

GENOA CHARTER TOWNSHIP BOARD
Regular Meeting
October 4, 2021
6:30 p.m.

AGENDA

Call to Order:

Pledge of Allegiance:

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

Consent Agenda:

1. Payment of Bills: October 4, 2021
2. Request to Approve Minutes: September 20, 2021

Regular Agenda:

3. Presentation by Don Root regarding the Big Red Barrel.
4. Consideration of request for approval and adoption of Ordinance Number Z-21-01 regarding Zoning Ordinance Text Amendments to Article 11 entitled “General Provisions” and Article 25 entitled “Definitions”. (roll call vote)
5. Consideration of an approval recommendation for a proposed amendment to the Lorentzen Planned Unit Development (PUD) agreement with corresponding environmental impact assessment dated June 11, 2021 and site plan dated August 24, 2021 for a proposed drive-through Lefty’s Cheesesteak restaurant located at 4173 E. Grand River, Howell. The request is petitioned by Howell Grand Plaza LLC.
6. Consideration of an approval recommendation for a proposed amendment to the Grand River/Lawson Planned Unit Development (PUD) agreement with corresponding environmental impact assessment dated August 25, 2021 and site plan dated August 24, 2021 to allow for a drive-through car wash. The proposed project is located on the vacant northeast corner of Grand River and Lawson Drive including parcels 4711-09-200-039, 040, and 041. The request is petitioned by ROC Wash Holdings, LLC.
7. Request to authorize the Township Manager to execute a contract with Dunnigan Brothers in the amount of \$26,128 for the paving of State Street between Dillon and Seventh.
8. Request to enter into closed session to discuss Attorney Client communication pursuant to 15.268(h).
9. Request to enter into closed session to discuss trial strategy in the case of CHI vs. Genoa Township (Case No. 21-cv-11303) and Genoa Township vs CHI (Case No. 21-31255-CZ) pursuant to ACL 15.268(e).

Correspondence
Member Discussion
Adjournment

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

CHECK REGISTERS FOR TOWNSHIP BOARD MEETING

DATE: October 4, 2021

TOWNSHIP GENERAL EXPENSES: October 4, 2021	\$109,945.17
September 17, 2021 Bi Weekly Payrol	\$96,788.66
October 1, 2021 Bi Weekly Payroll	\$98,668.82
OPERATING EXPENSES: Thru October 4, 2021	\$121,215.81
TOTAL:	<u>\$426,618.46</u>

Check Date	Bank	Check	Vendor	Vendor Name	Invoice Vendor	Amount
Bank FNBCK CHECKING ACCOUNT						
09/22/2021	FNBCK	37021	ADAMS	ADAMS WELL REPAIR INC.	ADAMS WELL REPAIR INC.	150.00
09/22/2021	FNBCK	37022	BLUE CRO	BLUE CROSS & BLUE SHIEL	BLUE CROSS & BLUE SHIEL	45,235.94
09/22/2021	FNBCK	37023	CARDM	CHASE CARD SERVICES	CHASE CARD SERVICES	999.99
09/22/2021	FNBCK	37024	COMC	COMCAST	COMCAST	267.84
09/22/2021	FNBCK	37025	COMCAST	COMCAST	COMCAST	1,351.75
09/22/2021	FNBCK	37026	CONSUMER	CONSUMERS ENERGY	CONSUMERS ENERGY	122.59
09/22/2021	FNBCK	37027	DYK	DYKEMA GOSSETT, PLLC	DYKEMA GOSSETT, PLLC	4,329.00
09/22/2021	FNBCK	37028	ETNA SU	ETNA SUPPLY COMPANY	ETNA SUPPLY COMPANY	44,560.00
09/22/2021	FNBCK	37029	FED EXPR	FEDERAL EXPRESS CORP	FEDERAL EXPRESS CORP	38.10
09/22/2021	FNBCK	37030	HR PERFORM	HR PERFORMANCE SOLUTION	HR PERFORMANCE SOLUTION	4,000.00
09/22/2021	FNBCK	37031	HYDROCORP	HYDROCORP	HYDROCORP	2,952.00
09/22/2021	FNBCK	37032	LIVINGS6	LIVINGSTON PRESS & ARGU	LIVINGSTON PRESS & ARGU	1,640.00
09/22/2021	FNBCK	37033	MASTER	MASTER MEDIA SUPPLY	MASTER MEDIA SUPPLY	302.99
09/22/2021	FNBCK	37034	MICHAS	MICHIGAN ASSOC. OF PLAN	MICHIGAN ASSOC. OF PLAN	210.00
09/22/2021	FNBCK	37035	SAFEBUILT	SAFEBUILT STUDIO	SAFEBUILT STUDIO	1,056.16
09/22/2021	FNBCK	37036	TRI COUN	TRI COUNTY SUPPLY, INC.	TRI COUNTY SUPPLY, INC.	323.61
09/22/2021	FNBCK	37037	US BANK EQ	US BANK EQUIPMENT FINAN	US BANK EQUIPMENT FINAN	1,971.97
09/22/2021	FNBCK	37038	VERIZONW	VERIZON WIRELESS	VERIZON WIRELESS	433.23

FNBCK TOTALS:

Total of 18 Checks:	109,945.17
Less 0 Void Checks:	0.00
Total of 18 Disbursements:	109,945.17

Check Date	Bank	Check	Vendor	Vendor Name	Invoice Vendor	Amount
Bank 503FN DPW-UTILITIES #503						
09/16/2021	503FN	5368	US POSTA	US POSTAL SERVICE	US POSTAL SERVICE	26.96
09/17/2021	503FN	5369	VERIZONW	VERIZON WIRELESS	VERIZON WIRELESS	702.42
09/21/2021	503FN	5370	ABE'S A	ABE'S AUTO GLASS, INC.	ABE'S AUTO GLASS, INC.	285.00
09/21/2021	503FN	5371	ADVANCE AU	ADVANCE AUTO PARTS	ADVANCE AUTO PARTS	179.99
09/21/2021	503FN	5372	AUTO-LAB	AUTO-LAB OF LIVINGSTON	AUTO-LAB OF LIVINGSTON	1,346.47
09/21/2021	503FN	5373	BLACKBU	BLACKBURN MFG. CO	BLACKBURN MFG. CO	388.16
09/21/2021	503FN	5374	CORRIGAN T	CORRIGAN TOWING	CORRIGAN TOWING	155.25
09/21/2021	503FN	5375	GIFFELS	GIFFELS WEBSTER	GIFFELS WEBSTER	2,895.00
09/21/2021	503FN	5376	HOME DEP	HOME DEPOT CREDIT SERVI	HOME DEPOT CREDIT SERVI	1,225.03
09/21/2021	503FN	5377	NETWORK	NETWORK SERVICES GROUP,	NETWORK SERVICES GROUP,	400.00
09/21/2021	503FN	5378	RED WIN	RED WING BUSINESS ADVAN	RED WING BUSINESS ADVAN	386.98
09/21/2021	503FN	5379	TETRA TE	TETRA TECH INC	TETRA TECH INC	6,008.75
09/21/2021	503FN	5380	VICTORY	VICTORY LANE QUICK OIL	VICTORY LANE QUICK OIL	116.95
09/27/2021	503FN	5381	MWEA	MWEA	MWEA	77.00
09/27/2021	503FN	5382	WEX BAN	WEX BANK	WEX BANK	5,831.37

503FN TOTALS:

Total of 15 Checks:	20,025.33
Less 0 Void Checks:	0.00
Total of 15 Disbursements:	<u>20,025.33</u>

Check Date	Bank	Check	Vendor	Vendor Name	Invoice Vendor	Amount
Bank 592FN OAK POINTE OPERATING FUND #592						
09/17/2021	592FN	5335	ATT& IL	AT&T	AT&T	26.33
09/17/2021	592FN	5336	BRIGHTONA	BRIGHTON ANALYTICAL LLC	BRIGHTON ANALYTICAL LLC	200.00
09/17/2021	592FN	5337	CONSUMER	CONSUMERS ENERGY	CONSUMERS ENERGY	194.70
09/21/2021	592FN	5338	AT&TLONG	AT&T LONG DISTANCE	AT&T LONG DISTANCE	51.38
09/21/2021	592FN	5339	COOPER	COOPER'S TURF MANAGEMEN	COOPER'S TURF MANAGEMEN	570.00
09/21/2021	592FN	5340	DUBOIS	DUBOIS-COOPER	DUBOIS-COOPER	1,115.00
09/21/2021	592FN	5341	ETNA SU	ETNA SUPPLY COMPANY	ETNA SUPPLY COMPANY	1,386.36
09/21/2021	592FN	5342	FERGUSON	FERGUSON WATERWORKS #33	FERGUSON WATERWORKS #33	112.61
09/21/2021	592FN	5343	GENOA OC	GENOA OCEOLA SWR & WTR	GENOA OCEOLA SWR & WTR	571.00
09/21/2021	592FN	5344	GENOA W	GENOA TWP DPW FUND	GENOA TWP DPW FUND	25,287.94
09/21/2021	592FN	5345	GENOA W	GENOA TWP DPW FUND	GENOA TWP DPW FUND	13,229.00
09/21/2021	592FN	5346	GENOA W	GENOA TWP DPW FUND	GENOA TWP DPW FUND	19,850.01
09/21/2021	592FN	5347	HARTLAN	HARTLAND SEPTIC SERVICE	HARTLAND SEPTIC SERVICE	442.00
09/21/2021	592FN	5348	HYDROCOP	HYDROCOP	HYDROCOP	226.87
09/21/2021	592FN	5349	LOREA TOPS	LOREA TOPSOIL & AGGREGA	LOREA TOPSOIL & AGGREGA	31.00
09/21/2021	592FN	5350	NORTHWES	NORTHWEST PIPE & SUPPLY	NORTHWEST PIPE & SUPPLY	511.63
09/21/2021	592FN	5351	SIGNWRKS	SIGN WORKS	SIGN WORKS	420.00
09/21/2021	592FN	5352	STAND EL	STANDARD ELECTRIC COMPA	STANDARD ELECTRIC COMPA	56.51
09/21/2021	592FN	5353	TLS CONSTR	TLS CONSTRUCTION	TLS CONSTRUCTION	1,970.00
09/21/2021	592FN	5354	UIS SCADA	UIS SCADA	UIS SCADA	5,284.65
09/21/2021	592FN	5355	UNI	UNITED RENTALS INC	UNITED RENTALS INC	1,658.64
09/21/2021	592FN	5356	WATER SOLU	WATER SOLUTIONS UNLIMIT	WATER SOLUTIONS UNLIMIT	1,985.00
09/21/2021	592FN	5357	WATERWORKS	WATERWORKS SYSTEMS & EQ	WATERWORKS SYSTEMS & EQ	2,600.00

592FN TOTALS:

Total of 23 Checks:	77,780.63
Less 0 Void Checks:	0.00
Total of 23 Disbursements:	77,780.63

Check Date	Bank	Check	Vendor	Vendor Name	Invoice Vendor	Amount
Bank 593FN LAKE EDGEWOOD OPERATING FUND #593						
09/17/2021	593FN	4011	BRIGHTONA	BRIGHTON ANALYTICAL LLC	BRIGHTON ANALYTICAL LLC	67.00
09/17/2021	593FN	4012	CONSUMER	CONSUMERS ENERGY	CONSUMERS ENERGY	15.00
09/21/2021	593FN	4013	COOPER	COOPER'S TURF MANAGEMEN	COOPER'S TURF MANAGEMEN	822.00
09/21/2021	593FN	4014	GENOA D	GENOA TOWNSHIP D.P.W. F	GENOA TOWNSHIP D.P.W. F	16,317.33
09/21/2021	593FN	4015	GENOA OC	GENOA OCEOLA SWR & WTR	GENOA OCEOLA SWR & WTR	1,244.50
09/21/2021	593FN	4016	GENOA OC	GENOA OCEOLA SWR & WTR	GENOA OCEOLA SWR & WTR	3,428.52
09/21/2021	593FN	4017	TLS CONSTR	TLS CONSTRUCTION	TLS CONSTRUCTION	1,515.50

593FN TOTALS:

Total of 7 Checks:	23,409.85
Less 0 Void Checks:	0.00
Total of 7 Disbursements:	23,409.85

003

20-029
 77,780.63
 23,409.85
 121,215.11



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5

October 2021						
S	M	T	W	T	F	S
26	27	28	29	30	1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31	1	2	3	4	5	6

New Balance
\$999.99
Minimum Payment Due
\$199.00
Payment Due Date
10/10/21

Late Payment Warning: If we do not receive your minimum payment by the due date, you may have to pay a late fee, and existing and new balances may become subject to the Default APR.

Minimum Payment Warning: Enroll in Auto-Pay and avoid missing a payment. To enroll, go to www.chase.com

MAILED
9-23-21

ACCOUNT SUMMARY

Account Number:	[REDACTED]
Previous Balance	\$422.09
Payment, Credits	-\$422.09
Purchases	+\$999.99
Cash Advances	\$0.00
Balance Transfers	\$0.00
Fees Charged	\$0.00
Interest Charged	\$0.00
New Balance	\$999.99
Opening/Closing Date	08/17/21 - 09/16/21
Credit Limit	\$20,000
Available Credit	\$19,000
Cash Access Line	\$1,000
Available for Cash	\$1,000
Past Due Amount	\$0.00
Balance over the Credit Limit	\$0.00

ENTERED SEP 22 2021



ACCOUNT ACTIVITY

Date of Transaction	Merchant Name or Transaction Description	\$ Amount
08/31	Payment ThankYou Image Check	-422.09
08/19	AMZN Digital*2D3VS9AG2 888-802-3080 WA	299.99 <i>RYM</i>
08/23	B2B Prime*2594J2CK1 Amzn.com/bill WA	499.00 <i>Dues</i>
09/07	REALCOMP II LTD 248-553-3003 MI MICHAEL C ARCHINAL TRANSACTIONS THIS CYCLE (CARD 3223) \$577.90 INCLUDING PAYMENTS RECEIVED	201.00 <i>Dues</i>

2021 Totals Year-to-Date	
Total fees charged in 2021	\$39.00
Total interest charged in 2021	\$22.87

Year-to-date totals do not reflect any fee or interest refunds you may have received.

OK
[Signature]
9/21/2021

INTEREST CHARGES

Your Annual Percentage Rate (APR) is the annual interest rate on your account.

Balance Type	Annual Percentage Rate (APR)	Balance Subject To Interest Rate	Interest Charges
PURCHASES			
Purchases	13.24%(v)(d)	- 0 -	- 0 -
CASH ADVANCES			
Cash Advances	19.24%(v)(d)	- 0 -	- 0 -
BALANCE TRANSFERS			
Balance Transfer	13.24%(v)(d)	- 0 -	- 0 -

31 Days in Billing Period

(v) = Variable Rate
 (d) = Daily Balance Method (including new transactions)
 (a) = Average Daily Balance Method (including new transactions)
 Please see Information About Your Account section for the Calculation of Balance Subject to Interest Rate, Annual Renewal Notice, How to Avoid Interest on Purchases, and other important information, as applicable.

Dues 101-284-957-000 \$ 700.00
Repair & MAINT 101-265-775-000 \$ 299.99



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September 2021						
S	M	T	W	T	F	S
29	30	31	1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	1	2
3	4	5	6	7	8	9

New Balance
\$422.09
 Minimum Payment Due
\$84.00
 Payment Due Date
09/10/21

Late Payment Warning: If we do not receive your minimum payment by the due date, you may have to pay a late fee, and existing and new balances may become subject to the Default APR.

Minimum Payment Warning: Enroll in Auto-Pay and avoid missing a payment. To enroll, go to www.chase.com

ACCOUNT SUMMARY

Account Number: [REDACTED]

Previous Balance	\$562.42
Payment, Credits	-\$562.42
Purchases	+\$422.09
Cash Advances	\$0.00
Balance Transfers	\$0.00
Fees Charged	\$0.00
Interest Charged	\$0.00
New Balance	\$422.09

Opening/Closing Date	07/17/21 - 08/16/21
Credit Limit	\$20,000
Available Credit	\$19,577
Cash Access Line	\$1,000
Available for Cash	\$1,000

Past Due Amount	\$0.00
Balance over the Credit Limit	\$0.00

OK.
 [Signature]
 8/23/2021
 [Signature]

ENTERED AUG 26 2021



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ACCOUNT ACTIVITY

Date of Transaction	Merchant Name or Transaction Description	\$ Amount
07/28	Payment ThankYou Image Check	-562.42
07/20	AMZN Mktg US*2E7MK6K31 Amzn.com/bill WA	29.88 <i>29.88</i>
07/28	Amazon.com*2P4UV6OM0 Amzn.com/bill WA	139.99 <i>139.99</i>
08/01	Amazon.com*2P0JB5XU1 Amzn.com/bill WA	27.60 <i>27.60</i>
08/03	WAL-MART #1754 HOWELL MI	10.47
08/09	Amazon.com*2D3RF1CL1 Amzn.com/bill WA	139.99
08/11	LOWES #00779* HOWELL MI MICHAEL C ARCHINAL TRANSACTIONS THIS CYCLE (CARD 3223) \$140.33- INCLUDING PAYMENTS RECEIVED	74.16

2021 Totals Year-to-Date	
Total fees charged in 2021	\$39.00
Total interest charged in 2021	\$22.87

Year-to-date totals do not reflect any fee or interest refunds you may have received.

*Repair & Maint. \$ 42209
 101-265-775-000*

INTEREST CHARGES

Your Annual Percentage Rate (APR) is the annual interest rate on your account.

Balance Type	Annual Percentage Rate (APR)	Balance Subject To Interest Rate	Interest Charges
PURCHASES			
Purchases	13.24%(v)(d)	- 0 -	- 0 -
CASH ADVANCES			
Cash Advances	19.24%(v)(d)	- 0 -	- 0 -
BALANCE TRANSFERS			
Balance Transfer	13.24%(v)(d)	- 0 -	- 0 -

31 Days in Billing Period

(v) = Variable Rate

(d) = Daily Balance Method (including new transactions)

(a) = Average Daily Balance Method (including new transactions)

Please see Information About Your Account section for the Calculation of Balance Subject to Interest Rate, Annual Renewal Notice, How to Avoid Interest on Purchases, and other important information, as applicable.



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September 2021						
S	M	T	W	T	F	S
29	30	31	1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	1	2
3	4	5	6	7	8	9

New Balance
\$3,694.36
 Minimum Payment Due
\$40.00
 Payment Due Date
09/01/21

INK CASH(SM) POINT SUMMARY	
Previous points balance	45,042
+ 1 Point per \$1 earned on all purchases	3,695
+ 2Pts/\$1 gas stns, rstnts, ofc sply, hm impr	2,704
Total points available for redemption	51,441

Redemption - 8/12/21
\$ 514.41

Late Payment Warning: If we do not receive your minimum payment by the due date, you may have to pay a late fee, and existing and new balances may become subject to the Default APR.

Minimum Payment Warning: Enroll in Auto-Pay and avoid missing a payment. To enroll, go to www.chase.com

ACCOUNT SUMMARY

Account Number:	[REDACTED]
Previous Balance	\$1,632.91
Payment, Credits	-\$1,632.91
Purchases	+\$3,694.36
Cash Advances	\$0.00
Balance Transfers	\$0.00
Fees Charged	\$0.00
Interest Charged	\$0.00
New Balance	\$3,694.36
Opening/Closing Date	07/08/21 - 08/07/21
Credit Limit	\$36,500
Available Credit	\$32,805
Cash Access Line	\$1,825
Available for Cash	\$1,825
Past Due Amount	\$0.00
Balance over the Credit Limit	\$0.00

MAILED
 8-17-21

ALL SYS - 503-000-084-000
 UTILITY DEPT.

AUG 12 2021

RECEIVED

[Signature]
 8/13/21



ACCOUNT ACTIVITY

Date of Transaction	Merchant Name or Transaction Description	\$ Amount
07/29	MARSH POWER TOOLS 810-2201122 MI <i>DPW tools</i> DAVE ESTRADA TRANSACTIONS THIS CYCLE (CARD 4124) \$716.60	716.60 ✓
07/14	SQ *AK SERVICES BRIGHTON MI <i>DPW training</i>	300.00 ✓
07/31	AMZN Mktg US*2P77Y7G81 Amzn.com/bill WA <i>MHOG</i>	114.70 ✓
08/02	MARATHON PETRO194621 HOWELL MI <i>MHOG</i>	22.00 ✓
08/05	MARATHON PETRO194621 HOWELL MI <i>DPW truck</i>	325.00 ✓
08/05	MARATHON PETRO194621 HOWELL MI <i>DPW truck</i> ALEX CHIMPOURAS TRANSACTIONS THIS CYCLE (CARD 2501) \$1661.70	900.00 ✓
07/09	AIS CONSTRUCTION EQUIP 616-538-2400 MI <i>G-D</i> JAMES AULETTE TRANSACTIONS THIS CYCLE (CARD 7653) \$881.79	881.79 ✓
07/16	Payment ThankYou Image Check	-1,632.91
07/10	LOGMEIN®GoToConnect logmein.com UT <i>MHOG</i>	250.66 ✓
08/02	MEIJER # 172 HOWELL MI <i>DPW prop dev.</i>	12.95 ✓
08/03	JETS PIZZA MI-070 BRIGHTON MI <i>DPW-GIS training</i>	104.88 ✓
08/04	RINGCENTRAL, INC 650-4724100 CA GREG TATARA TRANSACTIONS THIS CYCLE (CARD 9747) \$1198.64- INCLUDING PAYMENTS RECEIVED	65.78 -

2021 Totals Year-to-Date	
Total fees charged in 2021	\$0.00
Total interest charged in 2021	\$0.00

Year-to-date totals do not reflect any fee or interest refunds you may have received.



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Customer Service:
1-800-945-2028



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October 2021						
S	M	T	W	T	F	S
26	27	28	29	30	1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31	1	2	3	4	5	6

New Balance
\$2,503.24
 Minimum Payment Due
\$40.00
 Payment Due Date
10/01/21

INK CASH(SM) POINT SUMMARY

Previous points balance	51,441
+ 1 Point per \$1 earned on all purchases	2,504
+ 2Pts/\$1 gas stns, retns, ofc sply, hm impr	2,058
- Points redeemed this statement period	51,441
Total points available for redemption	4,562

Late Payment Warning: If we do not receive your minimum payment by the due date, you may have to pay a late fee, and existing and new balances may become subject to the Default APR.

Minimum Payment Warning: Enroll in Auto-Pay and avoid missing a payment. To enroll, go to www.chase.com

ACCOUNT SUMMARY

Account Number: [REDACTED]

Previous Balance	\$3,694.36
Payment, Credits	-\$3,694.36
Purchases	+\$2,503.24
Cash Advances	\$0.00
Balance Transfers	\$0.00
Fees Charged	\$0.00
Interest Charged	\$0.00
New Balance	\$2,503.24
Opening/Closing Date	08/08/21 - 09/07/21
Credit Limit	\$36,500
Available Credit	\$33,996
Cash Access Line	\$1,825
Available for Cash	\$1,825
Past Due Amount	\$0.00
Balance over the Credit Limit	\$0.00

ALL SYS - 503-000-084-000
 UTILITY DEPT.

SEP 13 2021

[Signature]
 9-14-21

RECEIVED

ENTERED SEP 14 2021



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ACCOUNT ACTIVITY

Date of Transaction	Merchant Name or Transaction Description	\$ Amount
08/05	STAPLES 00107730 BRIGHTON MI 207.99 MHO6 151.67 DPW	359.66 ✓
08/11	At-A-Glance US 800-6439923 IL MHO6	23.02 ✓
08/19	ZORO TOOLS INC 855-2899676 IL MHO6 216.41 OPW 24.04	240.45 ✓
08/25	MEIJER # 172 HOWELL MI MHO6	47.64 ✓
09/02	AMZN Mkt US*251196JT2 Amzn.com/bill WA DPW PPE	194.01 ✓
09/06	Amazon.com*256M38XM2 Amzn.com/bill WA DPW PPE ALEX CHIMPOURAS TRANSACTIONS THIS CYCLE (CARD 2501) \$1104.48	239.70 ✓
08/11	AMZN Mkt US*2D9FJ5NW1 Amzn.com/bill WA 6.0	16.87 ✓
08/11	AMZN Mkt US*2D16C9JX1 Amzn.com/bill WA 6.0	102.99 ✓
08/12	MCDONALD'S F12715 HOWELL MI DPW	18.45
08/19	HARBOR FREIGHT TOOLS 630 HOWELL MI 6/0 JAMES AULETTE TRANSACTIONS THIS CYCLE (CARD 7653) \$168.29	29.98 ✓
08/09	GFS STORE #0116 BRIGHTON MI DPW training	201.46 ✓
08/10	WAL-MART #1754 HOWELL MI DPW training	25.94 ✓
08/10	JIMMY JOHNS - 2175 HOWELL MI DPW training	60.00
08/18	STAPLES 00107730 BRIGHTON MI DPW training KIMBERLY LANE TRANSACTIONS THIS CYCLE (CARD 4797) \$825.05	537.65 ✓
08/12	REDEMPTION CREDIT	-514.41
08/18	Payment ThankYou Image Check	-3,179.95
08/10	LOGMEIN*GoToConnect logmein.com UT MHO6	250.64 ✓
08/28	Amazon.com*2D28P1UN2 Amzn.com/bill WA DPW training	89.00 ✓
09/04	RINGCENTRAL, INC 650-4724100 CA phone GREG TATARA TRANSACTIONS THIS CYCLE (CARD 9747) \$3288.94- INCLUDING PAYMENTS RECEIVED	65.78 -

2021 Totals Year-to-Date

Total fees charged in 2021	\$0.00
Total interest charged in 2021	\$0.00

Year-to-date totals do not reflect any fee or interest refunds you may have received.

INTEREST CHARGES

Your Annual Percentage Rate (APR) is the annual interest rate on your account.

Balance Type	Annual Percentage Rate (APR)	Balance Subject To Interest Rate	Interest Charges
PURCHASES			
Purchases	13.24%(v)(d)	- 0 -	- 0 -
CASH ADVANCES			
Cash Advances	24.99%(v)(d)	- 0 -	- 0 -
BALANCE TRANSFERS			
Balance Transfer	13.24%(v)(d)	- 0 -	- 0 -

draft

GENOA CHARTER TOWNSHIP BOARD
Regular Meeting
September 20, 2021

MINUTES

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

A Call to the Public was made with the following response: Bonnie Matthews – I live on Lake Chemung and am still concerned with the resolution allowing the killing of Mute Swans. Rogers – We do not usually respond to any comments made at the Call to the Public, however, the resolution simply allows lake association to petition the DNR to resolve the issue on their lakes. Any action is up to your lake association. Amy Trump – I have lived on Lake Chemung for 20 years and no one asked us. Twenty residents complained and the Township acted. What about all the population that is opposed. This is a big concern and you must be transparent. Rogers – This board only allowed your associations to make a request to the DNR if they should choose.

Consent Agenda:

Moved by Lowe and supported by Mortenson to approve items 1 and 3 listed under the Consent Agenda as requested and move the Minutes to the Regular Agenda. The motion carried unanimously.

1. Payment of Bills: September 20, 2021

2. Request to Approve Minutes: August 16, 2021 (moved to Regular Agenda)

3. Request for repairs to the Township Hall windows by Carlson Glass in an amount not to exceed \$3,195.00.

Regular Agenda:

Moved by Mortenson and supported by Croft to approve for action all items listed under the Regular Agenda with the addition of item 2. The motion carried unanimously.

2. Request to Approve Minutes: August 16, 2021

Moved by Lowe and supported by Croft to approve the August 16, 2021 meeting with the addition of Township Attorney Joe Seward as present at the meeting. The word metal under member discussion was changed to medal. The corrected minutes were voted and approved unanimously.

4. Request to approve the purchase of a Performance 17 Heating and Cooling System from Lakeside Service Company for an amount not to exceed \$85,765.83.

Moved by Hunt and supported by Skolarus to approve the purchase of a new Heating and Cooling system as requested. The motion carried unanimously.

5. Request to approve the following water rate adjustments effective October 1, 2021 as requested by Dr. Greg Tatara:

A. Change the Lake Edgewood Conference Center Quarterly Water Fee to \$6.43/1,000 gallons from \$5.81/1,000 gallons;

Moved by Lowe and supported by Croft to approve the Lake Edgewood Conference Center water fee as requested. The motion carried unanimously.

B. Change the Lake Edgewood Other Quarterly water fee to \$6.16/1,000 gallons from \$5.56/1,000 per 1,000 gallons;

Moved by Mortenson and supported by Ledford to approve the Lake Edgewood Other Quarterly water fee as requested. The motion carried unanimously.

C. Hold the applicable Brighton City water connection fee at \$2,802 per REU and the sewer connection at \$7,198 per REU.

Moved by Hunt and supported by Mortenson to hold the applicable Brighton City water and sewer connection fee as requested. The motion carried unanimously.

6. Request for introduction of the proposed text amendments to Articles 11 and 25 (Ordinance Z-21-01) and set the meeting date for the purpose of considering the proposed zoning text amendments for adoption before the Township Board on Monday, October 4, 2021.

Moved by Lowe and supported by Skolarus to set a meeting date of Monday, October 4, 2021 for the purpose of considering the proposed zoning text amendments for adoption related to articles 11 and 25 (Ordinance No. Z-21-01). The motion carried unanimously.

Correspondence:

*A request for a traffic light and directional road signs was made by Sylvan Glen Estates (6600 Grand Rive Ave. Brighton, MI 48114) with copies to the Livingston County Road Commission and Genoa Township.

*ARPA applications that have been received are being reviewed for approval.

*Charter Communications advised the township of changes and additions to their programming.

*A letter from Brian Jonckheere (Livingston County Drain Commissioner concerning a recent flooding event, in response to a letter from Mr. Joseph Radey.

Member Discussion:

- Mortenson introduced his daughter Captain Katherine Mortenson to the Board. Rogers thanked her for her service.
- Rogers – We lost electricity last Friday and closed the office after the water ran out. The generator failed and parts were not available.
- Archinal – Construction has begun on the entrance to the Township office and should be complete by the end of the week. The City of Brighton is redoing their roads and damage was done to State Street. 1 ½” of asphalt will be added to correct the problem. The township is redoing the sidewalk area across from the high school.

Moved by Ledford and supported by Mortenson to adjourn the regular meeting at 6:50 p.m.

