng.com>

LIVINGSTON ENGINEERING

CIVIL ENGINEERING SURVEYING PLANNING

3300 S. OLD US-23, BRIGHTON, MI 48114

PHONE: (810) 225-7100

FAX: (810) 225-7699

DRAWN BY MA JOB No. 21167

DATE 06/01/21 SHEET No. 4 OF 4 SCALE 1"=1000'

DESCRIPTION

LEARING TREE PARKING EXPANSION

needed basis. Upon completion of mass grading and earthmoving operations, permanent restoration including topsoil, seed and mulch along with landscape installation will be performed.

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

V. Impact on Surrounding Land Uses

As proposed, the addition being proposed is a 31 space parking lot addition, in conformance with the current IND zoning designation standards. The proposed expansion will not add any square footage to the existing building, nor will it add any employees to the existing facility. Hours of operation for this establishment will continue to be Monday through Friday, 6:30 a.m. to 6:30 p.m.

Access to this site will be from Park Lane via a new entrance, The new parking lot will be connected to the existing parking lot with a pedestrian sidewalk.

Site lighting for the parking lot addition will be limited to pole mounted shoe-box type fixtures that will disperse light to the parking area within acceptable limits as allowed by Genoa Township. All proposed lighting shall be downward directed to reflect light toward and confined to immediate ground areas with no interference on adjacent properties.

Given the aforementioned information, the new parking addition will not adversely affect any of the adjacent parcels or the Grand River corridor in this immediately vicinity.

VI. Impact on Public Facilities and Services.

As this project is a parking lot addition only, it is not anticipated that it will adversely affect emergency services such as fire and police. Additionally, as the project is not a residential site,

undesirable effects on local schools or recreation facilities is not expected.

VII. Impact on Public Utilities

As this project is a parking lot addition only, it is not anticipated that it will adversely affect any public utilities that service the areas surrounding the parcel. No additional water or sewer taps will be needed to support this project, nor will any additional traffic be generated by its addition. Storm sewer runoff will be collected via sheet flow into an on-site detention system in accordance with current engineering standards which will not adversely affect adjacent properties. Additionally, as no building or employee additions are planned as part of this project, traffic to Parkway Drive or surrounding roadways will not be impacted.

VIII. Storage and Handling of Any Hazardous Materials

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

IX. Impact on Traffic

As the project as proposed is a parking lot addition only to support the current day care facility and no additional students or staff are being added, there will be no impact on traffic the either Park Lane or any of the surrounding roadways.

X. Historic and Cultural Resources

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

XI. Special Provisions

No special provisions are part of this project.

XII. Other Items

1. Large truck use is not necessary for this site. Deliveries will continue to be made to the existing facility as they are currently being made.
2. The North portion of this parcel that contain the parking lot addition will be added to the current Learning Tree parcel upon approval with the remaining lands being a stand-alone parcel.



June 22, 2021

Ms. Kelly VanMarter
Assistant Twp. Manager/Community Development Director
Genoa Charter Township
2911 Dorr Road
Brighton, MI 48116

Reg: Learning Tree Child Care Center
Parking Expansion – Parkway Drive
Genoa Charter Township, Livingston County, MI

Kelly,

In response to your request for information to support our request for additional parking at our Genoa Township facility, please consider the following:

- Our current facility has 24 parking spaces (2 of which are handicap spaces).
- Three of our current spaces are occupied for Learning Tree buses that are used to transport children to/from school and for field trips.
- We currently have 27 employees on staff. Our staff count is based on our current needs and to meet current Michigan Department of Licensing and Regulatory Affairs. This includes a requirement for one staff person for every four children under the age of 2 ½ years old, which consist of a significant portion of our census.
- New COVID guidelines require that teachers in one classroom are now not permitted to shift over into other classrooms, further adding to our staff needs.

- Capacity has more than tripled from when we first opened. Currently the need for infant/ toddler care is extreme and these classrooms are operating at 100% capacity. With that ratio being 1:4 we have an increase of teachers as well as support staff who come to the center to help. As the preferred child care center in Howell, parents are touring our center and starting the next day!
- To meet our current parking demands, we currently rent parking spaces from the adjacent golf range facility, which may not be available in the foreseeable future.

Given these current conditions and guidelines, it is imperative that for our facility to properly function, additional parking is both required and necessary for our successful operation. As such we respectfully request your approval for the proposed 31 additional spaces. Should you have any additional questions regarding this issue, please feel free to contact me at your earliest convenience.

Sincerely,



Carol Gatewood
Owner
The Learning Tree Child Care Center

North • 33901 Curtis • Livonia, Mi 48152 • 734.261.1951 • learningtreenorth@gmail.com
South Lyon • 28220 Valerie • South Lyon, Mi 48178 • 248.446.8791 • learningtreesouthlyon@gmail.com
South • 32955 Plymouth Road • Livonia, Mi 48150 • 734.525.6369 • learningtreesouth@gmail.com
Howell • 1183 Parkway Drive • Howell, Mi 48843 • 517.545.3440 • lthowell4@gmail.com
West • 37550 7 Mile Road • Livonia, Mi 48152 • 734.953.5708 • learningtreewest@gmail.com

**MOTOR VEHICLE PARKING
LEASE AGREEMENT**

This Motor Vehicle Parking Lease Agreement (the "Agreement") is made this 1st day of January, 2015 between **DAV, LLC**, a Michigan limited liability company, which address is 7567 Radcliffe, Brighton, Michigan 48114 ("Lessor") and **The Learning Tree Child Care Center – Howell, Inc.**, a Michigan corporation, which address is 1183 Parkway Drive, Howell, Michigan 48843 together with **1183 Parkway Drive, LLC**, a Michigan limited liability company, which address is 31015 Grand River Avenue, Farmington Hills, Michigan 48336 ("Lessee"). The Lessor and Lessee are referred to herein collectively as the "Parties". The Parties agree as follows:

1. Lessee desires to have access and availability of twenty-eight (28) motor vehicle parking spaces on Lessor's property at 4444 E. Grand River Avenue, Howell, Michigan 48843.

2. Lessor grants to Lessee twenty-eight (28) motor vehicle parking spaces at 4444 E. Grand River, Howell, Michigan subject to Lessee's compliance with each of the following conditions:

(a) Lessee shall obtain and continue to enforce throughout the term of this Agreement (and in any extension thereafter) a commercial general liability insurance policy from a commercial liability insurance carrier authorized to do business in the state of Michigan and in an amount not less than \$1,000,000 per occurrence. The insurance policy shall name Lessor as a loss payee and an additional insured. The insurance policy shall also provide that it shall not be cancelled without providing written notice to Lessor thirty (30) days in advance of cancellation.

(b) Lessee shall be solely responsible to clear snow and ice from Lessor's parking area to accommodate the motor vehicle parking spaces granted and Lessee shall further keep the parking area deiced when necessary. All deicing products used by Lessee for deicing shall be approved in advance by Lessor.

(c) Lessee shall timely pay the monthly rental rate to Lessor.

3. Lessee agrees to indemnify Lessor and hold Lessor harmless from any and all claims or causes of action for personal injury (including death) and/or property damage arising out of Lessee's guests, invitees, licensee, patrons, suppliers and third parties occupying, using or driving upon the parking area on Lessor's property.

4. The term of this Agreement shall commence on January 1, 2015 and end on December 31, 2015. After December 31, 2015 the lease term shall be month-to-month with all conditions and obligations of this Agreement continuing unless modified by a separate writing signed by both Lessor and Lessee.

5. Lessee shall pay rent to Lessor on the first day of each month beginning on January 1, 2015 in the amount of Four Hundred and 00/100 (\$400.00) Dollars a month and on the first day of each month thereafter. All rent payments shall be delivered or mailed to Lessor at 7567 Radcliffe, Brighton, Michigan 48114.

6. Excepting for snow removal and deicing when needed, Lessor is otherwise responsible for the maintenance and parking area repairs on Lessor's property, including maintenance and repair of the twenty-eight (28) parking spaces granted to Lessee within this Agreement.

(Number 7 intentionally omitted)

8. Lessee acknowledges, understands and agrees that any breach of the terms and conditions of this Agreement which Lessee is obligated to perform shall constitute a default of this Agreement and entitle Lessor to immediately terminate this Agreement and seek all remedies available to a Landlord under Michigan law, including without limitation, eviction and money damages. In addition, all costs and reasonable attorney fees shall be the obligation of Lessee to pay to Lessor should enforcement of this Agreement by Lessor be undertaken for a breach and default of this Agreement.

9. Lessor further grants to Lessee, a license for additional motor vehicle parking spaces for special Lessee events, provided Lessee notifies Lessor not less than twenty-four (24) hours in advance of the special event date and time and also the approximate number of additional motor vehicle parking spaces needed. Lessee shall notify Lessor by telephone at: (810) 599-8699.

10. Otherwise, all other notices between Lessor and Lessee under this Agreement shall be provided in writing and delivered personally or by first class mail as follows:

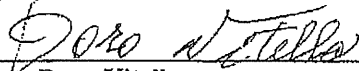
To Lessor: D.A.V., LLC
Attn: Doro Vitella
7567 Radcliffe
Brighton, MI 48114

To Lessee: 1183 Parkway Drive, LLC
Attn: Carol Gatewood
31015 Grand River Avenue
Farmington Hills, MI 48336

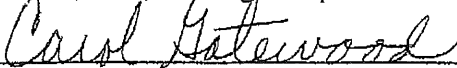
11. This Agreement contains the entire agreement between Lessor and Lessee and all prior oral or written representations by either Lessor or Lessee are of no further force or effect. This Agreement may only be modified or amended by a separate writing signed by both Lessor and Lessee. This Agreement shall be governed, interpreted and enforced in accordance with Michigan law.

The undersigned Parties have executed this Agreement on the day and year written above.


D.A.V., LLC, a Michigan limited liability company

By: 
Doro Vitella
Its: Member/Manager

LEARNING TREE CHILD CARE CENTER
HOWELL, INC., a Michigan corporation

By: 
Carol Gatewood
Its: President

1183 PARKWAY DRIVE, LLC, a Michigan limited liability company

By: 
Carol Gatewood
Its: Member/Manager

PRELIMINARY SITE PLAN FOR LEARNING TREE PARKING EXPANSION

PART OF PARCEL ID# 11-09-10-020
GENOA TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN

SHEET INDEX

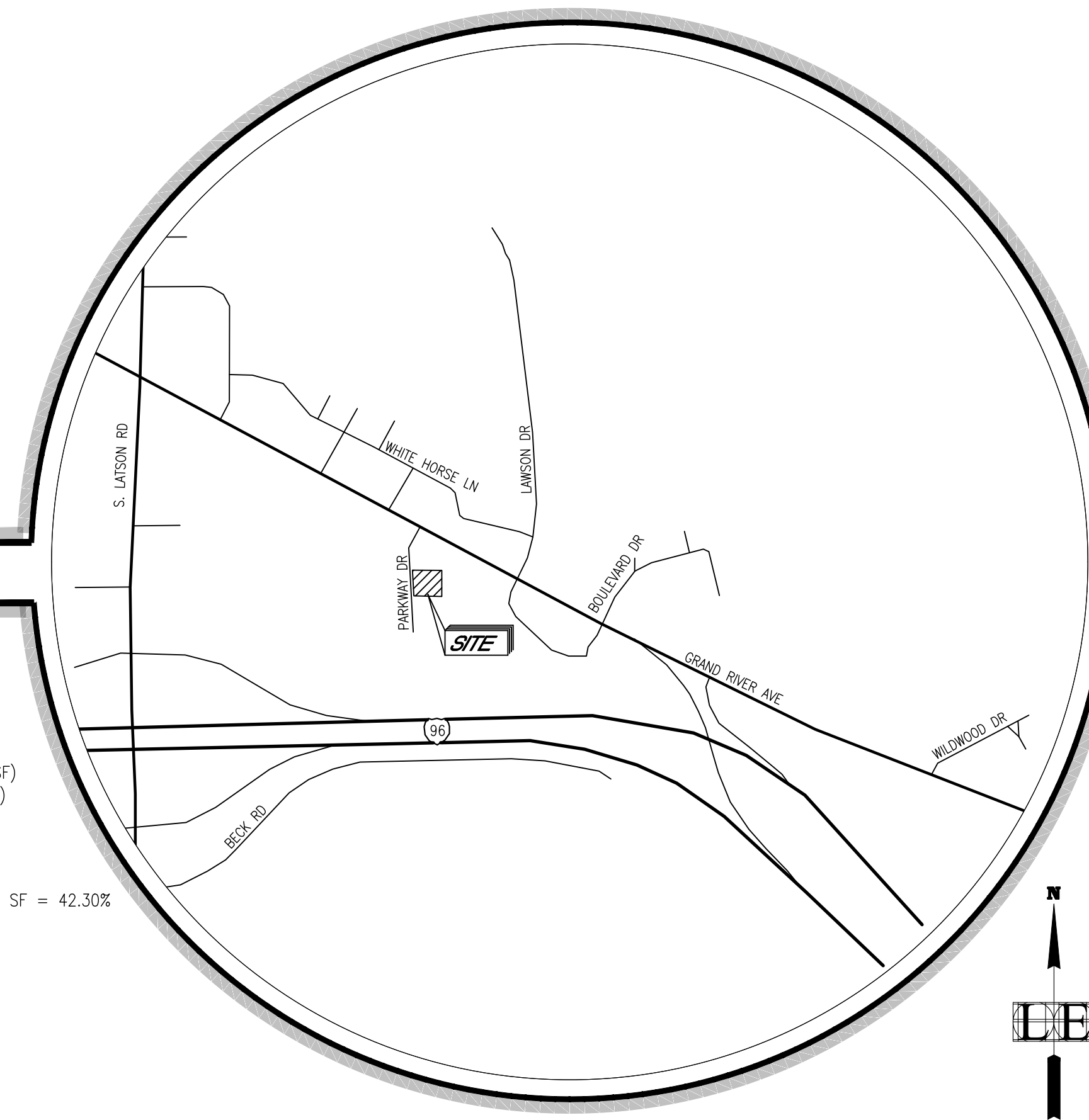
1. COVER SHEET
2. EXISTING CONDITIONS & REMOVALS
3. LAYOUT PLAN
4. GRADING AND STORM WATER MANAGEMENT PLAN
5. LANDSCAPING PLAN
6. PHOTOMETRIC LIGHTING PLAN

LEGEND

	EXISTING	PROPOSED
SPOT GRADE	— 000.00 —	— 000.00 —
CONTOUR	— 000 —	— 000 —
SANITARY SEWER	— c.s. —	— c.s. —
STORM SEWER	— ST —	— ST —
WATER	— W —	— W —
OVERHEAD	— X —	— X —
FENCE	— GAS —	— GAS —
ELECTRIC	— E —	— E —
DRAINAGE AREA BOUNDARY	— — — — —	— — — — —
LIMITS OF DISTURBANCE	— — — — —	— — — — —
SILT FENCE	— — — — —	— — — — —
SIGN	— — — — —	— — — — —
LIGHT POLE	— — — — —	— — — — —
UTILITY POLE	— — — — —	— — — — —
DECIDUOUS TREE	— — — — —	— — — — —
GATE VALVE IN WELL	— — — — —	— — — — —

OWNER/DEVELOPER

LEARNING TREE CHILD CARE CENTER
1183 PARKWAY DR.
HOWELL, MI 48843
PHONE: (248) 986-8837



LOCATION MAP
SCALE: 1" = 1000 FEET

LEGAL DESCRIPTION

Situated in the Township of Genoa, County of Livingston, State of Michigan.
(As provided by Old Republic National Title Insurance Company, Commitment No. 20-39640-5, Commitment Date: 11/02/2020 at 8:00 AM)

PARCEL 2:
A part of the Northwest ¼ of Section 9, Town 2 North, Range 5 East, Genoa Township, Livingston County, Michigan, described as follows: Commencing at the Northwest corner of said Section 9; thence North 01 degree 45 minutes 40 seconds East along the centerline of Latsion Road and the West line of said Section 4, 549.50 feet to the centerline of Grand River Avenue (100 feet wide); thence South 60 degrees 55 minutes 25 seconds East along said centerline, 587.60 feet; thence South 60 degrees 50 minutes 00 seconds East along said centerline 2375.70 feet to the North-South ¼ line of said Section 9; thence South 01 degree 31 minutes 50 seconds East along said North-South ¼ line 215.00 feet to the point of beginning of the parcel to be described; thence continuing South 01 degree 31 minutes 50 seconds West along said North-South ¼ line, 240.00 feet; thence North 88 degrees 28 minutes 10 seconds West 363.81 feet to the Easterly line of a 66 foot wide private road easement for ingress and egress; thence North 01 degree 31 minutes 50 seconds East along said Easterly easement line, 240.00 feet; thence South 88 degrees 28 minutes 10 seconds East, 363.81 feet to the point of beginning.

Including the use of a 66 foot wide, non-exclusive, private road easement and cul-de-sac being part of the Northwest ¼ of Section 9, Town 2 North, Range 5 East, Genoa Township, Livingston County, Michigan, described as: Commencing at the Northwest corner of said Section 9; thence North 01 degree 45 minutes 40 seconds East along the centerline of Latsion Road and the West line of Section 4, Town 2 North, Range 5 East, Genoa Township, Livingston County, Michigan, 549.50 feet to the centerline of Grand River Avenue (100 feet wide); thence South 60 degrees 55 minutes 25 seconds East along said centerline, 587.60 feet; thence South 60 degrees 50 minutes 00 seconds East along said centerline, 1996.92 feet to the point of beginning of the easement to be described; thence continuing South 60 degrees 50 minutes 00 seconds East along said centerline, 66.00 feet; thence South 29 degrees 16 minutes 00 seconds West along the Easterly line of the easement being described, 137.69 feet; thence Southwesterly along said Easterly line, 95.37 feet along the arc of a curve left, which has a central angle of 27 degrees 44 minutes 10 seconds, a radius of 197.00 feet, and a long chord bearing South 15 degrees 23 minutes 53 seconds West 94.44 feet; thence South 01 degree 31 minutes 50 seconds West along said Easterly line, 486.03 feet; thence Southeasterly, 83.64 feet along a curve left, which has a central angle of 63 degrees 53 minutes 46 seconds, a radius of 75.00 feet, and a long chord bearing South 30 degrees 25 minutes 03 seconds East 79.37 feet; thence 319.26 feet along the arc of a 75 foot radius cul-de-sac on a curve right, which has a central angle of 243 degrees 53 minutes 46 seconds, a radius of 75.00 feet and a long chord bearing South 59 degrees 34 minutes 57 seconds West 127.28 feet; thence North 01 degree 31 minutes 50 seconds East 686.66 feet; thence North 29 degrees 16 minutes 00 seconds East, 202.51 feet to the centerline of Grand River Avenue and the point of beginning.

SITE DATA TABLE

	REQUIRED	EXISTING	PROPOSED*
LOT AREA (11-09-100-019)	1.00 AC. (min)	2.00 AC. (87,269 SF)	2.75 AC. (120,037 SF)
LOT AREA (11-09-100-020)	1.00 AC. (min)	2.01 AC. (87,555 SF)	1.26 AC. (54,885 SF)
LOT WIDTH (11-09-100-020)	150 FT (min)	240 FT	150 FT
IMPERVIOUS SURFACE AREA		40,686 SF	50,778 SF
% IMPERVIOUS SURFACE AREA	85% MAX	40,686 SF/87,269 SF = 46.62%	50,778 SF/ 120,037 SF = 42.30%
PARKING SETBACKS:	REQUIRED	PROPOSED	
FRONT	20 FT	31 FT	
SIDE & REAR	10 FT	10 FT	

*PROPOSED LOT AREAS AFTER PARCEL RECONFIGURATION

ADJACENT PROPERTY TABLE

Direction	Lot	Zoning	Use
North	The Learning Tree Child Care Center	IND	Child Care Center
East	Reuland Electric	IND	Indoor Retail
South	WHMI 93.5FM	IND	Radio and Television Studios
West	The Grand River Golf Range and Putt Putt	PRF	Golf Driving Ranges and Miniature Golf Courses

SITE DATA & GENERAL NOTES

1. Property is zoned: IND - Industrial
2. Contractor is responsible for protecting all existing and proposed utilities from damage during all stages of construction.
3. The engineer and applicable agency must approve, prior to construction, any alteration, or variance from these plans.
4. Underground dry utilities shall be extended from existing locations to service this site as required by utility companies.
5. All construction shall be performed in accordance with the current standards and specifications of Genoa Township and Livingston County.
6. Three working days prior to any excavation, the Contractor shall telephone MISS DIG (800-482-7171) for the location of underground utilities and shall also notify representatives of other utilities located in the vicinity of the work. It shall be the Contractor's responsibility to verify and/or obtain any information necessary regarding the presence of underground utilities which might affect this job.
7. Site plan use: CHILD CARE CENTER
8. Site storm drainage to outlet to the existing drainage path at rear of site.