Paulette A. Skolarus, Clerk
Genoa Charter Township Board

Bill Rogers, Supervisor
Genoa Charter Township Board



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

MEMORANDUM

TO: Honorable Board of Trustees
FROM: Kelly VanMarter, Assistant Township Manager/Community Development Director
DATE: September 29, 2021
RE: **Articles 11 & 25 Text Amendments
Ordinance No. Z-21-01**

MANAGERS REVIEW: _____

In consideration of the approval recommendations by the Township Planning Commission on July 12, 2021 and the Livingston County Planning Commission on September 15, 2021 please find the attached proposed zoning text amendments for your review. The proposed ordinance involves text amendments to Article 11 General Provisions and Article 25 entitled Definitions of the Township Zoning Ordinance.

The amendments involve revisions and reformat to the following sections:

- 11.01.04 Architectural Projections into Yards;
- 11.01.05 Supplementary Height Regulations;
- 11.02.05 Temporary Buildings and Structures;
- 11.02.06 Open Storage, Parking and Repair of Vehicles;
- 11.02.08 Wireless Communication Facilities;
- 11.04.01 Accessory Buildings, Structures and Uses in General;
- 11.04.02 Accessory Buildings;
- 11.04.03 Accessory Structures; and
- 25.02 Definitions:
 - Fence definition;
 - Landscaping definition;
 - Lot Coverage definition;
 - Outdoor storage, display or sales definition;
 - Wall definition; and
 - Yard definition;

The amendments also involve new sections and definitions in regard to the following:

- 11.02.09 Medical and Recreational Marijuana;
- 11.04.03(e) Gardens and landscaping;

SUPERVISOR

Bill Rogers

CLERK

Paulette A. Skolarus

TREASURER

Robin L. Hunt

TRUSTEES

Jean W. Ledford
H. James Mortensen
Terry Croft
Diana Lowe

MANAGER

Michael C. Archinal

- 11.04.03(f) Manufactured landscape features and minor structures;
- 11.04.03(g) Ground Level Unenclosed Projections;
- 11.04.03(h) Steps, stairways and stoops;
- 11.04.03(i) Flagpoles;
- 11.04.03(j) Retaining Walls;
- 11.04.03(k) Play Structures;
- 11.06 Solar Energy Collectors and Commercial Solar Energy Systems; and
- 25.02 Definitions:
 - Accessory Structure, Minor definition;
 - Architectural Feature definition;
 - Balcony definition;
 - Deck definition;
 - Extraction definition;
 - Living Space definition;
 - Manufactured Landscape Feature definition;
 - Patio definition;
 - Play Structure definition;
 - Porch definition;
 - Railing definition;
 - Retaining Wall definition;
 - Riparian Right definition;
 - Stoop definition; and
 - Terrace definition.

As required pursuant to the Zoning Ordinance, the Michigan Zoning Enabling Act (Act 110 of 2006) and the Charter Township Act (Act 359 of 1947) the Board has introduced and staff has published notice of the proposed text amendment. Consideration for adoption is therefore requested. The Township Attorney and I plan to be in attendance at the meeting on Monday to discuss the changes and seek input on the draft language. If the Board is in support of the proposed ordinance I offer the following motion for your consideration:

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

Moved by _____, supported by _____ to APPROVE AND ADOPT Ordinance number Z-21-01 amending Articles 11 and 25 of the Zoning Ordinance in regard to General Provisions and Definitions.

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

Sincerely,



Kelly VanMarter
Assistant Township Manager/Community Development Director

ORDINANCE #Z-21-01

AN ORDINANCE TO AMEND ZONING ORDINANCE ARTICLE 11 ENTITLED GENERAL PROVISIONS AND ARTICLE 25 ENTITLED DEFINITIONS

THE TOWNSHIP OF GENOA ORDAINS:

SECTION 1: SHORT TITLE: This Ordinance shall be known as the “**2021 Amendment to Zoning Ordinance Article 11 entitled General Provisions and Article 25 entitled Definitions**”.

SECTION 2: SUMMARY OF ORDINANCE: Pursuant to the Michigan Zoning Enabling Act (P.A. 110 of 2006), notice is hereby given that an ordinance to amend the Zoning Ordinance regulating the development and use of land in Genoa Charter Township has been adopted by the Township Board on _____. The Board conducted the second reading and approved Ordinance #Z-21-01 to adopt the ordinance and amend the Zoning Ordinance of the Charter Township of Genoa by amending Article 11 General Provisions and Article 25 Definitions. The following provides a summary of the regulatory effect of the ordinance.

ARTICLE 11 OF THE ZONING ORDINANCE, ENTITLED GENERAL PROVISIONS, IS HEREBY AMENDED AS FOLLOWS:

Section 11.01 GENERAL DIMENSIONAL STANDARDS is amended as follows:

- **Section 11.01.04 Projections into Yards** is amended to exclusively regulate architectural projections into yards. Non-architectural projections are moved to regulation as accessory structures. The following text is added: “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.” The table is amended as follows:
 - A column was added for waterfront yard and for side yards less than 10 feet in the LRR District.
 - A row for Fireplaces and chimneys under 8’ wide was added with the following projections allowed into the required yard: 3 feet front and side; 5 feet rear; 2 feet waterfront and side yards less than 10 feet in LRR.
 - Bow windows are added to the bay windows row and the regulations for Awnings and canopies and Bay and Bow Windows is amended to provide for a 2 feet projection into required waterfront yard and required side yards less than 10 feet in LRR.
 - Cornices were added to the eaves; overhanging row and the rear yard projection is revised to be 3 feet and 2 feet for the side yards less than 10 feet in LRR.
 - Projections into required yards for gutters is revised to provide a 3 feet projection in the rear yard and a 2 feet projection for side yards less than 10 feet in the LRR District.
 - ADA Ramps were added as permitted in any yard.
 - Generators were added as mechanical equipment.
 - The following row categories are removed: air conditioning equipment shelters; arbors and trellises, decks, open/enclosed, fences and walls, flagpoles, gardens and landscaping, laundry drying equipment, light standard, ornamental, Paved terraces, approved signs, stairways, steps, television/ratio towners or antennas and window air conditioning.
 - A footnote is added as follows: “* In no case shall projecting architectural elements be less than three (3) feet from a property line except for ADA ramps.”
- **Section 11.01.05 Supplementary Height Restrictions item (b)** is amended to remove the reference to penthouses and add a catch all statement for “other architectural features approved by the Planning Commission. In addition, flag pole height is increased to 60 feet to be consistent with the height of the Township Hall flagpole and other flag poles existing in the community.

Section 11.02 USES is amended as follows:

- **Section 11.02.05 Temporary Buildings and Structures** is amended to remove the word “construction” in the heading and provide a maximum of 12 months for the allowance for temporary construction buildings and structures.
 - **Section 11.02.05(d)** is added as follows: “Non-construction related residential temporary buildings and structures shall comply with accessory building and structure regulations of 11.04 and shall be properly maintained.”
- **Section 11.02.06 Open Storage, Parking and Repair of Vehicles** is amended to require a principle building on a lot to be able to park or store a boat, tractor, trailer, recreation vehicle commercial vehicle or other equipment and supplies.
 - **Section 11.02.06 (a)** is amended to require vehicles parked or stored to display proof of current license or registration.

A new table to was added to establish the maximum number of boats, tractors, trailers, recreation vehicles may be stored or parked in and residential zoning district as follows:

Lot Area	Total maximum number of boats, tractors, trailers, and recreation vehicles per lot*	Maximum number of boats, tractors, trailers, recreation vehicles over twenty-four (24) feet in length*
One (1) Acre or less	3	1
More than one (1) acre but less than five (5) acres	5	2
Five (5) acres or more	7	3

*Up to two (2) additional boats, tractors, trailers, or recreational vehicles of any length may be allowed provided they are fully screened and not visible from off-site.

- **Section 11.02.06(c)** is amended to eliminate the parking of tractors, trailers, commercial vehicles, recreational vehicles or similar equipment and supplies within the waterfront yard except non-motorized boats which are under eighteen (18) feet in length, boating supplies and docking equipment which are permitted (limit within 25 feet of shoreline is deleted). In addition, the section is amended to allow two (2) recreational vehicles, boats or trailers within the front yard driveway of a water front lot provided that a minimum setback of twenty-feet (20) is provided from the front lot line and the minimum parking requirements for the use are maintained (the limitations outside of May 1 to Sept. 30 are deleted).
- **Section 11.02.06(d)** is added as follows: “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.”
- **Section 11.02.06(e)(1)** is amended to remove the requirement for parking on an improved surface and replace it with the following language: “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.”
- **Former Section 11.02.06(e)** is deleted.
- **Section 11.02.06(f)** is added as follows: “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.”
- **Section 11.02.06(h)** is added as follows: “No vehicle used for transporting flammable liquids, explosives, toxic or noxious materials shall be parked or stored in a residential district.
- **Section 11.02.06(i)** is added as follows: “Open storage, parking and repair is not permitted on any vacant land.”
- **Section 11.02.06(j)** is added as follows: “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.
- **Section 11.02.08 Wireless Communication Facilities is amended as follows:**
 - **Section 11.02.08(b)(1)** is amended to add a reference to small cell wireless equipment to the definition of wireless community facilities.
 - **The table associated with Section 11.02.08(c)** is amended to add the Agricultural zoning district to the permitted districts for New monopole facilities up to 120 feet tall.
 - **Section 11.02.08(e)(2)** is amended to add the following sentence: “Additionally, a permit for the construction and use of a new wireless communication facility shall not be granted in the AG District until it has been demonstrated that there are no feasible alternative locations.”
 - **Section 11.02.08(e) (10)** is amended to include agricultural district.
 - **Section 11.02.08(e)(10)(d)** is added as follows: “In the agricultural (AG) District, spacing from an off-site residential building shall be not less than one thousand (1000) feet. The person or body with authority to approve the facility may decrease this setback to that provided in c above upon a finding that there are no other alternatives and if impacts to adjacent residential use have been mitigated.”
- **Section 11.02.09 Medical Marijuana/Recreational Marijuana is added as follows:**

Section 11.02.09(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 MMMA and Michigan Zoning Enabling Act, MCL 125.3101, et seq. (“MZE”), 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 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 MZE provides the Township with statutory authority to impose zoning limitations as set forth in this Article.

Section 11.02.09(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.

Section 11.02.09(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. *No equipment or process shall be used in growing, processing, or handling marihuana which creates additional 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.*
 - d. *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.*
 - e. *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.*
 - f. *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.*
 - g. *If the registered patient, or individual twenty-one years or older, is not the owner of the premises, a written statement that there is no lease or that the least does not prohibit the cultivation of marihuana shall be provided.*
 - h. *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.*
 - i. *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.*
 - j. *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.*
 - k. *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 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. *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.*
- e. *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.*
- f. *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.*
- g. *No equipment or process shall be used in growing, processing, or handling marihuana which creates additional 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.*
- h. *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.*
- i. *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*
- j. *Certificate Required. The operations of a registered primary caregiver within an industrial or agricultural zoning district, shall only be permitted upon the issuance of a Zoning Certificate to Cultivate Medical Marihuana. Such certificate is required to be renewed annually. The following information shall be provided with an application for zoning certificate to cultivate medical marihuana:*
 - i. *A complete and accurate application shall be submitted on a form provided by the Township along with submission of the application fee. The application fee and renewal fee shall be an amount determined by resolution of the Township Board.*
 - ii. *Proof of property ownership or a written statement that there is no lease or that the least does not prohibit the cultivation of marihuana shall be provided.*
 - iii. *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.*
 - iv. *Specification of the number of qualifying patients for whom marihuana will or may be grown, cultivated, harvested, manufactured, processed and stored.*
 - v. *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.

- vi. 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.
- vii. 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.
- viii. 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.
- ix. An operations plan that addresses water use, wastewater, and the disposal of waste.
- x. 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.
- xi. The zoning administrator may require additional information necessary to demonstrate compliance with all requirements. The planning zoning administrator shall review the application to determine compliance with this Ordinance, the MMMA and the MRTMA and any applicable Michigan Regulatory Agency General Rules. A certificate shall be granted if the application demonstrates compliance with this Ordinance and the MMMA
- xii. The use shall be maintained in compliance with the requirements of this Ordinance and the MMMA. Any departure shall be grounds to revoke the certificate and take other lawful action. If a certificate is revoked, the applicant shall not engage in the activity unless and until a new Zoning Authorization to Cultivate Medical Marihuana certificate is granted.

(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.

• **Section 11.04 Accessory Buildings and Structures is amended as follows:**

- **Section 11.04.01(a)** is amended to delete the following sentence “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 the same ownership”.
- **Section 11.04.01(b)** is amended as follows: “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 one structure two~~ hundred ~~twenty (120)~~ (200) square feet or less shall be allowed ~~without~~with a land use ~~permit~~waiver.”
- **Section 11.04.01(c)** is added as follows: “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.”

- **Section 11.04.01(d)** is added as follows: “For the purposes of this section screens, lattice, trellis, slats, beams, rafters or removable storm window sashes shall be considered enclosed and/or covered.”
- **Section 11.04.01(e)** is added as follows: “Natural Features Setback: All accessory buildings, structures, and uses are subject to the natural feature setback requirements of Section 13.02.04(d).”
- **Section 11.04.02 Accessory Buildings** is added as a new section.
- **Section 11.4.02(a)** is amended to delete the following: “accessory buildings are permitted in the front yards”.
- **Section 11.04.02(a)(1)** is amended to add “provided the front setback is not less than ten (10) feet.”
- **Section 11.04.02(a)(2)** is amended to add “in the AG or CE district” and to provide a minimum front yard setback of 75 feet if the average of adjacents is less. A clarification is added in situations where both of adjacent lots are vacant.
- **Section 11.04.02(d)** is deleted.
- **Section 11.04.02(b) and 11.04.02(c)** is amended to increase the size from 120 to 200 square feet and remove the references to structure(s).
- **Section 11.04.02(c)(3)** is added as follows: “In non-residential districts, all detached accessory buildings shall meet the setback requirements for principal structures unless otherwise provided herein”
- **Section 11.04.02(d)** is amended to change the reference from principle structure to principle building and to refer to a requirement that all accessory buildings are subject to the natural features setback of Section 13.0204(d).
- **Section 11.04.02(e)** is amended to reduce the amount of land area from 2 acres to 1 acre to be allowed 900 sq. ft. of accessory building and new categories were added to allow 1500 sq. ft. of accessory building on lots equal to or greater than 1 acre but less than 3 acres and 2,200 sq. ft. for lots 3 acres or more. In the last sentence, amendments are made to remove the reference to structures and to specify “lots 5 acres or more” instead of conforming lots to allow equal treatment to AG lots.
- **Section 11.04.02(f)** is amended to require “conforming lots” in the AG and CE districts.
- **Section 11.04.02(g)** is amended to increase the maximum height of detached accessory buildings from 14 to 18 feet.
- **Section 11.04.02(g)(2)** is amended to remove the reference to conforming lots and replace it with lots 2 acres or greater that quality for the additional height. Also, the maximum height allowed is specified as 35 feet rather than 15 feet more than principal height for simplicity.
- **Section 11.04.03 Accessory Structures** is amended as follows:
- **Section 11.04.03(a)** is amended as follows: **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).

~~(c) 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.~~

~~(2)(5) (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). (Detached, freestanding, or non-abutting decks, balconies, porches, and similar structures shall comply with the requirements of Section 11.04.02 for Accessory Buildings.~~

• **Section 11.04.03(b) is amended to add Spas, Hot Tubs and Similar Structures.**

- **Section 11.04.03(b)(1)** is amended to add “wall, barrier, or other form of” enclosure. The section is also revised to remove the words “or enclosure” and to add “or spa”.
- **Sections 11.04.03(b) items 2 and 3** are added as follows:
- (2) **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).
- **Section 11.04.03(b)(4)** is amended to clarify setbacks include “associated enclosures” and apply to the side or rear lot lines.

• **Section 11.04.03(c) is a new amended section regulating Fences and Walls** as follows:

- **Section 11.04.03(c)(1)** is added as follows: “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.”
- **Section 11.04.03(c)(2)** is amended to replace “fences, walls and screens” with “fences and walls”.
- **Section 11.04.03(c)(3)** is amended to delete “within a residential district”.
- **Section 11.04.03(c)(4)** is amended as follows: Waterfront Lots: Fences and walls shall not be permitted in the required waterfront yard shoreline setback for principal buildings as stated in Table 3.04.02.
- **Section 11.04.03(c)(5)** is amended to remove the reference to screens and to specify that regulations apply to all side and rear yards and to the non-required waterfront yard. Additionally, the maximum fence/wall height is proposed to increase from 4 feet to 6 feet and the exception that was formerly item (4) regarding 8 foot security fence is added to this description.
- **Sections 11.04.03(c) former items (1), (2) and (3)** are deleted.
- **Section 11.04.03(c)(6)** is added as follows: “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.”
- **Section 11.04.03(c)(7)** is added as follows: “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.”
- **Section 11.04.03(c)(8)** is amended to add “Fences and walls” at the beginning of the first sentence.
- **Section 11.04.03(c)(9)** is amended to add Rural Residential ad a district that allow the use of electric current because we do allow keeping of livestock in the RR district.

• **Section 11.04.03(d) is an amended Section for Waterfront Accessory Structures.** Amendments include the removal of “and appurtenances” because it was too vague and to add the refence to these structures being accessory structures. Clarification was also added to indicate that the required waterfront yard is established as the required principal structure setback.

- **Section 11.04.03(d)(1)** is amended to clarify that only the following structures shall be permitted in the required waterfront yard as follows:

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

a. ~~(2) decks~~ Permitted Projections, subject to the requirements of Section 11.01.04.

- b. ~~No more than one accessory building~~, subject to the requirements of Section 11.04.02(e);
- c. ~~(3) no more than one gazebo~~ Accessory Structures, subject to the requirements of Section 11.04.02(d)-03.
- d. ~~(b) A dock and mooring apparatus;~~
- e. Allowable accessory use of the waterfront in a single-family residential district shall be limited to not more than (1) dock per lot ~~or per dwelling unit~~ occupied with a 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.

- **Section 11.04.03(e) is added** as follows: **“Gardens and landscaping.** Gardens and landscaping are permitted in all yards.”
- **Section 11.04.03(f) is added** as follows: **“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.”
- **Section 11.04.03(g) is added** as follows: **“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.”
- **Section 11.04.03(h) is added** as follows: **“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:

Front Yard	Rear Yard	Waterfront Yard (1)	Side Yard	
			Side Yard 10' or less in LRR	Side Yard
10 ft.	15 ft.	15 ft. (1)	2 ft.	5 ft.

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”

- **Section 11.04.03(i) is added** as follows: **“Flagpoles.** Flagpoles are permitted in all yards provided that they are setback a distance at least equal to their height.”
- **Section 11.04.03(j) is added** as follows: **“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) 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.
 - (3) Retaining walls over three (3) 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.
 - (4) 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. Where possible, permission to grade on adjacent property shall be sought to minimize retaining wall height.
 - i. **Front Yard:** Retaining walls within the required front yard shall not exceed three (3) feet in height and shall not be located within twenty (20) feet of the front lot line or be less than two (2) feet from the side lot line.

- ii. *Side and Rear Yard: Retaining walls within the required side or rear yard shall not exceed a height of six (6) 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 or be less than two (2) feet from the side lot line. This does not include seawalls which are regulated by the Michigan Department of Energy, Great Lakes and Environment (EGLE).*
- (5) *Stepped or Tiered Walls: Retaining walls which are stepped in multiple tiers having a series of two (2) or more parallel walls shall each comply with the maximum height allowed by Section 11.04.03(j)(4). The height of the upper retaining wall shall be less than or equal to the height of the lower wall and the distance between the retaining walls must be at least equal to the height of the lower wall but not less than three (3) feet.*
- (6) *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).*
- (7) *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.”*
- **Section 11.04.03(k) is added** as follows: **“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.”*
 - **Section 11.04.03(l) Reception Antennas and Towers is amended** to correct inconsistent section numbering.
 - **Section 11.04.07 Outdoor Furnaces is re-categorized and re-numbered as Section 11.04.03 item (m).**
 - **Section 11.04.03(m)(2) is added** as follows: **“Permit Required.** No outdoor furnace shall be constructed or installed without obtaining a land use permit.”
 - **Section 11.06 SOLAR ENERGY COLLECTORS AND COMMERCIAL SOLAR ENERGY SYSTEMS is added** as follows:

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:

(a) **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.

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

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

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

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

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

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

11.06.04 Commercial Solar Energy System:

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

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

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

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

(e) **Screening:** Screening may be required in cases where ground-mounted units impact views from adjacent properties or public streets.

ARTICLE 25 OF THE ZONING ORDINANCE, ENTITLED DEFINITIONS, IS HEREBY AMENDED AS FOLLOWS:

Article 25 DEFINITIONS is amended as follows:

- A new definition is added for **Accessory Structure, Minor** as follows: “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.”
- A new definition is added for **Architectural feature** as follows: “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.”
- A new definition is added for **Balcony** as follows: “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.”
- A new definition is added for **Deck** as follows: “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.”
- A new definition is added for **Extraction** as follows: “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.”
- The definition of **Fence** is replaced with a new definition as follows: “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 new definition is added for **Ground Level Unenclosed Projection** as follows: “A ground level unenclosed projection shall include patios, terraces, walkways, landings, steps (but not including waterfront stairs as permitted in 11.04.03(h)), 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.”

- The definition for **Landscaping** is revised to delete the following sentence: “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”.
- The landscaping related term for **Screen or Screening** contained within the **Landscaping** definition is renamed to **Landscape screening** and portions of the definition are deleted leaving the following revised definition: Plantings of sufficient height, length, and opacity to form a visual barrier.
- A new definition for **Living Space** is added as follows: “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.”
- The definition of **Lot Coverage** is re-named **Lot Coverage, Building**.
- The definition of **Manufactured Housing Park** is relocated to correct alphabetical order.
- A new definition for **Manufactured Landscape Feature** is added as follows: “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).”
- The definition for **Outdoor storage** is renamed **Outdoor storage, display or sales** and is revised to remove the reference to an unroofed area; is revised to add the word “equipment” and also to add a reference that it involves things “outside of an enclosed building or structure”. Lastly, the duration for consideration of outdoor storage, display or sales is increased from 24 hours to 72 hours.
- A new definition is added for **Patio** as follows: “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”.
- A new definition is added for **Play Structure** as follows: “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”.
- A new definition is added for **Porch** as follows: “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.”
- A new definition is added for **Railing** as follows: “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.”
- A new definition is added for **Retaining Wall** as follows: “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.”
- A new definition is added for **Riparian Right** as follows: “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.”
- A new definition is added for **Stoop** as follows: “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.”
- A new definition is added for **Terrace** as follows: “A relatively level paved or planted area adjoining a building. See “Ground Level Unenclosed Projection”.
- The definition of **Wall** is replaced with the following new definition: “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”.
- The definition of **Yard** is amended to add “principal building” to the setback reference.
- The definition of **Yard**, item b. **Rear Yard** is amended to add the following clarifying sentence: “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.”
- The definition of **Yard**, item c. **Side Yard** is amended to add the following clarifying sentence: “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.”
- The definition of **Yard**, item c. **Required Yard** is amended to replace the word “minimum” with “principal building”.

- *The definition of **Yard**, item c. **Non-required Yard** is amended to replace the word “minimum” with “principal building” and to replace the term “main building” with “principal building”.*

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

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

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

EFFECTIVE DATE: These ordinance amendments were adopted by the Genoa Charter Township Board of Trustees at the regular meeting held October 4th, 2021 and ordered to be given publication in the manner required by law. This ordinance shall be effective seven days after publication.

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

Ayes:

Nays:

Absent:

I hereby approve the adoption of the foregoing Ordinance this 4th day of October 2021.

Paulette Skolarus
Township Clerk

Bill Rogers
Township Supervisor

Township Board First Reading: 09/20/21
Date of Posting of Proposed Ordinance: 09/21/21
Date of Publication of Proposed Ordinance: 09/26/21
Township Board Second Reading and Adoption: proposed 10/04/21
Date of Publication of Ordinance Adoption:
Effective Date:

**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 **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 Water front 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.	3 1/2 ft.	2 ft.	3 ft.
Arbors and trellises		Permitted up to 4 feet from any lot line			
Awnings and canopies	3 ft.	5 ft.	3 1/2 ft.	2 ft.	3 ft.
Bay and bow windows	3 ft.	5 ft.	3 1/2 ft.	2 ft.	3 ft.
Decks, open or enclosed*		See Section 11.04.02			
Eaves and cornices, overhanging	3 ft.	5 1/2 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.	5 1/2 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.
Approved signs* ADA Ramps		Permitted in any yard See Article 16			
Stairways, open unroofed		3 ft.	5 ft.	3 ft.	3 ft.

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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.

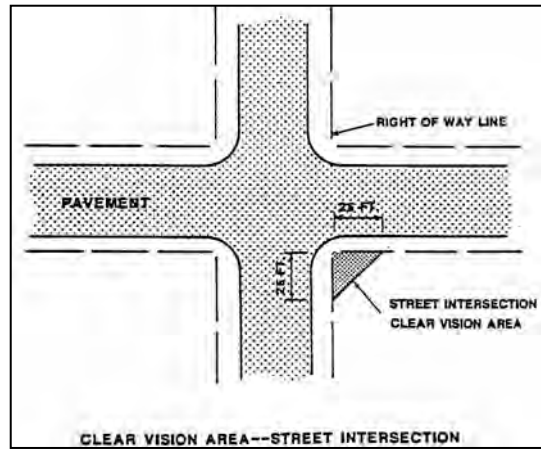
* In no case shall projecting architectural elements be less than three (3) feet from a property line except for ADA ramps.

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~~; flag poles may be up to ~~forty (40)~~ ~~sixty (60)~~ feet tall. The Township shall be provided with sufficient evidence to assure that adjacent uses and structures are not threatened due to a collapse of the structure for any reason.

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



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

(2) Roof-mounted equipment shall not exceed a height of ten (10) feet above the surrounding roof surface, and shall occupy no more than fifteen percent (15%) of the total roof area. When roof-mounted equipment is located on a building that is adjacent to a residential use or is in view from the adjacent roadway, appropriate architectural screening shall be required.

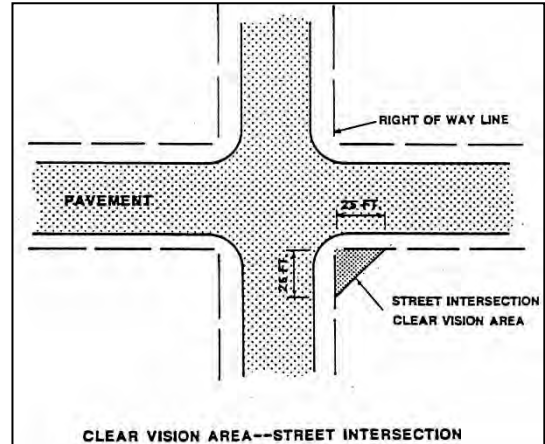
(d) Structural extensions appropriate to the building design, such as cornices, shall be limited to five feet above the stated height limit.

(e) Silos and other farm features shall be limited to fifteen (15) feet above the principal structure height limit.

11.01.06 **Intersection Clear Vision Triangle:** No fence, wall, or structure shall be erected, established, or maintained on any lot which will obstruct the view of drivers in vehicles approaching the

intersection adjacent to a corner lot or a driveway on any lot. Fences, walls, or structures located in the triangular area described below shall not be permitted to exceed a height of thirty-six (36) inches above the lowest point of the intersecting road(s). The unobstructed triangular area is described as follows:

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



Sec. 11.02 USES

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

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

- (a) A finding the proposed use is not listed as a Permitted or Special Land Use in any zoning district.
- (b) If the use is not addressed in the Zoning Ordinance, the Planning Commission shall select the use listed in the zoning ordinance which most closely resembles the proposed use using criteria such as the nature of the use, aesthetics, traffic generated, potential impact on property values, noise, vibration, dust, smoke, odor, glare and other objectionable impacts in terms of health, safety and welfare in the Township.
- (c) Once a similar use is determined, the proposed use shall comply with any conditional use standards that apply to the similar use.
- (d) Where the Planning Commission determines a proposed use is not similar to a use addressed in the Zoning Ordinance, the applicant may petition for an amendment to the Zoning Ordinance, as described in Article 22.
- (e) The determination as to whether a proposed use is similar in nature and class to another Permitted or Special Land Use within a district should be considered as an expansion

of the use regulations, not a variance applying to a particular situation. Any use determined by the Planning Commission to be similar shall thereafter be included in the enumeration of the uses.

- (f) Any use that would constitute a violation of any other Federal, State or local law or regulation shall be prohibited. (as amended 12/31/06)

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

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

11.02.05 **Temporary ~~Construction~~ Buildings and Structures:** Temporary buildings and structures, including trailers, incidental to construction work on a lot, may be placed on such lot for a period 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 building and structure regulations of 11.04 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:

~~(b)~~ _____

<u>Lot Area</u>	<u>Total maximum number of boats, tractors, trailers, and recreation vehicles per lot*</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>3</u>	<u>1</u>
<u>More than one (1) acre but less than five (5) acres</u>	<u>5</u>	<u>2</u>
<u>Five (5) acres or more</u>	<u>7</u>	<u>3</u>

*Up to two (2) additional boats, tractors, trailers, or recreational vehicles of any length may be allowed provided they are fully screened and not visible from off-site.

~~(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. ~~Recreational~~Two (2) 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 a May 1st through September 30th of each front lot line and the minimum~~year~~.

~~(d)~~ ~~The parking requirements for the use is maintained.~~

~~(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 (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.

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(4) Collocation. Location by two (2) or more wireless communication providers of wireless communication facilities on a common structure, tower, or building, to reduce the overall number of structures required to support wireless communication antennas within the township.

(c) Zoning Districts and Approval Process for Wireless Communication Facilities. Wireless Communication Facilities may be located within the Township in accordance with the Table set forth below.

Type/Location of Wireless Communication Facility	Districts Permitted	Approval Procedure
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	<u>AG</u> , PRF, OSD, GCD & RCD Districts	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 it has been demonstrated 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. The person or body with authority to approve the facility may decrease this setback to that provided in c above upon a finding that there are no other alternatives and if impacts to adjacent residential use have been mitigated.

- (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~~cannot 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~~cannot 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 MMMA 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 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. No equipment or process shall be used in growing, processing, or handling marihuana which creates additional 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.
 - d. 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.

- e. 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.
- f. 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.
- g. If the registered patient, or individual twenty-one years or older, is not the owner of the premises, a written statement that there is no lease or that the least does not prohibit the cultivation of marihuana shall be provided.
- h. 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.
- i. 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.
- j. 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.
- k. 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 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. 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.
 - e. 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.
 - f. 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.

- l. No equipment or process shall be used in growing, processing, or handling marihuana which creates additional 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.

- m. 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.

- n. 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

- o. Certificate Required. The operations of a registered primary caregiver within an industrial or agricultural zoning district, shall only be permitted upon the issuance of a Zoning Certificate to Cultivate Medical Marihuana. Such certificate is required to be renewed annually. The following information shall be provided with an application for zoning certificate to cultivate medical marihuana:
 - i. A complete and accurate application shall be submitted on a form provided by the Township along with submission of the application fee. The application fee and renewal fee shall be an amount determined by resolution of the Township Board.

- ii. Proof of property ownership or a written statement that there is no lease or that the least does not prohibit the cultivation of marihuana shall be provided.
- iii. 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.
- iv. Specification of the number of qualifying patients for whom marihuana will or may be grown, cultivated, harvested, manufactured, processed and stored.
- v. 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.
- vi. 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.
- vii. 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.
- viii. 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.

ix. An operations plan that addresses water use, wastewater, and the disposal of waste.

x. 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.

xi. The zoning administrator may require additional information necessary to demonstrate compliance with all requirements. The planning zoning administrator shall review the application to determine compliance with this Ordinance, the MMMA and the MRTMA and any applicable Michigan Regulatory Agency General Rules. A certificate shall be granted if the application demonstrates compliance with this Ordinance and the MMMA

xii. The use shall be maintained in compliance with the requirements of this Ordinance and the MMMA. Any departure shall be grounds to revoke the certificate and take other lawful action. If a certificate is revoked, the applicant shall not engage in the activity unless and until a new Zoning Authorization to Cultivate Medical Marihuana certificate is granted.

(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) Code compliance: Each such dwelling unit shall comply with all pertinent building and fire codes. In the case of a mobile home, all construction and all plumbing, electrical apparatus and insulation within and connected to said mobile home shall be of a type and quality conforming to the "Mobile Home Construction and Safety Standards" as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, and as from time to time such standards may be amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.
- (h) Storage area: Each such dwelling unit shall contain a storage area equal to 10% of the square footage of the dwelling or 100 square feet, whichever shall be less. This storage area shall consist of a basement, attic, closet areas or attached garage, or in a separate detached accessory structure which complies with the standards of this Article regarding accessory buildings and structures.
- (i) Compatible Building Design: All newly constructed single family and two-family homes shall be aesthetically compatible in design and appearance with other residences in the vicinity. This shall be accomplished by maintaining the architectural styles, details, building materials and design themes of dwelling units on both sides of the street, within five hundred (500) feet of the subject lot and in the same zoning district. Similarity and compatibility with surrounding dwelling units in terms of the following design requirements and features must be provided in order to meet this requirement:
 - (1) roof drainage systems that concentrate roof drainage at collection points along the sides of the dwelling;
 - (2) minimum of two exterior doors with one facing the front lot line and the second one being in either the rear or side of the dwelling;
 - (3) steps connected to exterior door areas or to porches connected to the door areas where a difference in elevation requires the same;
 - (4) roof pitch of no less than four (4) feet of rise for each twelve (12) feet of horizontal run;
 - (5) front facade appearance that is manifestly designed as a front façade containing a door, windows and other architectural features customary of the front facade of a residence; and
 - (6) exterior building materials compatible with surrounding dwellings;
- (j) Compatibility determination: The compatibility of design and appearance shall be determined in the first instance by the Township Zoning Administrator. An applicant may appeal to the Board of Zoning Appeals within a period of fifteen (15) days from

the receipt of notice of said Zoning Administrator's decision. The determination of compatibility shall be based upon the building compatibility design standards listed in Section 11.03.01(i) above and all other design standards outlined in this Section. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard designed home.

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

11.03.02 Dwellings Outside of the Agricultural and Residential Districts:

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

Sec. 11.03.03 Regulations on Accessory Dwellings

- (a) Recreational vehicles or camping trailers may be used for living purposes when accessory to single-family or two-family dwellings, provided such use shall only be permitted for a cumulative total of no more than twenty-one (21) days in any twelve (12) month period. Any such recreational vehicle parked in a front yard shall be parked in the driveway.
- (b) For lots of 120 acres or more in the Agricultural District, one additional principal building (a total of two) shall be permitted if the additional principal building is occupied by a member of the family who occupies the principal building, or employees working on the property for farming purposes, raising livestock or training horses,

provided each accessory dwelling unit meets the minimum size for a one (1) bedroom unit as specified in Section 3.04.

- (c) The use of any portion of the basement of a partially completed building, or any detached garage or accessory building for dwelling or sleeping purposes in any zoning district is prohibited.

Sec. 11.04 ACCESSORY BUILDINGS AND STRUCTURES

11.04.01 Accessory Buildings, Structures and Uses in General

- (a) Relation to Principal Building: Accessory buildings, structures and uses are permitted only in connection with, incidental to and on the same lot with a principal building, that is occupied by a use permitted in the particular zoning district. ~~In the Agricultural District an accessory building or structure may be permitted on a separate lot in conjunction with activity of a permitted use on another lot under same ownership.~~ No accessory building, structure or use shall be occupied or utilized unless the principal structure to which it is accessory is occupied or utilized.
- ~~(b) (b) Permit Required: Any accessory building or structure shall require a land use permit, except minor accessory structures, gardens, landscaping, flagpoles, and play structures, as defined herein. In addition, one (1) accessory building or structure two hundred twenty (120/200) square feet or less shall be allowed without with a land use permit waiver.~~
- ~~(c) (c) Required Setbacks (Attached): Where the accessory building, structure or use is structurally attached to a principal building, structure or use, it shall be subject to all the regulations applicable to principal buildings, structures and uses, except for decks as noted in Section 11.04.03(a) and fences 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.

~~(f)~~ 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 structure~~principal 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 (1) acre,~~ one thousand ~~two five~~ hundred (~~1200~~1500) square feet in area for lots equal to or greater than ~~two (2) one (1) acre but less than three (3) acres, and two thousand two hundred (2200) square feet in area for lots three (3) acres, or greater.~~ Accessory buildings ~~and structures~~ located on ~~conforming~~ lots ~~five (5) acres or more~~ in Agricultural and Country Estates Districts shall not be limited by size, provided all required ~~setback~~ 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.
- (hi) Not used for dwelling/business: Accessory buildings shall not be occupied for dwelling purposes nor used for any business profession, trade or occupation except for agricultural uses in an Agricultural District as permitted in Section 3.03 and home occupations as provided for in Section 3.03.02(a). (as amended 12/31/06, 3/5/10, and 2/25/11)

~~11.04.02—~~03 Accessory Structures

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

shall be permitted ~~to extend a maximum of twenty five (25) within all 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 rearfront building line of the principal building, provided they shall be at least twenty (20) feet from the front lot line.~~
 - b. ~~Side Yard: Attached or abutting uncovered decks, balconies and similar structures without a roof, walls or other form of enclosure may extend into the required side yard provided they shall be at least 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.~~

~~(5) (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). (Detached, freestanding, or non-abutting decks, balconies, porches, and similar structures shall comply with the requirements of Section 11.04.02 for Accessory Buildings.~~

~~as amended 5/13/05 and 3/5/10)~~

~~(b) 11.04.03 — **Swimming Pools, Spas, Hot Tubs and Similar Structures.**~~

~~(1) (a) Requirement for Fence: Every person owning land on which there is located a swimming pool, spa, hot tub, or similar device (below ground or above ground) which contains twenty-four (24) inches or more of water in depth at any point, shall erect and maintain thereon a fence ~~or, 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.~~

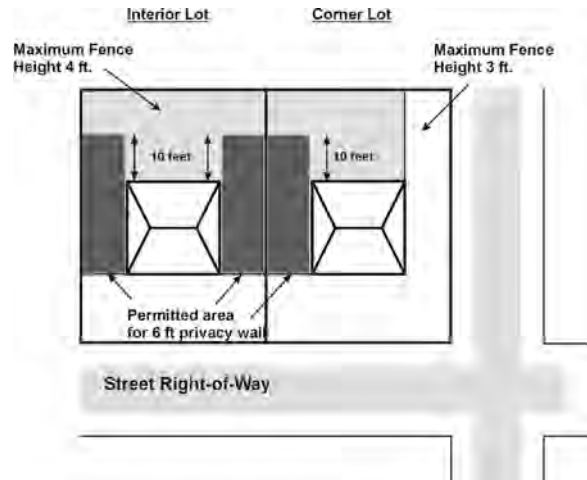
~~(c) (e) Restriction from Front Yard: Swimming pools, spas, hot tubs Fences and similar devices Walls~~

~~All fences and walls shall ~~not~~ be located in any front yard.~~

~~11.04.04 — **Fences, Walls and Screens**~~

(1) ~~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) 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 shall not be permitted in the required waterfront yard shoreline setback for principal buildings as stated in Table 3.04.02.~~

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

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

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

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

(6) ~~(d) Fences, walls or screens~~ 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 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 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.

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

c. ~~(3) no more than one gazebo~~ Accessory Structures, subject to the requirements of Section 11.04.02~~(d)~~-03.

d. ~~(b)~~ A dock and mooring apparatus;

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

(3) Retaining walls over three (3) 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.

(4) 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. Where possible, permission to grade on adjacent property shall be sought to minimize retaining wall height.

i. Front Yard: Retaining walls within the required front yard shall not exceed three (3) feet in height and shall not be located within twenty (20) feet of the front lot line or be less than two (2) feet from the side lot line.

ii. Side and Rear Yard: Retaining walls within the required side or rear yard shall not exceed a height of six (6) 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 or be less than two (2) feet from

the side lot line. This does not include seawalls which are regulated by the Michigan Department of Energy, Great Lakes and Environment (EGLE).

- (5) Stepped or Tiered Walls: Retaining walls which are stepped in multiple tiers having a series of two (2) or more parallel walls shall each comply with the maximum height allowed by Section 11.04.03(j)(4). The height of the upper retaining wall shall be less than or equal to the height of the lower wall and the distance between the retaining walls must be at least equal to the height of the lower wall but not less than three (3) feet.
- (6) 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).
- (7) 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.
- (l) **Reception Antennas and Towers:** Radio or television antennas or towers, including satellite dish antennas and transmission or reception antennas erected or installed in any zoning district as an accessory structure to a permitted use shall comply with the standards below. Wireless communication facilities, such as cellular antenna and commercial broadcasting antenna, shall be subject to the requirements of Section 11.02.08
 - (1) ~~(a)~~ Intent and Exceptions: The intent of this section is to provide reasonable regulations for reception antenna facilities to achieve the objectives listed below.
 - ~~(+)~~i. Promote safety and prevent hazards to persons and property resulting from accidents involving antenna facilities which could fall from

building or structural mountings due to wind load, snow load or other factors.

~~(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-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 (72) feet shall be allowed in any zoning district as an accessory structure, subject to the requirements of Section 11.05.02.

- (2) On-site use WECS over a height of seventy-two (72) feet shall be allowed in certain zoning districts as an accessory structure, subject to the requirements of Section 11.05.03.
 - (3) A utility grid WECS shall be allowed as a principal use of land in certain zoning districts, subject to the requirements of Section 11.05.03.
- (c) **Definitions:** For the purpose of this section, the following words and phrases shall have the meanings respectively ascribed to them as follows:
- (1) **Ambient Noise:** The amount of background noise at a given location prior to the installation of a WECS which may include, but is not limited to, traffic, machinery, lawnmowers, general human activity and the interaction of the wind with the landscape. Ambient Sound Level is measured on the Decibel – dB (A) – weighted scale as defined by the American National Standards Institute (ANSI). Such noise levels shall be measured on the property line or on the adjacent property, which is receiving the noise.
 - (2) **Anemometer tower:** A freestanding tower containing instrumentation such as anemometers that is designed to provide present moment wind data for use by the supervisory control and data acquisition (SCADA) system used by utility companies to monitor energy production from a central control unit, which is an accessory land use to a utility grid WECS.
 - (3) **ANSI:** The American National Standards Institute.
 - (4) **dB (A):** dB (A) means the sound pressure level in decibels measured on the "A" scale of a standard sound level meter having characteristics defined by the American National Standards Institute, Publication ANSI s1.4-1971.
 - (5) **Decibel:** The unit of measure used to express the magnitude of sound pressure and sound intensity (dB).
 - (6) **Horizontal axis WECS:** A WECS which converts wind energy into electricity through the use of a wind turbine generator with a horizontal axis of rotation. This type of WECS is directional in that it achieves optimal energy production while pointed into or away from the direction of the wind.
 - (7) **IEC:** The International Electrotechnical Commission.
 - (8) **ISO:** The International Organization for Standardization.
 - (9) **Lease unit boundary:** The boundary around property leased for purposes of a WECS, including adjacent parcels to the parcel on which the WECS tower or equipment is located. For purposes of setback, the lease unit boundary shall not cross road ~~rights-of-way~~.
 - (10) **On site WECS:** A land use for generating electric power from wind that is accessory to a legal principal use and intended to primarily serve the needs of the electric power consumer at that site.

- (11) **Rotor:** An element of a WECS that acts as a multi-bladed airfoil assembly, thereby extracting through rotation, kinetic energy directly from the wind.
- (12) **Shadow flicker:** Alternating changes in light intensity caused by the moving blades of a WECS casting shadows on the ground and stationary objects, such as but not limited to a window at a dwelling.
- (13) **Tower height:** The vertical distance as measured from the ground level of the base of a wind energy conversion system tower to the uppermost vertical extension of a rotor blade, or the maximum height reached by any part of a WECS.
- (14) **Utility grid WECS:** The use of wind power to generate electric power for the principal purpose of supplying electric power to the energy grid, with little or no on-site use of the generated power.
- (15) **Vertical axis WECS:** A WECS which converts wind energy into electricity through the use of a wind turbine generator with a vertical axis of rotation. This type of WECS is not directional in that it does not need to be pointed into or away from the direction of the wind in order to achieve optimal energy production.
- (16) **Wind energy conversion system (WECS):** A land use for generating power by use of wind; utilizing wind turbine generators, including the turbine, blades, and tower as well as related electrical equipment. This does not include wiring to connect the WECS to the electric utility grid. See also on-site WECS and utility grid WECS.
- (17) **Wind site assessment.** An assessment to determine the wind speeds at a specific site and the feasibility of using that site for construction of a WECS.

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

- (a) **Locations Where System Allowed:** An accessory WECS up to seventy two (72) feet tall shall be permitted in all districts with administrative land use permit approval by the Zoning Administrator.
- (b) **Number of Systems:** An on-site use WECS is to be designed to primarily serve the needs of a home, farm, or on-site business. One (1) on-site use WECS shall be permitted per property.
- (c) **Clearance above Ground:** The minimum blade or rotor clearance will be at least ten (10) feet from the ground.
- (d) **System Attached to a Structure or Roof:** A WECS may be attached to an existing structure. Roof-mounted equipment shall not exceed a height of fifteen (15) feet above the surrounding roof surface.
- (e) **Property Setback:** The minimum distance between an on-site use WECS and the owner's property lines shall be equal to the height of the WECS tower including the

top of the blade in its vertical position. No part of the WECS structure, including guy wire anchors, may extend closer than ten (10) feet to the owner's property lines, or the distance of the required setback in the respective zoning district, whichever results in the greater setback. Where a WECS is located in the front yard, it shall be setback two hundred (200) feet from the front lot line.

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

- (6) Name of installer;
 - (7) Name of person responsible for maintenance;
 - (8) Emergency telephone number in force for (6) and (7) above.
- (n) **Labeling of WECS Power Conversion Subsystem:** The following information shall be provided on labels attached to the WECS power conversion subsystem in a visible, easily read, and easily accessible location:
- (1) Maximum power input (KW), rated voltage (volts) and rated current output (amperes) of the generator, alternator, etc.;
 - (2) Manufacturer's name and address;
 - (3) Model number;
 - (4) Serial number;
 - (5) Emergency and normal shutdown procedures;
 - (6) Underwriters label, where appropriate.
- (o) **Utilities:** Power lines shall be placed underground. If the WECS is connected to a public utility system for net metering purposes, it shall meet the requirements for interconnection and operation as set forth in the public utility's current service regulations that meet federal, state and industry standards applicable to wind power generation facilities. Any such connection shall be inspected and approved by the appropriate utility company.
- (p) **Removal of Abandoned Facilities:** Any WECS that is not operated for a continuous period of twelve (12) months shall be considered abandoned and the owner of such WECS shall remove the WECS within ninety (90) days of receiving an abandonment notification from the Township. Failure to remove an abandoned WECS within ninety (90) days shall be grounds for the Township to remove the WECS at the owner's expense.

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

- (a) **Locations Where System Allowed:** Utility grid WECS and on-site WECS over ~~seventy-two~~ (72) feet in height shall be permitted in the AG, CE, PRF and IND districts with special land use approval by the Township Board in accordance with Article 19 and site plan approval by the Planning Commission in accordance with Article 18.
- (b) **Clearance above Ground:** The minimum blade or rotor clearance for a horizontal axis tower mounted WECS will be at least twenty (20) feet above ground or above any outdoor areas intended for human use. The minimum rotor clearance for a vertical axis WECS installed on-grade will be at least ten (10) feet above ground.

- (c) **System attached to a Structure or Roof:** A WECS may be attached to an existing structure so that the appearance of the structure will not be materially altered or changed. Roof-mounted equipment shall not exceed a height of twenty (20) feet above the surrounding roof surface. The equipment shall not be attached to a portion of the roof that is highly visible.
- (d) **Height:** No utility grid WECS or on-site use WECS shall exceed one hundred fifty (150) feet in height.
- (e) **Property Setback:** The minimum distance between a WECS and the property lines shall be equal to the height of the WECS tower including the top of the blade in its vertical position. The minimum distance between an anemometer tower and the owner's property lines shall be equal to the height of the tower. No part of the WECS structure, including guy wire anchors, may extend closer than ten (10) feet to the owner's property lines, or the distance of the required setback in the respective zoning district, whichever results in the greater setback. Any operations and maintenance office building, a sub-station, or ancillary equipment shall comply with any property set-back requirement of the respective zoning district. Where a WECS is located in the front yard, it shall be setback two hundred (200) feet from the front lot line.
- (f) **Color:** WECS shall be painted a non-obtrusive (light color such as white, beige or light gray) color that is non-reflective. No striping or color shall be visible on the blades or tower.
- (g) **Sound Pressure Level:** WECS shall not create noise levels that exceed sixty (60) dB (A) measured at the property line.
- (h) **Safety Requirements:** WECS shall be designed to prevent unauthorized access to electrical and mechanical components and shall have access doors that are kept securely locked at all times when service personnel are not present. All spent lubricants and cooling fluids shall be properly and safely removed in a timely manner from the site of the WECS. A sign shall be posted near the tower or operations and maintenance office building that will contain emergency contact information. Signage placed at the road access shall be used to warn visitors about the potential danger of falling ice.
- (i) **Accessibility:** Towers shall be designed and constructed in such a manner that integrated tower climbing devices are a minimum of twelve (12) feet above the base of the tower and only accessible by using a separate climbing device.
- (j) **Performance Security:** Performance guarantee, pursuant to Section 21.03 of this Ordinance, shall be provided for the applicant making repairs to public roads damaged by the construction of the WECS.
- (k) **Utilities:** Power lines shall be placed underground. If the WECS is connected to a public utility system for net metering purposes, it shall meet the requirements for interconnection and operation as set forth in the public utility's current service regulations that meet federal, state and industry standards applicable to wind power generation facilities. Any such connection shall be inspected and approved by the appropriate utility company. Utility grid WECS shall comply with applicable utility,

Michigan Public Service Commission, and Federal Energy Regulatory Commission interconnection standards.

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

- (2) Proof of the applicant's general liability insurance for at least three million dollars (\$3,000,000) for the project to cover the operator, the landowner and the Township.
- (3) A copy of that portion of all the applicant's lease(s) with the land owner(s) granting authority to install the anemometer tower and/or utility grid WECS; legal description of the property(ies), lease unit(s); and the site plan shows the boundaries of the leases as well as the boundaries of the lease unit boundary.
- (4) The phases, or parts of construction, with a construction schedule.
- (5) The project area boundaries.
- (6) The location of all dwellings within three hundred (300) feet of the system.
- (7) The location of all guy wires or other support devices.
- (8) The location, height, and dimensions of all existing and proposed structures and fencing.
- (9) The location, grades, and dimensions of all temporary and permanent on-site and access roads from the nearest county or state-maintained road.
- (10) All new above ground infrastructure related to the project.
- (11) A copy of manufacturers' material safety data sheet(s) which shall include the type and quantity of all materials used in the operation of all equipment including, but not limited to, all lubricants and coolants.
- (12) For utility grid WECS only:
 - a. A copy of a noise modeling and analysis report and the site plan shall show locations of equipment identified as a source of noise. Equipment shall be placed so that the WECS will not exceed the maximum permitted sound pressure levels. The noise modeling and analysis shall conform to IEC 61400 and ISO 9613. After installation of the utility grid WECS, sound pressure level measurements shall be done by a third party, qualified professional according to the procedures in the most current version of ANSI S12.18. All sound pressure levels shall be measured with a sound meter that meets or exceeds the most current version of ANSI S1.4 specifications for a Type II sound meter. Documentation of the sound pressure level measurements shall be provided to Genoa Township within sixty (60) days of the commercial operation of the project.
 - b. A visual impact simulation showing the completed site as proposed on the submitted site plan. The visual impact simulation shall be from four viewable angles and conducted adjacent to property lines or the lease unit boundaries.
 - c. A copy of an environment analysis by a qualified professional to identify and assess any potential impacts on the natural environment including, but

not limited to wetlands and other fragile ecosystems, historical and cultural sites, and antiquities. The applicant shall take appropriate measures to minimize, eliminate or mitigate adverse impacts identified in the analysis, and shall show those measures on the site plan. The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts.

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

3. The method of ensuring that funds will be available for decommissioning and restoration.
 4. The anticipated manner in which the project will be decommissioned and the site restored.
- g. A description of the complaint resolution process developed by the applicant to resolve complaints from nearby residents concerning the construction or operation of the project. The process may use an independent mediator or arbitrator and shall include a time limit for acting on a complaint. The process shall not preclude the local government from acting on a complaint. During construction the applicant shall maintain and make available to nearby residents a telephone number where a project representative can be reached during normal business hours.

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

11.06.01 General Requirements:

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

- (e) **Applications:** In additional to all other required application contents, equipment and unit renderings or plans shall be submitted.

11.06.02 Building-Mounted Solar Energy Collectors:

- (a) **Weight and Installation:** A building mounted unit shall be only of such weight as can safely be supported by the structure. Proof thereof, in the form of certification by a professional engineer or other qualified person, shall be submitted to the Township prior to installation.
- (b) **Location:** Wall-mounted units shall not be located on the front wall of a building.
- (c) **Height:**
 - (1) Wall-mounted 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.

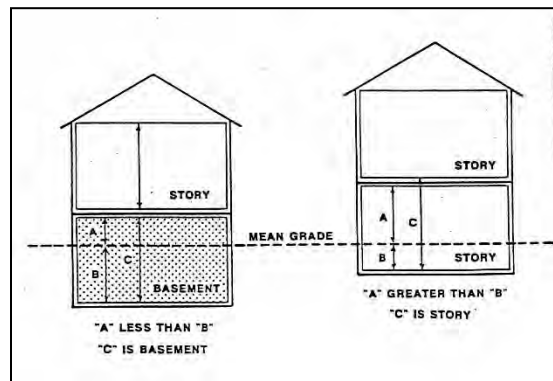


Figure 25.1 Basement

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)

Brewpub: A manufacturer and brewer of not more than 18,000 barrels of beer per calendar year in Michigan including on premise sales of the beer produced for consumption on or off the brewpub premises with appropriate state licenses. (as amended 8/11/19)

Buffer Zone: A strip of land with landscaping, berms or walls singularly or in combination required between certain zoning districts based on the landscaping standards of this zoning ordinance. The intent of the required buffer zones is to lessen visual and noise impacts.

Building: Any structure (excluding fences) either temporary or permanent, having a roof supported by columns or walls, and intended for the shelter, or enclosure of persons, animals, chattels, or property of any kind. A building shall include mobile homes, manufactured housing, sheds, garages, greenhouses, pole barns and used for the purposes of a building and similar structures. A building shall not include such structures as signs, fences or smokestacks, but shall include structures such as storage tanks, produce silos, coal bunkers, oil cracking towers, or similar structures.

Building Envelope: The ground area of a lot which is defined by the minimum setback and spacing requirements within which construction of a principal building and any attached accessory structures (such as a garage) is permitted by this Ordinance. For condominium developments, the building envelope shall be illustrated on a site plan.

Building Height: The vertical distance from the grade at the center of the front of the building to the highest point of the roof surface in a flat roof, to the deck line for mansard roofs, and to the beam height level between eaves and ridge for gable, hip and gambrel roofs (see Figure 25.2).

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

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

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

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

- a. Existing trees are measured at four and one-half (4.5) feet above the average surrounding grade; and,

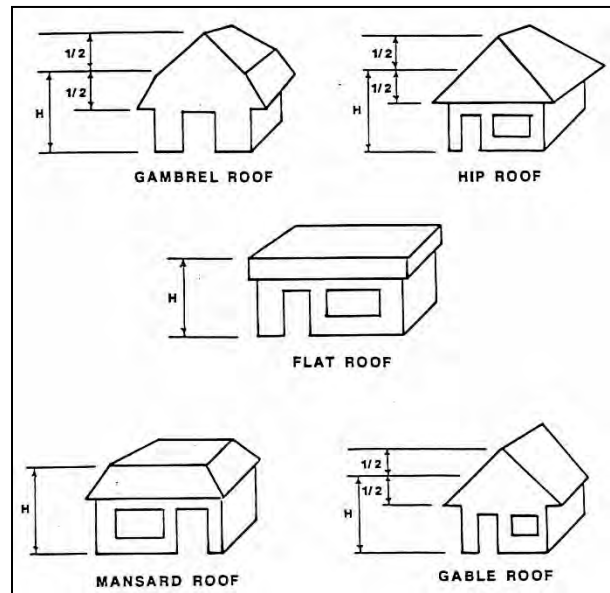


Figure 25.2 Building Height

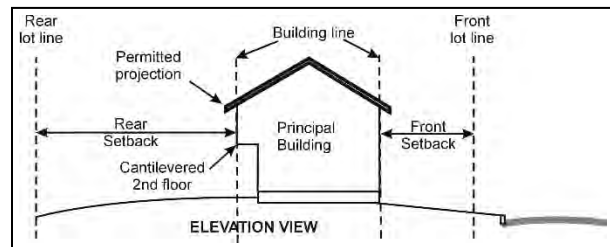


Figure 25.3 Building Line

- 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).

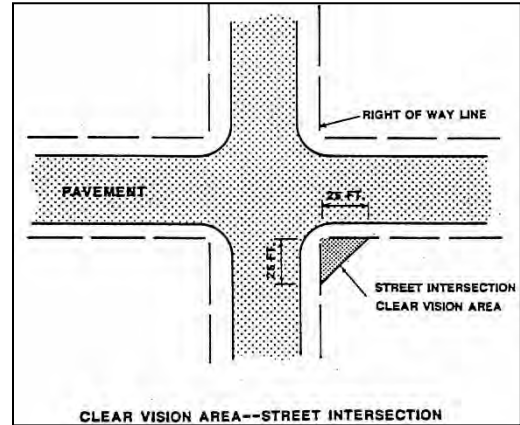


Figure 25.4 Clear Vision Area

Climate-controlled indoor commercial storage: A fully enclosed multi-story temperature and humidity controlled commercial building with limited exterior access points and controlled indoor only access to individual and compartmentalized stalls or lockers for storage of customer's goods or wares. (as amended 8/11/19)

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)

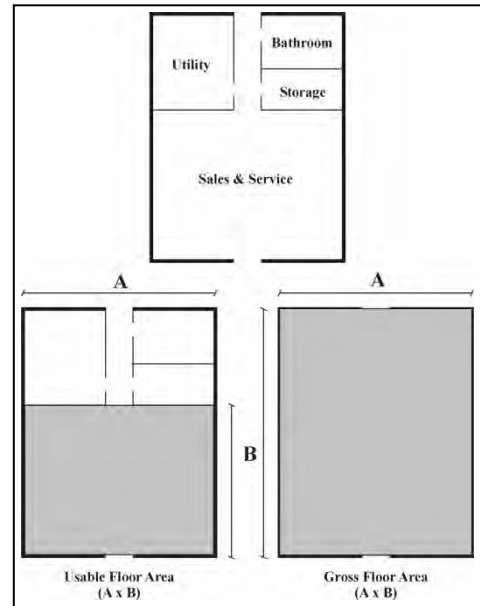


Figure 25.5 Floor Area

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).

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.

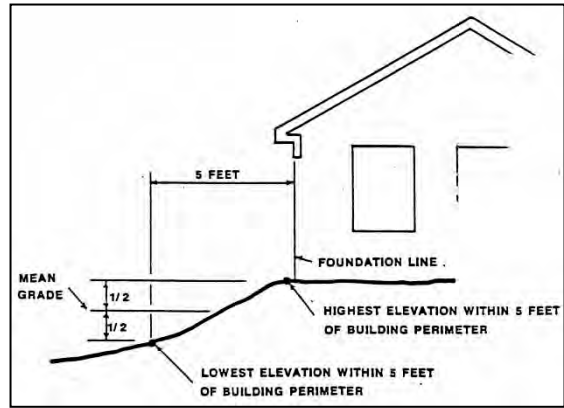


Figure 25.6 Measurement of Mean Grade

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.

Industrial: Land uses which primarily accommodate research, wholesale and warehouse activities, manufacturing, compounding, processing, packaging, fabrication, assembly and/or treatment of finished or semi-finished products from previously prepared material and the extraction (mining) or processing of raw material for shipment in bulk form, to be used in an industrial operation at another location. (as amended 09/04/18)

Industrial, light: Any operation which assembles, improves, treats, compounds, or packages previously prepared or processed goods or materials in a manner which does not create a noticeable amount of noise, dust, odor, smoke, glare or vibration outside of the building in which the activity takes place, which does not require outside storage or goods or materials, and which does not generate objectionable amounts of truck traffic. (as amended 09/04/18)

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

Junk Yard: (see Salvage Yard).