PARKING CALCULATIONS

REQUIRED PARKING PER ORDINANCE	
CHILD CARE CENTERS:	
155 CHILDREN @ 2 SP. + 1 SP.	
PER 8 CHILDREN OF LICENSED	
AUTHORIZED CAPACITY	= 2 + 155/8
	= 22 SPACES
ADA REQUIRED SPACES FOR	
51 TO 75 TOTAL SPACES	= 3 BARRIER FREE SPACES
PROVIDED PARKING	
TOTAL SPACES PROPOSED:	= 55 SPACES
	INCL/ 3 BARRIER FREE SPACES

UTILITY DISCLAIMER

811 Know what's below. Call before you dig.

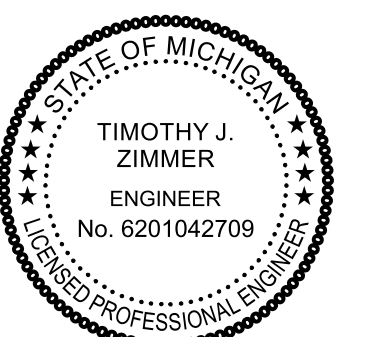
Utilities as shown indicate approximate location of facilities only, as described by the various companies and no guarantee is given either as to the completeness or accuracy thereof. Contractor shall call "MISS DIG" 1-800-482-7171 prior to the start of construction. Electric, gas, phone and television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

ENGINEER

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

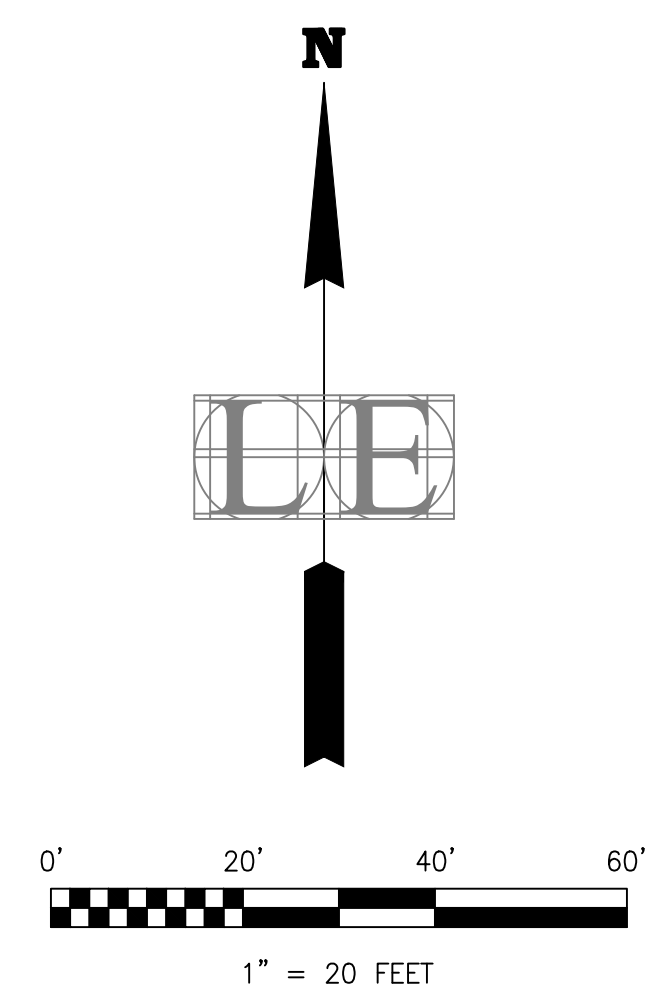
LEARNING TREE PARKING EXPANSION
GENOA TOWNSHIP
LIVINGSTON COUNTY, MICHIGAN
PRELIMINARY SITE PLAN

ENGINEER'S SEAL



REVISIONS	DATE	PROJECT No. 21167
PER IMP REVIEW	06/23/2021	SHEET 1 OF 6
		DATE: JUNE 23, 2021

EXISTING CONDITIONS AND REMOVALS



SCS SOIL TYPES
 CvraaB CONOVER LOAM, 0 TO 4 PERCENT SLOPES
 HmB HILLSDALE-MIAMI LOAMS, 2 TO 6 PERCENT SLOPES
 MoB WAWASEE LOAM, 2 TO 6 PERCENT SLOPE
 SvB SPINKS-OAKVILLE LOAMY SANDS, 0 TO 6 PERCENT SLOPES

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

LE

Client
LEARNING TREE
 183 PARKWAY DR
 HOWELL, MI 48843
 phone (248) 888-8837

LEARNING TREE PARKING EXPANSION
 PART OF PARCEL ID #4711-09-100-020
 GENOA TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN
 EXISTING CONDITIONS AND REMOVALS

DATE	REVISIONS
06/23/21	PER TWP REVIEW

Drawn: MA
 Checked: TIZ
 Approved: TIZ
 Date: 6/23/2021

Job no. **21167**
 Scale: **1"=20 FEET**

2

LAYOUT PLAN

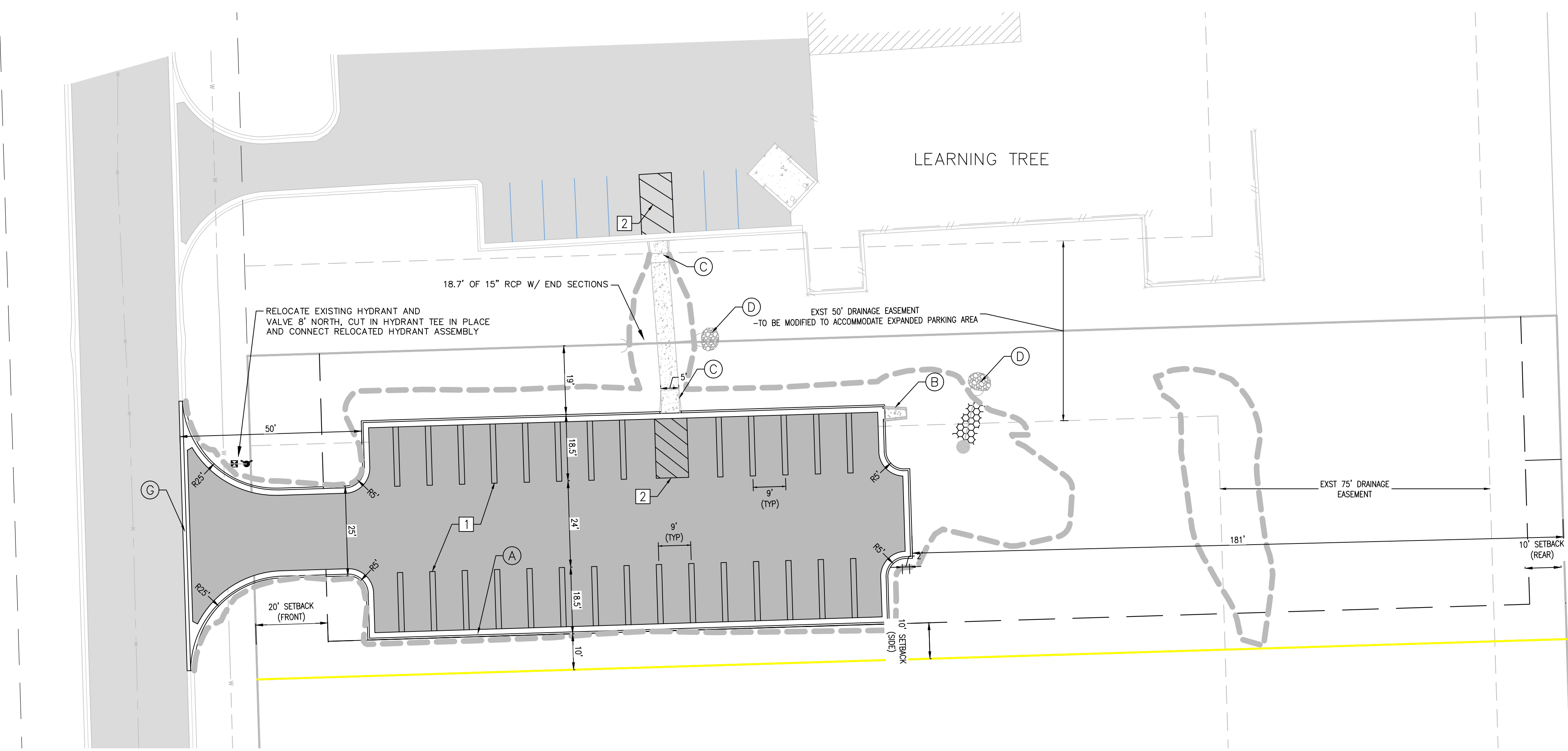
Client
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 183 PARKWAY DR
 HOWELL, MI 48843
 phone (248) 888-8837

LEARNING TREE PARKING EXPANSION
 PART OF PARCEL ID #4711-09-100-020
 GENOA TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN
 LAYOUT PLAN

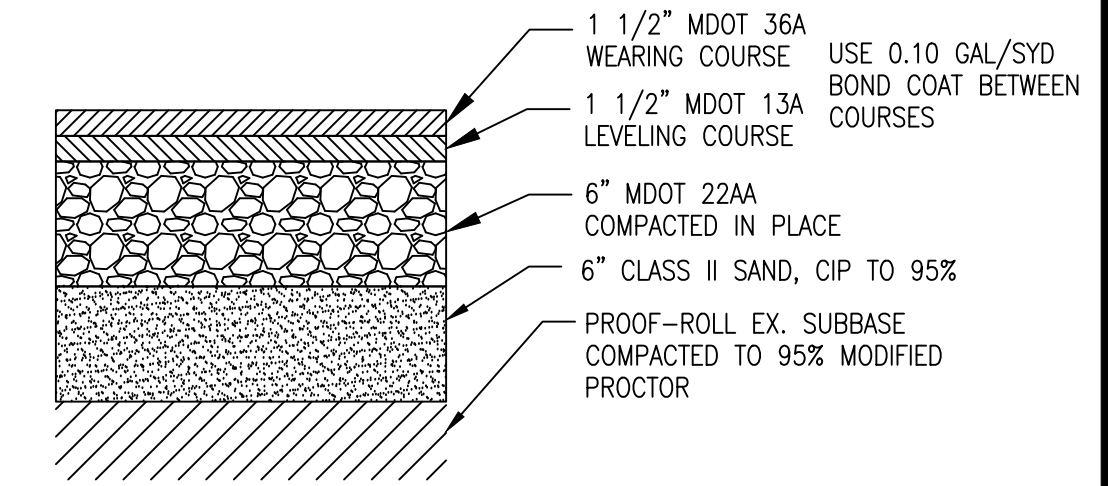
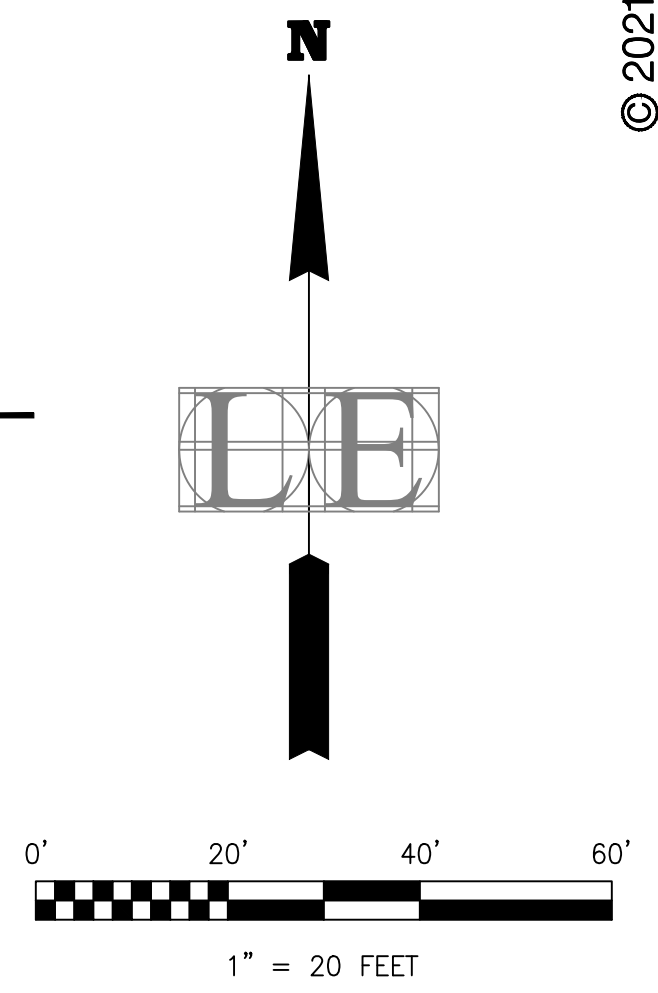
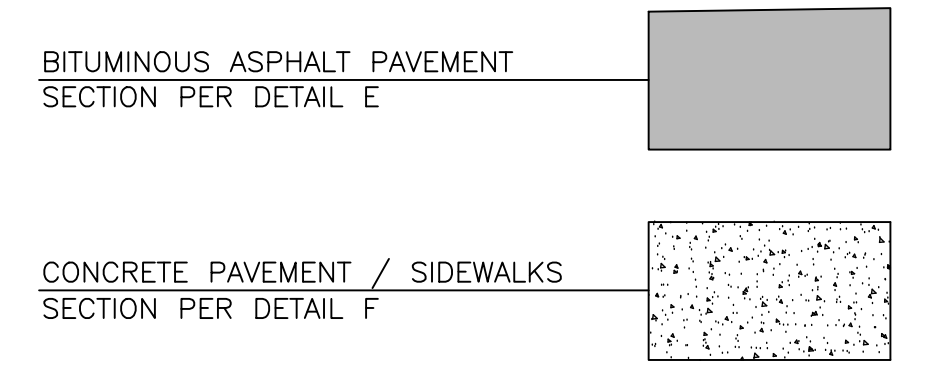
DATE	REVISIONS
06/23/21	PER TWP REVIEW

Drawn: MA
 Checked: T/JZ
 Approved: T/JZ
 Date: 6/23/2021

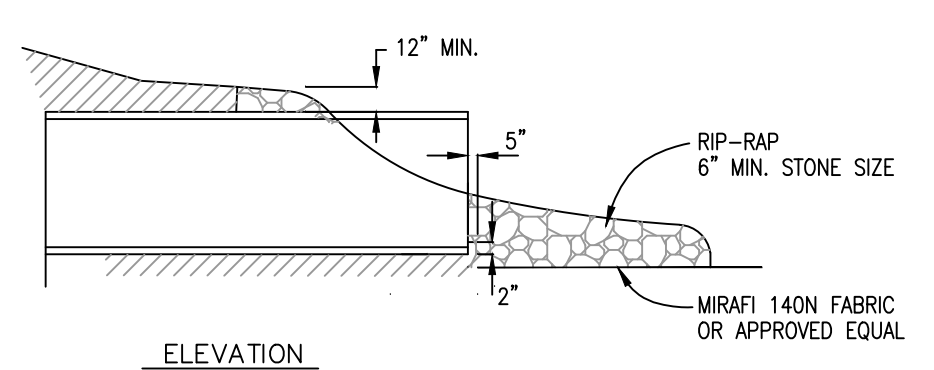
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 Horizontal: 1"=20 FEET



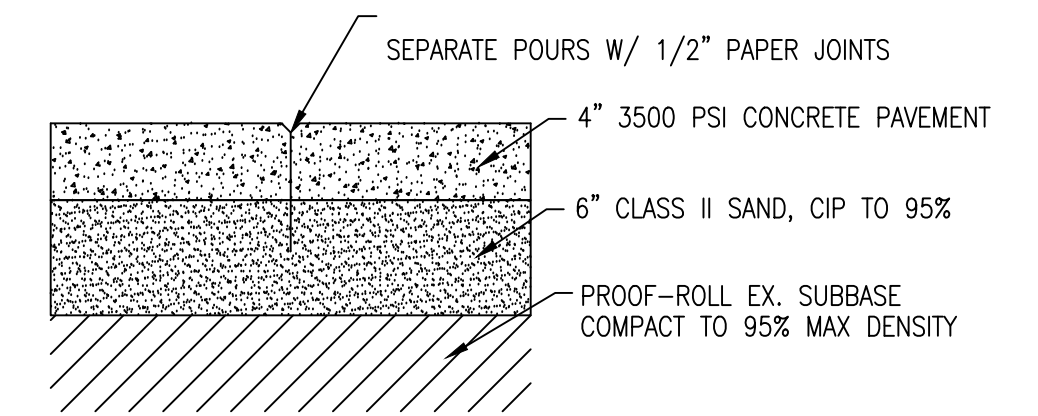
PROPOSED PAVEMENT LEGEND:



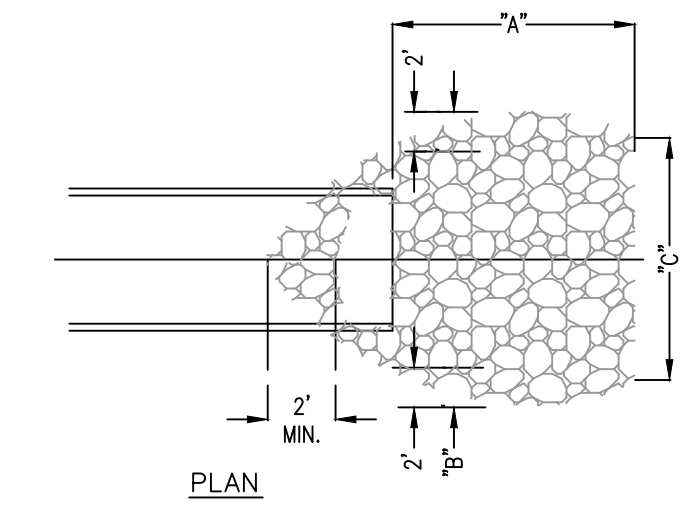
E ASPHALT PAVEMENT SECTION
 NOT TO SCALE