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

Laboratory, research: A facility for scientific laboratory research in technology-intensive fields. Examples include but are not limited to biotechnology, pharmaceuticals, genetics, plastics, polymers, resins, coatings, fibers, fabrics, films, heat transfer, and radiation research facilities. (as amended 09/04/18)

Laboratory, support: A facility for scientific laboratory analysis of natural resources, medical resources, and manufactured materials. The scientific analysis is generally performed for an outside customer, to support the work of that customer. This category includes but is not limited to environmental laboratories for the analysis of air, water, and soil; medical or veterinary laboratories for the analysis of blood, tissue, or other human medical or animal products. Forensic laboratories for analysis of evidence in support of law enforcement agencies would also be included in this category. (as amended 09/04/18)

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 p~~Plantings of sufficient height, length, and opacity to form a visual barrier. ~~If the screen is composed of~~

~~non-living material, such material shall be compatible with materials used in construction of the main building, but in no case shall include wire fencing.~~

- j. **Shrub:** A self-supporting, deciduous or evergreen woody plant, normally branched near the base, bushy, and less than fifteen (15) feet in height.
- k. **Tree:** A self-supporting woody, deciduous or evergreen plant with a well-defined central trunk or stem which normally grows to a mature height of at least fifteen (15) feet.
- l. **Ornamental tree:** A deciduous tree which is typically grown because of its shape, flowering characteristics, or other attractive features, and which grows to a mature height of twenty five (25) feet or less.

Level of service: A qualitative measure describing operational conditions within a traffic stream; generally described in terms of such factors as speed and travel time, freedom to maneuver, traffic interruptions, comfort and convenience, and safety.

Livestock: Any of various bird or animal breeds, long ago domesticated by man so as to live and breed in a tame, docile, tractable condition useful to man, including horses, ponies, mules, donkeys, cattle, sheep, goats, buffaloes, llama, ostriches, chickens, ducks, geese turkeys and swine.

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)

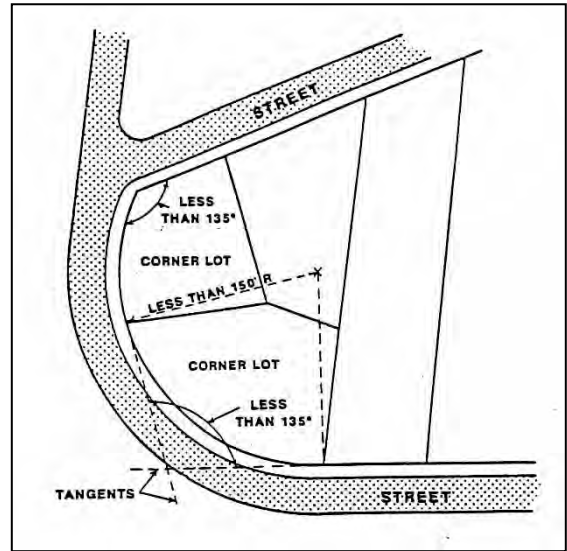


Figure 25.7 Lot, Corner Measurements

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).

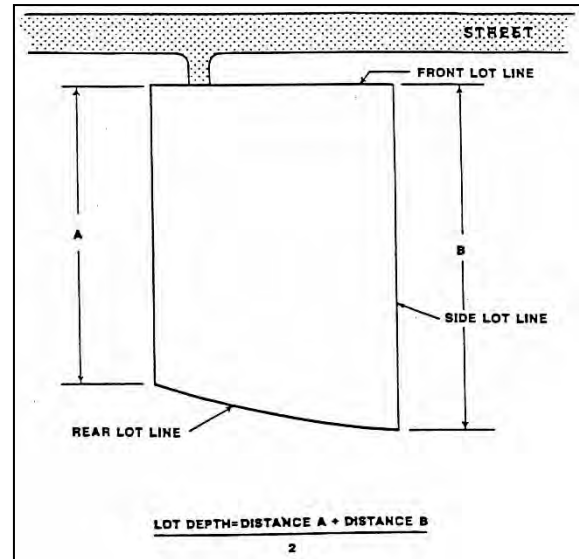


Figure 25.8 Lot Depth Measurement

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 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

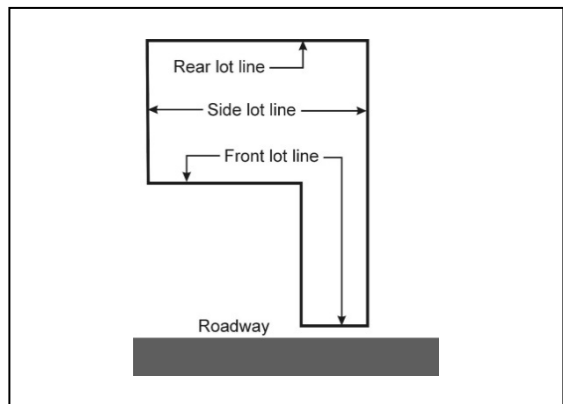


Figure 25.9 Flag-lot Lot Lines

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.

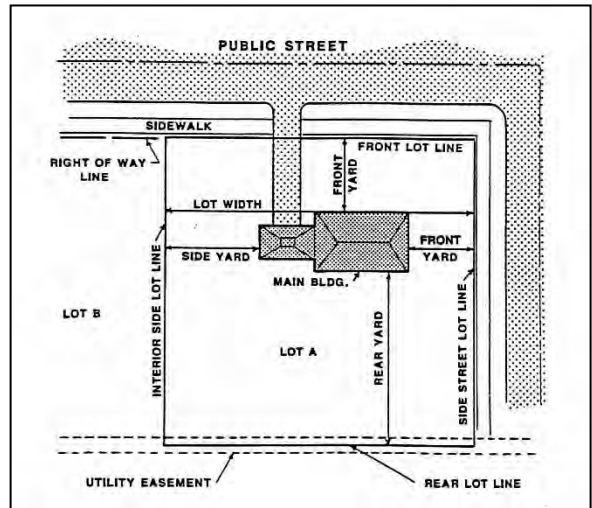


Figure 25.10 Lot Lines and Yards Measurement (Note: Yards May Not Always Equal Required Setbacks)

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.

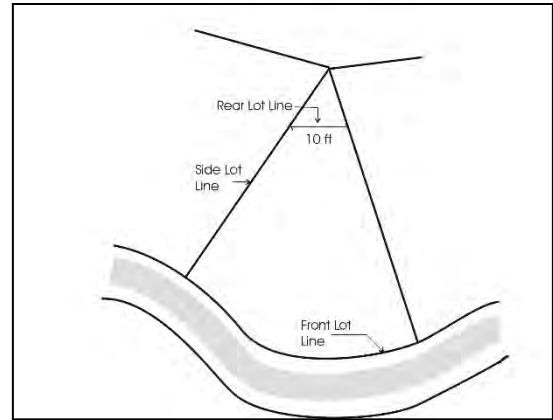


Figure 25.11 Rear Lot Line on Triangular Lot

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

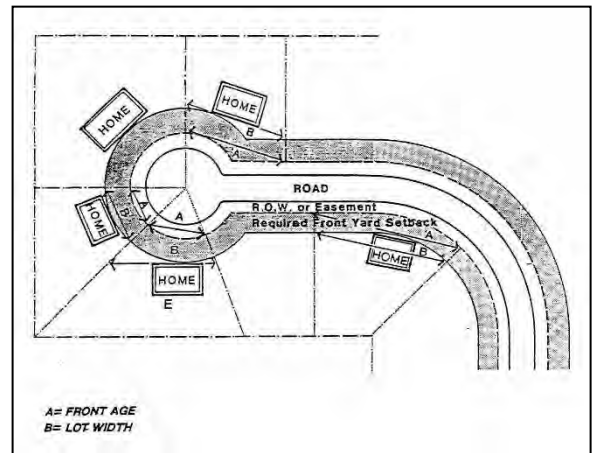


Figure 25.12 Lot Width on Curvilinear Streets

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

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

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).

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

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

Microbrewer: A brewer that produces in total less than 60,000 barrels of beer per year and that may sell the beer produced to consumers at the licensed brewery premises for consumption on or off the licensed brewery premises and to retailers as provided by State Law. (as amended 09/04/18)

Mini or Self Storage Warehouse: A single-story building or group of single-story buildings in a fenced compound that provides direct outdoor controlled access to individual and compartmentalized stalls or lockers for the storage of customer's goods or wares. (as amended 8/11/19)

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

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

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

Multimedia production facility: Land, buildings, or structures used as a media production facility. Typically, structures involved in or with the production of (but not limited to): motion pictures; radio and television shows or movies; recording or broadcasting facilities; and other motion picture production and distribution service offices. (as amended 09/04/18)

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, (1) objectionable effluent, (m) noise of congregation of people, particularly at night, (n) passenger traffic, (o) invasion of non-abutting street frontage by traffic.

Office: A building or portion of a building wherein services are performed involving predominantly administrative, professional, or clerical operations. (as amended 09/04/18)

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~~ hours.

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

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

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

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.

Prototype manufacturing: Research and development land uses that require manufacturing and production activities that lead to the development of a new product or a new manufacturing and assembly process. The products developed, manufactured or assembled are not intended to be mass-produced. (as amended 09/04/18)

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.

Research and development: A land use that engages in research and development of high-technology products or commodities. Examples include computer hardware and software, electronics and instrumentation, communications and information technology, biotechnology, pharmaceuticals, agricultural technology, medical instrumentation or supplies, transportation, geographic information systems, defense and aerospace technology, multimedia and video technology and other emerging high technology industries. Activities associated with these uses may include development, testing, assembly, repair, and office. Limited accessory warehousing, and distribution of the finished products produced at the site may also be provided. Such uses do not involve the mass manufacture, fabrication, processing or sale of products. (as amended 09/04/18)

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).

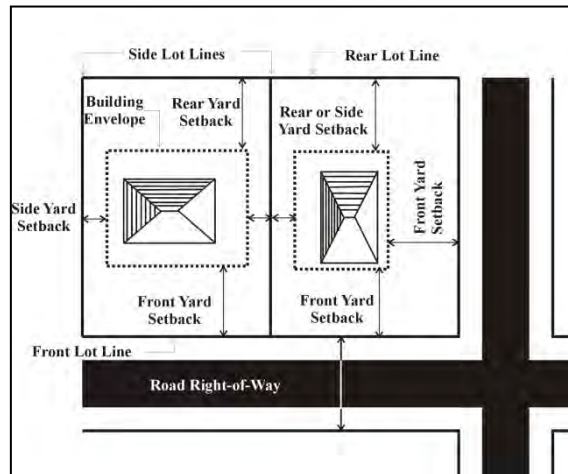


Figure 25.13 Setbacks

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.

Small distiller: A manufacturer of spirits annually manufacturing in Michigan not exceeding 60,000 gallons of spirits, of all brands combined. (as amended 09/04/18)

Small Winery: A wine manufacturer of no more than 50,000 gallons per year which involves sales to licensed wholesalers or self-distribute to retailer licensees, wine produced at the licensed winery facility, and to customers for consumption on premises at a tasting room. A Small Winery may also sell wine it manufactures at an approved tasting room off the manufacturing premises with appropriate state licenses. (as amended 8/11/19)

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.

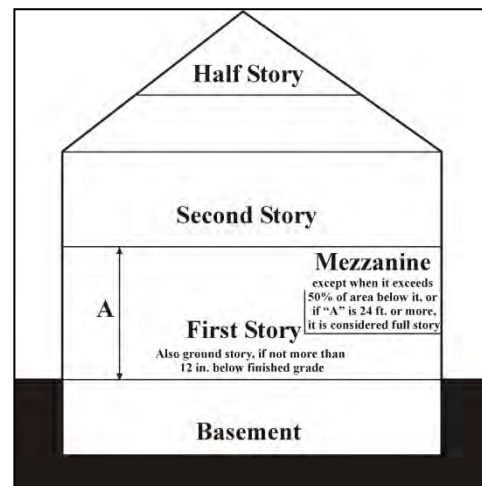


Figure 25.14 Story

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

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

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

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 principal 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)

- 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.

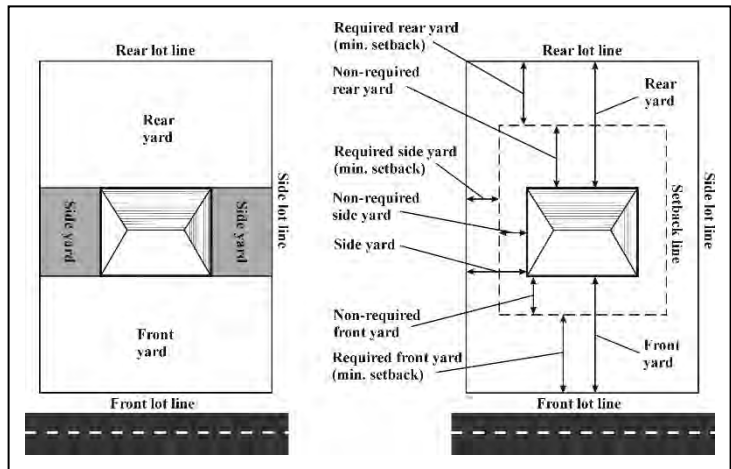


Figure 25.15 Yards

- c. **Side Yard:** A yard between the building line of the principal building or structure and the side lot line extending from front yard to the rear yard, or, in the absence of any clearly defined rear lot line, to the point on the lot farthest from the intersection of the lot line involved with the public street. 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-principal building~~ setback line. The required yard corresponds to the ~~minimum-principal building~~ setback requirement for the district. (as amended 12/31/06)
- f. **Non-required Yard:** The open space between the ~~minimum-principal building~~ setback line and the ~~principal main~~-building. The non-required yard is the additional yard area that the building is setback beyond the ~~minimum-principal 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)



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

MEMORANDUM

TO: Honorable Board of Trustees
FROM: Kelly VanMarter, Assistant Manager/Community Development Director
DATE: September 29, 2021
RE: Lefty's Cheesesteak - Grand Plaza PUD Amendment, Impact Assessment and Site Plan

MANAGER'S REVIEW: 

Attached please find the project case file requesting approval of an amendment to the approved Planned Unit Development (PUD) Agreement with corresponding impact assessment and site plan for development of a drive-through restaurant for Lefty's Cheesesteak. The project location is 4173 E. Grand River Avenue within a multi-tenant building located on parcel 4711-04-300-020. The unit was formerly occupied by Flagstar Bank. The request is petitioned by Howell Grand Plaza, L.L.C.

Procedurally, the Planning Commission is to make a recommendation to the Township Board on the revised PUD, the impact assessment and the site plan. The Township Board has the final review/approval authority over the proposal.

At the September 13, 2021 meeting the Planning Commission recommended approval of the PUD amendment, the impact assessment and the site plan. A revised PUD amendment, impact assessment, and site plan was received from the applicant on September 27, 2021 which attempted to incorporate the Planning Commission comments. Based on the action of the Planning Commission and in response to the revised materials I suggest Board consideration of the following action:

Moved by _____, Supported by _____ to APPROVE the amendment to the Planned Unit Development Agreement with the following conditions:

1. The comments provided by Kelly VanMarter in the marked-up version of the agreement included in this evenings packet shall be incorporated and the agreement shall be reviewed and approved by the Township attorney prior to issuance of any land use permits for the use.
2. The deviation waiving the requirement for two (2) longer RV parking spaces shall be added to the agreement.
3. Once fully approved and executed, the petitioner will record the document with the Livingston County Register of Deeds and a copy of the recorded Agreement shall be provided to the Township prior to issuance of a Certificate of Occupancy.

SUPERVISOR

Bill Rogers

CLERK

Paulette A. Skolarus

TREASURER

Robin L. Hunt

TRUSTEES

Jean W. Ledford
 H. James Mortensen
 Terry Croft
 Diana Lowe

MANAGER

Michael C. Archinal

Moved by _____, Supported by _____ to APPROVE the Environmental Impact Assessment with the following conditions:

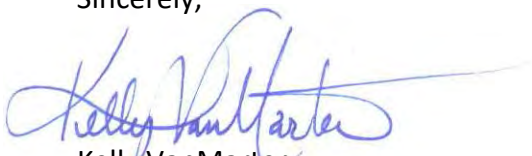
1. A narrative shall be added to Item E. about the “fast casual” nature of the proposed use with a description of the percentage of drive-through customers. A justification for the reduction in the amount of required stacking spaces shall be provided in addition to a description of how drive-through stacking will be managed operationally by the tenant.
2. The corporate brochure that was presented to the Planning Commission showing the mixture of indoor sales vs. drive-through sales shall be included as an attachment to the assessment.
3. The revised assessment shall be provided to Township staff prior to issuance of a land use permit.

Moved by _____, Supported by _____ to APPROVE the Site Plan with the following conditions:

1. Any landscaping that is missing or in poor condition shall be replaced to ensure compliance with the approved landscaping plan for the site.
2. Additional signage should be used near the entrance and at the east end of the parking lot to direct people around the building and to the drive-through.
3. The applicant shall work with Township staff to determine if any additional REU capacity fees will be necessary for this new use. Any required fees must be paid at the time of land use permit issuance.
4. The requirements contained within the Fire Department letter dated September 2nd, 2021 shall be complied with.

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

Sincerely,



Kelly VanMarter

Assistant Township Manager/Community Development Director



GENOA CHARTER TOWNSHIP
Application for Site Plan Review

TO THE GENOA TOWNSHIP PLANNING COMMISSION AND TOWNSHIP BOARD:

APPLICANT NAME & ADDRESS: Howell Grand Plaza LLC., c/o Matt Berke
If applicant is not the owner, a letter of Authorization from Property Owner is needed.

OWNER'S NAME & ADDRESS: Howell Grand Plaza LLC. 31000 Northwestern Hwy,
Ste. 200, Farmington Hills, MI 48334

SITE ADDRESS: 4207 E Grand River PARCEL #(s): 11-04-0300-020

APPLICANT PHONE: (248) 356-8000 OWNER PHONE: (248) 356-8000

OWNER EMAIL: mberke@keystonecres.com

LOCATION AND BRIEF DESCRIPTION OF SITE: Existing Multi-Tenant Commercial
Building located East of the intersection of S Latson Road & E Grand River

BRIEF STATEMENT OF PROPOSED USE: Proposed Restaurant w/ Drive-Through
utilizing the existing Bank Drive-Through Lane. Seeking amendment to 1998
which prohibits Restaurants w/ Drive-Throughs

THE FOLLOWING BUILDINGS ARE PROPOSED: N/A (Existing Building, only Drive-Through
Improvements)

**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: Stonefield Engineering & Design (c/o Eric Williams)


ADDRESS: 607 Shelby Street, Ste. 200, Detroit, MI 48226

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

1.) Eric Williams of Stonefield Engineering & Design at ewilliams@stonefieldeng.com
Name Business Affiliation E-mail Address

FEE EXCEEDANCE AGREEMENT

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

SIGNATURE:  DATE: 5-26-21
PRINT NAME: Matt Berke PHONE: 248-406-7111
ADDRESS: 31000 Northwestern Hwy # 200, Farmington Hills, MI 48334

Ms. Byrne stated they have no issues related to this proposal.

Commissioner Dhaenens can compromise, but he is not in agreement with removing 402 plantings.

Chairman Grajek is in favor of allowing the reduction of the area around the ponds as long as grass is planted and is maintained. There is plenty of foliage around the perimeter of the site.

It was discussed to change the site's requirement from Buffer Zone B to Buffer Zone C as it is more similar to an office use than an industrial use. Additionally, after the site is developed and the requirements of Buffer Zone C are planted, Staff can review the site to determine what the final requirements would be.

The call to the public was made at 9:35 pm with no response.

Moved by Commissioner Mortensen, seconded by Commission McCreary, to recommend to the Township Board approval of the revised landscape plan for Birkenstock Enterprises as follows:

- Reduction in size of canopy and deciduous trees size from 2.5" to 1.75"-2"
- The Planning Commission recommends to the Board that approval for the remaining landscape plan for shrubs be deferred until Township Staff has had a chance to review and potentially change the quantity and location of shrubs depicted on the original plan.

The motion carried all yes, but Jeff.

The Planning Commission took a five-minutes recess from 9:38 to 9:43 pm.

OPEN PUBLIC HEARING #4...Review of an amendment to the previously approved Lorentzen Planned Unit Development, site plan and impact assessment for a proposed drive-through restaurant located at 4207 E. Grand River, Howell. The request is petitioned by Howell Grand Plaza LLC.

- A. Recommendation of PUD Amendment.
- B. Recommendation of Environmental Impact Assessment. (6-11-21)
- C. Recommendation of Site Plan. (8-24-21)

Mr. Eric Williams of Stonefield Engineer and Design Matt Burke, the property manager, were present.

Mr. Williams stated they are proposing to fill one of the vacant units with a drive through restaurant, Lefty's Cheesesteak. They are asking for relief for two items; one is for the drive through and the other is for the parking requirements. He explained the process of determining parking requirements for this use, in this location, and the needs of the other uses in the building and why they are requesting the deviation.

Mr. Burke explained why they are requesting a deviation from the required drive through stacking. Lefty's has a limited menu and they anticipate needing stacking for only three vehicles at one time as only 20 percent of the traffic on that site will use the drive through. Much of their business is curbside pick up, dine in, and the food delivery companies. He added that they have never had a parking problem on this site.

Commissioner Mortensen noted there is one owner for the entire building so the parking can be shared. Also, there was previously a bank with a drive thru in this tenant space. Ms. VanMater noted that amending the PUD would be to allow for all drive through restaurants, and not just for Lefty's. Any drive through restaurant will be able to be put there if the amendment is approved as written.

Mr. Borden reviewed his letter dated September 7, 2021.

- The dimensional deviations sought need to be enumerated in the amended PUD Agreement. These divisions are as follows:
 - The existing building does not provide the minimum required setback of 50 feet from the east or west lot line.
 - The existing development provides two access points to Figurski Drive, while only one is allowed.
 - The Township should determine whether a sidewalk is needed along Figurski Drive. Mr. Williams stated there is already a sidewalk on the west side of Figurski Drive.
 - The drive-through lane is deficient by six stacking spaces.
 - The site does not provide the two required spaces for RV or semi-truck parking.
- The Commission should discuss the appropriate method of determining the required parking calculations (Shopping center vs. restaurant with drive-through). If it is a shopping center then they have sufficient parking; however, if it is looked at as a drive thru restaurant, then they are deficient. He suggested if it is looked at as a drive thru restaurant in a shopping center with shared parking, then they are within the requirements. It also is dependent on the other uses within the center.
- If any existing landscaping is in poor condition, such plantings should be replaced as part of this project.
- If the project is approved, the applicant must obtain a sign permit from the Township prior to installation of any signage.
- The applicant must address any comments provided by Engineering or Fire.

Chairman Grajek stated that since there are 25 parking spaces in the rear of the building, there are essentially only approximately 65 spaces available.

Ms. Byrne revised her letter dated September 2, 2021

- The proposed drive-through stacking space dimensions and drive aisle dimensions next to the drive-through do not match the requirements from the Township's ordinance, but

the Petitioner has noted this as an existing nonconformity, as this is how the previously operated bank drive-through was designed.

- The previously submitted plans showed 10 stacking spaces for the drive-through. This stacking blocked access to the waste receptacle and loading area and resulted in a non-compliant one-way access drive at the rear of the building at 15-feet wide. The revised plans only show four stacked spaces to eliminate these issues but has not provided any information to demonstrate that four stacking places is typical for the proposed use. Mr. Burke reiterated his explanation for the division request. They tried to comply with the requirements of 10 spaces; however, they did not need it and it caused further issues with the Fire Authority so they are requesting a deviation from the stacking requirements.
- The Petitioner should obtain approval from the Brighton Area Fire Authority prior to approving the proposed use.
- Additional signage should be used near the entrance and at the east end of the parking lot to direct people around the building and to the drive-through.

Chairman Grajek asked the petitioner if he had received Fire Marshall Rick Boisvert's letter dated September 2, 2021. Mr. Williams stated he will address Mr. Boisvert's comments.

Commissioner Dhaenens is concerned with the parking and the drive through stacking; however, he would like to see this go forward since the building is vacant.

The call to the public was made at 10:25 pm with no response.

Moved by Commissioner Mortensen, seconded by Commissioner Dhaenens, to recommend to the Township Board approval to amend the Lorenzen PUD Amendment to permit a drive through restaurant at 4173 E Grand River Avenue for a fast-casual restaurant with primarily in-house and carry out dining and limited drive through sales, based on the following conditions:

- Approval of the amendments by the Township Attorney, limiting drive through restaurants to predominantly carryout service
- A drive through restaurant shall be for this tenant space only
- Approval of the following deficiencies:
 - Reduced setbacks from east and west lot lines
 - Two access points to Figurski when only one is allowed
 - Reduction of six stacking spaces for the drive through
 - The requirement of two longer RV spaces

The motion carried unanimously.

Moved by Commissioner Mortensen, seconded by Commissioner Dhaenens, to recommend to the Township Board approval of Environmental Impact Assessment dated June 11, 2021 to permit a drive through restaurant at 4173 E Grand River Avenue for a fast-casual restaurant with primarily in-house and carry out dining and limited drive through sales

- Approval by the Township Attorney, limiting drive through restaurants to predominantly carryout service
- The brochure showing the mix of sales of in house, drive through, and carry out shall be attached as part of the Environmental Impact Assessment.

The motion carried unanimously.

Moved by Commissioner Mortensen, seconded by Commissioner Dhaenens, to recommend to the Township Board approval of the Site Plan for Lefty's Cheesesteak restaurant dated August 24, 2021, subject to the following:

- The requirements of the Township Engineer's letter dated September 2, 2021 shall be met.
- The requirements of the Brighton Area Fire Authority's letter dated September 2, 2021 shall be met.
- Any landscaping on the site that is in poor condition or dead shall be refreshed or replaced.

The motion carried unanimously.

ADMINISTRATIVE BUSINESS

Staff Report

Ms. VanMarter stated the next meeting will be on Tuesday, October 12, 2021 and she anticipates having four items for review. She suggested having a special meeting in October to discuss the Master Plan. There will also be open houses scheduled for this in November.

Approval of the August 9, 2021 Planning Commission meeting minutes

Moved by Commissioner McCreary, seconded by Commissioner Dhaenens, to approve the minutes of the August 9, 2021 Planning Commission Meeting as presented. **The motion carried unanimously.**

Member Discussion

There were no items to discuss this evening.

Adjournment

Moved by Commissioner McCreary, seconded by Commissioner Mortensen, to adjourn the meeting at 10:48 pm. **The motion carried unanimously.**

Respectfully Submitted,

September 7, 2021

Planning Commission
Genoa Township
2911 Dorr Road
Brighton, Michigan 48116

Attention:	Kelly Van Marter, AICP Planning Director and Assistant Township Manager
Subject:	Grand Plaza – PUD Amendment and Site Plan Review #2
Location:	4207 E. Grand River Avenue – northeast corner of Grand River and Figurski Drive
Zoning:	MUPUD Mixed Use Planned Unit Development

Dear Commissioners:

At the Township’s request, we have reviewed the revised submittal for a proposed amendment to the Grand Plaza PUD Agreement, as well as the site plan (dated 8/24/21) for development of a drive-through restaurant.

A. Summary

1. PUD Amendment:

- a. The dimensional deviations sought need to be enumerated in the amended PUD Agreement.

2. Use Requirements of Section 7.02.02(j):

- a. The existing building does not provide the minimum required setback of 50 feet from the east or west lot line.
- b. The existing development provides 2 access points to Figurski Drive, while only 1 is allowed.

3. Site Plan Review:

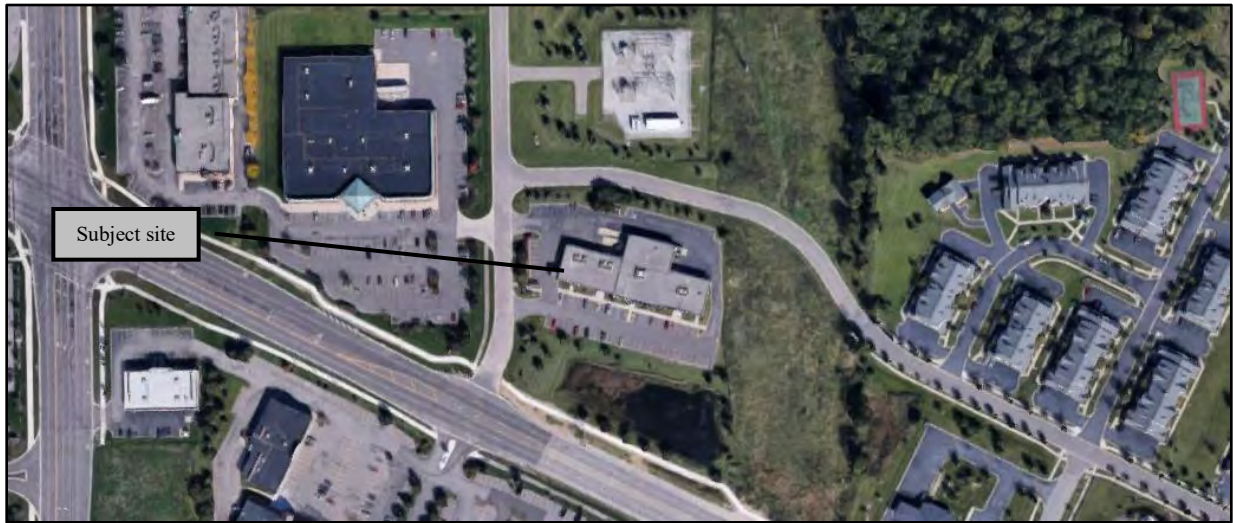
- a. The Township should determine whether a sidewalk is needed along Figurski Drive.
- b. The drive-through lane is deficient by 6 stacking spaces.
- c. The applicant must address any comments provided by Engineering or Fire.
- d. The site does not provide the 2 required spaces for RV or semi-truck parking.
- e. The Commission should discuss the appropriate method of determining the required parking calculations (all shopping center vs. restaurant with drive-through and the remainder as shopping center).
- f. If any existing landscaping is in poor condition, such plantings should be replaced as part of this project.
- g. If the project is approved, the applicant must obtain a sign permit from the Township prior to installation of any signage.

B. Proposal/Process

The overall project entails conversion of a bank with a drive through lane at the westerly end of the existing shopping center into a restaurant with a drive through lane.

The PUD for this site expressly prohibits drive through restaurants, as such, the request includes an amendment to the PUD Agreement. Additionally, the project does not meet all of the use requirements for a restaurant with a drive through lane. As such, the applicant requests deviations via the PUD Agreement from these standards.

Procedurally, the Planning Commission is to review the PUD amendment, site plan, and impact assessment, and provide a recommendation on each to the Township Board.



Aerial view of site and surroundings (looking north)

C. PUD Amendment

The proposal seeks to amend the host of allowable uses contained in Schedule C of the PUD Agreement. More specifically, the phrase currently reading “Restaurant or Deli, Sit Down, no Drive Thru” would be amended to read “Restaurant or Deli, Sit Down and Drive Thru.”