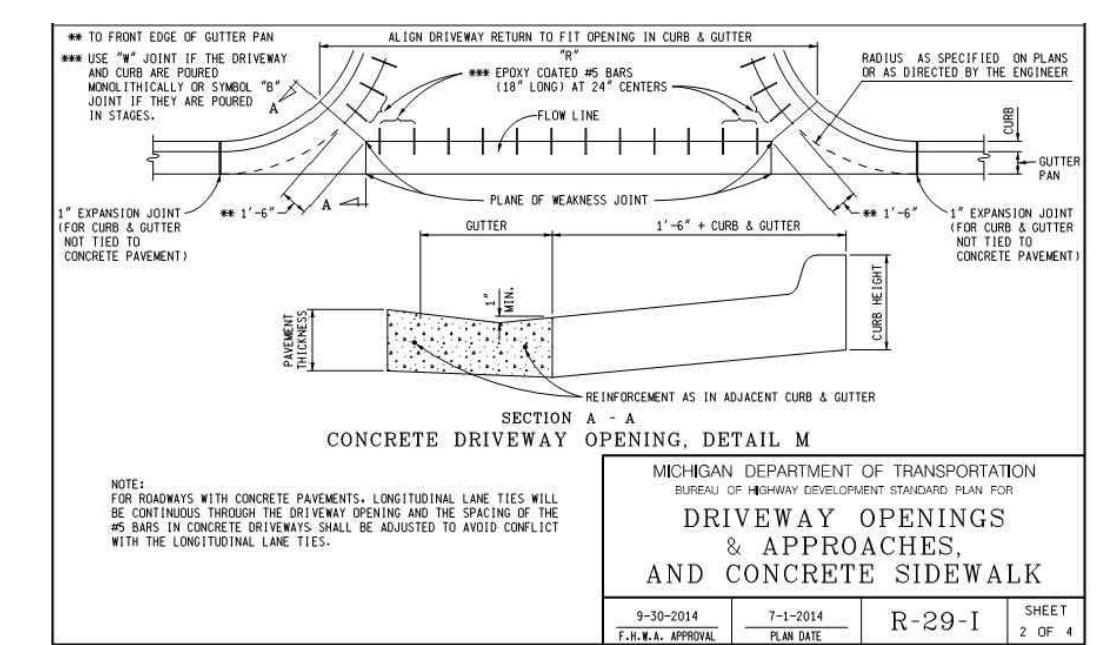
D RIP-RAP DETAIL
 NOT TO SCALE



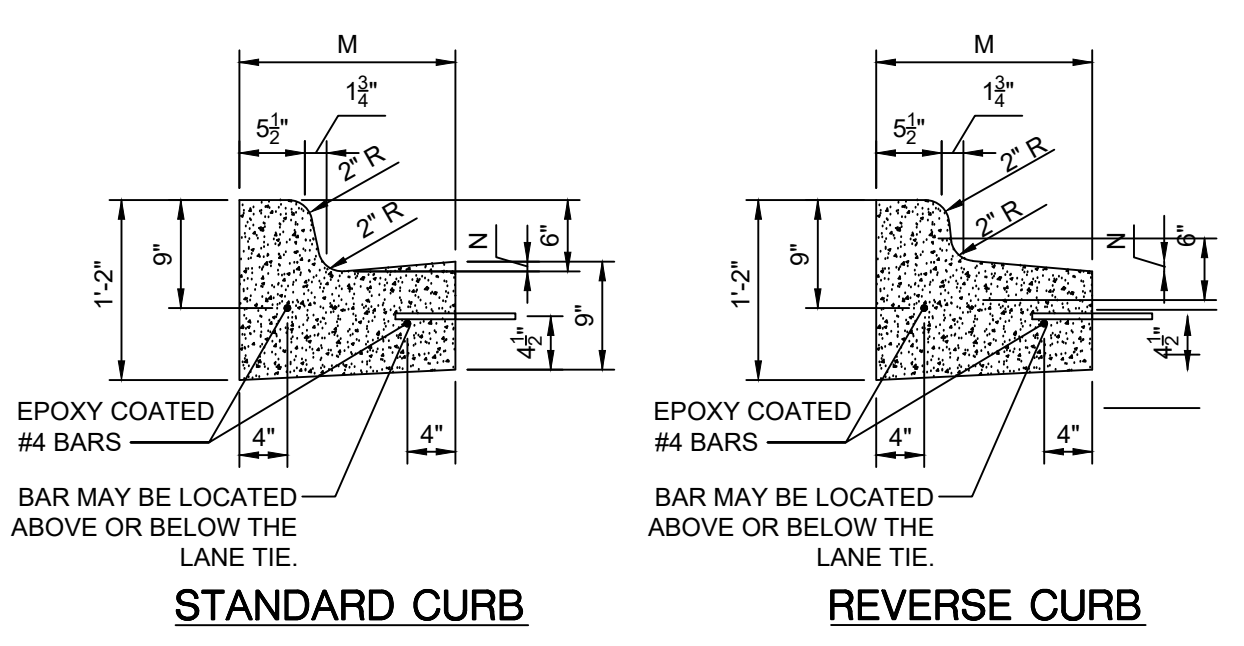
F CONCRETE SIDEWALK SECTION
 NOT TO SCALE



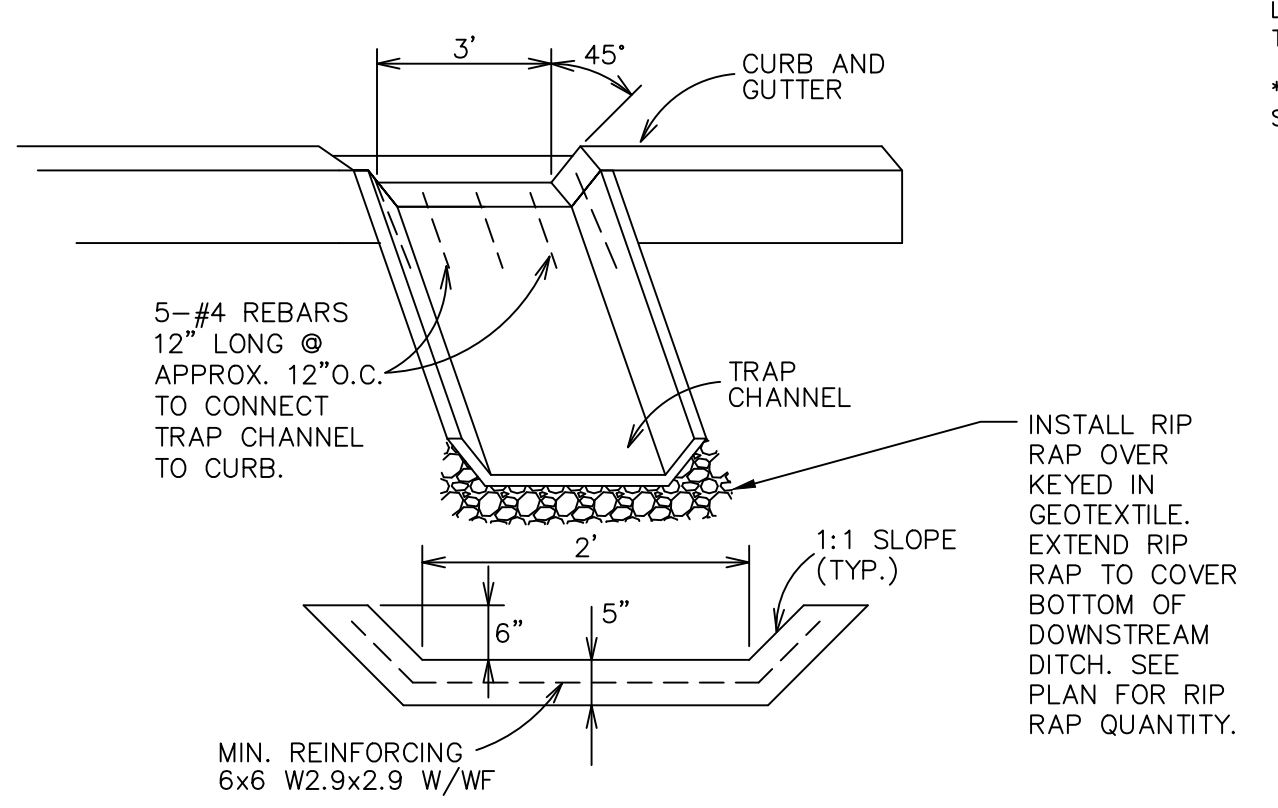
PIPE DIAMETER	"A"	"B"	"C"	SQUARE YARDS
12"	5'-0"	6'-6"	3'-0"	15 MIN
15"	5'-0"	7'-0"	3'-0"	15 MIN
18"	5'-0"	7'-6"	3'-6"	15 MIN
21"	5'-6"	8'-0"	4'-0"	15 MIN
24"	6'-0"	8'-6"	4'-6"	15 MIN



G TYPE M CURB DETAIL
 NOT TO SCALE



A MDOT "F" CONCRETE CURB
 NOT TO SCALE

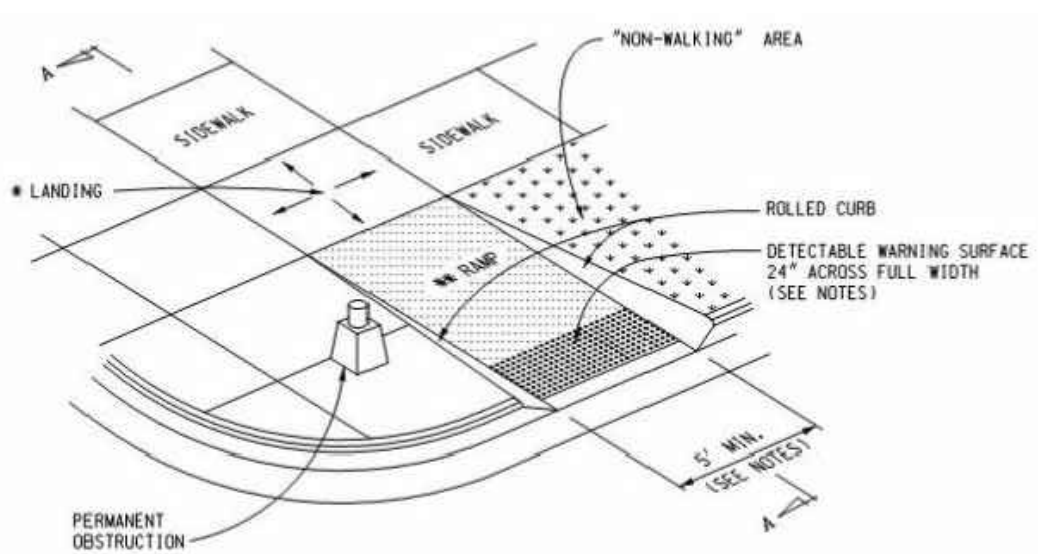


B CURB AND GUTTER SPILLWAY
 NOT TO SCALE

*MAXIMUM LANDING SLOPE IS 2.0% IN EACH DIRECTION OF TRAVEL. LANDING MINIMUM DIMENSIONS 5'X5'. SEE NOTES. IF THE RAMP RUNNING SLOPE IS LESS THAN 5%, IT IS CONSIDERED A "BLENDED TRANSITION" AND DOES NOT REQUIRE A LANDING

*MAXIMUM RAMP CROSS SLOPE IS 2.0%. RUNNING SLOPE 5% - 7% (8.3 MAXIMUM) SEE NOTES

C SIDEWALK RAMP - MDOT TYPE R
 NOT TO SCALE



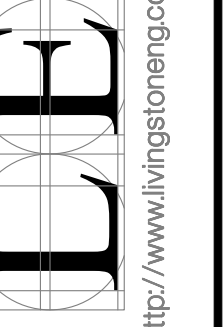
- GENERAL NOTES:**
- ALL UTILITY COMPANIES SHALL BE CONTACTED PRIOR TO CONSTRUCTION AND ALL UTILITIES LOCATED. ANY DISCREPANCIES OR CONFLICTS SHALL BE REPORTED TO ENGINEER FOR RESOLUTION PRIOR TO COMMENCING CONSTRUCTION.
 - ALL DIMENSIONS TO CURBS ARE MEASURED FROM BACK OF CURB.
 - ALL STORM SEWER, WATER MAIN AND SANITARY SEWER CONSTRUCTION SHALL BE IN ACCORDANCE WITH GENOA TOWNSHIP AND LIVINGSTON COUNTY STANDARDS AND SPECIFICATIONS.

- KEYED NOTES:**
- A** MDOT F-4 CONCRETE CURB, SEE DETAIL A
 - B** CONCRETE SPILLWAY SEE DETAIL B
 - C** SIDEWALK RAMP - MDOT TYPE R SEE DETAIL C
 - D** RIP-RAP DETAIL SEE DETAIL D

- KEYED PAVEMENT MARKING NOTES:**
- 1** 4" DOUBLE SOLID LINE, WHITE
 - 2** 4" DOUBLE SOLID LINES, WHITE, 45 CROSS HATCH PATTERN (2' O.C.) WITH BORDER

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GRADING AND STORM WATER MANAGEMENT PLAN



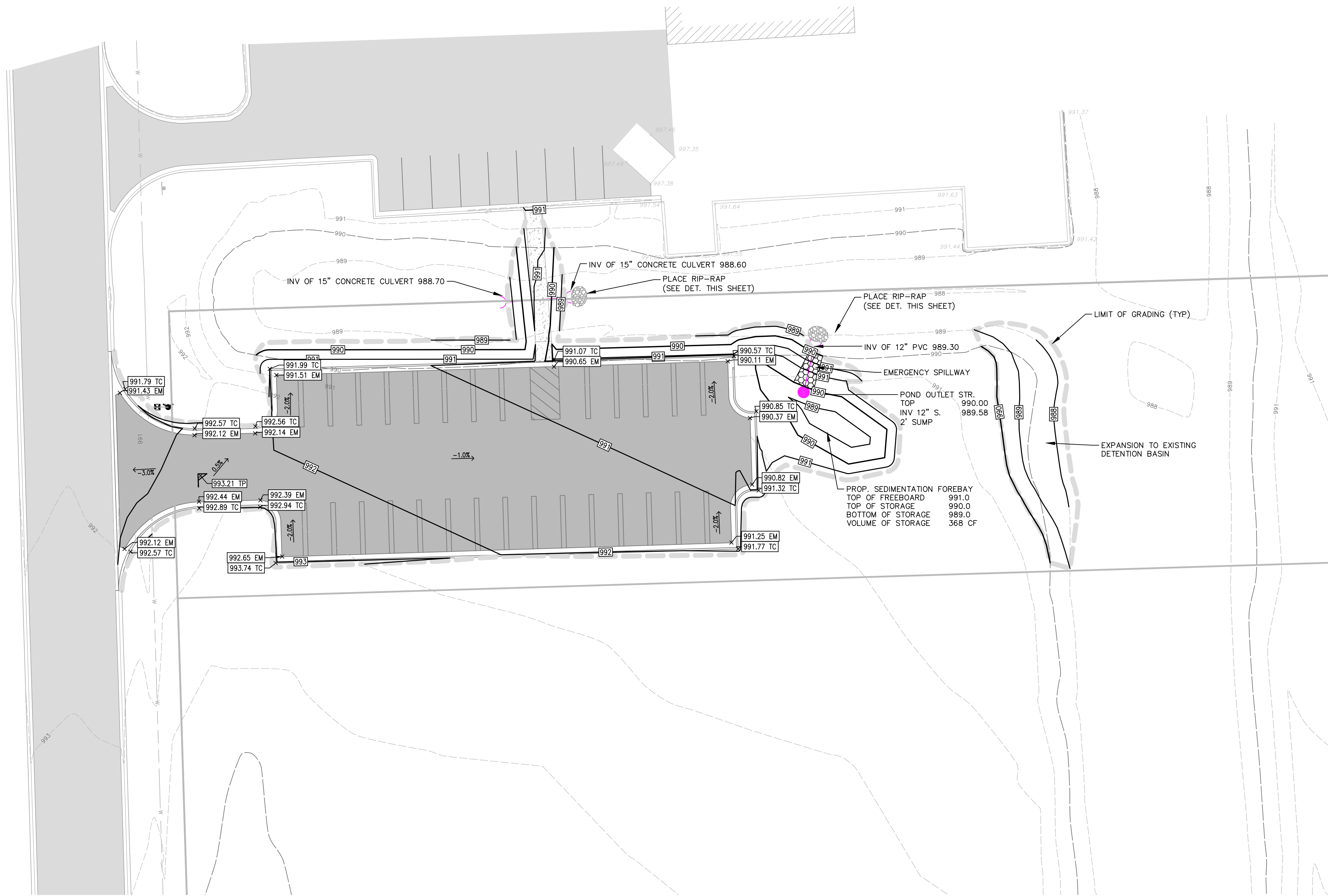
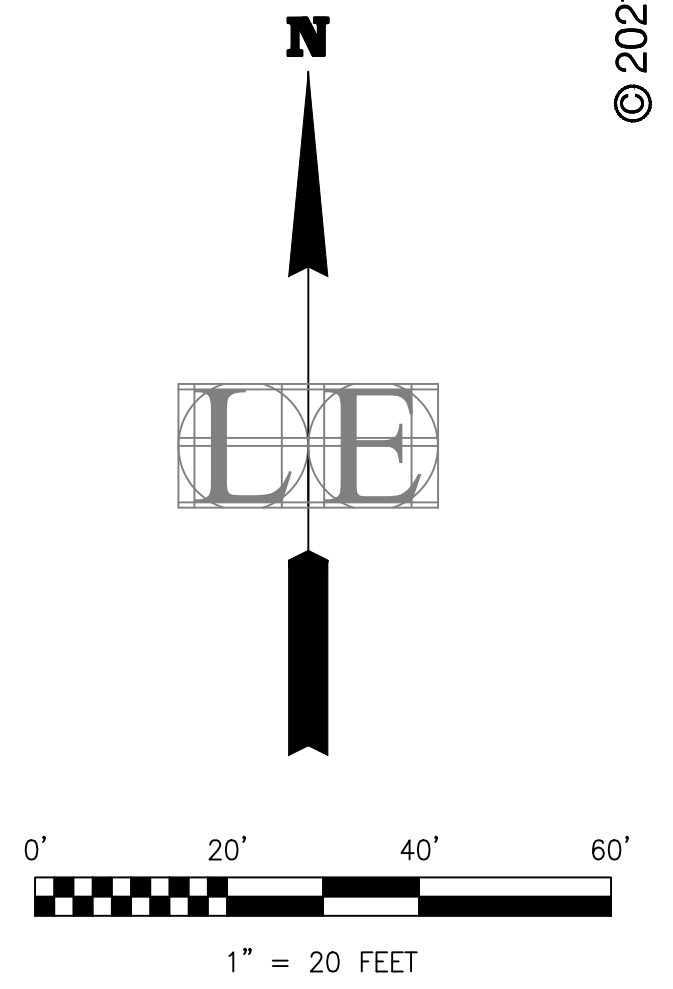
Client
LEARNING TREE
 183 PARKWAY DR
 HOWELL, MI 48843
 phone (248) 888-8837

LEARNING TREE PARKING EXPANSION
 PART OF PARCEL ID #4711-09-100-020
 GENOA TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN
 GRADING AND STORM WATER MANAGEMENT PLAN

DATE	REVISIONS
06/23/21	PER TWP REVIEW

Drawn: MA
 Checked: TJZ
 Approved: TJZ
 Date: 6/23/2021

Job No. **21167**
 Scale: _____
 Vertical: _____
 Horizontal: **1"=20 FEET**



STORM WATER MANAGEMENT NARRATIVE

THE PROJECT INCLUDES THE CONSTRUCTION OF A NEW PARKING AREA ADDITION TO THE LEARNING TREE FACILITY. SURFACE RUNOFF WILL SHEET FLOW TO THE NORTHEAST CORNER OF THE PROPOSED PARKING AREA AND SPILL OUT INTO A SMALL BASIN (SEDIMENT FOREBAY) BEFORE BEING RELEASED OVER A MINIMUM 24 HR PERIOD INTO THE EXISTING PARKWAY DRIVE DEVELOPMENT DETENTION BASIN. BASED ON RECORD DRAWINGS FOR PARKWAY DRIVE, THE EXISTING BASIN WAS CONSTRUCTED WITH CAPACITY FOR A COMPOSITE TRIBUTARY RUNOFF COEFFICIENT OF 0.43 FOR THE ENTIRE DEVELOPMENT. THE PROPOSED PROJECT AREA RUNOFF COEFFICIENT DOES NOT EXCEED THE MAXIMUM ALLOWABLE RUNOFF COEFFICIENT AND, THEREFORE, NO ADDITIONAL DETENTION VOLUME IS REQUIRED FOR THE PROJECT.

NOTE, THE PROJECT PROPOSES FILLS ALONG THE PERIMETER OF THE EXISTING DETENTION BASIN. TO MITIGATE THE STORAGE VOLUME DISPLACED BY THESE FILLS, A COMPENSATING CUT AREA HAS BEEN PROPOSED TO MAINTAIN THE OVERALL REQUIRED DETENTION VOLUME.

STORM WATER SEDIMENTATION FOREBAY CALCULATIONS Project: 21167 Learning Tree Parking Expansion Livingston Engineering Project No. 21167 Livingston County Drain Commission Method

Common Items and Assumptions:

- A. First Flush = $(0.5'/12) \times \text{area} \times \text{developed C}$
- B. Bankfull Flood = $8,160 \times \text{area} \times \text{developed C}$
- C. Detention Volume Equation

$$V = ((A_1 + A_2) / 2) \times H$$

where, A_1 = Area at top of storage elevation
 A_2 = Area at bottom of storage elevation
 H = Depth of analysis

Detention Pond Volumes:

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

- 1. Contributing Area = 0.22 Ac.
- 2. Developed Runoff Coefficient:

	Area (A), Ac.	Coefficient (C)	A x C
Rooftop / Asphalt Area	0.22	0.90	0.20
Gravel Area	0.00	0.70	0.00
Lawn/Landscaped Area	0.00	0.20	0.00
Totals:	0.22		0.20

Developed C = $0.20 / 0.22 = 0.9$

- 3. First Flush Volume:

$$V = (0.5'/12) \times 43,560 \times 0.90 \times 0.22 = 363 \text{ CF}$$

- B. Sedimentation Volume Proposed

	Elev.	Area(sf)	Vol (cf)	Acc. Vol (cf)
Elev ₁	989.0	136	368	368
Elev ₂	990.0	600	368	368
Total:				368 CF

Required Volume, V = 3362 cf
 Volume of Existing Detention = 38862 cf
 Maximum Coefficient Allowed for Development = 0.43
 Coefficient Proposed for Development = 0.43

STORM WATER DETENTION POND CALCULATIONS Project: 21167 Learning Tree Parking Expansion Livingston Engineering Project No. 21167 Livingston County Drain Commission Method

I. Common Items and Assumptions:

- A. First Flush = $(0.5'/12) \times 43,560 \times \text{area} \times \text{developed C}$
- B. Bankfull Flood = $8,160 \times \text{area} \times \text{developed C}$
- C. Detention Volume Equation

$$V = ((A_1 + A_2) / 2) \times H$$

where, A_1 = Area at top of storage elevation
 A_2 = Area at bottom of storage elevation
 H = Depth of analysis

II. Detention Pond Volumes:

- A. First Flush, Bankfull Flood and 100-year Storm Event
- 1. Contributing Area = 0.75 Ac.
- 2. Developed Runoff Coefficient:

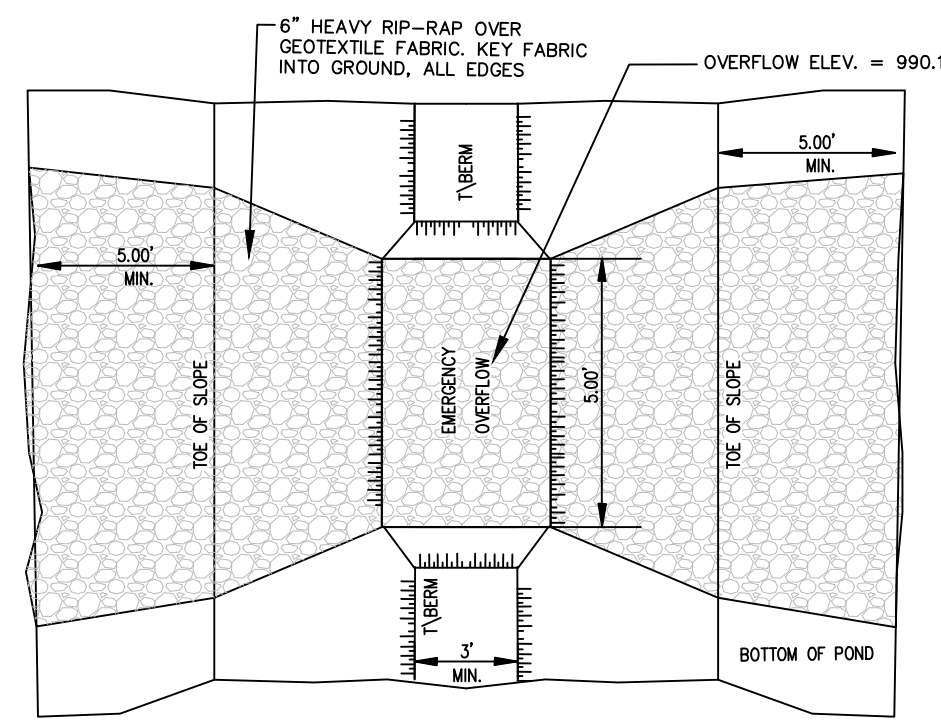
	Area (A), Ac.	Coefficient (C)	A x C
Rooftop / Asphalt Area	0.25	0.90	0.22
Gravel Area	0.00	0.70	0.00
Lawn/Landscaped Area	0.50	0.20	0.10
Totals:	0.75		0.32

Developed C = $0.32 / 0.75 = 0.43$

Required Detention Volume Livingston County Drain Commissioner's Office Detention Methodology Project: Learning Tree Parking Expansion LE Job No. = 21167

Area, A = 0.75 Ac.
 C = 0.43 Ave. Runoff Coefficient
 K = 0.3234674
 Allowable Q = 0.15 cfs (0.2 cfs per acre)

DURATION MINUTES	DURATION SECONDS	INTENSITY (IN/HR)	INCHES	INFLOW VOLUME IN. RUNOFF x A x C	OUTFLOW DURATION x Q	STORAGE VOLUME INFLOW - OUTFLOW
5	300	9.17	2751	890	45.13498623	845
10	600	7.86	4716	1525	90.26997245	1435
15	900	6.88	6192	2003	135.4049587	1868
20	1200	6.11	7332	2372	180.5399449	2191
30	1800	5.00	9000	2911	270.8099174	2640
60	3600	3.24	11664	3773	541.6198347	3231
90	5400	2.39	12906	4175	812.4297521	3362
120	7200	1.90	13680	4425	1083.239669	3342
180	10800	1.34	14472	4681	1624.859504	3056

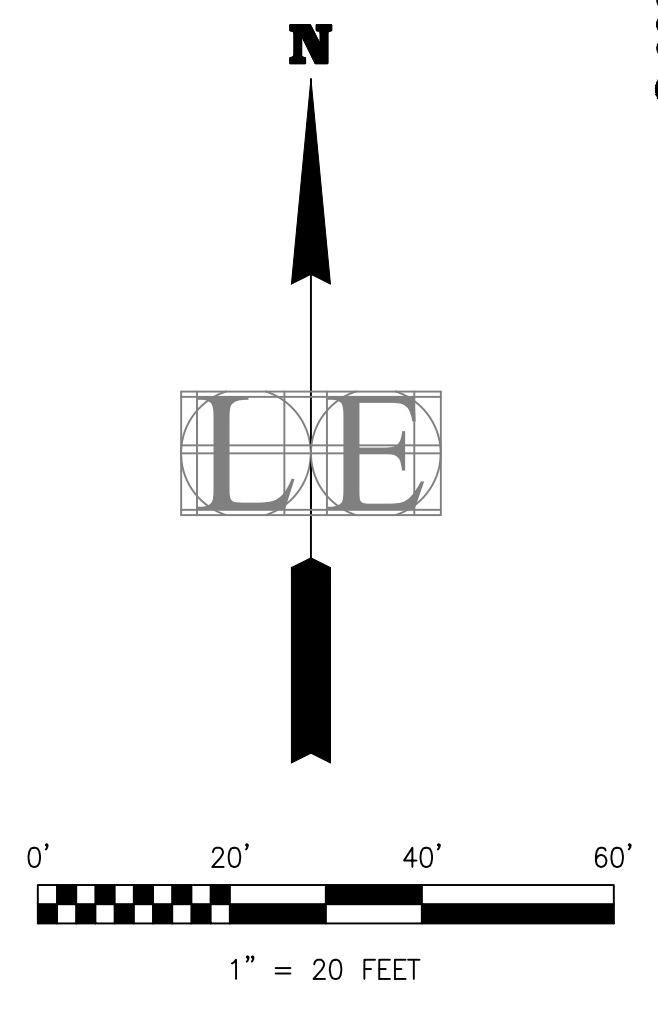
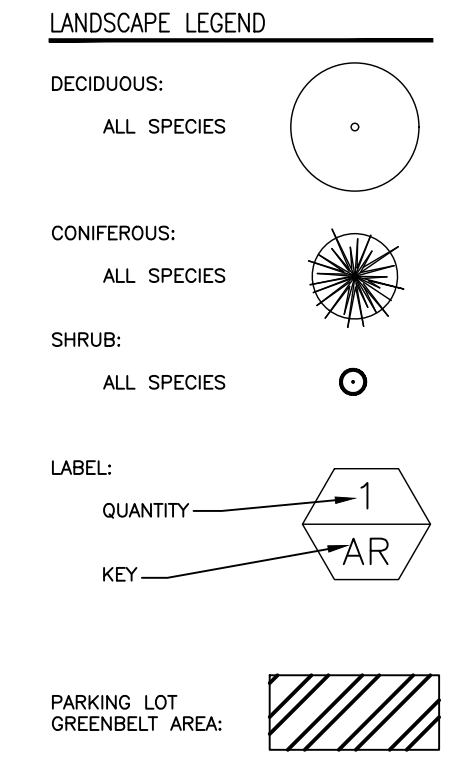
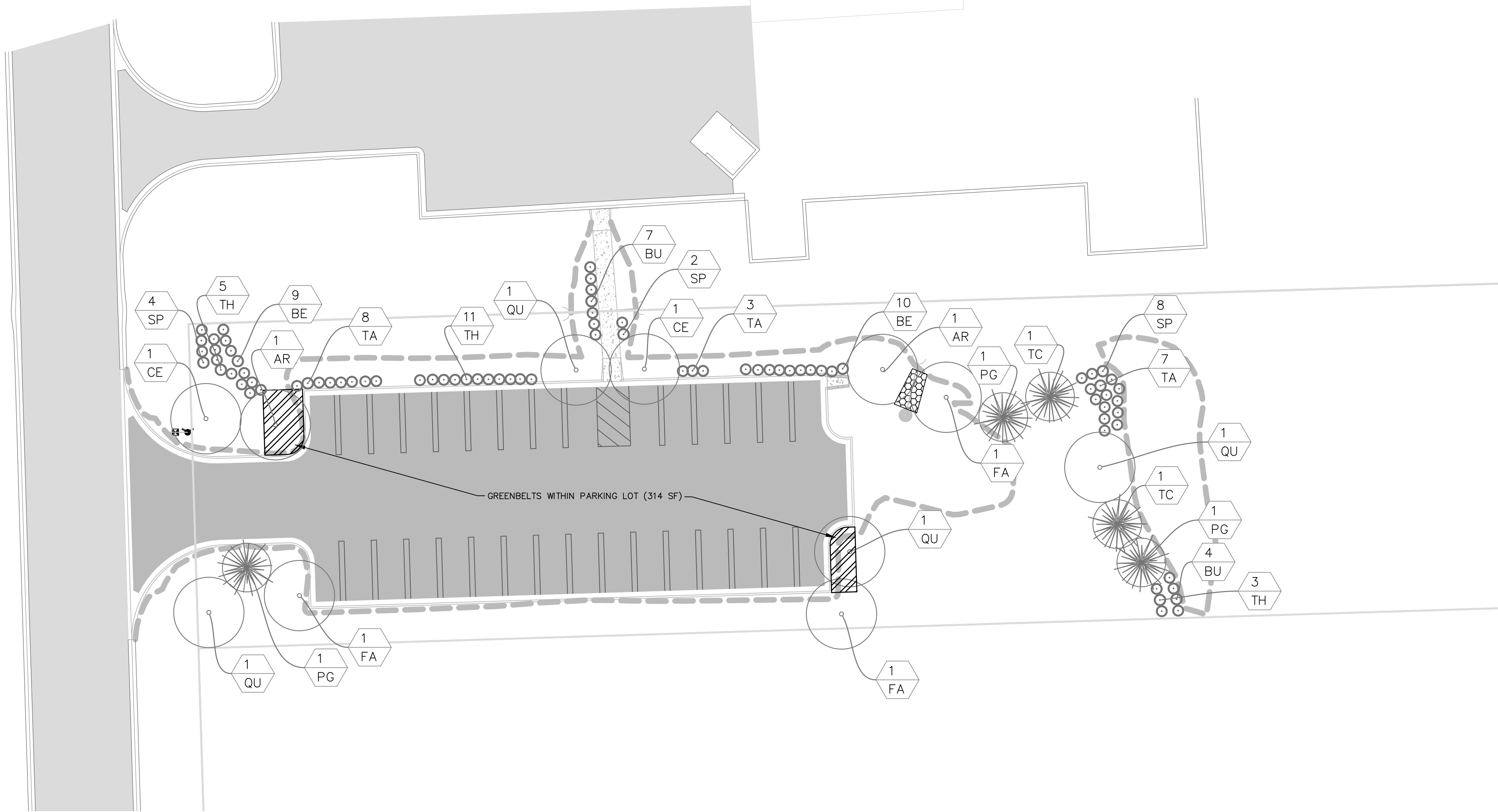


EMERGENCY SPILLWAY DETAIL
 NOT TO SCALE

SPOT GRADE ABBREVIATIONS LIST

- TP = TOP OF PAVEMENT
- TW = TOP OF WALK
- EM = EDGE OF METAL
- BC = BACK OF CURB
- M = MATCH EXISTING GRADE
- EX = EXISTING GRADE

LANDSCAPING PLAN



Planting List

Key	Qty	Genus	Common Name	Size		
				Caliper	Height	Root
AR	2	Acer rubrum	Red Maple	2.5"		B & B
CE	2	Celtis occidentalis	Common Hackberry	2.5"		B & B
FA	3	Fagus grandifolia	American Beech	2.5"		B & B
QU	4	Quercus Alba	White Oak	2.5"		B & B

Key	Qty	Genus	Common Name	Size		
				Caliper	Height	Root
TC	2	Tsuga Canadensis	Eastern Hemlock		6'	B & B
PG	3	Picea glauca	Norway Spruce		6'	B & B

Key	Qty	Genus	Common Name	Size		
				Caliper	Height	Root
TA	18	Taxus x media 'Densiflora'	Dense Yew		24"	B & B
TH	19	Thuja occidentalis 'Techny'	Techny Arborvitae		24"	B & B

Key	Qty	Genus	Common Name	Size		
				Caliper	Height	Root
BE	19	Berberis thunbergii 'Aurea'	Admiration Japanese Barberry		18"	B & B
BU	11	Buxus 'Green Velvet'	Green Velvet Boxwood		18"	B & B
SP	14	Rosa 'Carefree Beauty'	Carefree Beauty Rose		18"	B & B

LANDSCAPING NOTES:

- The contractor(s) shall verify the location of all underground utilities prior to construction.
- All plant beds are to be spade edged and to be mulched with shredded bark.
- Plants shall conform to the sizes as shown on the drawings and shall be of sound health. All measurements such as spread, ball size, height, caliper and quality designations shall be in conformance to the latest edition of the American Standards for Nursery Stock.
- All evergreen tree species are to be full, dense plants branched fully to the ground.
- Prune all dead and broken branches from all plants immediately after installation.
- Planting soil mixture shall be prepared on-site by mixing 3 parts topsoil to 1 part existing site soils to 1 part peat, adding 5 lbs. of superphosphate to each cubic yard of the mixture.
- Organic mulch requirements: shade trees, ornamental trees and evergreen trees - 6" of shredded bark; shrubs and shrub beds - 4" of shredded bark; ground cover beds and perennial flowers - mulch with 1" of peat.

Genoa Township Zoning Ordinances

Greenbelt Standards

- Greenbelts along the road right of way shall meet the following requirements:
 - a. 20 foot wide greenbelt provided along the road right of way excluding driveways, signs and utilities
 - b. One tree per 40 linear feet or fraction of street frontage.

Parking Lot Street Frontage: 61 LF

Trees Required: 61 / 40 = 1.53

50% Evergreen = 1 Evergreen Trees
1 Deciduous Trees

Provided: 1 Evergreen Trees
1 Deciduous Trees
- Greenbelts within parking lots shall meet the following requirements:
 - a. An amount equal to 100 sf and one Canopy tree per ten spaces

Parking Spaces: 31 spaces

Area Required: 31 x 10 = 310 sf

Provided: 314 sf

Trees Required: 31 / 10 = 3 trees

Provided: 4 trees
- Greenbelts around the perimeter of detention or retention ponds shall meet the following requirements:
 - b. One canopy or evergreen tree and ten shrubs shall be planted for every 50 linear feet of pond perimeter

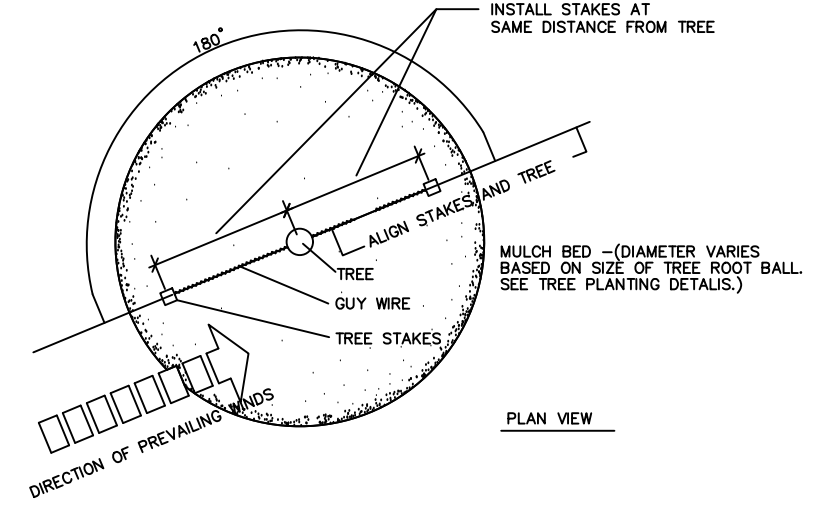
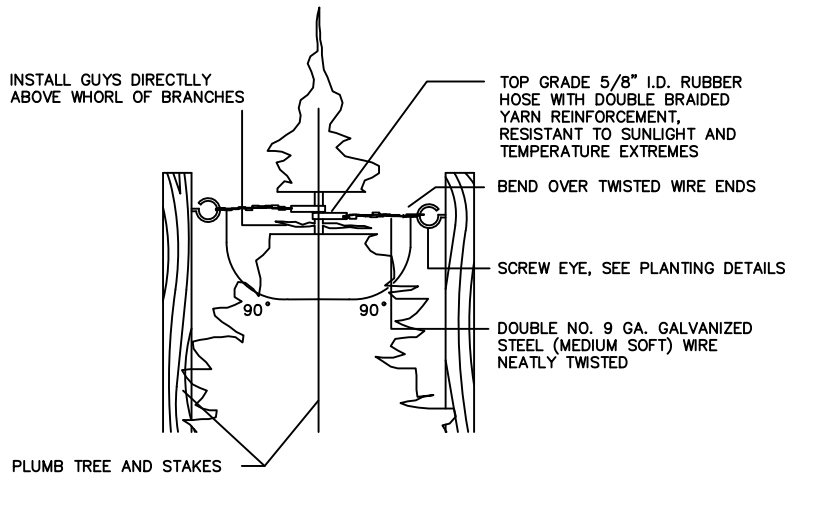
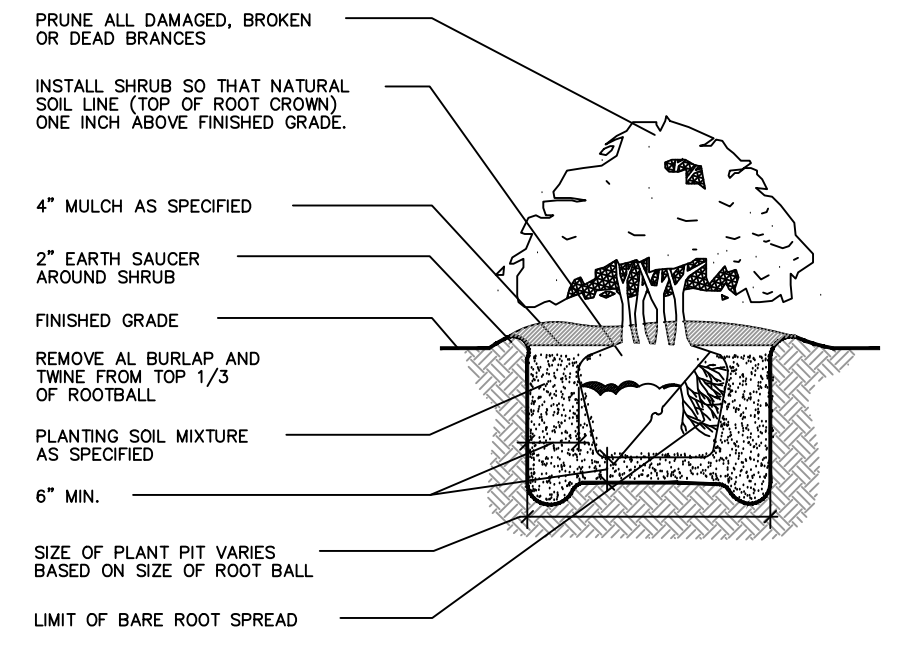
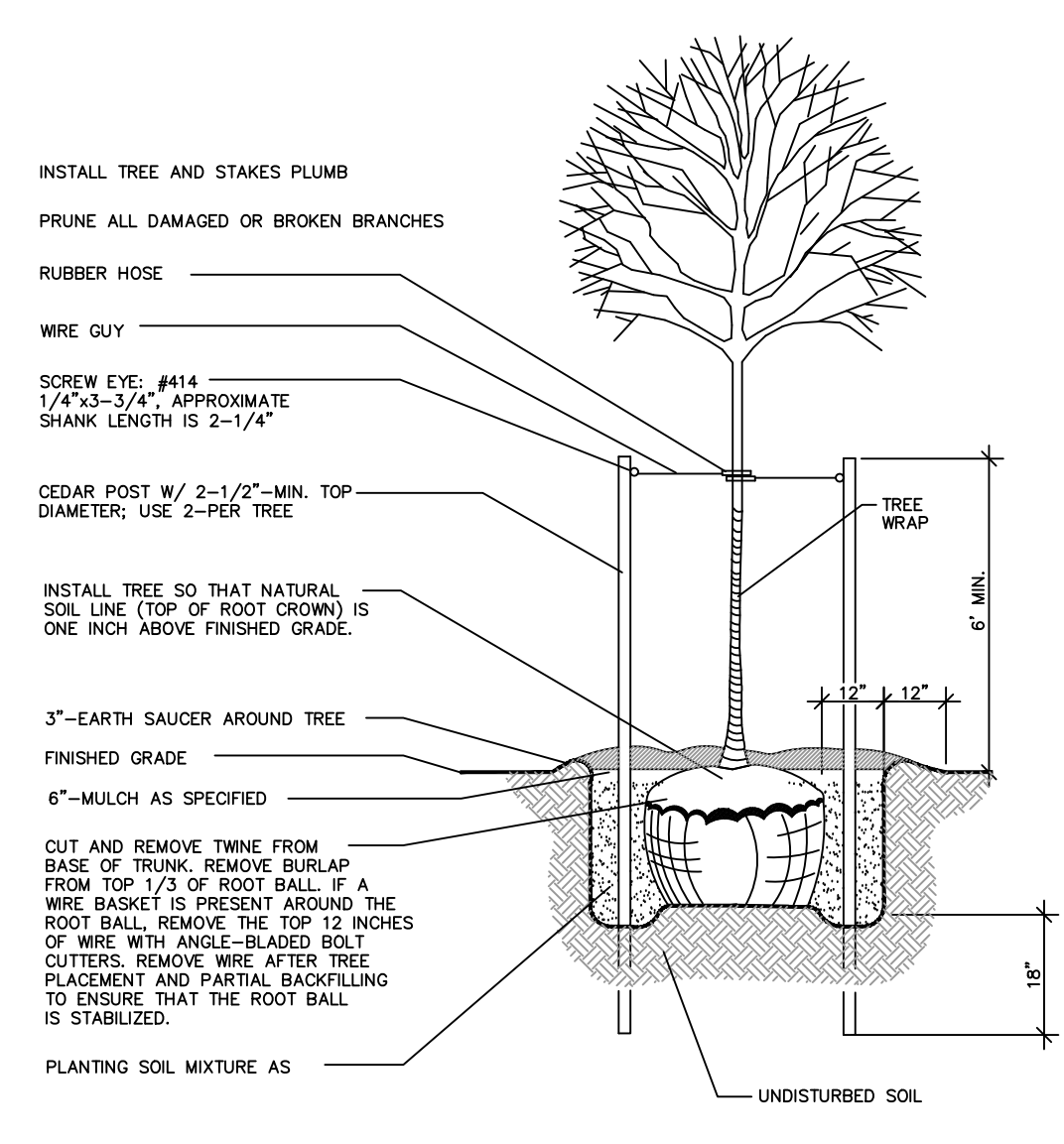
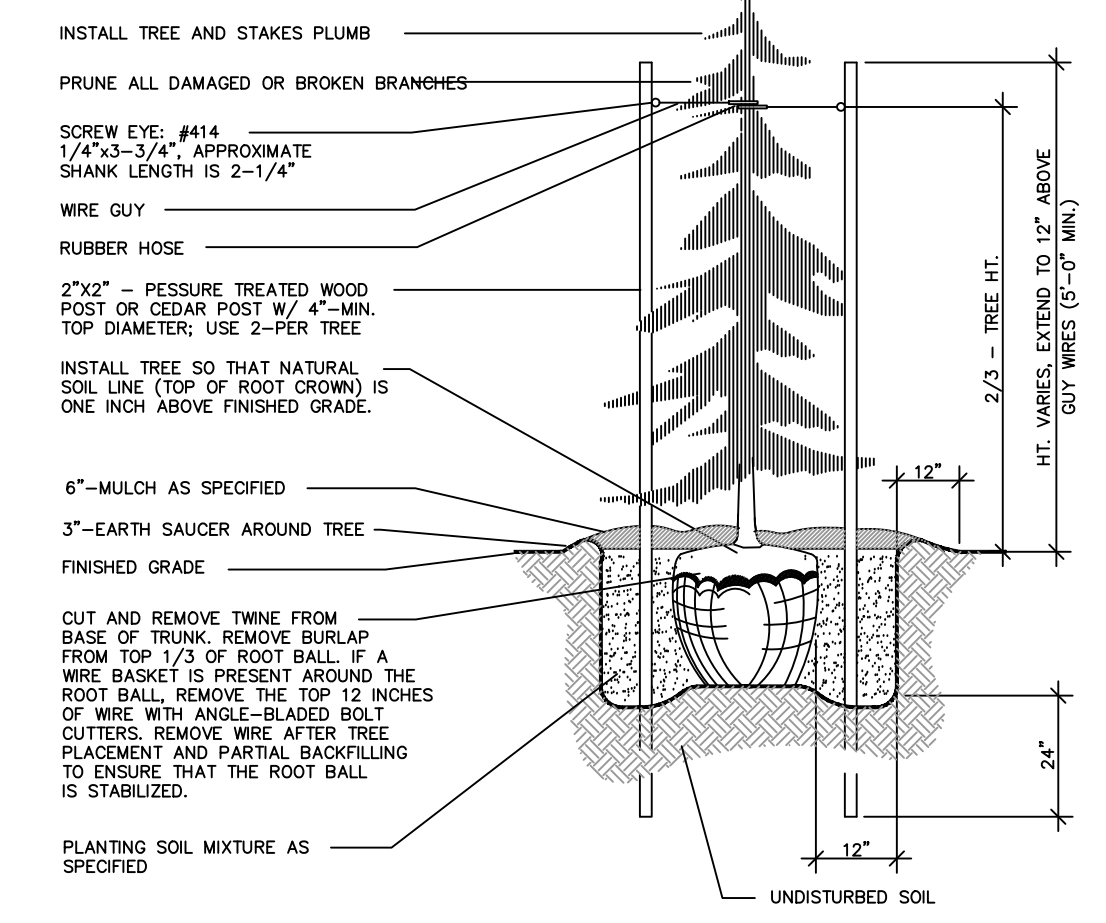
Detention Pond Perimeter: 404 LF