The Zoning Ordinance currently allows drive-through restaurants as special land uses within the RCD. Under the proposal, such uses would be permitted by-right within this PUD.

Such uses are also subject to the use requirements of Section 7.02.02(j). As outlined below, the proposal does not fully comply with these standards, and the applicant requests dimensional deviations via the PUD Agreement for these deficiencies.

If the Township is amenable to these deviations, they must be enumerated in the amended PUD Agreement.

D. Use Requirements

Drive-through restaurants are subject to the use requirements of Section 7.02.02(j), as follows:

1. Principal and accessory buildings shall be setback fifty (50) feet from any adjacent public right of way line or property line.

The existing building provides setbacks in excess of 50 feet from the Grand River front lot line and the rear lot line (N). However, the drive-through canopy provides a setback of only 44.2 feet from Figurski Drive, and the east side setback is only 20 feet.

As such, this standard is not met by the proposal. Per the revised submittal materials, the applicant seeks dimensional deviations from this requirement.

2. The establishment of a new drive-through restaurant shall require the lot be separated a minimum of five hundred (500) feet from any other lot containing a drive-through restaurant.

The revised submittal identifies the nearest existing drive-through restaurant, which is more than 900 feet to the west. This standard is met.

3. Only one (1) access shall be provided onto any street.

The existing development has 2 driveway connections to Figurski Drive. This standard is not met, and a dimensional deviation has been requested.

4. Such restaurants constructed adjacent to other commercial developments shall have a direct vehicular access connection where possible.

The subject site is not adjacent to another commercial development.

E. Site Plan Review

1. Dimensional Requirements. Aside from the setback issues noted above, there are no changes to the developed site that impact the remaining dimensional standards.

2. Building Materials and Design. There are no changes proposed to the existing building materials and design.

3. Pedestrian Circulation. There is an existing public sidewalk along Grand River. The development also includes existing sidewalks along the front of the building, as well as a connection to Figurski Drive.

The Township should determine whether a sidewalk is needed along Figurski Drive.

4. Vehicular Circulation. The site plan depicts both one-way and two-way circulation patterns. The proposal includes pavement markings and signage to assist drivers with appropriate traffic patterns.

The revised plan is deficient by 6 drive-through stacking spaces (4 proposed; 10 required). As noted in our initial review letter, if the 10 required stacking spaces are provided and occupied, they will block access to the waste receptacle, as well as the truck dock/loading area on the northwest side of the building.

The revised submittal materials note that un/loading and refuse removal will occur during off hours so as to avoid conflicts with the drive-through lane.

The applicant must also address any comments provided by the Township engineering consultant and Fire Authority with respect to site circulation.

5. Parking and Loading. The development was approved and built as a shopping center, which has its own general parking standard, regardless of the individual tenants. Based on this standard, 74 spaces are required, while 85 are provided.

Based on the inclusion of a drive-through restaurant as one of the tenants, the total requirement increases significantly to 110 (including the 3 short term waiting spaces). The Commission

Additionally, 2 longer spaces for RVs or semi-trucks are required for the proposed use.

This aspect of the proposal requires additional discussion with the Commission to determine the appropriate method for parking calculations.

6. Landscaping. No changes are proposed to the existing site landscaping. If any existing plantings are in poor condition, they should be replaced as part of this project.

7. **Waste Receptacle.** The development has an existing waste receptacle and enclosure at the rear of the site, with no changes proposed.
8. **Exterior Lighting.** No changes are proposed to existing site lighting.
9. **Signs.** The submittal does not include any sign details. If the request is approved, the applicant must apply for a sign permit from the Township prior to installation of any new signage.
10. **Impact Assessment.** The submittal includes an Impact Assessment dated June 11, 2021.

In summary, the Assessment notes 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



Brian V. Borden, AICP
Michigan Planning Manager

September 2, 2021

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

**Re: Grand Plaza PUD
Site Plan Review No. 2**

Dear Mrs. Van Marter:

Tetra Tech conducted a second review of the proposed Grand Plaza PUD site plan last dated August 24, 2021. The plans were completed by Stonefield Engineering and Design on behalf of Howell Grand Plaza, LLC. The existing building is on a 3.67 acre parcel on the east side of Figurski Drive, just north of Grand River Avenue. The Petitioner is proposing to use the drive-through that was previously used for a bank for a restaurant drive-through. No site improvements are proposed.


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

SITE PLAN


1. The proposed drive-through stacking space dimensions and drive aisle dimensions next to the drive-through do not match the requirements from the Township's ordinance, but the Petitioner has noted this as an existing non-conformity, as this is how the previously operated bank drive-through was designed.
2. The previously submitted plans showed 10 stacking spaces for the drive-through. This stacking blocked access to the waste receptacle and loading area and resulted in a non-compliant one-way access drive at the rear of the building at 15-feet wide. The revised plans only show four stacked spaces to eliminate these issues but has not provided any information to demonstrate that four stacking places is typical for the proposed use.
3. The Petitioner should obtain approval from the Brighton Area Fire Authority prior to approving the proposed use.
4. Additional signage should be used near the entrance and at the east end of the parking lot to direct people around the building and to the drive-through.

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

Sincerely,



Gary J. Markstrom, P.E.
Vice President



Shelby Byrne
Project Engineer



BRIGHTON AREA FIRE AUTHORITY

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

September 2, 2021

Kelly VanMarter
Genoa Township
2911 Dorr Road
Brighton, MI 48116

RE: Grand Plaza PUD Amendment
4207 E. Grand River Avenue
Genoa Twp., MI

Dear Kelly:

The Brighton Area Fire Department has reviewed the above-mentioned site plan. The plans were received for review on August 26, 2021 and the drawings are dated June 4, 2021 with latest revisions dated August 24, 2021. The project is based on the proposed amendment for an existing 18,523 square foot mixed-use PUD to accommodate a drive-thru restaurant. The plan review is based on the requirements of the International Fire Code (IFC) 2021 edition.

1. The building address shall be a displayed **minimum of 6"** high letters of contrasting colors and be clearly visible from the street. The location and size shall be verified prior to installation. **(Noted.)**

IFC 505.1

2. The drive-thru stacking lane creates a non-compliant one-way access drive at the rear. The rear bypass lane shall have a minimum clear width of 20-feet as this is a modification of the previously approved two-way access drive. **(The drive-thru stacking has been significantly reduced. The fire authority recommends that the increased stacking be utilized and the access be improved, as this use creates significantly greater impact on access than the previous occupancy with the approved reduced stacking. The fire authority is requesting evidence justifying the reduced drive thru stacking. Nearly all other drive-thru restaurants in the area exceed their approved stacking limits at peak hours.)**

IFC 503.2.1

IFC D 102.1

3. The fire authority has concerns related to vehicle stacking along the rear of the building. Currently there are 10 vehicles shown. There is potential for additional vehicles to line up along the rear of the building obstructing the fire department connection to the sprinkler and egress from other tenant spaces. **(The revision indicates reduced stacking along the rear of the building. It appears that the reduced stacking no longer impacts the access to fire suppression.)**
4. One-way emergency vehicle access roads shall be a minimum of 20-feet wide and signed as a fire lane on both sides. Include the location of the proposed fire lane signage and a detail of the fire lane sign in the submittal along the east side and rear of the structure, as well as along the north curb where parking and loading are not present. Access roads to the site shall be provided and maintained during construction. Access roads shall be constructed to be capable of supporting the



September 2, 2021

Page 2

Grand Plaza

4207 E. Grand River Avenue

Site Plan Review

imposed load of fire apparatus weighing at least 84,000 pounds. **(Fire lane signage is shown on the drawing in areas requested.)**

IFC D 103.6

IFC D 103.1

IFC D 103.3

5. One-way traffic signs shall be added facing south at the east access drive, as well as the at the hatched area at the northwest corner near the drive thru stacking. **(One-way signage is provided on the drawing as directed.)**
6. Provide names, addresses, phone numbers, emails of owner or owner's agent, contractor, architect, on-site project supervisor. **(Noted on Sheet C-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, CFPS
Fire Marshal

cc:Amy Ruthig amy@genoa.org

ENVIRONMENTAL IMPACT ASSESSMENT
FOR
GRAND PLAZA DRIVE THROUGH ADDITION
SW 1/4 SECTION 4; T2N-R5E
GENOA TOWNSHIP, LIVINGSTON
COUNTY MICHIGAN

Prepared for:

Howell Grand Plaza, LLC
3100 Northwestern Hwy,
Suite 200
Farmington Hills,
Michigan 48334
(248) 356-8000
mberke@keystonecres.com

Prepared by:

Stonefield Engineering & Design
607 Shelby Street
Suite 200
Detroit, Michigan 48826
(248) 247-1115
ewilliams@stonefieldeng.com

Dated: June 11, 2021

INTRODUCTION

The purpose of this report is to show the effect that this proposed change of use may have on various environmental factors in the general vicinity. Potential areas of concern are to be noted along with the proposed methods for addressing each item. The format of this report conforms to Section 13.05 of the published Zoning Ordinance for Genoa Township, Livingston County, Michigan.

A. NAME(S) AND ADDRESS(ES) OF PERSON(S) RESPONSIBLE FOR PREPARATION OF THE STATEMENT.

Prepared by:
Stonefield Engineering and Design
607 Shelby Street
Suite 200
Detroit, MI 48826
(248) 247-1115

Prepared for:
Howell Grand Plaza, LLC
3100 Northwestern Hwy,
Suite 200
Farmington Hills, MI 48334
(248) 356-8000

B. DESCRIPTION OF THE SITE, INCLUDING EXISTING STRUCTURES, MAN MADE FACILITIES AND NATURAL FEATURES ALL INCLUSIVE TO WITHIN 10' OF THE PROPERTY BOUNDARY.

The site is located on the north side of Grand River Avenue, 800 feet east of Latson Road in the Southwest 1/4 of Section 4, T2N-R5E, Genoa Township, Livingston County, Michigan. The parcel of land contains an approximate gross area of 3.66 acres, and a net area of 3.20 acres. A site plan was previously approved and construction completed for a 8,480 S.F. Sears Store, 1,740 S.F. Book Store and a 2,460 S.F. carpet store. The site was designed to drain to a detention pond in front of the property with a controlled outlet to the east.

Existing underground utilities on-site and abutting the site include an overhead Detroit Edison electric cable, an 8" diameter sanitary sewer forcemain, and underground Ameritech telephone line. Grand River Avenue is a four (4) lane roadway in front of the site and tapers out to seven (7) lanes at the intersection located 800 feet to the west at Latson Road with concrete curb and gutter and a center left turn lane, two (2) through lanes each way as well as right acceleration- deceleration lanes along the outside edges.

Adjacent properties include: To the south, Grand River and then a commercial shopping center on the south side of Grand River Avenue; Loves Furniture to the west, Flint substation to the north within the Lorentzen P.U.D, General Commercial zoning; to the east, the Detroit Edison/Consumers Power Company corridor with primary overhead transmission lines and a 36" diameter transmission gas pipeline. Beyond the corridor is a large parcel of vacant farmland which is also part of the Lorentzen P.U.D.

C. A WRITTEN DESCRIPTION OF THE ENVIRONMENTAL CHARACTERISTICS OF THE SITE PRIOR TO DEVELOPMENT, I.E., TOPOGRAPHY, SOILS, VEGETATIVE COVER, DRAINAGE, STREAMS, CREEKS OR PONDS.

The site is currently in a developed state, existing green space will be maintained on site.

1. HILLSDALE SANDY LOAM (HID). Hillsdale Sandy Loam is the pre-dominant soil on the site. This soil is located on till plains and basin-like depressions in the hilly moraines, located at the northeast corner and southwest corner of the site. Slopes are 12% to 18%; surface runoff is rapid, permeability is moderate and erosion hazard is severe. Soils in the relatively small isolated, depressed area (less than 3 acres) are organic in an area of mineral soils in an isolated small area.
2. MIAMI LOAM (MoB). MIAMI LOAMS are typically well-drained soils found on till plains and moraines, with soil slopes of 2-6%. Surface runoff is slow for MoB, permeability is moderate and the soil erosion hazard is slight.

The National Wetlands Inventory Plan prepared by the United States Department of the Interior, Fish and Wildlife Service indicates that there are no wetlands located on the site.

Storm water currently drains towards the southeast corner of the site through a storm sewer system to the on-site detention pond. The detention pond outlets to the east-northeast across the vacant Lorentzen P.U.D.

D. DESCRIPTION OF SOIL EROSION CONTROL MEASURES DURING CONSTRUCTION

No soil will be exposed as a part of this construction project.

E. DESCRIPTION OF PROPOSED USAGE AND OTHER MAN MADE FACILITIES; HOW IT CONFORMS TO EXISTING AND POTENTIAL DEVELOPMENT PATTERNS. EFFECTS OF ADDED LIGHTING, NOISE OR AIR POLLUTION, ANY PROPOSED PHASING.

The applicant is proposing to renovate the existing bank drive-through and tenant space to provide a restaurant user with drive-through facilities.

Grand River Avenue presently experiences a large volume of traffic along with the associated noise level. It is unlikely that this development will significantly change that. Permanent air pollution from the vehicle-usage generated from the development is the only pollution expected. Since the site is located along a primary community route, it is anticipated that most of the traffic generated will account for a very small percentage of the traffic already traveling in the area. However, a nominal increase is still anticipated. To minimize the impact on Grand River Avenue, vehicular access points will be from the proposed access road through the Lorentzen P.U.D. which will also serve other sites adjoining the access road.

F. DESCRIPTION OF NUMBER OF EMPLOYEES, PATRONS AND THE IMPACT ON GENERAL SERVICES, I.E.: SCHOOLS, POLICE, FIRE.

Based on the Institute of Transportation Engineers publication. TRIP GENERATION manual, an average of 1.82 employees can be expected per each 1,000 square feet of gross floor area (G.F.A.). Therefore, a general retail complex with 18,680 square feet will potentially include approximately 34 employees. Normal police and fire protection services should be anticipated. Tentative anticipated hours of operation are 8:00 a.m. to 8:00 p.m.

G. DESCRIPTION OF ALL PUBLIC UTILITIES SERVICING THE PROJECT I.E.: SANITARY SEWER AND STORM DRAINAGE CONTROL. EXPECTED FLOWS PROJECTED IN RESIDENTIAL EQUIVALENTS.

The site is located within the Genoa-Oceola Sanitary Sewer District. The existing building is serviced by public sanitary sewer. The parcel is also within the water district along Grand River Avenue. As described above, a detention pond is located in the southeast corner of the parcel to collect stormwater runoff. Storm water runoff will be restricted to an agricultural runoff rate from all developed areas. Underground gas, electric and telephone are also available.

H. DESCRIPTION OF ANY HAZARDOUS MATERIALS USED, STORED OR DISPOSED OF ON-SITE.

Non-Applicable.

I. DESCRIPTION OF TRAFFIC VOLUMES TO BE GENERATED AND THEIR EFFECT ON THE AREA.

With substantial traffic volumes present on Grand River Avenue it is not anticipated that the proposed development will have a negative impact on the surrounding roadways.

J. SPECIAL PROVISIONS, I.E., DEED RESTRICTIONS, PROTECTIVE COVENANTS, ETC.

None.

K. DESCRIPTION OF ALL SOURCES

- * GENOA TOWNSHIP ZONING ORDINANCES
- * "SOIL SURVEY OF LIVINGSTON COUNTY, MICHIGAN," SOIL CONSERVATION SERVICE, U.S.D.A.
- * NATIONAL WETLANDS INVENTORY, U.S. DEPARTMENT OF INTERIOR FISH AND WILDLIFE SERVICE
- * TRIP GENERATION, 5TH EDITION, INSTITUTE OF TRANSPORTATION ENGINEERS
- * TRAFFIC REPORT, DATED DECEMBER 14, 1994, BY MIDWESTERN CONSULTING, INC.
- * GRAND RIVER AVENUE AREA CORRIDOR PLAN, GENEVA TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN, ADOPTED APRIL 10, 1995.
- * BOSS ENGINEERING IMPACT ASSESSMENT WITH LATEST REVISION DATE OF MAY 24, 1996
- * ALTA / ACSM Land Title Survey completed by: KEM-TEC & Associates and dated: July 3, 2008

L. PREVIOUSLY SUBMITTED ENVIRONMENTAL ASSESSMENTS

Boss Engineering Impact Assessment

Advantage Civil Engineering Impact Assessment

Comments in red boxes below are suggested by Kelly VanMarter

STATE OF MICHIGAN
COUNTY OF LIVINGSTON
CHARTER TOWNSHIP OF GENOA

AMENDMENT TO PLANNED UNIT DEVELOPMENT AGREEMENT

THIS AMENDMENT TO PLANNED UNIT DEVELOPMENT AGREEMENT is made between and entered into on this ____ day of _____, 2021, by Keystone Commercial Real Estate, a Michigan limited liability company, having its principal office at 31000 Northwestern Hwy, Suite 200, Farmington Hills, MI 48334 (the "Owner") and Genoa, a Michigan municipal corporation, with its principal office at 2980 Dorr Road, Brighton, MI 48116 (the "Township").

R E C I T A L S:

Add all amendments to the Agreement in the Recitals.

The Township and Birgit Lorentzen entered into a Planned Unit Development Agreement (the "PUD Agreement") on April 12, 1996, which was recorded on May 9, 1996, Liber 2038, Page 039 of Livingston County Records.

The Owner has purchased **through** a parcel of land situated in the Township of Genoa, Livingston County, Michigan, as more fully described in Exhibit "A" (the "Property") which is located within the Planned Unit Development. The property is designated in the PUD Agreement for retail commercial use, including a restaurant, but does not permit a drive-thru for a restaurant.

fast casual restaurant with an ancillary drive through

Based on development patterns which have occurred surrounding the Property, the Township and the Owner have determined that a ~~drive thru restaurant~~ would be compatible and harmonious with the existing and proposed development in the vicinity.

The Owner and Township desire to amend the PUD Agreement pursuant to Article IX, Section 9.1 of the PUD Agreement, to permit a change in the PUD Agreement to allow a ~~drive-through restaurant~~ on the Property.

fast casual restaurant with an ancillary

NOW, THEREFORE, OWNER AND TOWNSHIP, in consideration of the mutual promises contained in this amendment and in the PUD Agreement, HEREBY AGREE AS FOLLOWS:

1. The Authorized Uses, which is attached to the PUD Agreement as Schedule C, is hereby amended to allow a restaurant with drive-thru in the west end-cap unit identified as 4173 East Grand River. Such drive-thru use shall be ancillary to the dine in, carryout and delivery use. Ancillary shall be defined as 20% of gross sales generated from the drive-thru. ~~delete the phrase “no Drive Thru” in the line which reads “Restaurant or Deli, Sit Down, no Drive Thru”, to now read “Restaurant or Deli, Sit Down and Drive Thru” as “Drive-through Business” is defined in Section 25.02 of the Genoa Township Zoning Ordinance and pursuant to~~ all other applicable regulations for a Drive-through ~~Business~~ in the Genoa Township Zoning Ordinance excluding dimensional deviations enumerated below.

2. The Township shall permit the following dimensional deviations:
a. Two driveway connections to Figurski Drive where one connection would be permitted under the Genoa Township Zoning Ordinance.
b. The principal building is permitted to be setback 44.2 FT from Figurski where 50 FT would be required by the Genoa Township Zoning Ordinance.
c. The principal building is permitted to be setback 20.0 FT from the East property line where 50 FT would be required by the Genoa Township Zoning Ordinance.
d. The drive-through shall be permitted to operate with four stacking spaces where ten are required by the Genoa Township Zoning Ordinance

~~2.3.~~ All other provisions set forth in the PUD Agreement, except as indicated herein and amended, have not been amended and shall remain in full force and effect.

~~3.4.~~ This Amendment to the PUD Agreement was approved by the Township Board on _____, 2021 at a duly called and held meeting.

from the standards of Section 7.02.02j. and Section 14.04

In WITNESS WHEREOF, the undersigned have executed this Amendment to the Planned Unit Development Agreement as of the day and year first written above.

WITNESSES:

OWNER:

~~Keystone Commercial Real Estate~~ Howell Grand Plaza, LLC, a Michigan limited liability company

Matt Berke
Its Managing Member

STATE OF MICHIGAN)
) ss
COUNTY OF LIVINGSTON)

The foregoing instrument was acknowledged before me this ____ day of _____, 2021, by Matt Berke being the Managing Member of ~~Keystone Commercial Real Estate~~ Howell Grand Plaza, LLC, a Michigan limited liability company.

Notary Public, County

My Commission expires: _____

TOWNSHIP:

The Township of Genoa, a Michigan municipal corporation

Paulette A. Skolarus
Its Clerk

STATE OF MICHIGAN)
) ss
COUNTY OF LIVINGSTON)

The foregoing instrument was acknowledged before me this ____ day of _____, 2021, by Paulette A. Skolarus, being the Clerk of Genoa Township, a Michigan municipal corporation.

Notary Public, Livingston County

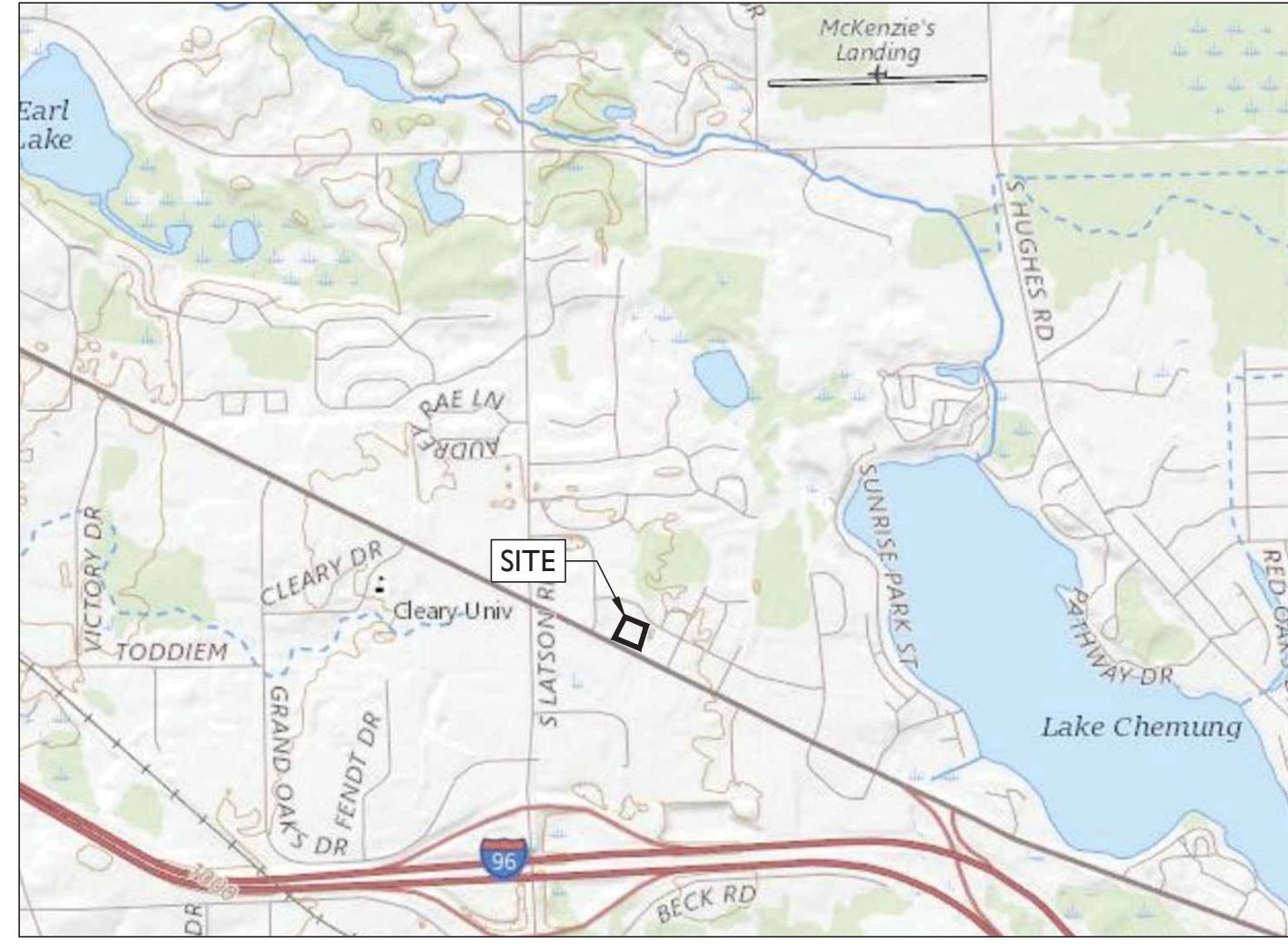
My Commission expires:_____

Drafted by:

Bryan L Amann Esq., (P36631), 1777 Stonebridge Way Ct., Canton, MI 48188

When recorded return to:

Matt Berke, 31000 Northwestern Hwy, Suite 200, Farmington Hills, MI 48334



SOURCE: USGS ONLINE MAPPER

LOCATION MAP

SCALE: 1" = 2,000'±

SITE IMPROVEMENT PLANS FOR HOWELL GRAND PLAZA PROPOSED RENOVATIONS & DRIVE-THROUGH IMPROVEMENTS

PID: 4711-04-300-020

4207 E GRAND RIVER

GENOA TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN

APPLICANT

HOWELL GRAND PLAZA LLC., C/O MATT BERKE
31000 NORTHWESTERN HWY STE. 200
FARMINGTON HILLS, MI 48334
248-356-8000
MBERKE@KEYSTONECRECS.COM

ISSUE	DATE	BY	DESCRIPTION
01	06/04/2021	RAC	FOR CLIENT REVIEW
02	08/24/2021	RAC	FOR CITY RESUBMISSION

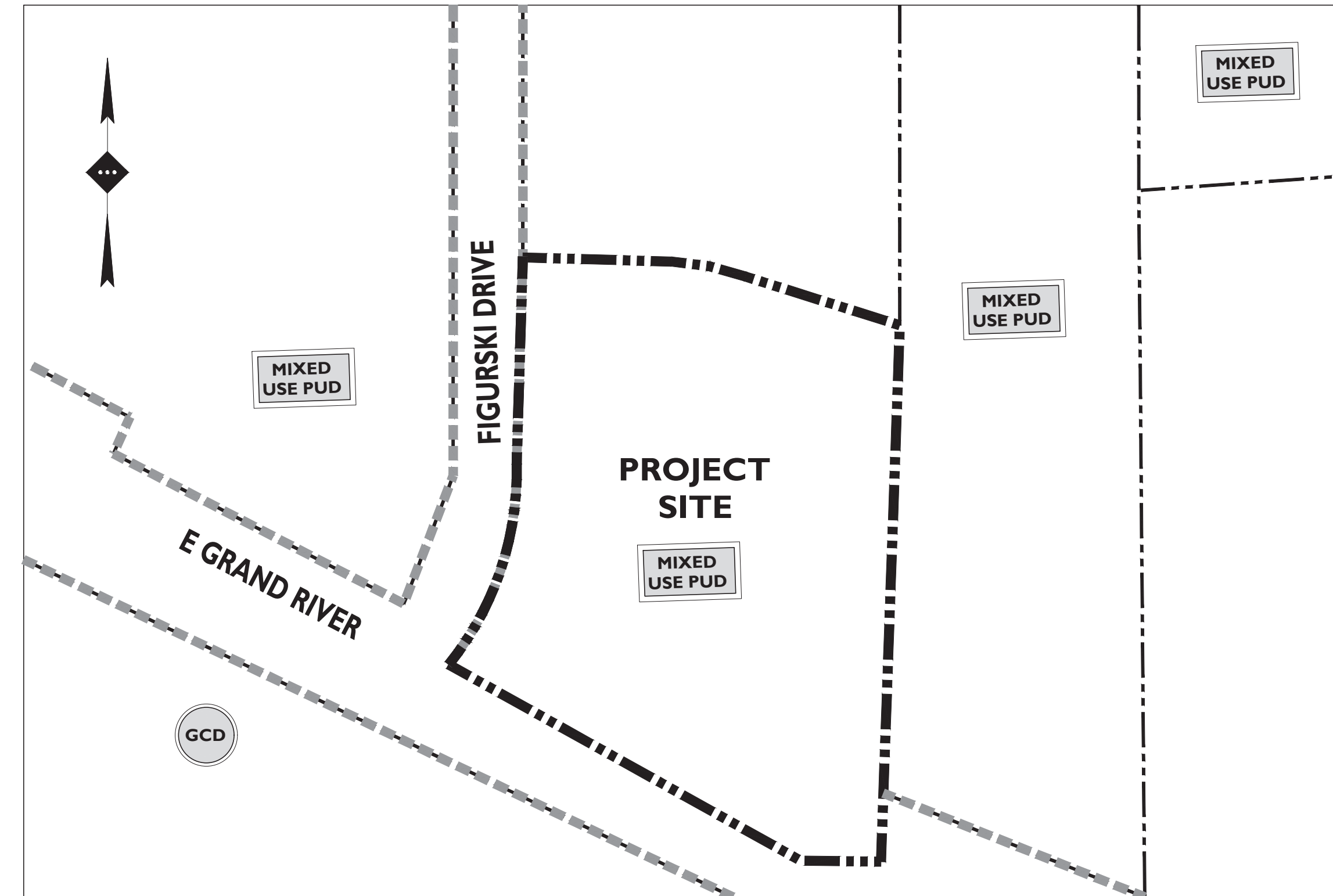
NOT APPROVED FOR CONSTRUCTION



SOURCE: GOOGLE EARTH PRO

AERIAL MAP

SCALE: 1" = 100'±



SOURCE: GENOA TOWNSHIP ZONING MAP

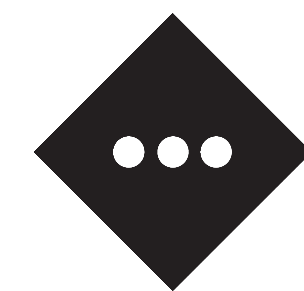
ZONING MAP

SCALE: 1" = 100'±

PLANS PREPARED BY:



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PLAN REFERENCE MATERIALS:

- THIS PLAN SET REFERENCES THE FOLLOWING DOCUMENTS INCLUDING, BUT NOT LIMITED TO:
 - ALTA SURVEY OBTAINED FROM KEM-TEC
 - AERIAL MAP OBTAINED FROM GOOGLE EARTH PRO
 - LOCATION MAP OBTAINED FROM USGS ONLINE MAPPING SYSTEM
 - ZONING MAP OBTAINED FROM GENOA TOWNSHIP ZONING MAP
- ALL REFERENCE MATERIAL LISTED ABOVE SHALL BE CONSIDERED A PART OF THIS PLAN SET AND ALL INFORMATION CONTAINED WITHIN THESE MATERIALS SHALL BE UTILIZED IN CONJUNCTION WITH THIS PLAN SET. THE CONTRACTOR IS RESPONSIBLE TO OBTAIN A COPY OF EACH REFERENCE AND REVIEW IT THOROUGHLY PRIOR TO THE START OF CONSTRUCTION.

SHEET INDEX

DRAWING TITLE	SHEET #
COVER SHEET	C-1
SITE PLAN	C-2 & C-3
CONSTRUCTION DETAILS	C-4

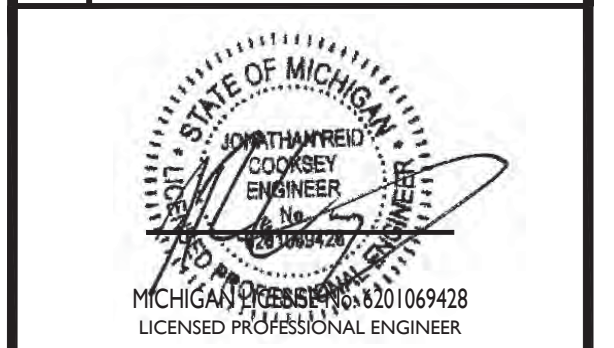
ADDITIONAL SHEETS

DRAWING TITLE	SHEET #
ALTA SURVEY	I OF I

**HOWELL GRAND PLAZA
PROPOSED BUILDING RENOVATION
& DRIVE-THROUGH IMPROVEMENTS**

PID: 11-04-0300-020
4207 E GRAND RIVER
GENOA TOWNSHIP
LIVINGSTON COUNTY, MICHIGAN

SITE IMPROVEMENT PLANS



SCALE: AS SHOWN PROJECT ID: DET-210162

TITLE:

COVER SHEET

DRAWING:

C-1

LAND USE AND ZONING			
PID: 11-04-0300-020			
MIXED USE PLANNED UNIT DEVELOPMENT (MUPUD)			
PROPOSED USE		NON-PERMITTED USE*	
ZONING REQUIREMENT	REQUIRED	EXISTING	PROPOSED
RESTAURANT W/ DRIVE THROUGH	N/A	159,686 SF (3.67 AC)	N/C
MINIMUM LOT AREA	N/A	18,523 SF (11.6%)	N/C
MAXIMUM BUILDING COVERAGE	N/A	260.8 FT	N/C
MAXIMUM BUILDING HEIGHT	N/A	44.2 FT	N/C (D)
MINIMUM FRONT YARD SETBACK	N/A	20.0 FT	N/C (D)
MINIMUM SIDE YARD SETBACK (FIGURSKI DRIVE)	N/A	55.1% (88,006 SF)	N/C
MINIMUM SIDE YARD SETBACK (EAST)	25% (39,922 SF)		
MINIMUM OPEN SPACE			

(*) 1998 PUD TO BE AMENDED THROUGH SITE PLAN APPROVAL PROCESS. ALL EXISTING PERMITTED USES WITHIN PUD TO CONTINUE TO BE PERMITTED.

(N/C) NO CHANGE

(D) PUD DEVIATION FROM REQUIREMENTS IN ORDINANCE SECTION 7.02.02

OFF-STREET PARKING REQUIREMENTS		
CODE SECTION	REQUIRED ⁽¹⁾	PROPOSED
§ 14.04	RESTAURANT WITH DRIVE-THROUGH: 1 SPACE PER 70 SF GFA (3,120 SF) / (170 SF) = 45 SPACES 3 DESIGNATED DRIVE-THROUGH SHORT TERM WAITING SPACES SHOPPING CENTER: 1 SPACE PER 250 SF GFA (15,403 SF) / (250 SF) = 62 SPACES TOTAL: 45 + 3 + 62 = 110 SPACES⁽¹⁾	85 SPACES (D)
§ 14.06	90° PARKING: 9 FT X 18 FT W/ 24 FT DRIVE AISLE	9 FT X 18 FT W/ 15-24 FT AISLE (EN)
§ 14.06.05	DRIVE-THROUGH STACKING SPACES: 10 STACKING SPACES, 9 FT X 20 FT	8.2 FT - 10 FT WIDE (EN)
§ 14.08.06	OFF STREET LOADING SPACE: 1 SPACE, 10 FT X 50 FT	4 STACKING SPACES (D) EXISTING TRUCK DOCK > 500 SF

(EN) EXISTING NON-CONFORMITY

(D) DEVIATION

(1) ITE PARKING GENERATION MANUAL FOR LLC-820 DURING A DECEMBER WEEKEND REQUIRES THE FOLLOWING FOR A "SHOPPING CENTER" USE:
4.58 SPACES / 1,000 SF
(18,523 SF) / (4.58 SPACES / 1,000 SF) = 85 SPACES

LANDSCAPING AND BUFFER REQUIREMENTS			
CODE SECTION	REQUIRED	EXISTING	PROPOSED
§ 12.02.04	10-100 PARKING SPACES: 1 CANOPY TREE AND 100 SF OF LANDSCAPE ISLAND PER 10 SPACES	800 SF LANDSCAPING & 8 TREES EXISTING	N/C
§ 12.02.04.G	MINIMUM LANDSCAPE ISLAND: 100 SF, 10 FT WIDE W/ 10 FT OUTER RADIUS	< 100 SF ISLANDS (EN)	N/C

(EN) EXISTING NON-CONFORMITY

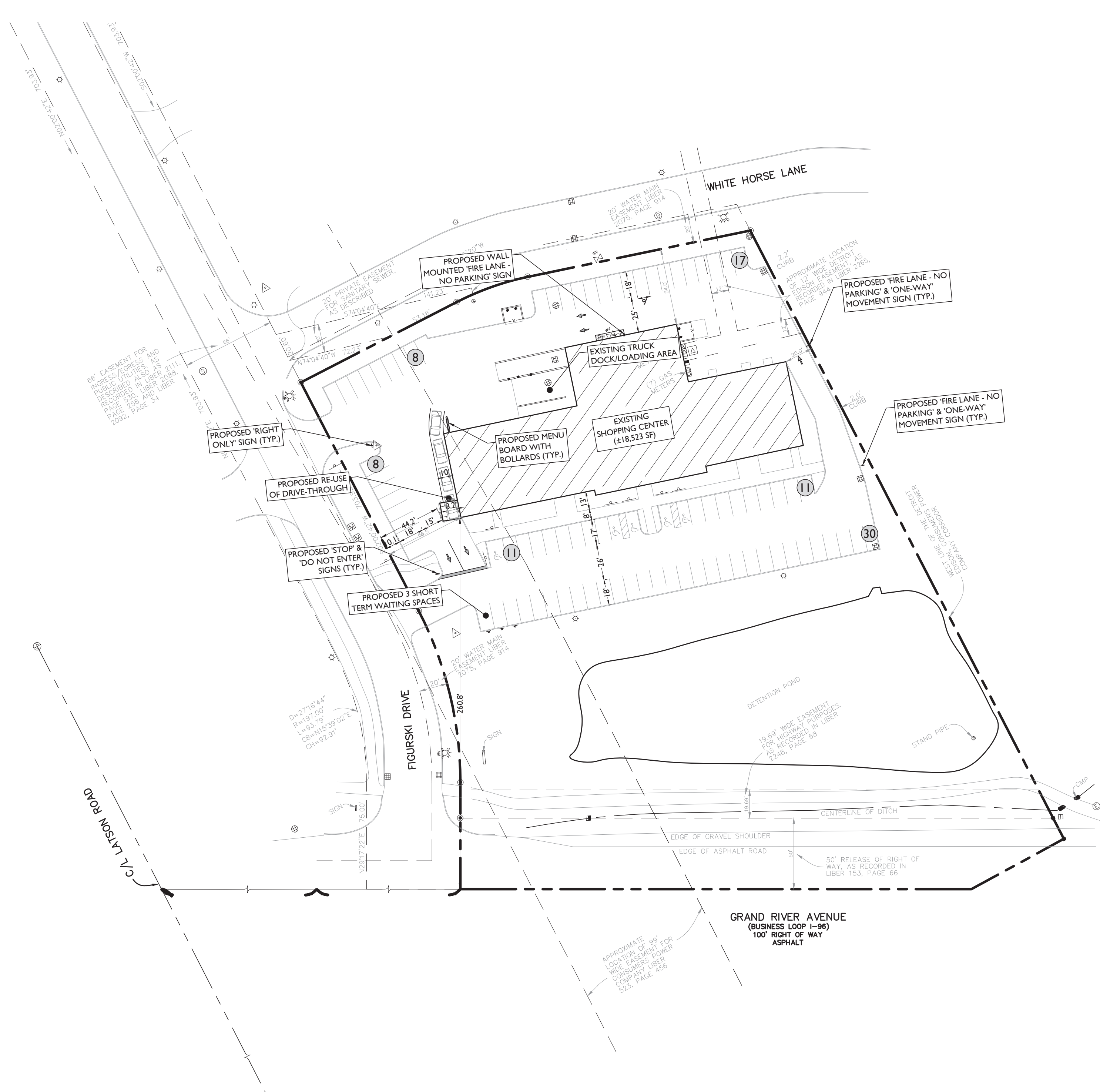
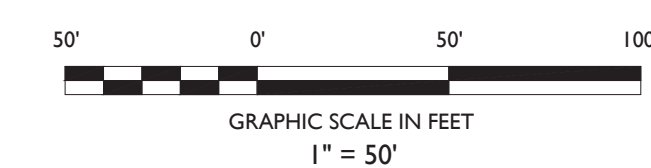
(N/C) NO CHANGE

LIGHTING REQUIREMENTS		
CODE SECTION	REQUIRED	PROPOSED
§ 12.03	LOT LINE LIGHT LEVEL: MAXIMUM 1.0 FC AT PROPERTY LINE	N/C
§ 12.03	MAXIMUM LIGHT LEVEL: 10 FC (MUST USE METAL HALIDE FIXTURES)	N/C
§ 12.03	LIGHT FIXTURE HEIGHT: 30 FT MAXIMUM	N/C

(N/C) NO CHANGE

SYMBOL	DESCRIPTION
---	PROPERTY LINE
- - - - -	SETBACK LINE
○ ○ ○	PROPOSED SIGNS / BOLLARDS
▨	EXISTING BUILDING
■	PROPOSED STOP BAR
---	PROPOSED PARKING STRIPING

- GENERAL NOTES**
- THE CONTRACTOR SHALL VERIFY AND FAMILIARIZE THEMSELVES WITH THE EXISTING SITE CONDITIONS AND THE PROPOSED SCOPE OF WORK (INCLUDING DIMENSIONS, LAYOUT, ETC.) PRIOR TO INITIATING THE IMPROVEMENTS IDENTIFIED WITHIN THESE DOCUMENTS. SHOULD ANY DISCREPANCY BE FOUND BETWEEN THE EXISTING SITE CONDITIONS AND THE PROPOSED WORK THE CONTRACTOR SHALL NOTIFY STONEFIELD ENGINEERING & DESIGN, LLC PRIOR TO THE START OF CONSTRUCTION.
 - THE CONTRACTOR SHALL OBTAIN ALL NECESSARY PERMITS AND ENSURE THAT ALL REQUIRED APPROVALS HAVE BEEN OBTAINED PRIOR TO THE START OF CONSTRUCTION. COPIES OF ALL REQUIRED PERMITS AND APPROVALS SHALL BE KEPT ON SITE AT ALL TIMES DURING CONSTRUCTION.
 - ALL CONTRACTORS WILL, TO THE FULLEST EXTENT PERMITTED BY LAW, INDEMNIFY AND HOLD HARMLESS STONEFIELD ENGINEERING & DESIGN, LLC AND ITS SUB-CONSULTANTS FROM AND AGAINST ANY DAMAGES AND LIABILITIES INCLUDING ATTORNEY'S FEES ARISING OUT OF CLAIMS BY EMPLOYEES OF THE CONTRACTOR IN ADDITION TO CLAIMS CONNECTED TO THE PROJECT AS A RESULT OF NOT CARRYING THE PROPER INSURANCE FOR WORKERS COMPENSATION, LIABILITY INSURANCE, AND LIMITS OF COMMERCIAL GENERAL LIABILITY INSURANCE.
 - THE CONTRACTOR SHALL NOT DEVIATE FROM THE PROPOSED IMPROVEMENTS IDENTIFIED WITHIN THIS PLAN SET UNLESS APPROVAL IS PROVIDED IN WRITING BY STONEFIELD ENGINEERING & DESIGN, LLC.
 - THE CONTRACTOR IS RESPONSIBLE TO DETERMINE THE MEANS AND METHODS OF CONSTRUCTION.
 - THE CONTRACTOR SHALL NOT PERFORM ANY WORK OR CAUSE DISTURBANCE ON A PRIVATE PROPERTY NOT CONTROLLED BY THE PERSON OR ENTITY WHO HAS AUTHORIZED THE WORK WITHOUT PRIOR WRITTEN CONSENT FROM THE OWNER OF THE PRIVATE PROPERTY.
 - THE CONTRACTOR IS RESPONSIBLE TO RESTORE ANY DAMAGED OR UNDERMINED STRUCTURE OR SITE FEATURE THAT IS IDENTIFIED TO REMAIN ON THE PLAN SET. ALL REPAIRS SHALL USE NEW MATERIALS TO RESTORE THE FEATURE TO ITS EXISTING CONDITION AT THE CONTRACTOR'S EXPENSE.
 - CONTRACTOR IS RESPONSIBLE TO PROVIDE THE APPROPRIATE SHOP DRAWINGS, PRODUCT DATA, AND OTHER REQUIRED SUBMITTALS FOR REVIEW. STONEFIELD ENGINEERING & DESIGN, LLC WILL REVIEW THE SUBMITTALS IN ACCORDANCE WITH THE DESIGN INTENT AS REFLECTED WITHIN THE PLAN SET.
 - THE CONTRACTOR IS RESPONSIBLE FOR TRAFFIC CONTROL IN ACCORDANCE WITH MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES, LATEST EDITION.
 - THE CONTRACTOR IS REQUIRED TO PERFORM ALL WORK IN THE PUBLIC RIGHT-OF-WAY IN ACCORDANCE WITH THE APPROPRIATE GOVERNING AUTHORITY AND SHALL BE RESPONSIBLE FOR THE PROCUREMENT OF STREET OPENING PERMITS.
 - THE CONTRACTOR IS REQUIRED TO RETAIN AN OSHA CERTIFIED SAFETY INSPECTOR TO BE PRESENT ON SITE AT ALL TIMES DURING CONSTRUCTION & DEMOLITION ACTIVITIES.
 - SHOULD AN EMPLOYEE OF STONEFIELD ENGINEERING & DESIGN, LLC BE PRESENT ON SITE AT ANY TIME DURING CONSTRUCTION, IT DOES NOT RELIEVE THE CONTRACTOR OF ANY OF THE RESPONSIBILITIES AND REQUIREMENTS LISTED IN THE NOTES WITHIN THIS PLAN SET.
 - ALL EXISTING LANDSCAPING & LIGHTING TO REMAIN ON SITE.
 - ALL EXISTING UTILITIES & STORMWATER DETENTION TO REMAIN ON SITE.



NO.	DATE	ISSUE	BY	DESCRIPTION
02	08/24/2021	RAC		FOR CITY RESUBMISSION
01	06/04/2021	RAC		FOR CLIENT REVIEW

NOT APPROVED FOR CONSTRUCTION

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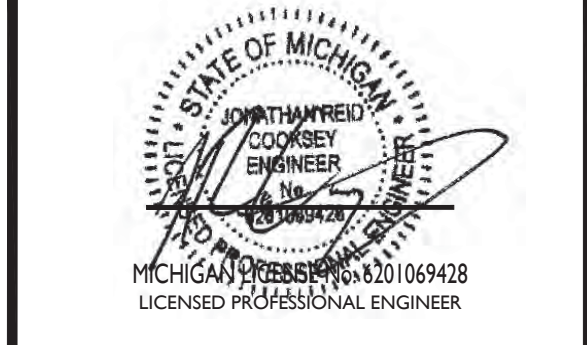
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SITE IMPROVEMENT PLANS

HOWELL GRAND PLAZA
PROPOSED BUILDING RENOVATION
& DRIVE-THROUGH IMPROVEMENTS

PID: 11-04-0300-020
4207 E GRAND RIVER
GENOA TOWNSHIP
LIVINGSTON COUNTY, MICHIGAN

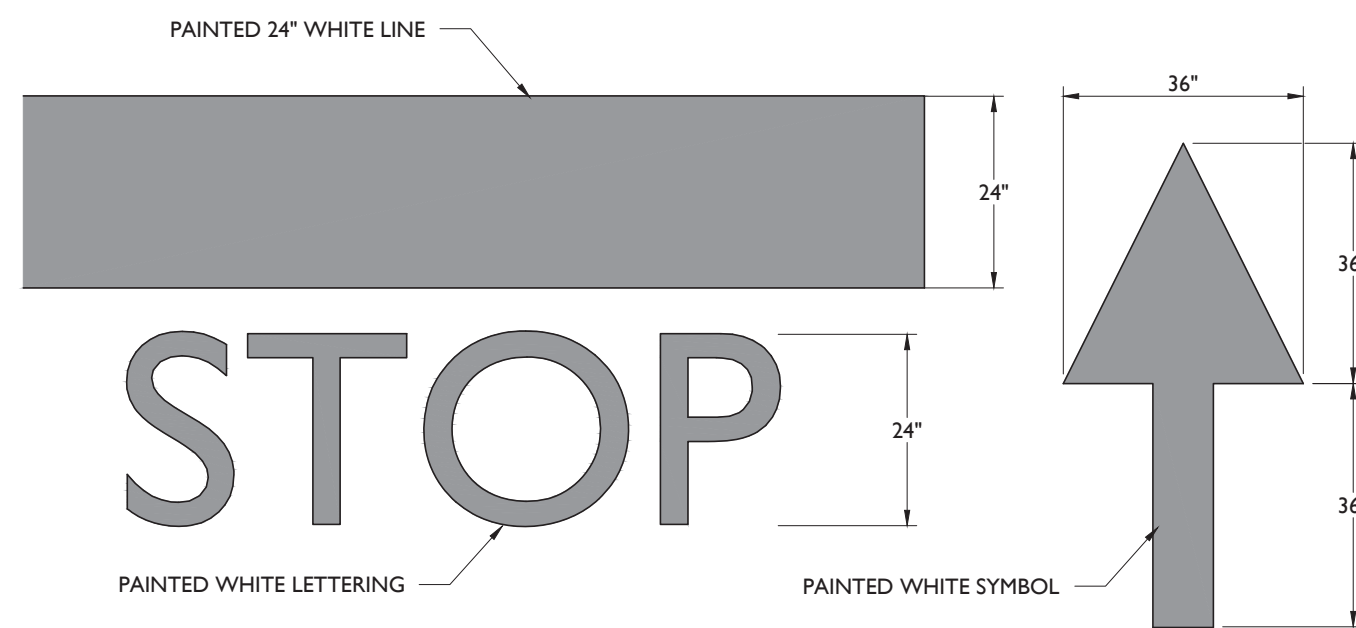


STONEFIELD
engineering & design

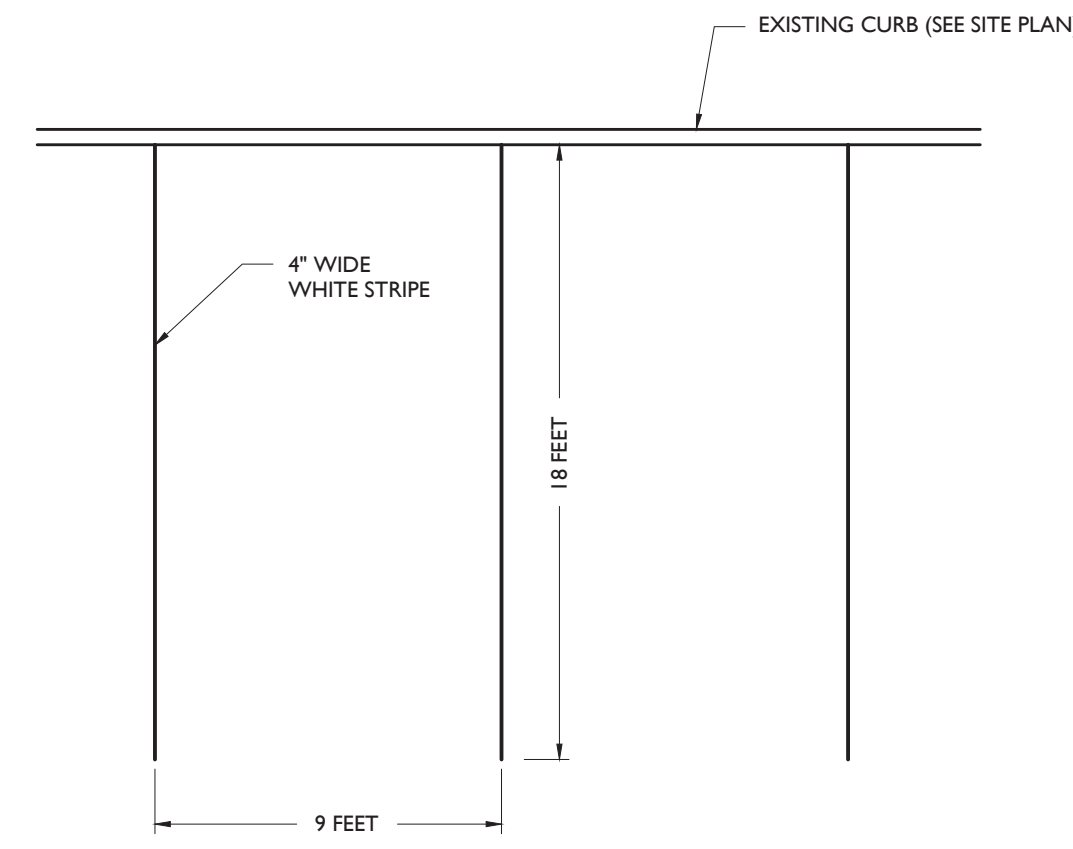
SCALE: 1" = 50' PROJECT ID: DET-210162

TITLE:
SITE PLAN

DRAWING:
C-2

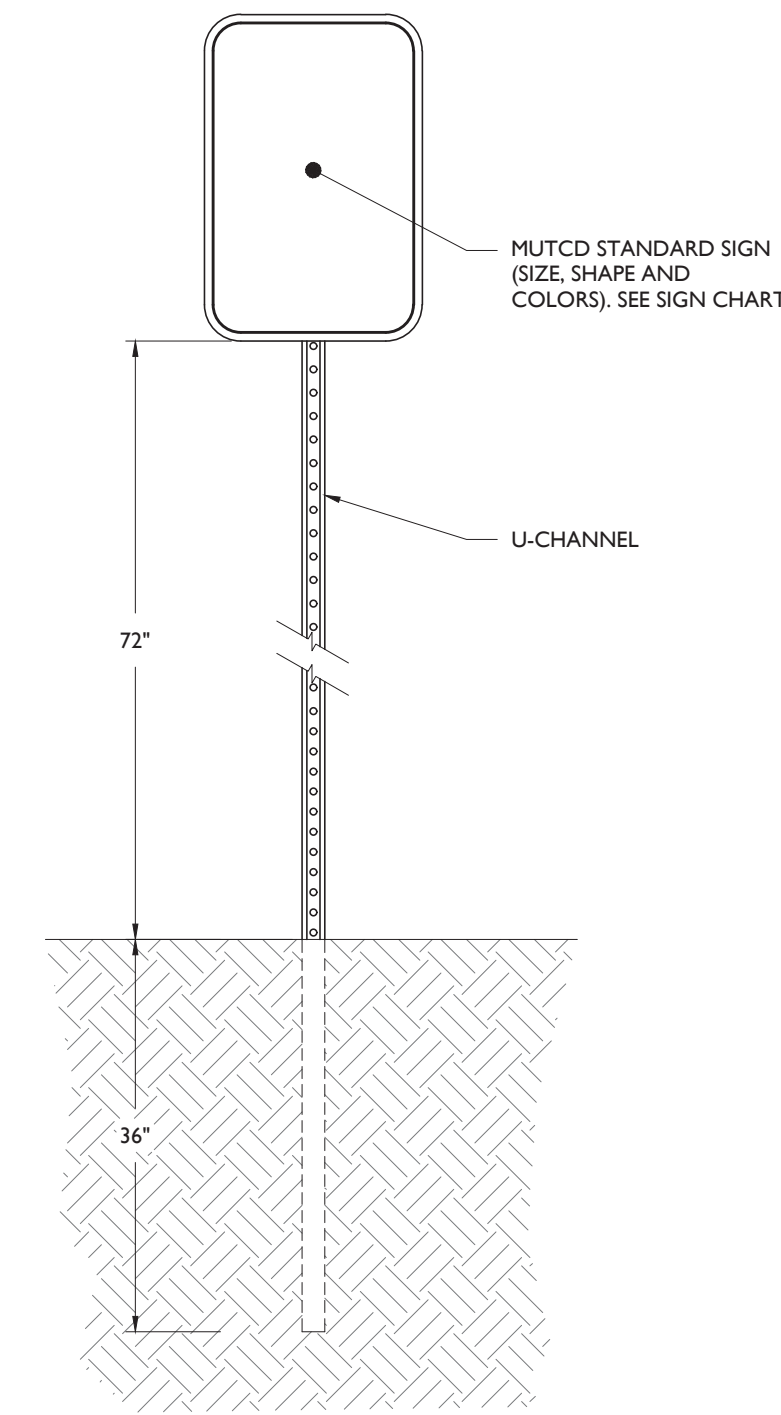


STOP BAR & ARROW DETAILS



PARKING STALL MARKINGS

NOT TO SCALE



SIGN POST DETAIL

NOT TO SCALE

M.U.T.C.D. NUMBER	TEXT	COLOR		SIZE OF SIGN (WIDTH X HEIGHT)	TYPE OF MOUNT
		LEGEND	BACKGROUND		
STOP SIGN (R1-1)		WHITE	RED	36"x36"	GROUND
DO NOT ENTER (RS-1)		RED	WHITE	30"x30"	GROUND
ONE WAY-LEFT (R6-1L)		BLACK	WHITE	36"x12"	GROUND
NO PARKING - FIRE LANE		RED	WHITE	12"x18"	GROUND
MANDATORY MOVEMENT LANE CONTROL-RIGHT (R3-SR)		BLACK	WHITE	30"x36"	GROUND

NOTE:
 1. ALL SIGNS SHALL BE IN ACCORDANCE WITH THE FEDERAL HIGHWAY ADMINISTRATION (FHWA) MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (MUTCD), EXCEPT AS NOTED.
 2. ALL SIGNS SHALL BE MOUNTED AS TO NOT OBSTRUCT THE SHAPE OF "STOP" (R1-1) AND "YIELD" (R1-2) SIGNS.

SIGN DATA TABLE

NOT TO SCALE

PAVEMENT STRIPING & MARKINGS NOTES:

- ALL SIGNING AND STRIPING IN EXISTING CONDITION IN CONFLICT WITH THE PROPOSED DESIGN PLAN SHALL BE REMOVED.
- ALL PROPOSED SIGNING AND STRIPING SHALL CONFORM TO THE CURRENT MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (MUTCD) PUBLISHED BY THE FEDERAL HIGHWAY ADMINISTRATION.
- PAVEMENT STRIPING AND MARKINGS SHALL BE INSTALLED IN CONFORMANCE WITH ALL APPLICABLE LOCAL, COUNTY AND STATE REQUIREMENTS.
- UNLESS OTHERWISE SPECIFIED, ALL STRIPING AND MARKINGS IN THE PUBLIC RIGHT-OF-WAY SHALL BE OF THERMOPLASTIC PAINT OR PREFORMED THERMOPLASTIC MARKINGS.
- UNLESS OTHERWISE SPECIFIED, ON SITE PARKING STALL STRIPING, FIRE LANE STRIPING AND DIRECTIONAL ARROWS SHALL BE EPOXY PAINT. ON SITE STOP BARS, "DO NOT ENTER" BARS, AND ASSOCIATED LETTERING SHALL BE THERMOPLASTIC PAINT OR PREFORMED THERMOPLASTIC MARKINGS.