Trees Required: 404 / 50 = 8.1 canopy or evergreen trees

Provided: 4 Evergreen Trees
5 Deciduous Trees

Shrubs Required: 8.1 x 10 = 81 shrubs

Provided: 81 shrubs



FILE: C:\Users\josh\Desktop (Living)\Projects\2021\21167 Learning Tree Parkway DA\03 DWGS\Prelim Site Plan\21167_05 LANDSCAPE.dwg

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

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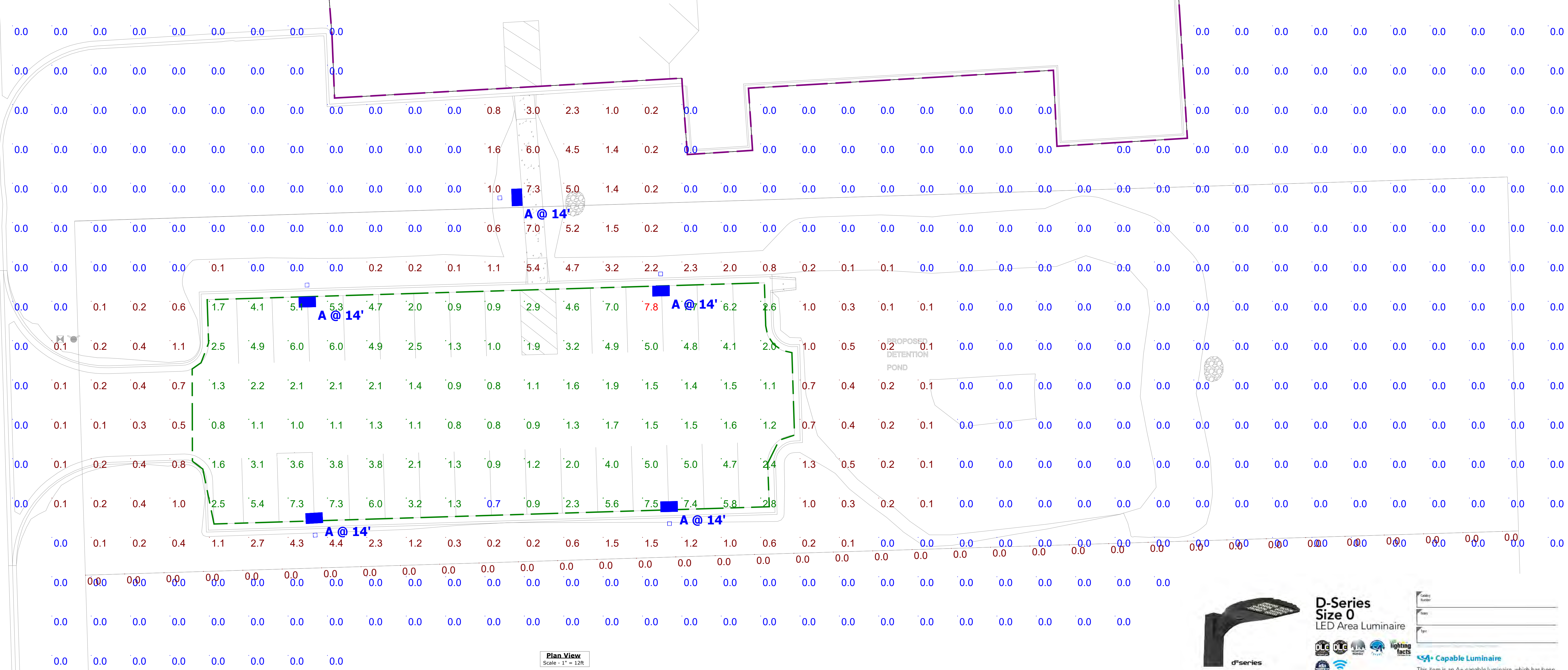
Client: **LEARNING TREE**
183 PARKWAY DR
HOWELL, MI 48843
phone (248) 988-8837

LEARNING TREE PARKING EXPANSION
PART OF PARCEL ID #4711-09-100-020
GENOA TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN
LANDSCAPING PLAN

DATE	06/23/21
REVISIONS	
PER TWP REVIEW	
Drawn: MA	
Checked: TJZ	
Approved: TJZ	
Date: 6/23/2021	

Job: 21167
Scale:
Vertical: 1"=20 FEET
Horizontal:

5



Plan View
 Scale - 1" = 12ft

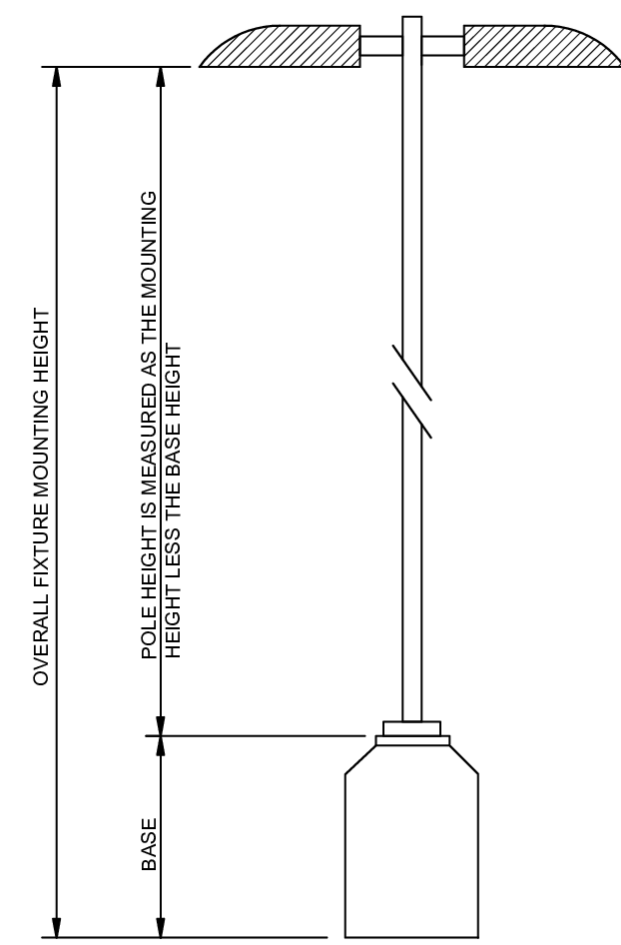
General Note

1. SEE SCHEDULE FOR LUMINAIRE MOUNTING HEIGHT.
2. SEE LUMINAIRE SCHEDULE FOR LIGHT LOSS FACTOR.
3. CALCULATIONS ARE SHOWN IN FOOTCANDLES AT: GRADE

THE ENGINEER AND/OR ARCHITECT MUST DETERMINE APPLICABILITY OF THE LAYOUT TO EXISTING / FUTURE FIELD CONDITIONS. THIS LIGHTING LAYOUT REPRESENTS ILLUMINATION LEVELS CALCULATED FROM LABORATORY DATA TAKEN UNDER CONTROLLED CONDITIONS IN ACCORDANCE WITH ILLUMINATING ENGINEERING SOCIETY APPROVED METHODS. ACTUAL PERFORMANCE OF ANY MANUFACTURER'S LUMINAIRE MAY VARY DUE TO VARIATION IN ELECTRICAL VOLTAGE, TOLERANCE IN LAMPS, AND OTHER VARIABLE FIELD CONDITIONS. MOUNTING HEIGHTS INDICATED ARE FROM GRADE AND/OR FLOOR UP.

THESE LIGHTING CALCULATIONS ARE NOT A SUBSTITUTE FOR INDEPENDENT ENGINEERING ANALYSIS OF LIGHTING SYSTEM SUITABILITY AND SAFETY. THE ENGINEER AND/OR ARCHITECT IS RESPONSIBLE TO REVIEW FOR MICHIGAN ENERGY CODE AND LIGHTING QUALITY COMPLIANCE.

UNLESS EXEMPT, PROJECT MUST COMPLY WITH LIGHTING CONTROLS REQUIRMENTS DEFINED IN ASHRAE 90.1 2013. FOR SPECIFIC INFORMATION CONTACT GBA CONTROLS GROUP AT ASG@GASSERBUSH.COM OR 734-266-6705



Statistics							
Description	Symbol	Avg	Max	Min	Max/Min	Avg/Min	Avg/Max
Grade	+	0.6 fc	7.8 fc	0.0 fc	N/A	N/A	0.1:1
Parking	X	3.0 fc	7.8 fc	0.7 fc	11.1:1	4.3:1	0.4:1
South Property Line	+	0.0 fc	0.0 fc	0.0 fc	N/A	N/A	N/A

Drawing Note

THIS DRAWING WAS GENERATED FROM AN ELECTRONIC IMAGE FOR ESTIMATION PURPOSE ONLY. LAYOUT TO BE VERIFIED IN FIELD BY OTHERS.



Schedule											
Symbol	Label	QTY	Manufacturer	Catalog Number	Description	Lamp	Number Lamps	Filename	Lumens per Lamp	LLF	Wattage
□	A	5	Lithonia Lighting	DSX0 LED P4 40K BLC MVOLT	DSX0 LED P4 40K BLC MVOLT	LED	1	DSX0_LED_P4_40K_BLC_MVOLT.lis	8656	0.9	92

Specifications
 EPA: 0.95 ft
 Length: 26" (660mm)
 Width: 13" (330mm)
 Height: 7" (178mm)
 Weight (max): 16 lbs (7.3kg)

Ordering Information
 EXAMPLE: DSX0 LED P6 40K T3M MVOLT SPA DDBXD

Series	LEDs	Color Temperature	Beam Spread	Mounting	Shipping	Accessories
DSX0 LED	Forward optics		T5 30K 3000K	T55 Spot beam	T55 Spot beam	MVOLT*
	P1 P4 P7	40K 4000K	T25 Spot beam	T5M Spot beam	120"	SPA
	P2 P5	50K 5000K	T3M Spot beam	T5W Spot beam	208"	RPA
Retro optics	P3 P6	AMBIC Amber phosphor convert	T35 Spot beam	BLC Backlight corner	240"	WBA Wall bracket
	P1P P2P		T3M Spot beam	ICD Soft corner cast	277"	SNRBA
	P1P P2P		T3M Spot beam	ICD Soft corner cast	347"	RNDBA
P1P P2P			T3M Spot beam	ICD Soft corner cast	409"	
			T5W Spot beam			

The call to the public was closed at 6:43 pm.

Moved by Commissioner Dhaenens, seconded by Commissioner McCreary, to postpone Public Hearing #1 for the Prophet Elijah Retreat Center located at Our Lady of the Fields Camp located at 1391 Kellogg until a special meeting scheduled for June 2, 2021 at 7:00 pm. **The motion carried unanimously.**

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

Ms. VanMarter reviewed the proposed changes to Article 11 of the Zoning Ordinance. They were as follows:

- Fireplaces and chimneys under 8 feet wide would be able to project into the side yard setbacks if they are 10 feet or less.
- Flagpole heights are allowed to be 60 feet in height.
- Construction trailers can be on site for 12 months and must be removed 15 days after a land use permit expires
- "Non construction related temporary buildings and structures" will be treated as accessory structures, such as tents or tarp structures.
- Changes were made for open storage, parking and repair of vehicles, particularly boats, trailers, tractors, recreational vehicles, and commercial vehicles. This would require a building to be present on the lot, the vehicle to be registered, the number of vehicles allowed, it must be on a paved or gravel surface, not allow hazardous materials to be stored, etc.
 - Commissioners discussed the proposed restrictions for allowing short term grass/lawn parking for special events and feel they may be too lenient.
 - There was a discussion regarding allowing only one recreational vehicle, boat or trailer in the front yard of a waterfront lot. Ms. VanMarter noted that the current ordinance does not allow anything to be parked in the waterfront.
 - Another discussion focused on limiting the number of vehicles allowed in non-waterfront residential properties.
- The Wireless Communication Systems section added a definition for "small cell wireless equipment". It is also being proposed to allow cell towers up to 120 feet tall on sites over 40 acres in the AG district, with justification that colocation is not a viable option elsewhere in the Township.
- There has been a complete reformat of the Accessory Buildings and Structures section. Ms. VanMarter has included almost any type of accessory structure that would be put in a residential yard and put specifications in place for them, such as setbacks, permit requirements, etc.
 - Requirements for breezeways have been defined and limited to 20 feet in length.
 - Specifications for detached accessory structures have been amended, including the setback, height, size, number of structures allowed, etc.
 - The definition for both stand-alone and attached decks, balconies, porches, gazebos/pergolas, and similar structures have been revised. Changes have also been made to and the specifications for these items regarding the setbacks and the extensions into the setbacks.

- Swimming pools, spas, hot tubs, and similar structures are being addressed with regard to where they are able to be located on a property; ie they are not allowed in the front yard or the required shoreline setback in a waterfront yard.
- Fences are currently limited to four feet high so Staff is proposing to allow for six-foot high fences. There is other language regarding the type of fence material, how it should be placed, and shall be maintained in good condition.
 - There was a discussion regarding where the fence would be required to be located relative to the property line.
- The Waterfront Accessory Structures section has proposed changes that reference the other changes made earlier in this ordinance section. Also, the following items and their definitions and specifications have been added to this section:
 - Gardens, landscaping, bird feeders, fire pits, water fountains, benches, arbors, trellises, Ground Level Unenclosed Projections (G.L.U.P.'s), steps, stairways, stoops, flagpoles, retaining walls, and play structures.
 - Commissioners discussed decreasing the height limitations for these types of items. Commissioner Rauch suggested including ADA ramps so they cannot be confused with decks.
 - Commissioner Rauch noted the dimensional standard limitation regarding retaining walls in this section could cause issues with civil engineering because retaining walls would be dependent on the topography of the site. Commissioner Rickard provided engineering information on the slope, height, and drainage requirements.
 - There was a discussion regarding the height restriction and location of play structures.
- A new section entitled "Solar Energy Collectors and Commercial Solar Energy Systems" has been added.

Ms. VanMarter will make the necessary changes based on discussions this evening and return to the Planning Commission for review.

The call to the public was made at 8:44 pm with no response.

Moved by Commissioner Mortensen, seconded by Commissioner Rickard, to postpone the review of Zoning Ordinance Text amendments to Article 11 "General Provisions" and Article 25 "Definitions" of the Zoning Ordinance until the June 14, 2021 Planning Commission meeting. **The motion carried unanimously.**

ADMINISTRATIVE BUSINESS

Staff Report

Ms. VanMarter reiterated there will be a special meeting on June 2 and then the regular meeting on June 14.

Approval of the March 8, 2021 Planning Commission meeting minutes

Needed changes were noted.