NOT APPROVED FOR CONSTRUCTION

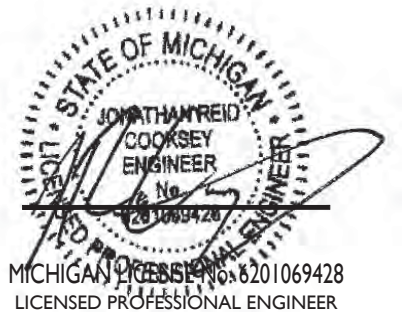
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SITE IMPROVEMENT PLANS
HOWELL GRAND PLAZA
PROPOSED BUILDING RENOVATION
& DRIVE-THROUGH IMPROVEMENTS

PID: 11-04-0300-020
 4207 E GRAND RIVER
 GENOA TOWNSHIP
 LIVINGSTON COUNTY, MICHIGAN



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SCALE: AS SHOWN PROJECT ID: DET-210162

TITLE:
CONSTRUCTION
DETAILS

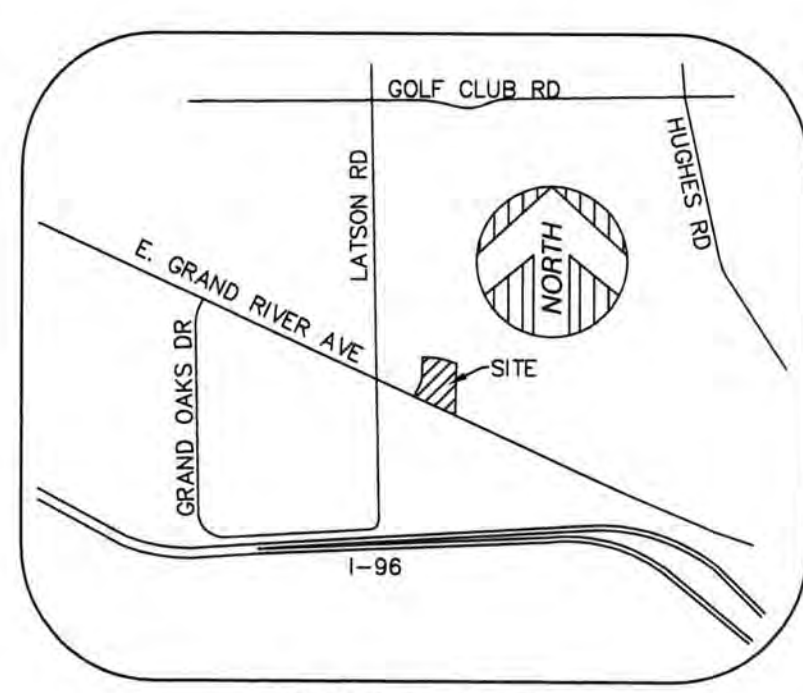
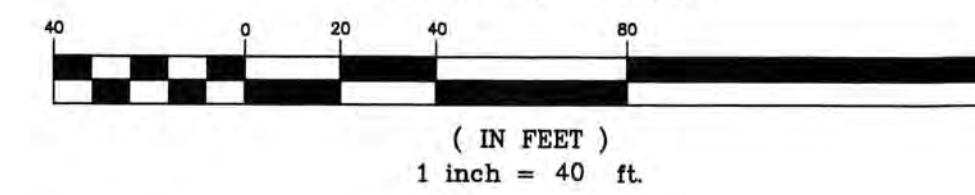
DRAWING:
C-4

ALTA/ACSM LAND TITLE SURVEY

CERTIFIED TO: HOWELL GRAND PLAZA LLC, METROPOLITAN TITLE COMPANY AND TCF NATIONAL BANK C/O COVERED BRIDGE ASSOCIATES



GRAPHIC SCALE



VICINITY MAP
(NOT TO SCALE)

PARKING

HANDICAP PARKING = 5 STALLS
STANDARD PARKING = 50 STALLS

PARCEL AREA

159,687± SQUARE FEET OR 3.67± ACRES

BASIS OF BEARING

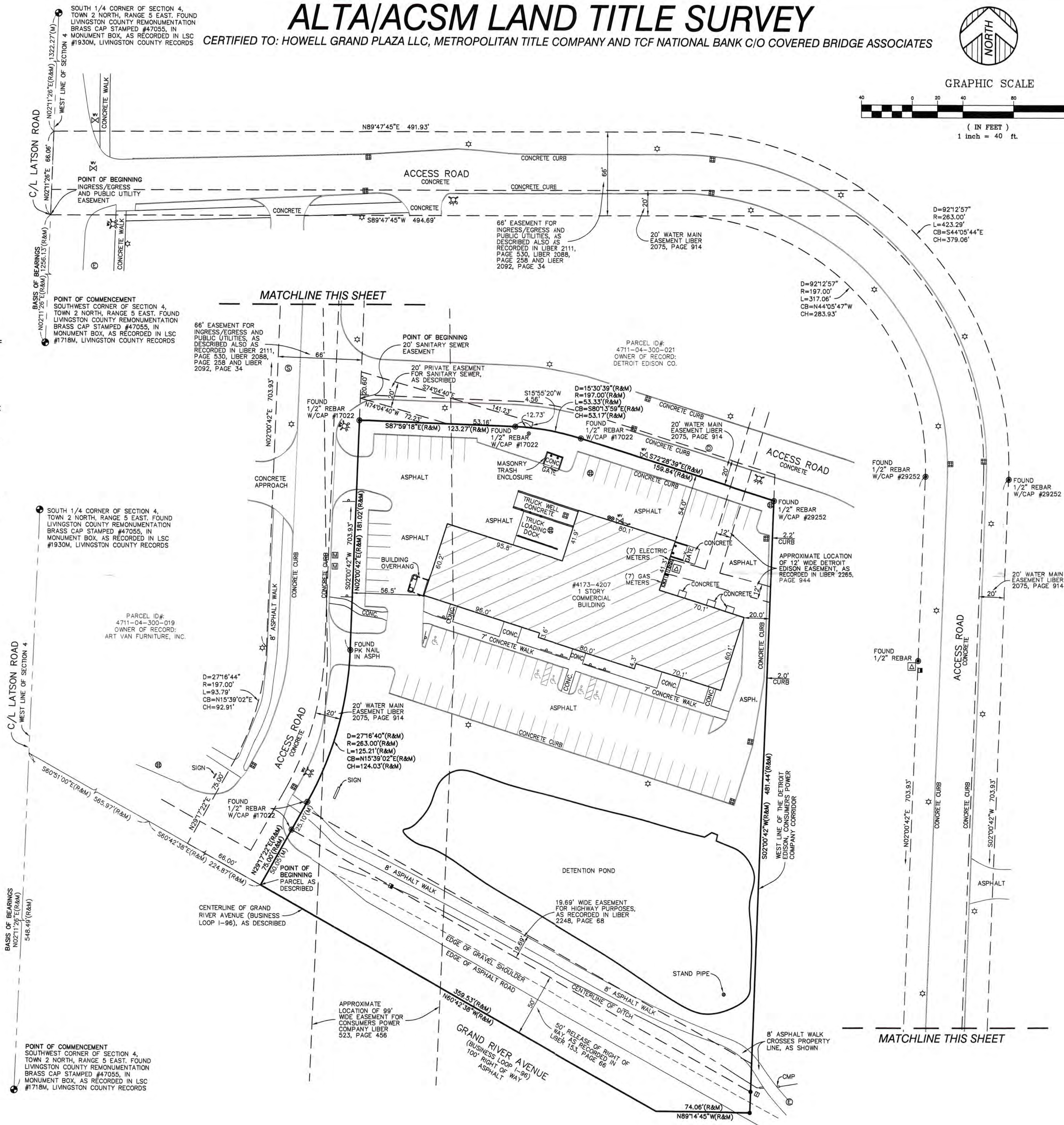
NORTH 02°11'26" EAST, BEING THE WEST LINE OF SECTION 4, AS DESCRIBED

TITLE REPORT NOTE

- ONLY THOSE EXCEPTIONS CONTAINED WITHIN THE METROPOLITAN TITLE COMPANY COMMITMENT NO. 365878, DATED JULY 29, 2008, AND RELISTED BELOW WERE CONSIDERED FOR THIS SURVEY. NO OTHER RECORDS RESEARCH WAS PERFORMED BY THE CERTIFYING SURVEYOR.
- RELEASE OF RIGHT OF WAY IN FAVOR OF BOARD OF COUNTY ROAD COMMISSIONERS AND THE COVENANTS, CONDITIONS AND RESTRICTIONS CONTAINED IN INSTRUMENT RECORDED IN LIBER 153, PAGE 66. (AS SHOWN)
 - EASEMENT IN FAVOR OF CONSUMERS POWER COMPANY AND THE COVENANTS, CONDITIONS AND RESTRICTIONS CONTAINED IN INSTRUMENT RECORDED IN LIBER 523, PAGE 456. (AS SHOWN)
 - RIGHT OF WAY IN FAVOR OF MICHIGAN BELL TELEPHONE COMPANY AND THE COVENANTS, CONDITIONS AND RESTRICTIONS CONTAINED IN INSTRUMENT RECORDED IN LIBER 871, PAGE 134. (RIGHT OF WAY LIES ADJACENT TO LATSON ROAD, THEREFORE NOT SHOWN)
 - RIGHT OF WAY IN FAVOR OF MICHIGAN BELL TELEPHONE COMPANY AND THE COVENANTS, CONDITIONS AND RESTRICTIONS CONTAINED IN INSTRUMENT RECORDED IN LIBER 1038, PAGE 475. (RIGHT OF WAY LIES ADJACENT TO LATSON ROAD, THEREFORE NOT SHOWN)
 - TERMS AND CONDITIONS CONTAINED IN SETTLEMENT AGREEMENT AND RELEASE AS DISCLOSED BY INSTRUMENT RECORDED IN LIBER 1593, PAGE 934. (DOES NOT APPEAR TO AFFECT SUBJECT PROPERTY)
 - TERMS AND CONDITIONS CONTAINED IN PLANNED UNIT DEVELOPMENT AGREEMENT AS DISCLOSED BY INSTRUMENT RECORDED IN LIBER 2038, PAGE 39. AMENDMENT TO PLANNED UNIT DEVELOPMENT AGREEMENT RECORDED IN LIBER 3580, PAGE 917 AND IN LIBER 4502, PAGE 615. (NOT PLOTTABLE)
 - TERMS AND CONDITIONS CONTAINED IN APPLICATION FOR DRAINAGE DISTRICT AS DISCLOSED BY INSTRUMENT RECORDED IN LIBER 2058, PAGE 89. (NOT PLOTTABLE)
 - TERMS AND CONDITIONS CONTAINED IN STORM WATER EASEMENT AGREEMENT, AS DISCLOSED BY INSTRUMENT RECORDED IN LIBER 2058, PAGE 99. (EASEMENT LIES WEST OF SUBJECT PROPERTY, THEREFORE NOT SHOWN)
 - COVENANTS, CONDITIONS, RESTRICTIONS AND OTHER PROVISIONS BUT OMITTING RESTRICTIONS, IF ANY, BASED ON RACE, COLOR, RELIGION, SEX, HANDICAP, FAMILIAL STATUS OR NATIONAL ORIGIN AS CONTAINED IN INSTRUMENT RECORDED IN LIBER 2058, PAGE 925. (NOT PLOTTABLE)
 - TERMS AND CONDITIONS CONTAINED IN PERMANENT UTILITY EASEMENT AS DISCLOSED BY INSTRUMENT RECORDED IN LIBER 2075, PAGE 914. (AS SHOWN)
 - PERMANENT UTILITY EASEMENT IN FAVOR OF TOWNSHIP OF GENOA AND THE COVENANTS, CONDITIONS AND RESTRICTIONS CONTAINED IN INSTRUMENT RECORDED IN LIBER 2075, PAGE 920. (EASEMENT LIES NORTH OF SUBJECT PROPERTY, THEREFORE NOT SHOWN)
 - TERMS AND CONDITIONS CONTAINED IN EASEMENT AND MAINTENANCE AGREEMENT, AS DISCLOSED BY INSTRUMENT RECORDED IN LIBER 2088, PAGE 258. (AS SHOWN)
 - TERMS AND CONDITIONS CONTAINED IN EASEMENT AND MAINTENANCE AGREEMENT, AS DISCLOSED BY INSTRUMENT RECORDED IN LIBER 2092, PAGE 34. (AS SHOWN)
 - TERMS AND CONDITIONS CONTAINED IN EASEMENT AND MAINTENANCE AGREEMENT, AS DISCLOSED BY INSTRUMENT RECORDED IN LIBER 2111, PAGE 530. (AS SHOWN)
 - HIGHWAY EASEMENT IN FAVOR OF GENOA TOWNSHIP AND THE COVENANTS, CONDITIONS AND RESTRICTIONS CONTAINED IN INSTRUMENT RECORDED IN LIBER 2248, PAGE 68. (AS SHOWN)
 - UNDERGROUND EASEMENT (RIGHT OF WAY) IN FAVOR OF THE DETROIT EDISON COMPANY AND THE COVENANTS, CONDITIONS AND RESTRICTIONS CONTAINED IN INSTRUMENT RECORDED IN LIBER 2265, PAGE 944. (AS SHOWN)

LEGEND

- SET 1/2" REBAR WITH CAP P.S. 47976
- FOUND MONUMENT (AS NOTED)
- FOUND SECTION CORNER (AS NOTED)
- (R&M) RECORD AND MEASURED DIMENSION
- (R) RECORD DIMENSION
- (M) MEASURED DIMENSION
- ⊗ ELECTRIC MANHOLE
- ⊙ ELECTRIC METER
- ⊠ ELECTRIC PANEL
- ⊡ TRANSFORMER
- ⊞ GAS METER
- ⊟ TELEPHONE RISER
- ⊠ MAILBOX
- ⊞ CLEANOUT
- ⊟ SANITARY MANHOLE
- ⊠ ROUND CATCH BASIN
- ⊡ SQUARE CATCH BASIN
- ⊟ STORM DRAIN MANHOLE
- ⊠ FIRE HYDRANT
- ⊡ FIRE DEPARTMENT CONNECTION
- ⊟ WATER VALVE
- ⊠ BOLLARD
- ⊡ LIGHTPOST/LAMP POST
- ⊟ SINGLE POST SIGN
- ⊠ PARCEL BOUNDARY LINE
- ⊡ SECTION LINE
- ⊟ EASEMENT (AS NOTED)
- ▭ BUILDING
- ▬ CONCRETE CURB
- ▬ PARKING
- ▬ EDGE OF CONCRETE (CONC.)
- ▬ EDGE OF ASPHALT (ASPH.)
- ▬ MASONRY WALL
- ▬ EDGE OF WATER



PROPERTY DESCRIPTION

LAND SITUATED IN THE TOWNSHIP OF GENOA, COUNTY OF LIVINGSTON, STATE OF MICHIGAN, DESCRIBED AS FOLLOWS:
PART OF THE SOUTHWEST 1/4 OF SECTION 4, TOWN 2 NORTH, RANGE 5 EAST, GENOA TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 4; THENCE ALONG THE WEST LINE OF SAID SECTION 4 AND THE CENTERLINE OF LATSON ROAD, NORTH 02 DEGREES 11 MINUTES 26 SECONDS EAST, 548.48 FEET; THENCE ALONG THE CENTERLINE OF GRAND RIVER AVENUE (BUSINESS LOOP I-96) (100 FOOT WIDE RIGHT OF WAY), SOUTH 60 DEGREES 51 MINUTES 00 SECONDS EAST, 565.97 FEET; THENCE CONTINUING ALONG THE CENTERLINE OF SAID GRAND RIVER AVENUE, SOUTH 60 DEGREES 42 MINUTES 38 SECONDS EAST, 224.87 FEET TO THE POINT OF BEGINNING OF THE PARCEL TO BE DESCRIBED; THENCE ALONG THE EAST LINE OF A 66 FOOT WIDE PRIVATE EASEMENT FOR INGRESS, EGRESS AND PUBLIC UTILITIES, NORTH 29 DEGREES 17 MINUTES 22 SECONDS EAST, 263.00 FEET; THENCE CONTINUING ALONG THE EAST LINE OF SAID EASEMENT, NORTHEASTERLY ON A LONG CHORD, HAVING A LENGTH OF 125.21 FEET, A CENTRAL ANGLE OF 92 DEGREES 02 SECONDS EAST, 263.00 FEET, A CENTRAL ANGLE OF 27 DEGREES 16 MINUTES 40 SECONDS AND A LONG CHORD WHICH BEARS NORTH 15 DEGREES 39 MINUTES 02 SECONDS EAST, 124.03 FEET; THENCE CONTINUING ALONG THE EAST LINE OF SAID EASEMENT, NORTHEASTERLY ON A LONG CHORD, HAVING A LENGTH OF 125.21 FEET, A CENTRAL ANGLE OF 92 DEGREES 02 SECONDS EAST, 263.00 FEET, A CENTRAL ANGLE OF 27 DEGREES 16 MINUTES 40 SECONDS AND A LONG CHORD WHICH BEARS SOUTH 80 DEGREES 13 MINUTES 59 SECONDS EAST, 159.84 FEET; THENCE ALONG THE WEST LINE OF THE DETROIT EDISON CONSUMERS POWER COMPANY CORRIDOR, SOUTH 02 DEGREES 00 MINUTES 42 SECONDS WEST, 481.44 FEET; THENCE ALONG THE SOUTH LINE OF SAID SECTION 4, NORTH 89 DEGREES 14 MINUTES 45 SECONDS WEST, 74.06 FEET TO THE POINT OF BEGINNING OF THE PARCEL TO BE DESCRIBED; THENCE ALONG THE CENTERLINE OF GRAND RIVER AVENUE, NORTH 60 DEGREES 42 MINUTES 38 SECONDS WEST, 359.53 FEET TO THE POINT OF BEGINNING.

EASEMENT PARCEL:
A NON-EXCLUSIVE 66 FOOT WIDE EASEMENT FOR INGRESS, EGRESS AND PUBLIC UTILITIES DESCRIBED AS: PART OF THE SOUTHWEST 1/4 OF SECTION 4, TOWN 2 NORTH, RANGE 5 EAST, GENOA TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SECTION 4; THENCE ALONG THE WEST LINE OF SAID SECTION 4 AND THE CENTERLINE OF LATSON ROAD (66 FOOT RIGHT OF WAY), NORTH 02 DEGREES 11 MINUTES 26 SECONDS EAST, 1256.13 FEET, TO THE POINT OF BEGINNING OF THE EASEMENT; THENCE CONTINUING ALONG THE WEST LINE OF SECTION 4 AND THE CENTERLINE OF LATSON ROAD, NORTH 02 DEGREES 11 MINUTES 26 SECONDS EAST, 66.06 FEET; THENCE NORTH 89 DEGREES 14 MINUTES 45 SECONDS EAST, 491.93 FEET; THENCE SOUTHEASTERLY ON AN ARC RIGHT, HAVING A LENGTH OF 4.23 FEET, A CENTRAL ANGLE OF 27 DEGREES 16 MINUTES 40 SECONDS AND A LONG CHORD WHICH BEARS SOUTH 15 DEGREES 39 MINUTES 02 SECONDS WEST, 124.03 FEET; THENCE SOUTH 29 DEGREES 17 MINUTES 22 SECONDS WEST, 263.00 FEET; THENCE ALONG THE CENTERLINE OF GRAND RIVER AVENUE (100 FOOT WIDE RIGHT OF WAY), NORTH 60 DEGREES 42 MINUTES 38 SECONDS WEST, 66.00 FEET; THENCE SOUTH 02 DEGREES 00 MINUTES 42 SECONDS WEST, 481.44 FEET; THENCE ALONG THE WEST LINE OF SAID SECTION 4, NORTH 89 DEGREES 14 MINUTES 45 SECONDS WEST, 74.06 FEET TO THE POINT OF BEGINNING OF THE PARCEL TO BE DESCRIBED; THENCE ALONG THE CENTERLINE OF GRAND RIVER AVENUE, NORTH 60 DEGREES 42 MINUTES 38 SECONDS WEST, 359.53 FEET TO THE POINT OF BEGINNING.

20 FOOT WIDE PRIVATE EASEMENT FOR SANITARY SEWER:
PART OF THE SOUTHWEST 1/4 OF SECTION 4, TOWN 2 NORTH, RANGE 5 EAST, GENOA TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 4; THENCE ALONG THE WEST LINE OF SAID SECTION 4 AND THE CENTERLINE OF LATSON ROAD, NORTH 02 DEGREES 11 MINUTES 26 SECONDS EAST, 548.48 FEET; THENCE ALONG THE CENTERLINE OF GRAND RIVER AVENUE (BUSINESS LOOP I-96) (100 FOOT WIDE RIGHT-OF-WAY), SOUTH 60 DEGREES 51 MINUTES 00 SECONDS EAST, 565.97 FEET; THENCE CONTINUING ALONG THE CENTERLINE OF SAID GRAND RIVER AVENUE, SOUTH 60 DEGREES 42 MINUTES 38 SECONDS EAST, 224.87 FEET; THENCE ALONG THE EAST LINE OF A 66 FOOT WIDE PRIVATE EASEMENT FOR INGRESS, EGRESS AND PUBLIC UTILITIES, NORTH 29 DEGREES 17 MINUTES 22 SECONDS EAST, 263.00 FEET; THENCE CONTINUING ALONG THE EAST LINE OF SAID EASEMENT, NORTHEASTERLY ON A LONG CHORD, HAVING A LENGTH OF 125.21 FEET, A CENTRAL ANGLE OF 92 DEGREES 02 SECONDS EAST, 263.00 FEET, A CENTRAL ANGLE OF 27 DEGREES 16 MINUTES 40 SECONDS AND A LONG CHORD WHICH BEARS NORTH 15 DEGREES 39 MINUTES 02 SECONDS EAST, 124.03 FEET; THENCE CONTINUING ALONG THE EAST LINE OF SAID EASEMENT, NORTHEASTERLY ON A LONG CHORD, HAVING A LENGTH OF 125.21 FEET, A CENTRAL ANGLE OF 92 DEGREES 02 SECONDS EAST, 263.00 FEET, A CENTRAL ANGLE OF 27 DEGREES 16 MINUTES 40 SECONDS AND A LONG CHORD WHICH BEARS SOUTH 80 DEGREES 13 MINUTES 59 SECONDS EAST, 159.84 FEET; THENCE ALONG THE WEST LINE OF THE DETROIT EDISON CONSUMERS POWER COMPANY CORRIDOR, SOUTH 02 DEGREES 00 MINUTES 42 SECONDS WEST, 481.44 FEET; THENCE ALONG THE SOUTH LINE OF SAID SECTION 4, NORTH 89 DEGREES 14 MINUTES 45 SECONDS WEST, 74.06 FEET TO THE POINT OF BEGINNING OF THE PARCEL TO BE DESCRIBED; THENCE ALONG THE CENTERLINE OF GRAND RIVER AVENUE, NORTH 60 DEGREES 42 MINUTES 38 SECONDS WEST, 359.53 FEET TO THE POINT OF BEGINNING.

FLOOD NOTE

SUBJECT PARCEL LIES WITHIN ZONE X. AREAS DETERMINED TO BE OUTSIDE OF THE 0.2% ANNUAL CHANCE FLOODPLAIN AS SHOWN ON FLOOD INSURANCE RATE MAP COMMUNITY PANEL NUMBER 280303000, DATED SEPTEMBER 17, 2008, PUBLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

SURVEYOR'S NOTES

THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES OTHER THAN THE STRUCTURE INVENTORY SHOWN HEREON.

SURVEYOR'S CERTIFICATION

TO HOWELL GRAND PLAZA LLC, METROPOLITAN TITLE COMPANY AND TCF NATIONAL BANK C/O COVERED BRIDGE ASSOCIATES.

THIS IS TO CERTIFY THAT THIS MAP OR PLAN AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH "MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS," JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS IN 2005, AND INCLUDED ITEMS 1, 2, 3, 4, 7A, 8, 9, 10, AND 11A OF TABLE A, THEREOF, PURSUANT TO THE ACCURACY STANDARDS AS ADOPTED BY ALTA AND NSPS AND IN EFFECT ON THE DATE OF THIS CERTIFICATION, UNDERSIGNED FURTHER CERTIFIES THAT IN MY PROFESSIONAL OPINION, AS A LAND SURVEYOR REGISTERED IN THE STATE OF MICHIGAN, THE RELATIVE POSITIONAL ACCURACY OF THIS SURVEY DOES NOT EXCEED THAT WHICH IS SPECIFIED THEREIN.

ANTHONY T. SYCKO, JR., P.S.
PROFESSIONAL SURVEYOR
MICHIGAN LICENSE NO. 47976

REVISED TITLE WORK 09/15/08
REVISED CERTIFIED PARTIES 09/05/08

KEM-TEC & ASSOCIATES
PROFESSIONAL SURVEYORS & PROFESSIONAL ENGINEERS
23556 GRATIOT AVE • EASTPOINTE, MICHIGAN 48021
(586)772-2222 • (800)295-7222 • FAX (586)772-4048

CERTIFIED TO: HOWELL GRAND PLAZA LLC, METROPOLITAN TITLE COMPANY AND TCF NATIONAL BANK C/O COVERED BRIDGE ASSOCIATES

DATE: JULY 03, 2008 JOB #: 08-04638
SCALE: 1" = 40' SHEET: 1 OF 1
DRW. BY: JRA REV.:



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

MEMORANDUM

TO: Honorable Board of Trustees
FROM: Kelly VanMarter, Assistant Manager/Community Development Director
DATE: September 29, 2021
RE: Tommy’s Express Car Wash – Grand River/Lawson PUD Amendment, Impact Assessment and Site Plan

MANAGER’S REVIEW: 

Attached please find the project case file requesting approval of an amendment to the approved Grand River/Lawson (Tractor Supply) Planned Unit Development (PUD) Agreement with corresponding impact assessment and site plan for development of an automatic car wash. The project location involves 3 vacant parcels consisting of a 2.1 acre site which is located at the northeast corner of Grand River Avenue and Lawson Drive. The involved parcels are 11-09-200-039, 040 and 041 and the request is petitioned by ROC Wash Holdings, L.L.C.

Procedurally, the Planning Commission is to make a recommendation to the Township Board on the revised PUD, the impact assessment and the site plan. The Township Board has the final review/approval authority over the proposal.

This project was tabled at the August 9, 2021 Planning Commission meeting to allow staff to work with the applicant on the fees associated with the water and sewer impacts of the project. As a result, the PUD Amendment includes a water and sewer rate commensurate with the prevailing fees to the satisfaction of Township Staff and the Utility Authority. At the September 13, 2021 meeting the Planning Commission recommended approval of the PUD amendment, the impact assessment and the site plan. A revised PUD amendment, impact assessment, and site plan was received from the applicant on September 23, 2021 which attempted to incorporate the Planning Commission comments. Based on the action of the Planning Commission and in response to the revised materials I suggest Board consideration of the following action:

Moved by _____, Supported by _____ to APPROVE the amendment to the Planned Unit Development Agreement with the following conditions:

1. The revisions suggested by the Township Attorney shall be incorporated and the agreement shall be reviewed and approved by the Township attorney prior to issuance of any land use permits for the use.

SUPERVISOR
 Bill Rogers

CLERK
 Paulette A. Skolarus

TREASURER
 Robin L. Hunt

TRUSTEES
 Jean W. Ledford
 H. James Mortensen
 Terry Croft
 Diana Lowe

MANAGER
 Michael C. Archinal

September 29, 2021

Page 2

Tommy's Express Car Wash PUD Amendment

2. Once fully approved and executed, the petitioner will record the document with the Livingston County Register of Deeds and a copy of the recorded Agreement shall be provided to the Township prior to issuance of a Certificate of Occupancy.

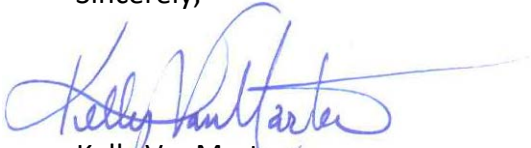
Moved by _____, Supported by _____ to APPROVE the Environmental Impact Assessment as submitted

Moved by _____, Supported by _____ to APPROVE the Site Plan with the following conditions:

1. The drive-through bypass lane shall be defined with concrete curb or the entire lane between the curb dub down and parking lot shall be constructed of asphalt to eliminate confusion regarding what is sidewalk and what is drive aisle.
2. The Township engineer shall review the revised plans to determine compliance with the requirements of their letter dated September 2, 2021 before issuance of a land use permit.

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

Sincerely,



Kelly VanMarter

Assistant Township Manager/Community Development Director



GENOA CHARTER TOWNSHIP
Application for Site Plan Review

TO THE GENOA TOWNSHIP PLANNING COMMISSION AND TOWNSHIP BOARD:

APPLICANT NAME & ADDRESS: ROC Wash Holdings, LLC c/o Steve Noll
If applicant is not the owner, a letter of Authorization from Property Owner is needed.

OWNER'S NAME & ADDRESS: Grand River/Whitehorse Associates, LLC

SITE ADDRESS: 4601 E Grand River PARCEL #(s): 11-09-200-039, -040, -041

APPLICANT PHONE: (815) 985 1680 OWNER PHONE: ()

OWNER EMAIL: ssamona@samonaweiss.com

LOCATION AND BRIEF DESCRIPTION OF SITE: Address is approx. 4600 E Grand Ave
Howell, MI / Genoa Twp. Approx. 4.13 acres of undeveloped land located within a PUD
created October 13, 2003.

BRIEF STATEMENT OF PROPOSED USE: Proposed use is a conveyor style car wash.

A proposed PUD amendment to allow for a car wash is submitted with this site plan
application. The vacant parcel will remain undeveloped until a use is determined.

THE FOLLOWING BUILDINGS ARE PROPOSED: A 5,000 SF conveyor car wash with canopy.

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

BY: 

ADDRESS: 240 E 8th St, Holland MI 49423

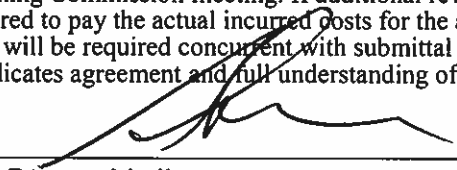
Contact Information - Review Letters and Correspondence shall be forwarded to the following:

1.) Bruce Zeinstra of Holland Engineering at bzeinstra@hollandengineering.com
Name Business Affiliation E-mail Address

add Steve

FEE EXCEEDANCE AGREEMENT

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

SIGNATURE:  DATE: 6/29/2021
PRINT NAME: Steve Noll PHONE: 815 985-1680
ADDRESS: 240 E 8th ST, Holland, MI 49423

August 24, 2021

Kelley VanMarter, AICP
Community Development Director
Genoa Charter Township
2911 Dorr Road
Brighton, MI 48116
(810) 227-5225

RE: Tommy's Express carwash at E Grand River & Lawson Dr- PUD amendment & Site Plan

Dear Ms. VanMarter:

We have revised the submittal documents per the Planning Commission's comments as follows:

1. Building elevations updated with toned down sunburst.
2. An agreement with the township staff & engineer has been reached regarding the REU's and connection fees based on additional information. Impact Assessment has been updated accordingly.
3. PUD amendment has been revised as requested.
4. Landscape plan has been updated to address deficiencies listed- add 10 shrubs along the North line and 5 trees around the detention basin.

The following documents are being submitted:

1. Environmental Impact Assessment
2. PUD amendment
3. Site Plans
4. Building Elevation

Should you have any questions or need additional information, please don't hesitate to contact me at 616.218.2042 (cell) or email at bzeinstra@hollandengineering.com.

Sincerely,



Bruce Zeinstra, LLA
Project Manager

Cc: Steve Noll - Tommy's Carwash Systems

The Planning Commission took a five-minute recess from 8:06 to 8:11 pm.

OPEN PUBLIC HEARING # 2... Review of an amendment to the previously approved Grand River/Lawson Planned Unit Development, site plan and environmental impact assessment to allow for a drive-through car wash. The proposed project is located on the vacant northeast corner of Grand River and Lawson Drive including parcels 4711-09-200-039, 040, and 041. The request is petitioned by ROC Wash Holdings, LLC.

- A. Recommendation of PUD Amendment.
- B. Recommendation of Environmental Impact Assessment. (6-28-21)
- C. Recommendation of Site Plan. (7-20-21)

Mr. Bruce Zeinstra of Holland Engineering stated they have addressed the comments from the Planning Commission and consultants discussed at the previous meeting, including the REU calculations. He noted he has not submitted the storm calculations; however, he will provide them as soon as possible.

Mr. Borden reviewed his letter dated September 7, 2021.

- Building materials and color schemes are subject to review and approval by the Planning Commission.
- The Township may require a public sidewalk along Lawson Drive, if deemed necessary.
- The applicant notes grading and drainage concerns as reasons to not install a sidewalk.
- The current submittal does not include the waste receptacle details or lighting plan previously provided.
- The revised landscape plan is still deficient in plantings around the detention pond (5 trees); however, he does not believe there is room in this area to plant more trees.
- There are minor discrepancies between the landscape plan and plant list that need to be corrected.
- The applicant must obtain a sign permit from the Township prior to installation of any signage.
- The applicant must address any comments provided by the engineering consultant, or Fire Authority.