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

**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

11.01.04 — Architectural Projections into Yards: Except as otherwise provided, all projections shall comply with the setback requirements as provided for principal 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, Certain architectural features may project into the required yards as follows: noted in the table below:

PERMITTED ARCHITECTURAL PROJECTIONS INTO REQUIRED YARDS*

Projection	Front Yard	Rear/ Water front Yard	Interior Side/Waterfr ont Yard	Corner-Side Yard	
				Side Yard 10' or less in LRR	Side Yard
Air-conditioning equipment shelters Fireplaces and chimneys under 8' wide	-3 ft.	5 ft.	32 ft.	2 ft.	3 ft.
Arbors and trellises		Permitted up to 4 feet from any lot line			
Awnings and canopies	3 ft.	5 ft.	32 ft.	2 ft.	3 ft.
Bay and bow windows	3 ft.	5 ft.	32 ft.	2 ft.	3 ft.
Decks, open or enclosed*		See Section 11.04.02			
Eaves and cornices, overhanging	3 ft.	53 ft.	3 ft.	2 ft.	3 ft.
Fences and walls*		See Section 11.04.04			
Flagpoles		Permitted up to 4 feet from any lot line			
Gardens and landscaping		Permitted in all yards			
Gutters	3 ft.	53 ft.	3 ft.	2 ft.	3 ft.
Laundry drying equipment		—	5 ft.	3 ft.	—
Light standard, ornamental			Permitted in any yard		
Mechanical equipment such as HVAC and generators	--	5 ft.	2 ft.	2 ft.	3 ft.
Paved terraces		Permitted up to 4 feet from any lot line			
Unroofed porches and stoops*	3 ft.	5 ft.	3 ft. --	2 ft.	3 ft.
ADA Ramps			Permitted in any yard		
Approved signs*		See Article 16			
Stairways, open unroofed		3 ft.	5 ft.	3 ft.	3 ft.
Steps		3 ft.	5 ft.	3 ft.	3 ft.
Television or radio towers or antennas*		—	5 ft.	3 ft.	3 ft.
Window air conditioning units		3 ft.	5 ft.	3 ft.	3 ft.

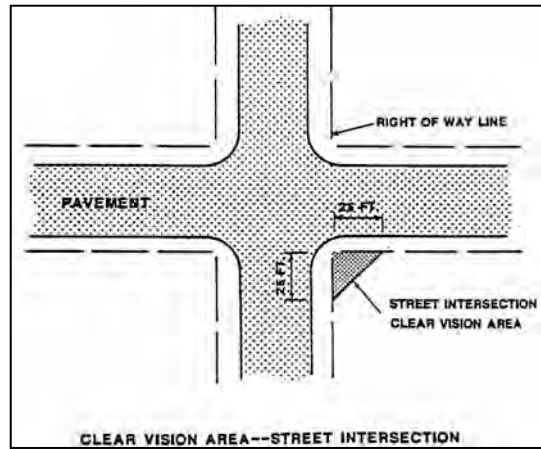
* See additional regulations in this ordinance.

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

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;~~ 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~~ sixty-six (36) inches above the lowest point of the intersecting road(s). The unobstructed triangular area is described as follows:

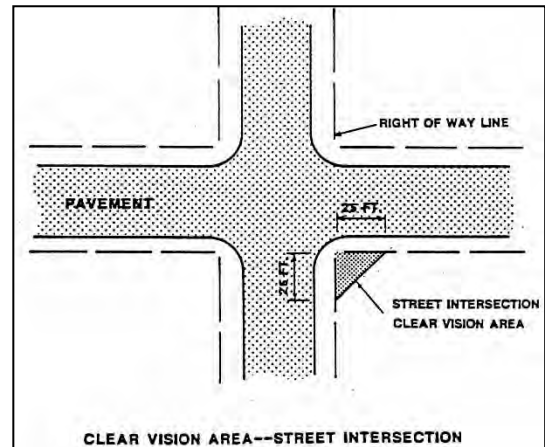
- (a) The area formed at the corner intersection of two road right of way or easement lines, the two (2) sides of the triangular area being ~~twenty five~~twenty-five (25) feet in length measured along abutting public right of way lines, and third side being a line connecting these two sides, or
- (b) 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 not 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:

- (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 as follows:

<u>Lot Area</u>	<u>Maximum number of boats, tractors, trailers, recreation vehicles twenty-four (24') or less in length</u>	<u>Maximum number of boats, tractors, trailers, recreation vehicles over twenty-four (24) feet in length</u>
<u>One (1) Acre or less</u>	<u>2</u>	<u>1</u>
<u>More than one (1) acre but less than five (5) acres</u>	<u>3</u>	<u>2</u>
<u>Five (5) acres or more</u>	<u>4</u>	<u>3</u>

~~(b)~~

(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 non-motorized boats under eighteen (18) feet in length, boating supplies and docking equipment. Two (2) Recreational vehicles recreational vehicles, boats or trailers 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 and the minimum parking requirements for the use are maintained.

~~(d)~~ (d) 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 five (5) 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~~ 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, recreational 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 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.

GENOA TOWNSHIP ZONING ORDINANCE

Type/Location of Wireless Communication Facility	Districts Permitted	Approval Procedure
1. Attached to existing structures:		
- 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
2. Located on a municipally owned site:		
-Monopole up to 150 feet in height ¹	All districts	Special Land Use and Site Plan approval by the Township Board in accordance with Article 19.
3. Located on a site owned by another governmental entity, religious institution, or public school		
-Monopole up to 100 feet in height ¹	All districts	Special Land Use and Site Plan approval by the Township Board in accordance with Article 19.
4. New facility not addressed above:		
- Monopole up to 120 feet tall ¹	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 agricultural or 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 agricultural (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. 11.02.09 Medical Marihuana/Recreational Marihuana

- (a) Purpose and intent.** The regulations of this Section are intended to conform with Michigan's Medical Marihuana Act ("MMMA"), MCL 333.26421, et seq. and Michigan Supreme Court ruling in *DeRuiter v Byron Township*, 505 Mich. 130 (2020)

and the Court of Appeals ruling in Charter Township of Ypsilanti v Pontius (948 NW2d 552. (SC: 158816). It is the Township’s intent to curtail problems associated with insufficient or improper electrical supplies, problems with ventilation leading to mold, offensive odors, other health hazards and/or other hazards that are associated with the cultivation, growth, harvest, and storage of marihuana in structures, particularly in commercial and residential settings.

This article is intended to permit those persons in need of marihuana for medicinal purposes as allowed under the MMMA, to be afforded a reasonable opportunity to be treated, and for those persons who are permitted to furnish medical marihuana, to furnish it within the limitations of the MMA and Michigan Zoning Enabling Act, MCL 125.3101, et seq. (“MZEA”), and the geographical restrictions imposed by the Zoning Ordinance in order to protect the public health, safety, and welfare.

This article is also intended to recognize the rights of individuals 21 years of age and older to use, possess, store, consume, process or cultivate, grow, harvest, and store marihuana (referred to collectively as the “use of recreational marihuana”) in their residence in accordance with the as provided in the Michigan Regulation and Taxation of Marihuana Act (MRTMA), MCL 333.27952, et seq., as amended

This article is further intended to protect and preserve the public health, safety, and welfare of the Township, the quality of life and stability of property values, including, but not limited to, the value of residential, commercial and industrial districts.

Therefore, this Article is intended to prohibit a caregiver’s cultivation, growth, harvest, and storage of marihuana in residential and commercial districts in order to protect and preserve peace, order, property and safety of persons as a result of issues associated with the growth of marihuana in residential and commercial districts including problems with insufficient or improper electrical supply, problems with ventilation leading to mold, offensive odors, or other health hazards and other hazards which are associated with the cultivation, growth, harvest, and storage of marihuana in residential and commercial settings and which is otherwise often difficult to detect and regulate. The MZEA provides the Township with statutory authority to impose zoning limitations as set forth in this Article.

(b) Definitions. The following words, terms and phrases, when used in this subsection, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning

(1) MMMA. The Michigan Medical Marihuana Act, MCL 333.26421 et seq. currently, or as amended. (“Act or “MMMA”)

(2) Registered Primary Caregiver. A person meeting the definition of caregiver under the MMMA and who has been issued and possesses a registry identification card and possesses the documentation that constitutes a valid registry under the MMMA.

(3) Marihuana. Marihuana means that term as defined in Section 7106 of the Public Health Code, 1978 PA 368, MCL 333.7106.

- (4) Medical Use. Medical use means the acquisition, possession, cultivation, manufacture, use, internal possession, delivery, transportation of marihuana, or paraphernalia relating to the administration of marihuana to treat or alleviate a registered qualifying patient's debilitating medical condition, or symptoms associated with the debilitating medical condition, as further defined under the MMMA.
- (5) Registered Qualifying Patient. A person meeting the definition under state law and who has been issued and possesses a registry identification card which is valid under the MMMA, as amended.
- (6) Enclosed Locked Facility. An enclosed locked facility means a closet, room, or other comparable stationary and fully enclosed area equipped with secure locks or other functioning security devices that permit access only by a registered primary care giver, or registered qualifying patient. Marihuana plants grown outdoors, are considered to be in an enclosed, locked facility if they are not visible to the unaided eye from an adjacent property when viewed by an individual at ground level, or from a permanent structure and are grown within a stationary structure that is enclosed on all sides, except for the base, by chain-link fencing, wooden slats, or a similar material that prevents access by the general public and that it is anchored, attached, or affixed to the ground; located on land that is owned, leased, or rented by either the registered qualifying patient, or a person designated through the department registration process, as the primary giver, for the registered qualifying patient, or patients for whom the marihuana plants are grown; and equipped with functioning locks or other security devices that restrict access only to the registered qualifying patient, or the registered primary caregiver, who owns, leases, or rents the property on which the structure is located. Enclosed, locked facility includes a motor vehicle if both of the following conditions are met:
- a. The vehicle is being used temporarily to transport living marihuana plants from one location to another with the intent to permanently retain those plants at the second location.
 - b. An individual is not inside the vehicle unless he or she is either the registered qualifying patient to whom the living marihuana plants belong, or the individual designated through the Department of Registration process as the primary caregiver for the registered qualifying patient.
- (7) Transfer. To convey, sell, give, deliver, or allow the possession by another person or entity
- (8) MRTMA. The Michigan Regulation and Taxation of Marihuana Act Initiated Law 1 of 2018, MCL 333.27952 et. seq currently, or as amended. ("MRTMA")
- (9) Other provisions and terms. The other provisions and terms of the MMMA and MRTMA for purposes of deferential context are incorporated by reference as though more fully restated herein.

(c) Requirements.

- (1) Medical marihuana for registered qualifying patients or any individual over the age of twenty-one (21). Registered qualifying patients, or visiting qualified patients and individuals over the age of twenty-one years old, may use, possess, and store medical marihuana as provided in the MMMA, MCL 333.26421 et seq as amended, and marihuana as provided in the MRTMA, MCL 333.27952 et. seq as amended, and as further regulated herein.
 - a. May use, possess and store marihuana in their principal residence within the Township for personal use only, and shall comply at all times and in all circumstances with the Act, MRTMA and the General Rules of the Michigan Community Health or the Michigan Department of Licensing and Regulatory Affairs, as they may be amended from time to time.
 - b. May only cultivate, grow, harvest, and store marihuana for him or herself in compliance with the MMMA and the MRTMA, on a residentially zoned parcel or otherwise authorized for residential use in an enclosed locked facility, inaccessible on all sides and equipped with locks or other security devices that permit access only by the registered qualifying patient and individuals twenty-one years or older, provided that no more than twelve (12) marihuana plants are possessed, cultivated, stored or processed on the premises at once.
 - c. There shall be no visible change to the outside appearance of the property or other visible evidence of the conduct of marihuana cultivation, growth, harvest, and storage on the property. This shall include ventilation and mechanical equipment associated with marihuana cultivation, growth, harvest, and storage.
 - d. No equipment or process shall be used in growing, processing, or handling marihuana which creates noise, vibration, glare, light, fumes, odors or electrical interference detectable to the normal senses at or beyond the property line of the property. In case of electrical interference, no equipment or process shall be used which creates visual or audible interference with any radio, television, broadband, or similar receiver off the premises or causes fluctuation in line voltage off the premises.
 - e. All necessary building, electrical, plumbing, and mechanical permits shall be obtained for any alterations of any portion of the structure in support of or in association with the cultivation, growth, harvest, and storage of marihuana.
 - f. To ensure compliance with all applicable requirements and laws, the portion of the building or structure, such as a grow room, where energy use and mechanical requirements exceed typical residential limits and where the storage of any chemicals such as herbicides, pesticides, and fertilizers are located, shall be subject to inspection

and approval by the Township, the Fire Authority, law enforcement and/or the Livingston County Building Department.

- g. The separation of plant resin from a marihuana plant by butane extraction or any other method that utilizes a substance with a flashpoint below 100 degrees Fahrenheit in any public place, a motor vehicle, inside a residential structure or the curtilage of a residential structure is prohibited.
- h. If a room with windows is utilized as a marihuana-cultivation or grow location, any lighting methods that exceed usual residential use between the hours of 11:00 p.m. and 6:00 a.m. shall employ shielding methods, without alteration to the exterior of the residence or dwelling unit, to prevent ambient light spillage that causes or creates a distraction or nuisance to adjacent residential properties.
- i. If the registered patient, or individual twenty-one years or older, is not the owner of the premises, then written consent must be obtained from the property owner to ensure the owner's knowledge of the use of the premises as permitted by this section, and the registered patient and individual twenty-one years or older shall maintain written proof that the use of the property under this section is approved by the property owner. The premises in this subparagraph shall be the principal residence of the registered qualifying patient or individual 21 years or older.
- j. No person other than the registered patient or individual twenty-one years or older shall be engaged or involved in the growing, processing, handling of marihuana.
- k. Use of the registered patient's residential dwelling unit for medical marihuana or an individual twenty-one years or older for recreational marihuana related purposes, shall be clearly incidental and subordinate to its use for residential purposes. Not more than one hundred (100) square feet of any residential dwelling unit and/or accessory structure on a residential lot, shall be used for the growing, processing, and handling of medical or recreational marihuana. Any modifications to the dwelling unit made for the purpose of cultivation, growing, harvesting, and storing medical or recreational marihuana shall comply with all applicable building, electrical, mechanical, and fire safety code requirements, including all requisite permit applications and related inspections. No part of an accessory building, detached garage, pole barn, or similar building or structure shall be used for the growing, processing, or distribution of medical or recreational marihuana unless such building or structure has been inspected and approved for the building, electrical, mechanical, and fire safety requirements of such use and fits the definition of an enclosed, locked facility.
- l. No equipment or process shall be used in growing, processing, or handling medical or recreational Marihuana which creates noise.

vibration, glare, light, fumes, odors, or electrical interference detectable to the normal senses at or beyond the property line of the registered patient's or individual's over the age of twenty-one's residential property. In case of electrical interference, no equipment or process shall be used which creates visual or audible interference with any radio, television, or similar receiver off the premises or causes fluctuation of line voltage off the premises.

m. The registered qualifying patient, individuals over the age of twenty-one and the owners, agents, and employees of the parcel at which marihuana for personal or medical use is present are responsible jointly and severally for compliance with this section.

n. All marijuana cultivation, growth, harvest, and storage shall have odor mitigation systems such that odor is imperceptible from the outside of any property line.

(2) Registered Primary Caregiver Operations. Any registered primary caregiver may acquire, possess, cultivate, grow, harvest, store, manufacture, transfer, or transport medical marihuana compliant with the MMMA, MCL 333.26421 et seq. as amended. Cultivation of medical marihuana by a registered primary care giver as defined under the MMMA, is prohibited in any zoning district, except the Agricultural (AG) and Industrial (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 and further subject to the following:

a. A registered primary caregiver may only grow, cultivate, manufacture, process, and store marihuana on a conforming parcel occupied by a permitted use in the AG district and IND district; and in an enclosed locked facility.

b. A registered primary caregiver facility cultivating, growing, harvesting, manufacturing, processing and storing medical marihuana must not be located within one thousand (1,000) feet of any other medical marihuana facility or off-premises residential dwelling.

c. A registered primary caregiver facility cultivating, growing, harvesting, manufacturing, processing and storing medical marihuana must not be located within one thousand (1,000) feet of any school, childcare facility, community center, youth center, playground, public or private library, housing facility owned by a public housing authority, and place of worship as measured from the outer most boundaries of the lot or parcel on which the medical marihuana facility is located.

d. All activity related to a medical marihuana caregiver facility including, but not limited to growing shall be done indoors in a locked building.

- e. If the primary caregiver is not the owner of record of the parcel in which a registered primary caregiver of medical marijuana is functioning, the primary caregiver must gain written and notarized consent from the owner to use the building for the medical marihuana facility. At any time, the Township may request proof that the primary caregiver has consent from the property owner to use the premises for a caregiver medical marihuana facility.
- f. Not more than one registered primary caregiver with a maximum of 72 marihuana plants but no more than 12 plants for each individual registered qualifying patient as set forth in the MMMA shall be allowed per parcel.
- g. The registered primary caregiver is responsible for utilizing an enclosed locked facility upon the agricultural or industrial zoned parcel, compliant with the MMMA for cultivating, growing, harvesting, manufacturing, processing, and storing marihuana for medical use only. The enclosed locked facility utilized by the primary registered caregiver, shall provide separation by fully enclosed walls, or fences, for plants that are grown on behalf of each registered qualifying patient, on whose behalf the registered primary caregiver is furnishing marihuana for medical use, so it is accessible only to the primary caregiver and registered patient. The cultivating, growing, harvesting, manufacturing, processing, and storing of medical marihuana is permitted only by registered primary caregivers and registered qualifying patients.
- h. All caregiver marihuana cultivation, grow, harvest, manufacture, process, and storing facilities are required to be in compliance with the state requirements and shall have odor mitigation systems such that odor is imperceptible from the outside of any building or lease line. A ventilation plan shall be required for marihuana cultivation, growth, harvest, manufacturing, processing, and storage facilities that provides for adequate ventilation so as to prevent pesticides, insecticides or other chemicals used in the cultivation of marihuana or marihuana related products from being dispersed or released outside the building or lease line. The plan shall further provide for resulting smoke, vapor, fumes, gases and particulate matter from marihuana or its cultivation, growth, harvest, manufacture, processing, and storage to be effectively confined to the any building or lease line.
- o. No equipment or process shall be used in growing, processing, or handling marihuana which creates noise, vibration, glare, light, fumes, odors or electrical interference detectable to the normal senses at or beyond the property line of the property. In case of electrical interference, no equipment or process shall be used which creates visual or audible interreference with any radio, television, broadband, or similar receiver off the premises or causes fluctuation in line voltage off the premises.

- p. If marihuana is grown or located in a room, building or structure with windows or non-opaque form of enclosure, all interior lighting shall be shielded to prevent ambient light spillage that causes or creates a distraction or nuisance to adjacent properties.
- q. All necessary building, electrical, plumbing, and mechanical permits shall be obtained for any alterations of any portion of the structure in support of or in association with the cultivation, grow, harvest, manufacture, process, and storage of marihuana. Any modifications made for the purpose of cultivating, growing, harvesting, manufacturing, processing, and storing medical or recreational marihuana shall comply with all applicable building, electrical, mechanical, and fire safety code requirements, including all requisite permit applications and related inspections. No part of any building or structure shall be used for the cultivating, growing, harvesting, manufacturing, processing, and storing of medical or recreational marihuana unless such building or structure has been inspected and approved for the building, electrical, mechanical, and fire safety requirements of such use and fits the definition of an enclosed, locked facility.
- r. To ensure compliance with all applicable requirements and laws, the portion of the building or structure, such as a cultivation room, where energy use and mechanical requirements exceed typical limits and where the storage of any chemicals such as herbicides, pesticides, and fertilizers are located, shall be subject to inspection and approval by the Township, the Fire Authority, law enforcement and/or the Livingston County Building Department.
- s. The following information shall be provided with the special land use application, in addition to other submittal requirements for site plan, as required by Article 18.
- i. Proof of property ownership or written notarized consent from the property owner.
 - ii. A photocopy of the current and valid caregiver registry card issued by the state to the person who is permitted to grow, cultivate, harvest, process, manufacture and store medical marihuana and who will be doing so at the registered location. Upon expiration of the card, an updated and new copy of the renewed card shall be provided to the Township. Information treated as confidential under the MMMA, including the primary caregiver registry identification card and any information about qualifying patients associated with the primary caregiver, which is received by the Township, shall be maintained separately from public information submitted in support of the application. It shall not be distributed or otherwise made available to the public and shall not be

subject to disclosure under the Freedom of Information Act.

- iii. Specification of the number of qualifying patients for whom marihuana will or may be grown, cultivated, harvested, manufactured, processed and stored.
- iv. A floor plan, with dimensions, illustrating the enclosed and locked location in the building where marihuana will be grown, cultivated, harvested, manufactured, processed and stored, and detailing the security measures related to that location and building. The floor plan shall also depict the required separation for plants grown on behalf of each registered qualifying patient showing the construction method used to ensure that it is accessible only to the primary caregiver and registered patient.
- v. A full description of the nature and types of equipment which will be used in marihuana cultivation and processing; and a description of the location at which the use will take place.
- vi. Details regarding electrical, mechanical, plumbing, and another other related improvements and installations or facilities that will be used for growing, cultivating, harvesting, and storing the marihuana.
- vii. A full description of the odor mitigation systems and a ventilation plan that provides for adequate ventilation so as to prevent pesticides, insecticides or other chemicals used in the cultivation of marihuana or marihuana related products from being dispersed or released outside the building or lease line. The plan shall further provide for resulting smoke, vapor, fumes, gases and particulate matter from marihuana or its manufacturing or cultivation to be effectively confined to the any building or lease line.
- viii. An operations plan that addresses water use, wastewater, and the disposal of waste.
- ix. A description of type, quantity, location and method of containment for any herbicides, pesticides, fertilizers that will be used for growing, cultivating, and harvesting the marihuana.
- x. The zoning administrator may require additional information necessary to demonstrate compliance with all requirements.

(3) Marihuana establishments prohibited.

a. Any and all types of a “marihuana establishment,” as that term is defined and used in Michigan Initiated Law 1 of 2018, commonly known as the Michigan Regulation and Taxation of Marihuana Act, are completely prohibited in the Township, and may not be established or operated in any zoning district, by any means, including by way of a variance.

b. Any and all types of “marihuana facilities” as described in Act 281 of 2016, the Medical Marihuana Facilities Licensing Act are completely prohibited in the Township and may not be established, licensed or operated in any zoning district, by any means, including by way of a variance.

c. Nothing in this Section 3.2.I shall limit any privileges, rights, immunities or defenses of a person as provided in the Michigan Medical Marihuana Act, Michigan Initiated Law 1 of 2008, MCL 333.26421, et seq.

(4) Nonconforming Status. Registered Patient Caregivers that have applied for and have obtained building, electrical, plumbing and/or mechanical permits for the cultivation of medical marihuana within any zoning district, prior to the enactment of this Ordinance, shall enjoy nonconforming use status from the provisions of this Ordinance and shall be permitted to continue subject to section 24.05 of this Ordinance

(5) Severability. If any section, subsection, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent portion of this Ordinance, and such holding shall not affect the validity of the remaining portions of this Ordinance.

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)~~ Electrical service and air conditioning: Each such parcel upon which said dwelling unit is located shall not exceed electrical services over four hundred (400) amps or have more than one (1) air conditioning unit unless otherwise approved by the Zoning Administrator. Additional air conditioning units may be allowed by the Zoning Administrator when the request represents an actual need for a residential use for homes over three thousand three hundred (3300) square feet depending on configuration of zones, decibel levels, electrical panel stability, need and proximity to other homes. Requests for electrical service that exceed four hundred (400) amps must include an electric load information sheet supplied by a licensed electrician and must represent an actual need for a residential use.
- ~~(hg)~~ 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.
- ~~(ih)~~ 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.

- (j) 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;
- (k) 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.
- (l) 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.
- (m) 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.
- (n) 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) ~~(e)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 and walls 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 principal building by a distance not greater than twenty (20) feet in length.~~
- (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) ~~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 not less than 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.
- (1) ~~(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~~two~~ 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.

- (fc) Required Setbacks (Detached, over ~~one~~two hundred ~~twenty~~ ~~(120(200))~~ square feet total floor area): Detached accessory buildings ~~and structures~~ over ~~one~~two 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~~two 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~~two 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 setback requirements for principal 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~~principal 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).
- (he) 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 setbacks are met.
- (if) 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.
- (jg) 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..
- (kh) Restrictions on Use: Accessory garages shall only be used to store vehicles or equipment associated with a Permitted Use.
- (li) 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). Requests for multiple air conditioning units and/or accessory building electrical service that exceed two hundred (200) amps must include an electric load information sheet supplied by a licensed electrician and must represent an actual need for an accessory use. (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 principal structure non-required yards. Within the principal 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 rear front 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 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 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 principal building and not within the principal 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 [kv 0206191] 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, wall, barrier -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 principal 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 and , Walls and Screens** [kv 0206192] [KV3]~~

~~(1) All fences and walls shall be located entirely on the property of the owner of the fence. Adjoining property owners may jointly apply for a fence permit for the purpose of constructing a fence on the common property line.~~

~~(2) (a) Unless specifically authorized elsewhere in this Ordinance, fences and , 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.~~

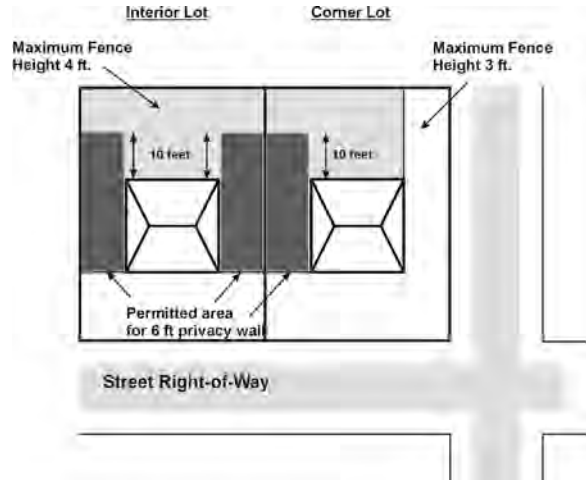
~~(3) (b) Chain link fences shall not be erected in any front yard within a residential district, unless enclosing a retention pond that has been approved by the Planning Commission.~~

~~(4) Waterfront Lots: Fences and walls ~~ss~~ shall not be permitted in the required waterfront yard shoreline setback for principal buildings as stated in Table 3.04.02 [kv 0206194].~~

~~(e)~~ Unless specifically authorized elsewhere in this Ordinance, fences and ~~-, 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)~~ (1) A privacy fence or wall up to ~~six (6)~~ 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)~~ ten (10) feet beyond the rear building line;

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



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

~~(5)~~ (4) ~~An~~ 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.

~~(6)~~ (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.~~

~~(7)~~ 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.

~~(8)~~ Fences and ~~-, 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.

~~(9)~~ (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 principal 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~~ single-family residential district shall be limited to not more than (1) dock per lot ~~or per dwelling unit occupied with a principal 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 a dimension of six (6) feet in 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) Manufactured landscape features and minor structures that exceed a height of six (6) feet shall be setback from lot lines a distance not less than equal to the height.

(3) No landscape feature or minor structure shall exceed the height of 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.

(4) 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⁽¹⁾</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.⁽¹⁾</u>	<u>2 ft.</u>	<u>5 ft.</u>

^{1.} 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 thirty-three (33) percent (one foot vertical rise in three feet of horizontal run) and where retaining walls are necessary 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 drainage 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 over two (2) feet tall shall be designed by a licensed professional engineer and calculations demonstrating its structural stability must be submitted as part of the site plan.

(5) Retaining walls shall comply with the following dimensional standards. Height of the wall shall be measured at any point on either side of the wall, from the grade level adjacent to the wall to the top of the wall.

i. Front Yard: Retaining walls within the front yard shall not exceed three (3) feet in height and shall not be located within twenty (20) feet of the front lot line.

ii. Side and Rear Yard: Retaining walls within the required side or rear yard shall not exceed a height of four (4) feet and shall not be located closer than two (2) feet to the side or rear lot line.

iii. Waterfront Yard: Retaining walls within the required waterfront yard shall not exceed a height of four (4) feet and shall not be located closer than fifteen (15) feet to the shoreline. This does not include seawalls which are regulated by the Michigan Department of Energy, Great Lakes and Environment (EGLE)

~~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.~~

(6) Stepped or Tiered Walls: Retaining walls which are stepped in multiple tiers having a series of two (2) or more parallel walls shall each measure up to four

(4) feet in height provided the walls are separated at least six (6) feet from each other by a flat area.

<u>FRONT YARD</u>		<u>SIDE YARD⁽⁷⁾</u>		<u>REAR YARD⁽⁷⁾</u>		<u>WATERFRONT YARD⁽⁶⁾⁽⁷⁾</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>4 ft.</u>	<u>Permitted</u>	<u>4 ft.</u>	<u>Permitted</u>	<u>4 ft.</u>	<u>Permitted</u>

~~(7) 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.~~

~~(8)~~

In no case shall any retaining wall be located closer than fifteen (15) feet to the shoreline.

~~(9) Exceptions: The Zoning Administrator may approve additional retaining wall height upon a finding that the wall height is the least amount necessary. Retaining walls within required yards taller than four (4) 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. Any wall height proposed to be over four (4) feet in height must be determined to be the least amount necessary by the Zoning Administrator.~~

~~(10) If a guard 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).~~

~~(11) 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 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 four (4) feet to any property line.~~

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

~~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.~~

(1) 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.

~~(1) 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.

~~(2) 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 waves~~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.

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

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

~~viii. (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.

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

~~x. (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)~~—
~~xi.~~ 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.

~~xii. (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~~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~~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 rights-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~~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~~ Seventy-Two (72) Feet High:** A utility grid WECS and anemometer towers, or on-site use WECS over ~~seventy-two~~ 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~~ 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~~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~~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 units 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:

(b) **Location:**

(1) The unit may be located in the non-required rear or 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.

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

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

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

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

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

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

11.06.04 Commercial Solar Energy System:

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

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

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

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

(f) **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. **Adult Foster Care Small Group Home:** means a private home with the approved capacity to receive 12 or fewer adults who are provided supervision, personal care, and protection in addition to room and board, for 24 hours a day, 5 or more days a week, and for 2 or more consecutive weeks for compensation.
- c. **Adult Foster Care Large Group Home:** means a private home with approved capacity to receive at least 13 but not more than 20 adults to be provided supervision, personal care, and protection in addition to room and board, for 24 hours a day, 5 or more days a week, and for 2 or more consecutive weeks for compensation.
- d. **Adult Foster Care Family Home:** means a private home with the approved capacity to receive 6 or fewer adults to be provided with foster care for 5 or more days a week and for 2 or more consecutive weeks. The adult foster care family home licensee must be a member of the household and an occupant of the residence.
- e. **Congregate Facility:** Residence for more than twenty (20) adults.

Adult Regulated Use: for the purpose of this ordinance, the following definitions shall be classified as adult regulated uses (adult entertainment use or establishment):

- a. **Adult Book Or Video Store:** An establishment that has a substantial portion of its stock in trade and offers for sale, for any form of consideration, any one or more of the following: a.) books, magazines, periodicals, or other printed matter, or photographs, films, movies, motion pictures, video cassettes, compact disks, slides, or other visual representations that are characterized by an emphasis on matter depicting, describing or related to specified sexual activities or specific anatomical areas, as hereinafter defined.
- b. **Adult Smoking Or Sexual Paraphernalia Store:** An establishment having, as a substantial portion of its stock in trade and offers for sale, for any form of consideration, paraphernalia designed or usable for sexual stimulation or arousal or for smoking, ingesting or inhaling marijuana, narcotics or other stimulating or hallucinogenic drug-related substances.
- c. **Adult Theater or Entertainment Center:** An establishment used for live performances or presenting material by means of motion pictures, films, video tapes or receivers, photographic slides or other similar means of projection or display, which performances or material is distinguished or

characterized by an emphasis on matter depicting, describing or related to specified anatomical areas or specified sexual activities, as hereinafter defined for observation by patrons therein, including an establishment which features any of the following: topless dancers and/or bottomless dancers, strippers, waiters, waitresses or employees.

- d. **Host or Hostess Establishment:** An establishment or club offering socialization with a host or hostess for a consideration to the host or hostess or for an admission or membership fee.
- e. **Massage Parlor:** An establishment having a substantial portion of its space devoted to massages of the human body or parts thereof by means or pressure, imposed friction, stroking, kneading, rubbing, tapping, pounding, vibrating or otherwise stimulating the same with hands, other parts of the human body, mechanical devices, creams, ointments, oils, alcohol or any other means of preparations to provide relaxation or enjoyment to the recipient. The following uses shall not be included in the definition of a massage parlor:
 - 1. establishments which routinely provide such services by a licensed physician, a licensed chiropractor, a licensed osteopath, a licensed physical therapist, a licensed nurse practitioner, a therapeutic massage practitioner as defined in this Ordinance or any other similarly licensed medical professional;
 - 2. fitness center;
 - 3. electrolysis treatment by a licensed operator of electrolysis equipment; and.
 - 4. hospitals, nursing homes, medical clinics or medical offices.
- f. **Sauna, Hot Tub or other Similar Health or Body Improvement or Enjoyment Enterprise:** An establishment having a substantial portion of its space devoted to saunas, hot tubs, whirlpools, sun lamps and similar body relaxing, soothing or improving facilities which are available for male and female customers with or without supervision or participation by employees or independent contractors of the business, excluding retail establishments which provide for the sale of new saunas, hot tubs or other similar health or body improvement or enjoyment items.
- g. **Specified Anatomical Areas:** Specified anatomical areas means and includes any one or more of the following: a) less than completely covered human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the top of the areola; or b) human male genitals in a discernible turgid state, even if completely and opaquely covered.
- h. **Specified Sexual Activities:** Specified sexual activities means and includes any one or more of the following: a) the fondling or erotic touching of human genitals, pubic region, buttocks, anus, or female breasts; b) human sex acts, normal or perverted, actual or simulated, including but not limited to intercourse, oral copulation, or sodomy; c) human masturbation, actual or simulated; d) human excretory functions as part of, or as related to, any of the activities described above; and e) physical violence, bondage, mutilation, or rape, actual or simulated, as part of or as related to, any of the activities described above.
- i. **Substantial Portion:** Substantial portion means a use or activity accounting for more than twenty (20%) percent of any one or more of the following: stock-in-trade, display space, floor space, or viewing time, movie display time, or entertainment time measured per month.

Alteration: Any change, addition or modification in construction or type of occupancy, or in the structural members of a building, such as walls or partitions, columns, beams or girders, the consummated act of which may be referred to herein as "altered" or "reconstructed".

Animal, Domesticated (Pet): An animal that is commonly considered capable of being trained or is capable of adapting to living in a human environment and being of use to human beings, and which is not likely to bite without provocation nor cause death, maiming or illness to human beings, including by way of example: bird (caged), fish, rodent (bred, such as a gerbil, rabbit, hamster or guinea pig), cat (domesticated), lizard (non-poisonous), and dog. Wild, vicious, or exotic animals shall not be considered domesticated. Animals bred, raised or boarded for commercial purposes are not considered pets.

Animal, Non-Domesticated, Vicious Or Exotic: Any animal that attacks, bites, or injures human beings or domesticated animals without adequate provocation, or which because of temperament, conditioning, or training, has a known propensity to attack, bite, or injure human beings or domesticated animals. Or, an animal from a species which is not commonly domesticated or kept as livestock, or which is not native to the State of Michigan, or a species which, irrespective of geographic origin, is of wild or predatory character, or which because of size, aggressive or vicious characteristics would constitute an unreasonable danger to human life or property if not kept, maintained or confined in a safe and secure manner, including any hybrid animal that is part exotic animal.

Animal Shelter: A facility operated by a licensed individual, humane society, a society for the prevention of cruelty to animals or any other similar institutions. A facility where animals are housed for an extended period of time and are available for adoption/placement.

Apartments: A suite of rooms or a room in a multiple-family building arranged and intended for a place of residence of a single-family or a group of individuals living together as a single housekeeping unit.

Arcade: The use of a building or a portion of a building for the location, operation, and placement of five (5) or more mechanical amusement devices. Mechanical amusement devices shall mean any device, apparatus, mechanical equipment or machine operated as amusement for required compensation. The term does not include vending machines used to dispense foodstuffs, toys, or other products for use and consumption.

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.

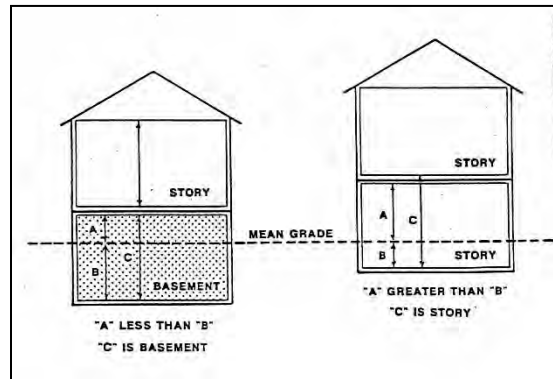


Figure 25.1 Basement

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).

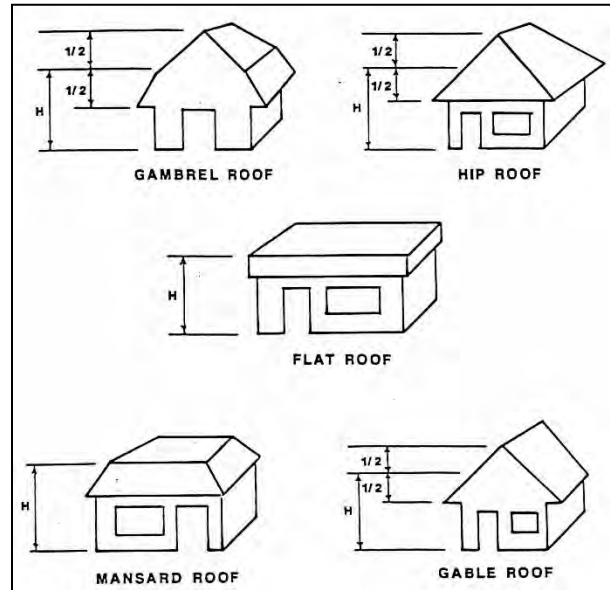


Figure 25.2 Building Height

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)

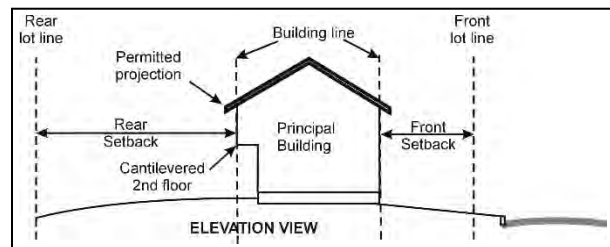


Figure 25.3 Building Line

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).

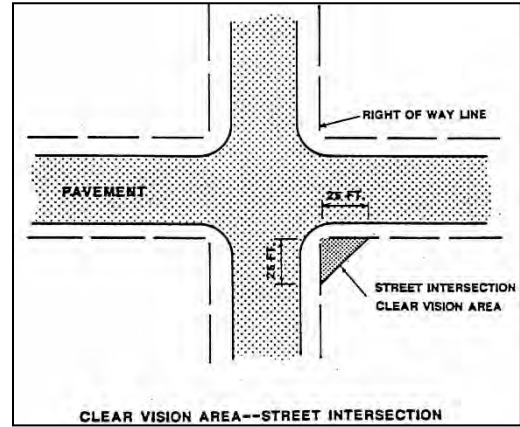


Figure 25.4 Clear Vision Area

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)

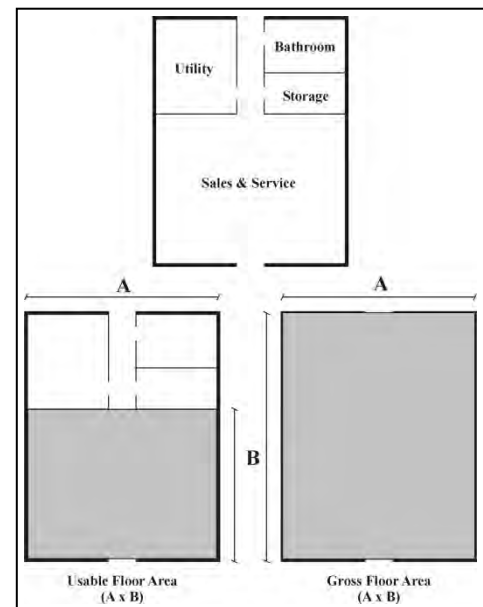


Figure 25.5 Floor Area

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).

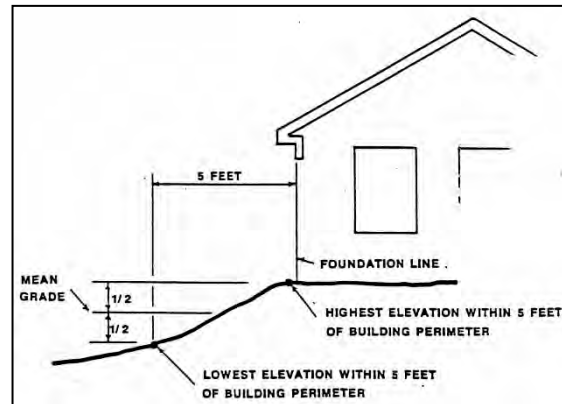


Figure 25.6 Measurement of Mean Grade

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. This definition shall not include pedestrian sidewalks or pathways constructed within or adjacent to a public road right-of-way or intended for public use.

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)

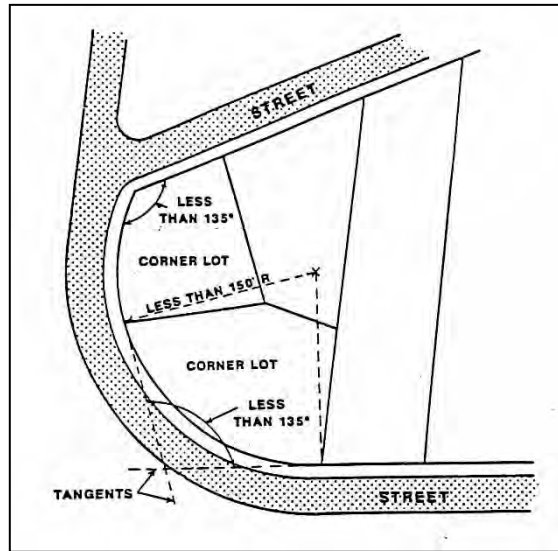


Figure 25.7 Lot, Corner Measurements

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).

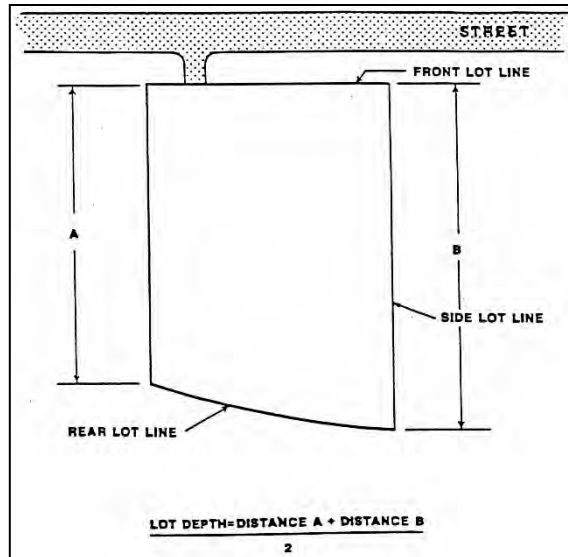


Figure 25.8 Lot Depth Measurement

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

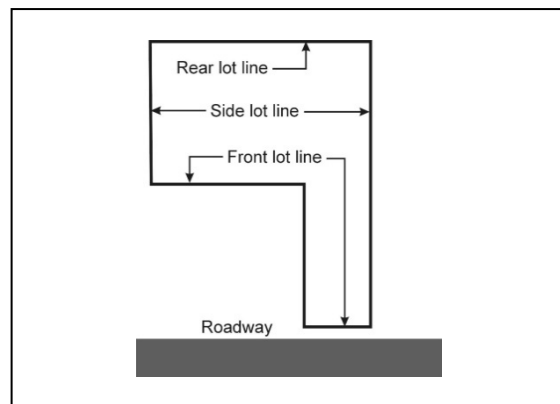


Figure 25.9 Flag-lot Lot Lines

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.

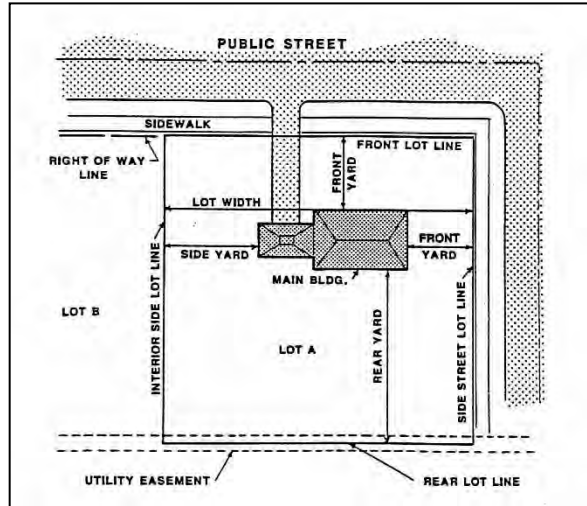


Figure 25.10 Lot Lines and Yards Measurement (Note: Yards May Not Always Equal Required Setbacks)

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

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

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

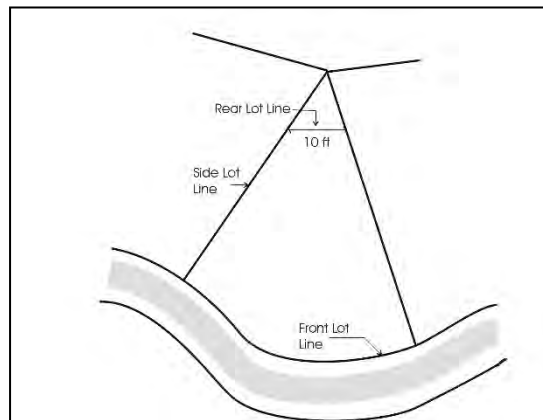


Figure 25.11 Rear Lot Line on Triangular Lot

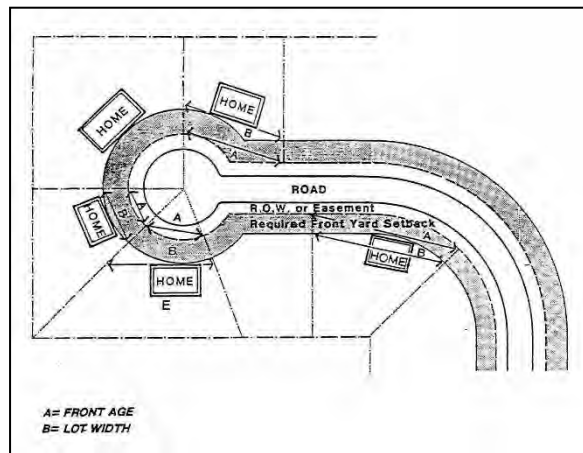


Figure 25.12 Lot Width on Curvilinear Streets

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 residential accessory 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, swingsets, 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).

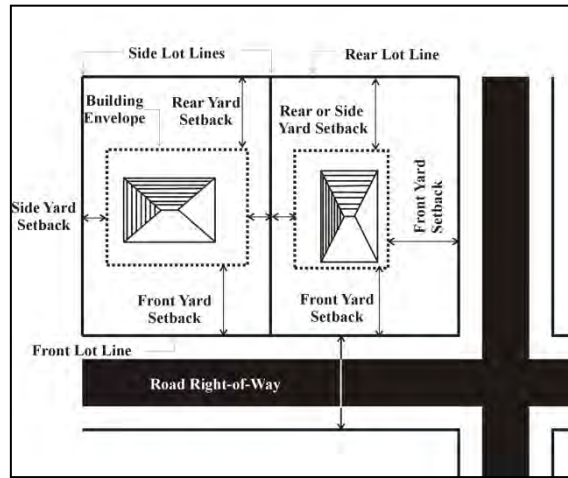


Figure 25.13 Setbacks

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.

Stoop: An exterior floor typically, but not necessarily, constructed of concrete and/or masonry, with a finished floor elevation at least six inches higher than the adjacent ground level, and utilized primarily as an access platform to a building.

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.

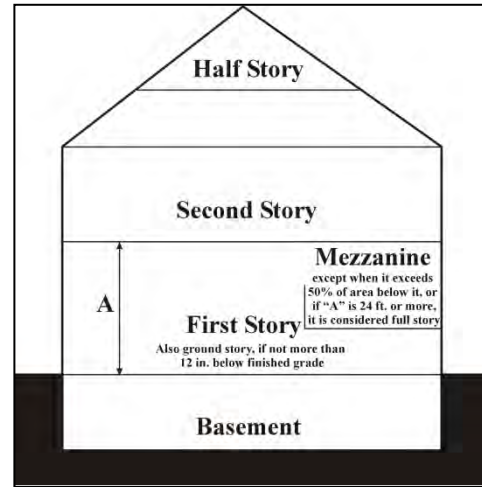


Figure 25.14 Story

- 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)

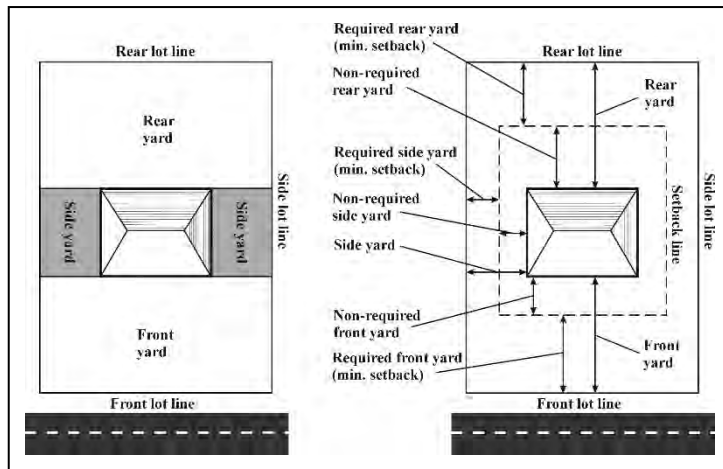


Figure 25.15 Yards

- 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
JUNE 14, 2021
6:30 P.M.
MINUTES**

CALL TO ORDER: Chairman Grajek called the meeting of the Genoa Charter Township Planning Commission to order at 6:32 p.m. Present were Chris Grajek, Marianne McCreary, Jim Mortensen, Jeff Dhaenens, and Jill Rickard. Also present were Kelly VanMarter, Community Development Director/Assistant Township Manager; Brian Borden of Safebuilt Studio, and Gary Markstrom of Tetra Tech. Absent were Eric Rauch and Glynis McBain.

PLEDGE OF ALLEGIANCE: The pledge of allegiance was recited.

APPROVAL OF AGENDA:

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

DECLARATION OF CONFLICT OF INTEREST: None

CALL TO THE PUBLIC: The call to the public was made at 6:33 pm with no response.

OPEN PUBLIC HEARING #1...Review of a special use application, environmental impact assessment and site plan to allow outdoor storage of two containers located at 7372 Grand River, Brighton for Community Bible Church. The request is petitioned by Community Bible Church.

- A. Recommendation of Special Use Application
- B. Recommendation of Environmental Impact Assessment (5-14-21)
- C. Recommendation of Site Plan (5-14-21)

Mr. Scott Tousignant of Boss Engineer, Mr. Tim Summers, and Pastor Chip Herrera were present. Mr. Tousignant provided a brief review of the project. The church has experienced growth and they would like to use these two storage containers temporarily. They will be further expanding the church and storage would be included in that so these will be removed at that time. They will be providing arborvitae to screen the storage units. No additional storm water drainage improvements will be needed. He provided photographs showing the visibility of the storage containers from two nearby roadways. They will be placed on a gravel pad and will be painted to match the existing church.

The call to the public was made at 6:39 pm with no response.

Mr. Borden reviewed his letter dated June 9, 2021

- The special land use standards are generally met.

- The applicant must address any comments provided by the Township engineer and Brighton Area Fire Authority.
- The Planning Commission may allow gravel surfacing in lieu of pavement, pending input from the Township engineer.
- The Planning Commission may require an increase in the height of the landscaping to better screen the proposed storage containers. The containers are proposed to be nine-foot tall and the arborvitae are five feet tall.

Mr. Markstrom stated they have no engineering concerns.

Fire Marshal Rick Boisvert's letter dated May 20, 2021 stated he had no comments related to the installation of the proposed outside storage arrangement. Additional comments will be given during the building plan review process (specific to the building plans and occupancy). The applicant is reminded that the fire authority must review the fire protection systems submittals (sprinkler & alarm) prior to permit issuance by the Building Department and that the authority will also review the building plans for life safety requirements in conjunction with the Building Department.

Commissioner Rickard agrees with having the applicant provide taller arborvitae for screening the containers. All Commissioners agree they should be six-feet high.

Moved by Commissioner Dhaenens, seconded by Commissioner Rickard, to recommend to the Township Board approval of the Special Land Use Application for outdoor storage at Community Bible Church being that it is consistent with Section 19.03 of the Township Ordinance. **The motion carried unanimously.**

Moved by Commissioner Mortensen, seconded by Commissioner Rickard, to recommend to the Township Board approval of the Environmental Impact Assessment dated May 14, 2021 for outdoor storage at Community Bible Church. **The motion carried unanimously.**

Moved by Commissioner Mortensen, seconded by Commissioner Dhaenens, to recommend to the Township Board approval of the Site Plan dated May 14, 2021 for outdoor storage at Community Bible Church with modifications to the plan to increase the height of the arborvitae to six feet, the Planning Commission feels housing the containers on gravel is acceptable, and all items referenced by the Township Engineer and the Brighton Area Fire Authority shall be met. **The motion carried unanimously.**

OPEN PUBLIC HEARING # 2...Review of a site plan and environmental impact assessment for a proposed 27 space parking lot located at 2765 E. Grand River Avenue, north side of Grand River Avenue between Meadowview Drive and Tahoe Boulevard for Howell Family Dentistry which is adjacent at 2775 E. Grand River Avenue. The request is petitioned by Howell Family Dentistry.

- A. Recommendation of Environmental Impact Assessment (5-26-21)
- B. Disposition of Site Plan (5-26-21)

Mr. Greg Petru of Kebs, Inc. stated they were originally approved for 65 spaces and now that the building is completely leased out, they would like to add additional parking. The dentist owns the adjacent parcel, which is where they would like to add the parking. They are proposing to

demolish the building and abandon all utilities on this site and install the parking spaces. He stated they can address all of the items listed by the planner and engineer.

Mr. Borden reviewed his letter dated June 9, 2021.

- The applicant must combine the two parcels under common ownership (subject parcel and adjacent parcel to the east).
- The Planning Commission may reduce the west side parking setback given the presence of a shared access driveway. One space slightly encroaches into the setback.
- If a shared access easement is not already in place, the Planning Commission may wish to require one.
- The excess parking proposed requires Planning Commission approval in accordance with Section 14.02.06. He noted the submittal includes a letter from the applicant indicating there is a need for the parking and it will be used.
- The Planning Commission may allow the use of bumper blocks for the spaces along the west side of the site per Section 14.06.01 of the zoning ordinance. He believes these are appropriate in this situation.
- The landscaping requirements have been met; however, the landscape plan does not include the wall/berm requirement of a Buffer Zone "B" along the northerly lot line. The Planning Commission can waive or modify this requirement.
- The submitted lighting plan is sufficient, but he suggests the applicant demonstrate that the maximum on-site light intensity requirement is met.
- The proposal includes removal of the nonconforming pole sign.
- The applicant must address any comments provided by the Township's engineering consultant and the Brighton Area Fire Authority.

Mr. Petru stated there is an existing three-foot slope in this area so he does not feel a berm is needed.

Mr. Markstrom stated his letter dated June 9, 2021 notes that all of the engineering concerns have been met; however, he had two comments to add. He does not believe the bumper blocks are necessary. They could be a problem for snow removal and could be moved. He would suggest having paint placed on the pavement instead of the bumper blocks. He also noted that the petitioner shall provide detail of the materials for the proposed retaining wall.

Commissioner Dhaenens agrees with Mr. Markstrom that the bumper blocks are not needed.

There was a discussion on how to delineate the different parking areas for Dr. Stilianos' office and the veterinary offices. A small landscape island was suggested.

Ms. VanMarter suggested that a sidewalk be installed from the building to the public sidewalk on Grand River.

Fire Marshal Rick Boisevert's letter dated May 28 stated he has no issues with the proposed request.

The call to the public was made at 7:12 pm with no response.

Moved by Commissioner Mortensen, seconded by Commissioner Dhaenens, to recommend to the Township Board approval of the Environmental Impact Assessment dated May 26, 2021 for

a proposed 27 space parking lot at Howell Family Dentistry parking lot. **The motion carried unanimously.**

Moved by Commissioner, Mortensen, seconded by Commissioner Rickard, to approve the Site Plan dated May 26, 2021 for a proposed 27 space parking lot at Howell Family Dentistry, subject to the following:

- The applicant will combine the two parcels under common ownership, which shall be accomplished prior to granting the land use permit.
- A shared access agreement, if not already in place, should be obtained with the neighbor to the west, if possible.
- In lieu of bumper blocks along spaces on the west side of the site, a landscape island should be installed, which will be reviewed and approved by Township Staff.
- The applicant will demonstrate to Township Staff that the on-site lighting meets Township Ordinance.
- The applicant has demonstrated to the Planning Commission justification to increase the parking requirements by more than 20 percent.
- The site plan includes removal of the non-conforming pole sign.
- The details of the retaining wall proposed on the northeast corner of the site shall be reviewed and approved by Township Staff.
- The requirements of the Township Engineer in his letter dated June 9, 2021 and the Brighton Authority Fire Authority's letter dated May 28, 2021 shall be met.

The motion carried unanimously.

OPEN PUBLIC HEARING #3... Review for preliminary and final site condominium approval for a 3-unit condominium for an existing office development located at 6253 and 6255 Grand River Avenue which is on the north side of Grand River Ave., east of Hughes Road. The request is petitioned by Chestnut Development, LLC.

- A. Recommendation of Environmental Impact Assessment (3-29-21)
- B. Recommendation of Preliminary Site Condominium
- C. Recommendation of Final Site Condominium

Ms. Kathy Riesterer, the attorney for Chestnut Development, stated this development has received site plan approval for a two-building project. They are now seeking to convert the project to a condominium development with the second building having two separate units with two separate owners. The front building will be one unit with one owner. She has completed the appropriate documents and they have been approved by the Township Attorney.

Mr. Borden reviewed his letter dated June 9, 2021.

- Procedurally, the condominium plan is subject to preliminary and final review/approval.
- Aside from the establishment of a condominium, no physical changes are proposed to the existing development.
- The applicant must address any site engineering items raised by the Township Engineer.

Mr. Markstrom stated he has no concerns regarding this request; however, The Livingston County Drain Commission noted in their letter dated June 3, 2021 that there is a discrepancy

between the easement shown on the master deed exhibits and the easement documents. The Drain Commissioner is asking that the easement be modified to be 50-feet wide to match the master deed. This matter should be taken care of prior to approval from the Township.

Fire Marshal Rick Boisevert stated in his letter dated May 28, 2021 that all of their previous comments have been addressed.

The call to the public was made at 7:35 pm with no response.

Moved by Commissioner Mortensen, seconded by Commissioner Rickard, to recommend to the Township Board approval of the Environmental Impact Assessment dated March 29, 2021 for Chestnut Landing Business Park. **The motion carried unanimously.**

Moved by Commissioner Mortensen, seconded by Commissioner Dhaenens, to recommend to the Township Board approval of the Preliminary Condominium dated April 30, 2021 for Chestnut Landing Business Park, subject to the following:

- The applicant shall meet the requirements of the Township Engineer stated in his letter dated June 9, 2021.
- The applicant shall meet the requirements of the Brighton Area Fire Authority in their letter dated 5/28/21.
- Approval of the Master Deed and Bylaws by the Township Attorney

The motion carried unanimously.

Moved by Commissioner Mortensen, seconded by Commissioner McCreary, to recommend to the Township Board approval of the Final Site Condominium for Chestnut Landing Business Park, subject to the following:

- The applicant shall meet the requirements of the Township Engineer stated in his letter dated June 9, 2021.
- The applicant shall meet the requirements of the Brighton Area Fire Authority in their letter dated 5/28/21.
- Approval of the Master Deed and Bylaws by the Township Attorney
- Approval from all outside agencies.

The motion carried unanimously.

OPEN PUBLIC HEARING #4...REQUEST TO POSTPONE BY TOWNSHIP STAFF Review of Zoning Ordinance Text amendments to Article 11 "General Provisions" and Article 25 "Definitions" of the Zoning Ordinance.

Moved by Commissioner Dhaenens, seconded by Commissioner McCreary to postpone Review of Zoning Ordinance Text amendments to Article 11 "General Provisions" and Article 25 "Definitions" of the Zoning Ordinance. **The motion carried unanimously.**

ADMINISTRATIVE BUSINESS

Staff Report

Ms. VanMarter provided the reasoning why Staff has requested to have the Zoning Ordinance Text Amendments postponed.

Approval of the June, 2021 Planning Commission meeting minutes

Needed changes were noted.

Moved by Commissioner McCreary, seconded by Commissioner Rickard, to approve the minutes of the June 2, 2021 Planning Commission Meeting as amended. **The motion carried unanimously.**

Member Discussion

There were no items to discuss this evening.

Adjournment

Moved by Commissioner Mortensen Dhaenens, seconded by Commissioner McCreary, to adjourn the meeting at 8:07 pm. **The motion carried unanimously.**

Respectfully Submitted,

Patty Thomas, Recording Secretary