Ms. Byrne reviewed her letter dated September 2, 2021.

- The proposed car wash does not have any bypass lane to allow drivers to get out of line after they enter. An emergency bailout lane with a dubbed down curb and sidewalk is provided after the area where customers pay to enter the car wash. The Planning Commission may want to require a bypass lane, and the emergency bailout should be designed for car traffic, rather than being designed as sidewalk. Mr. Zeinstra stated it is made of concrete so it looks like a sidewalk; however, it is designed for vehicular traffic. The Planning Commission requested that curbs be placed here.

- The Petitioner must provide calculations that detail how the proposed storage volumes were calculated. Mr. Zeinstra stated he will provide this information.
- Calculations should also be provided to show that the proposed onsite storm sewer is adequately sized.
- The proposed detention pond will outlet to the existing storm sewer off Grand River Avenue. The storm plan should be reviewed and approved by Livingston County Road Commission and MDOT prior to site plan approval.
- The Petitioner has worked with Township staff and the utility director to determine an REU rate for the proposed car wash. They have settled on using the rate provided on the REU table for car washes with recycle, which is 25.2, while using prevailing REU rates, rather than the rates defined in the original PUD agreement.

Fire Marshall Rick Boisvert's letter dated August 31, 2021 states that the applicant has addressed his previous concerns.

The call to the public was made at 8:25 pm with no response.

Moved by Commissioner Mortensen, seconded by Commissioner Dhaenens, to recommend to the Township Board approval of the PUD Amendment adding a drive-through car wash as a permitted use to the existing agreement and adjusting the connection fees, conditioned upon the addition of the Township Attorney's additions on Page 141 of the Agreement. **The motion carried unanimously.**

Moved by Commissioner Mortensen, seconded by Commissioner Dhaenens, to recommend to the Township Board approval of the Environmental Impact Assessment dated June 28, 2021 for Tommy's Automated Through Car Wash. **The motion carried unanimously.**

Moved by Commissioner Mortensen, seconded by Commissioner McCreary, to recommend to the Township Board approval of the Site Plan dated July 21, 2021 for Tommy's Automated Car wash, subject to the following:

- The building materials reviewed this evening are acceptable and shall become Township property.
- The landscape plan is acceptable as submitted.
- The applicant shall work with Township Staff on the bypass lane prior to submission to the Township Board.
- The requirements of the Township Engineer's letter dated September 2, 2021 and the Brighton Area Fire Authority's letter dated August 31, 2021 will be met.

The motion carried unanimously.

NEW BUSINESS:

- The revised sketch plan straightening the pathway will be reviewed and approved by Township Staff.

The motion carried unanimously.

OPEN PUBLIC HEARING # 2... Review of an amendment to the previously approved Grand River/Lawson Planned Unit Development, site plan and environmental impact assessment to allow for a drive-through car wash. The proposed project is located on the vacant northeast corner of Grand River and Lawson Drive including parcels 4711-09-200-039, 040, and 041. The request is petitioned by ROC Wash Holdings, LLC.

- A. Recommendation of PUD Amendment.
- B. Recommendation of Environmental Impact Assessment. (6-28-21)
- C. Recommendation of Site Plan. (7-20-21)

Mr. Steve Noll of Tommy's Express Car Wash stated they are proposing an amendment to the PUD Agreement as well as requesting approval for a site plan. He believes they have been able to meet all of the requests from the Township Planner and Township Engineer; however, the REU calculations are still outstanding.

Mr. Borden reviewed his letter dated August 3, 2021.

- The reference to connection fees should be reviewed by the Township Engineer.
- The requirements of Section 7.02.02(l) for automatic automobile washes are met.
- Building materials and color scheme are subject to review and approval by the Planning Commission. They are proposing glass, gray brick, and black and red metal. Colored renderings were shown. Mr Borden is not aware of the percentages of each material. Mr. Noll stated they have done a full review and meet the requirements. He has that information and can forward it to the Township.

Commissioner Rauch is concerned about the red "starburst" feature. He requested that the applicant mute the tone of the red to be more consistent with other buildings in the surrounding area. Mr. Noll stated the red is a corporate color. Commissioner Rauch understands and the corporate red could be on the other features of the building, such as the vacuums, sign, etc.; however, he is requesting just that one feature to be muted. Commissioner McBain suggested that the red starburst could be changed to one of the other colors and then leave the logo in the corporate red, it could help it stand out.

Commissioner Dhaenens is in favor of the red color that is being proposed by the applicant.

Mr. Noll is not able to commit to changing the color this evening.

- The Township may require a public sidewalk along Lawson Drive, if deemed necessary. The applicant notes grading and drainage concerns as reasons to not install a sidewalk.

- The revised landscape plan is slightly deficient in plantings for the north buffer zone (2.5 trees or 10 shrubs) and around the detention pond (5 trees). He noted that the applicant has done a very good job with the landscaping and they are keeping a lot of the existing trees. Mr. Noll stated they were unclear when reading the ordinance; however, he is willing to plant the required vegetation.
- The applicant must obtain a sign permit from the Township prior to installation of any signage.
- The applicant must address any comments provided by the engineering consultant or Fire Authority.

It was noted that the conditions of the Fire Marshal's letter have been met; however, the contact information for the project shall be provided when available.

Ms. Byrne reviewed her letter dated August 5, 2021.

- The Petitioner must provide calculations that detail how the proposed storage volumes were calculated. This should be in the form of a table on the site plan. Calculations should also be provided to show that the proposed onsite storm sewer is adequately sized.
- The proposed detention pond will outlet to the existing storm sewer off Grand River Avenue. The storm plan should be reviewed and approved by Livingston County Road Commission and MDOT prior to site plan approval.
- The impact assessment states that the carwash is anticipated to use an average of 674,640 gallons of water per month and discharge an average of 473,520 gallons per month to the sanitary sewer system. The site will receive municipal water service through MHOG Sewer and Water Authority and will be discharging to the Genoa Ocoola Sewer and Water Authority system. Assuming that the car wash will run for 12 hours a day, approximately 22 gallons per minute of flow will be added to the gravity sewer on the north side of Grand River Avenue that eventually discharges into Pump Station 6, which is known to be close to capacity. This additional flow to pump station 6 could accelerate the need for improvements to the system, especially if additional residential and commercial properties in the pump station 6 tributary area develop as well. An impact assessment should be performed by MHOG and GO to determine if any improvements to the system are needed to accommodate the proposed car wash in this area.
- The Petitioner provided a breakdown of their expected water and sanitary sewer usage and estimated connection fees for both the water and sewer. The impact assessment notes an expected sewer connection fee of \$88,200 and an expected water connection fee of \$75,600, which was calculated using 25.2 REUs. 25.2 REUs comes from the Township's REU table which requires 25.2 REUs per production line with recycle. An alternative method to determining REUs is using expected flow numbers. If the Petitioner were to determine REUs based on their expected flows and using the value of 218 gallons per day per REU they would calculate 103 REUs for water and 72 REUs for

sewer. In this case the Petitioner has used the method that yields the smaller REU value.

- The original PUD Agreement has a locked-in REU rate of \$3,500 for sewer and \$3,000 for water, and the Petitioner is proposing to use these locked-in rates for the amended PUD Agreement. The Planning Commission may require that the current rates of \$7,200 for water and \$7,900 for water be used for the proposed PUD Amendment, rather than the locked-in rates, due to the high usage proposed for the site that was not anticipated in the original PUD Agreement.

Commissioner Rauch stated there are two issues with the REU calculations. The first issue is how the REU's are calculated. Ms. Byrne used the amount of usage proposed to be used each day, which is 218 gallons; however, the applicant used the REU table in the ordinance. Ms. VanMarter stated the REU table for car washes was developed using research from different types of car washes. There is also a methodology where the amount of water used per day should be used, and this type of car wash uses more than the ones that were studied to determine the amount of REU's in the table. The applicant has provided how much water they typically use, so that amount should be used when determining the number of REU's. Commissioner Rickard agrees.

Commissioner Mortensen stated the other disagreement regarding the REU's is due to the applicant requesting to use the rates that were in place when the PUD was approved, but he questioned if the prevailing rates should be used. Ms. VanMarter stated the REU's were locked in at the time of PUD approval. The REU rates are set by the Township Board and the requests this evening must be approved by them, so she would like them to be aware of the REU fees.

Commissioner Mortensen stated that Township Staff will determine the REU's. An exception can be made for this use because this is a special use and this type of use was not anticipated when the PUD was approved. He would like this item to be tabled this evening and information be brought back to the Planning Commission. Mr. Borden stated that this use is not proposed as a special use in the PUD; however, an amendment to the PUD needs to be approved by the Board.

Commissioner Mortensen believes this will all need to be researched, discussed between Staff, the applicant, and the Township Engineer, and then presented to the Planning Commission and Township Board.

Ms. VanMarter stated that the applicant has provided information on how much water they anticipate using, so the issue is with both the rates and the REU calculation. If we use the evidence based REU's with the locked-in rates, the REU costs would be \$564,000. If the prevailing rates are used, the cost would be \$1.4 million.

Mr. Noll stated they purchased a piece of property with a PUD Agreement and they would like that to apply to them. They are asking to amend the PUD agreement to allow their type of car wash; however, the REU rates were locked-in when the PUD was approved. Their car washes use less water than conventional car washes or washing a vehicle in a residential driveway, they just have more volume of cars being washed.

Commissioner Rauch questioned if the issue of the REU's is beyond the scope of the Planning Commission. Commissioner Mortensen reiterated that he suggested that the REU's issue be discussed between Township Staff, the Engineer, and the applicant. Ms. VanMarter noted that there is a large discrepancy between the REU table and what the Township Engineer calculated using the applicant provided usage and there is also a big difference between the PUD rates and the prevailing rates per REU. It is a decision to be made ultimately by the Board; however, the Planning Commission should review the issue.

It was suggested that the Township Attorney review the PUD to ensure that Staff and the Planning Commission are interpreting it correctly.

The call to the public was made at 7:46 pm.

Mr. Harvey Weiss, who was the original developer of this property stated he has worked in Genoa Township for over 20 years and he worked on this original PUD Agreement. It was not set up to be opened again for renegotiating REU's. He has made big investments in the Township and along Grand River, pre-purchased many REU's across the street, and donated the land for Right-of-Way.

The call to the public was closed at 7:48 pm.

Moved by Commissioner Dhaenens, seconded by Commissioner Rickard, to postpone Public Hearing #2 to allow for a drive through car wash until the applicant can provide the following information as requested by the Planning Commission this evening:

- The applicant shall look towards other considerations for colors, and specifically for the "sunburst".
- The applicant shall work with Township Staff and the Township Engineer regarding their proposed water and sewer usage and the calculations for the REU's.
- The applicant shall meet the landscape requirements of the Township Ordinance.

The motion carried unanimously.

ADMINISTRATIVE BUSINESS

Staff Report

Ms. VanMarter stated there are four items scheduled for the September 13, 2021 Planning Commission meeting.

Approval of the July 12, 2021 Planning Commission meeting minutes

Moved by Commissioner Rauch, seconded by Commissioner Dhaenens, to approve the minutes of the July 12, 2021 Planning Commission Meeting as presented. **The motion carried unanimously.**

Member Discussion

Commissioner McBain would like the Township to review their landscape requirements. Ms. VanMarter stated she can have a landscape architect review the ordinance to see if the requirements are practical. It is an enforcement issue as well. Staff needs to review projects after they are completed to ensure the landscape requirements continue to be met. She can begin this process tomorrow.

Chairman Grajek asked about the Township's ability to put "Genoa Township" on the I-96 and Latson Road overpass bridge. Ms. VanMarter had asked the Board to put in more attractive signals at the interchange; however, it was not approved. The developer of the Lowe's and Wal-Mart site has given an easement to the Township for a gateway sign and if the project at the northwest corner of Grand Oaks and Lowe's goes forward it would likely be located there. She suggested having signs placed on the embankments on each side of the overpass bridge.

Ms. VanMarter stated the Master Plan discussion will be at the October or November Planning Commission meeting given the caseload for the September meeting or she may ask to hold a special meeting for this discussion.

Adjournment

Moved by Commissioner Mortensen, seconded by Commissioner Rickard, to adjourn the meeting at 8:25 pm. **The motion carried unanimously.**

Respectfully Submitted,

Patty Thomas, Recording Secretary

September 7, 2021

Planning Commission
Genoa Township
2911 Dorr Road
Brighton, Michigan 48116

Attention:	Kelly Van Marter, AICP Planning Director and Assistant Township Manager
Subject:	Tommy's Express Car Wash – PUD Amendment and Site Plan Review #3
Location:	4591 E. Grand River Avenue – northeast corner of Grand River and Lawson Drive
Zoning:	NRPUD Non-Residential Planned Unit Development

Dear Commissioners:

At the Township's request, we have reviewed the proposed amendment to the Grand River/Lawson PUD Agreement, as well as the revised site plan (dated 8/24/21) for development of an automatic car wash.

A. Summary

1. PUD Amendment:

- a. The reference to connection fees should be reviewed by the Township Engineer.

2. Use Requirements:

- a. The requirements of Section 7.02.02(1) for automatic automobile washes are met.

3. Site Plan Review:

- a. Building materials and color scheme are subject to review and approval by the Planning Commission.
- b. The Township may require a public sidewalk along Lawson Drive, if deemed necessary. The applicant notes grading and drainage concerns as reasons to not install a sidewalk.
- c. The current submittal does not include the waste receptacle details or lighting plan previously provided.
- d. The revised landscape plan is deficient in plantings around the detention pond (5 trees).
- e. There are minor discrepancies between the landscape plan and plant list that need to be corrected.
- f. The applicant must obtain a sign permit from the Township prior to installation of any signage.
- g. The applicant must address any comments provided by the engineering consultant, or Fire Authority.

B. Proposal/Process

The overall project entails an automatic car wash on a 2.1 acre vacant parcel. The PUD for this site does not currently allow such uses. As such, the request includes an amendment to the PUD Agreement.

The development includes a 4,550 square foot car wash building, as well as 14 vacuum stations.

Procedurally, the Planning Commission is to review the PUD amendment, site plan, and impact assessment, and provide a recommendation on each to the Township Board.



Aerial view of site and surroundings (looking north)

C. PUD Amendment

The request entails an amendment to the PUD Agreement, whereby paragraph (r) of Exhibit B (Permitted Uses) would be changed to add “automatic automobile washes” as a permitted use in the PUD. The proposed amendment includes a reference to the use requirements of Section 7.02.02(1) for automobile washes.

The existing Agreement identifies auto repair establishments (maintenance and minor repair only), which would be retained within the modified paragraph (r).

The proposed language also includes references to connection fees, which should be reviewed by the Township Engineer.

The Zoning Ordinance currently allows automobile washes (automatic or self-serve) as special land uses within the GCD and RCD. Under the proposal, such uses would be permitted by-right within this PUD.

D. Use Requirements

Automobile washes are subject to the use requirements of Section 7.02.02(1), as follows:

1. Only one (1) ingress/egress driveway shall be permitted on any single street.

The site plan includes a single connection to a public road (Lawson Drive).

The plan also includes a connection to the shared driveway along the east side of the property, as well as an adjustment of the existing driveway north of the subject site.

The latter will align with Whitehorse Drive, as required by the PUD Agreement.

2. Where adjoining a residential district, a solid fence or wall six (6) feet in height shall be erected along any common lot line. Such fence or wall shall be continuously maintained in good condition. The Planning Commission may require landscaping, including a berm, as an alternative.

The subject site does not adjoin a residential district.

3. All washing facilities shall be within a completely enclosed building.

The washing facilities are contained within an enclosed building.

4. Vacuuming and drying may be located outside the building, but shall not be in the required front yard and shall be set back at least fifty (50) feet from any residential district.

As previously noted, the site plan includes 14 vacuum stations in the rear yard, none of which are within 50 feet of a residential district.

5. All cars required to wait for access to the facilities shall be provided stacking spaces fully off the street right-of-way which does not conflict with vehicle maneuvering areas to access gasoline pumps or vacuums, and as required Article 14, Parking and Loading-Unloading Standards.

Section 14.04 requires 15 stacking spaces. The revised plan depicts the space for upwards of 31 stacking spaces spread across 3 lanes.

E. Site Plan Review

1. Dimensional Requirements. The revised site plan complies with the dimensional requirements for this PUD, as noted in the table below:

	Min. Lot Req.		Minimum Yard Setbacks (feet)				Max. Lot Coverage (%)	Max. Height (feet)
	Area (acres)	Width (feet)	Front Yard	Side Yard	Rear Yard	Parking Lot		
PUD	1	150	70	15	50	20 front 10 side/rear	35% building 75% impervious	35'
Proposed	2.1	375	70 (Grand River) 105 (Lawson)	150 (E)	89 (N)	107 (Lawson) 100 (E) 18 (N)	4.9% building 47% impervious	28'

2. Building Materials and Design. The building elevation drawings identify the use of block, brick, glass, and metal paneling and trim.

The color scheme includes shades of gray, black, and red. As discussed at the previous Planning Commission meeting, the use of red has been reduced to the overhead doors, an accent band on the front façade, and within the wall signage.

Building materials and color scheme are subject to review and approval by the Planning Commission. The applicant should be prepared to present a material sample board to the Commission at the upcoming meeting.

3. Pedestrian Circulation. There is an existing bike path along Grand River. Internal sidewalks are provided along the north side of the building.

If deemed necessary, the Township may require a sidewalk along Lawson Drive. In response, the applicant has cited grading and drainage concerns along Lawson Drive as reasons to not install a sidewalk.

4. Vehicular Circulation. Vehicular access is proposed via shared driveway connections to the east and west (Lawson Drive).

Aside from the pay lanes, internal drives provide a two-way circulation pattern. Proper drive aisle widths are provided throughout the site.

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

5. **Parking.** The proposed parking lot complies with the regulations of Article 14, as noted in the following table:

	Required	Proposed	Comments
Parking Spaces Automobile wash (2 spaces plus 1 for each employee at peak shift)	7	7	In compliance
Barrier Free Spaces	1	1	In compliance
Dimensions Spaces (75 to 90-degree)	9' x 18'	9' x 18'	In compliance
Drive aisle width (two-way)	24'	35'	In compliance
Construction	Looped striping Curbing on all sides	Looped striping Curbing	In compliance In compliance

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

Standard	Required	Proposed	Notes
Greenbelt – Grand River	20' width 10 canopy trees	70' width 2 new trees 8 existing trees	In compliance
Greenbelt – Lawson	20' width 7 canopy trees	35' width 3 new trees 4 existing trees	In compliance
Buffer Zone C (N)	10' width 18 trees OR 72 shrubs (or combination thereof)	18' width 8 trees 40 shrubs	In compliance
Buffer Zone C (E)	10' width 13 trees OR 52 shrubs (of combination thereof)	60' width 6 trees 28 shrubs	In compliance
Detention Pond	14 trees 150 shrubs	9 trees 153 shrubs	Deficient by 5 trees, though additional screening is provided via the required buffer zone

There are minor discrepancies between the plan and plant list with respect to the Hummingbird Summersweet (51 plan; 46 list) and Abbotswood Potentilla (49 plan; 44 list) that need to be corrected.

7. **Waste Receptacle.** The proposed waste receptacle has been reviewed for compliance with the standards of Section 12.04, as follows:

	Requirement	Proposed	Comments
Location	Rear yard or non-required side yard	Easterly side yard	Requirement met
Access	Clear access w/ out damaging buildings/vehicles	Sufficient maneuvering area for refuse removal vehicles	Requirement met
Base design	9' x 15' concrete pad	20' x 25' concrete pad	Requirement met
Enclosure	Must have lid 3-sided enclosure w/ gate Masonry walls 6' height	Lid must be provided 3 sides w/ gate across 4 th Brick to match building 8' height	Requirements met; however, revised submittal does not include details previously provided

8. **Exterior Lighting.** The revised submittal does not include the lighting plan that was previously provided.

That plan included pole mounted fixtures, decorative street lighting, wall mounted, and canopy lighting.

Based on our review of that plan, maximum intensities on-site and along property lines are within that allowed by Ordinance, and all fixtures are LED.

Aside from the decorative street lighting, all fixtures are downward directed and shielded. Pole mounting heights are also in compliance with current Ordinance standards.

9. Signs. The building elevation drawings depict 2 wall signs, which are allowed for corner lots.

Sign area is not indicated, but the applicant should be aware that wall signs are also limited to an area not to exceed 10% of the façade of the building they are attached to.

The PUD Agreement requires the use of backlit signage with channel cut lettering, which is noted and depicted in the revised submittal.

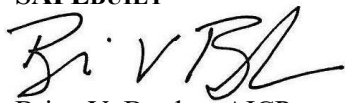
The applicant must obtain a sign permit from the Township prior to installation of any signage.

10. Impact Assessment. The submittal includes a revised Impact Assessment dated August 25, 2021.

In summary, the Assessment notes 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



Brian V. Borden, AICP
Michigan Planning Manager

September 2, 2021

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

**Re: Tommy's Express Carwash
Site Plan Review No. 3**

Dear Mrs. Van Marter:

Tetra Tech conducted a third review of the proposed Tommy's Express Carwash site plan last dated August 24, 2021. The plans were completed by Holland Engineering on behalf of ROC Wash Holdings, LLC. The site is located on the north side of Grand River and on the east side of Lawson Drive. The petitioner is proposing a 4,550 square foot car wash, parking lot, and drive improvements along with onsite drainage.

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

GENERAL

1. The proposed car wash does not have any bypass lane to allow drivers to get out of line after they enter. An emergency bailout lane with dubbed down curb and sidewalk is provided after the area where customers pay to enter the car wash. The Planning Commission may want to require a bypass lane, and the emergency bailout should be designed for car traffic, rather than being designed as sidewalk.

DRAINAGE AND GRADING

1. The Petitioner must provide calculations that detail how the proposed storage volumes were calculated. Calculations should also be provided to show that the proposed onsite storm sewer is adequately sized.
2. The proposed detention pond will outlet to the existing storm sewer off Grand River Avenue. The storm plan should be reviewed and approved by Livingston County Road Commission and MDOT prior to site plan approval.

UTILITIES

1. The Petitioner has worked with Township staff and the utility director to determine an REU rate for the proposed carwash. They have settled on using the rate provided on the REU table for car washes with recycle, which is 25.2, while using prevailing REU rates, rather than the rates defined in the original PUD agreement.

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

Sincerely,



Gary J. Markstrom, P.E.
Vice President



Shelby Byrne
Project Engineer



BRIGHTON AREA FIRE AUTHORITY

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

August 31, 2021

Kelly VanMarter
Genoa Township
2911 Dorr Road
Brighton, MI 48116

RE: Tommy's Express Car Wash
4600 E. Grand River Avenue
Genoa Twp., MI

Dear Kelly:

The Brighton Area Fire Department has reviewed the above-mentioned site plan. The plans were received for review on August 26, 2021 and the drawings are dated June 23, 2021 with latest revisions dated August 24, 2021. The project is based on the proposed development of four adjoining parcels totaling 4.13-acres for a new proposed 4,550 square foot drive-thru car wash and accessory function areas. The plan review is based on the requirements of the International Fire Code (IFC) 2021 edition.

1. All previous fire code concerns have been addressed. The fire authority has no additional comments based on the most up to date revisions.

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

P3045 Genoa Township MI Tommy Express

Tommy's Express Car Wash
4600 E Grand Ave
Howell MI 48843

August 25, 2021

a. Name(s) and address(es) of person(s) responsible for preparation of the impact assessment and a brief statement of their qualifications.

Steve Noll, Project Manager, Tommy Car Wash Systems.

240 E 8th St., Holland, MI 49423

Responsible for the development and construction of the car wash facility

b. Map(s) and written description/analysis of the project site including all existing structures, manmade facilities, and natural features. The analysis shall also included information for areas within 10 feet of the property. An aerial photograph or drawing may be used to delineate these areas.

The property address is approximately 4585 E Grand Ave, Howell MI 48843. This property is part of an existing 8.46-acre PUD dated October 15, 2003 between Grand River/Lawson LLC and Township of Genoa. Currently, 4.13 acres of the existing PUD are undeveloped and are split into 4 parcels. The property proposed for development is approx. 2.4 acres with the remaining 1.73 acres to be developed in the future. The property is grass covered with trees planted around the perimeter of the south and west lot lines. See **Site Plan Package** for drawing. The property is bounded on the South by Grand River Rd, on the West by Lawson Dr, and on the East by a shared development drive. The north parcel is contiguous with the DTE property (industrial use) and is separated by a development drive, to be re-aligned with White Horse Ln.

c. Impact on natural features: A written description of the environmental characteristics of the site prior to development and following development, i.e., topography, soils, wildlife, woodlands, mature trees (eight-inch caliper or greater), wetlands, drainage, lakes, streams, creeks or ponds. Documentation by a qualified

wetland specialist shall be required wherever the Township determines that there is a potential regulated wetland. Reduced copies of the Existing Conditions Map(s) or aerial photographs may accompany written material.

The property is gently sloping toward the south east corner of the property. There are no wetlands on the property. This property was previously graded and seeded as part of the PUD Development. The size and species of existing trees are identified on the plan V-101 of the Site Plans.

- d. Impact on stormwater management: Description of measures to control soil erosion and sedimentation during grading and construction operations and until a permanent ground cover is established. Recommendations for such measures may be obtained from the Livingston County Drain Commission at (517) 546-0040.**

A storm water management plan will be submitted to Genoa Township/Livingston County Drain Commission in accordance with the ordinance.

- e. Impact on surrounding land used: Description of the types of proposed uses and other man-made facilities, including any project phasing, and an indication of how the proposed use conforms or conflicts with existing and potential development patterns. A description shall be provided of any increases of light, noise or air pollution which could negatively impact adjacent properties**

The surrounding land use is consistent with the proposed use of retail/commercial. The surrounding parcels are light industrial and retail uses. This proposed project is a conveyor car wash. The future development is an unknown future retail/commercial use. Impact on surrounding parcels should be consistent with retail/commercial uses in the area. Lighting of the car wash facility will be shielded to reduce any "bleed- over" of lighting on the surrounding streets and properties. Noise from the blowers at the exit of the wash typically falls to an acceptable db rating by the time it leaves the property. This should be below 80 db at the property line along Lawson Dr. This would be the loudest area of the facility. There should be no negative impacts on surrounding properties.

- f. Impact on public facilities and services: Describe the number of expected residents, employees, visitors, or patrons, and the**

anticipated impact on public schools, police protection and fire protection. Letters from the appropriate agencies may be provided, as appropriate.

This project is expected to generate approx. 800 patrons per day with an average stay of 8 minutes. Patrons would consist of existing residents in the surrounding 5 mile radius. Our facilities typically employ 20 to 25 men and women with 4 or 5 working at the facility at any given time. Hours of operation are expected to be 7 am to 9 pm Monday through Sunday. There should be little to no impact on public schools, fire, and police.

- g. Impact on public utilities: Describe the method to be used to service the development with water and sanitary sewer facilities, the method to be used to control drainage on the site and from the site, including runoff control during periods of construction. For sites serviced with sanitary sewer, calculations for pre- and post-development flows shall be provided in comparison with sewer line capacity. Expected sewage rates shall be provided in equivalents to a single-family home. Where septic systems are proposed, documentation or permits from the Livingston County Health Department shall be provided.**

Our facilities use municipal water for processing in the wash. About 28 gallons of municipal water is used and about 70% of that is released into the municipal sanitary system per car after accounting for reclaim and attrition. The current flow from this parcel (s) is 0. Future proposed use for the car wash facility is expected to release approximately 473,520 gallons per month into the sanitary system on average. See **Exhibit A** for analysis.

Expected sewage fee is $25.2 \text{ REUs} \times \$7200 = \$181,440$

Water usage is based on the included water bills from our Jennison, MI location. Included with the PUD Amendment Application are copies of 12 months of water bills for that facility. Expected water consumption at this facility is expected to average 674,640 gallons per month.

Expected water fee is $25.2 \text{ REUs} \times \$7900 = \$199,080$

- h. Storage and handling of any hazardous materials: A description of any hazardous substances expected to be used, stored or disposed of on the site. The information shall describe the type of materials,**

location within the site and method of containment. Documentation of compliance with federal and state requirements, and a Pollution Incident Prevention Plan (PIPP) shall be submitted, as appropriate.

There are no hazardous materials store or disposed of on-site.

- i. Impact on Traffic and Pedestrians: A description of the traffic volumes to be generated based on national reference documents, such as the most recent edition of the Institute of Transportation Engineers Trip Generation Manual, other published studies or actual counts of similar uses in Michigan. A detailed traffic impact study shall be submitted for any site over ten (10) acres in size which would be expected to generate 100 directional vehicle trips (i.e. 100 inbound or 100 outbound trips) during the peak hour of traffic of the generator or on the adjacent streets.**

The contents of the detailed study shall include:

Description of existing daily and peak hour traffic on adjacent street(s) and a description of any sight distance limitations along the right-of-way frontage of the site.

Forecasted trip generation of the proposed use for the a.m. and p.m. peak hour and average daily traffic generated.

For any project with a completion date beyond one year at the time of site plan approval, the analysis shall also include a scenario analyzing forecasted traffic at date of completion along the adjacent street network using a forecast based either on historic annual percentage increases and/or on expected development in the area.

Projected traffic generated shall be distributed (inbound v. outbound, left turn v. right turn) onto the existing street network to project turning movements at site driveways and nearby intersections. Rationale for the distribution shall be provided.

Capacity analysis at the proposed driveway(s) using the procedures outlined in the most recent edition of the Highway Capacity Manual published by the Transportation Research Board. Capacity analyses shall be provided for all street intersections where the expected traffic will comprise at least five-percent (5%) of the existing intersection capacity.

Accident data for the previous three (3) years for roadway sections and intersections experiencing congestion or a relatively high accident rate, as determined by the township or staff from the

Livingston County Road Commission or Michigan Department of Transportation.

- Analysis of any mitigation measures warranted by the anticipated traffic impacts. Where appropriate, documentation shall be provided from the appropriate road agency regarding time schedule for improvements and method of funding.**
- A map illustrating the location and design of proposed access, including any sight distance limitations, dimensions from adjacent driveways and intersections within 250 feet of the edge of the property frontage, and other data to demonstrate that the driveway(s) will provide safe and efficient traffic operation and be in accordance with Article 15.**

This site is under 10 acres and we do not anticipate doing a traffic study.

- j. Special Provisions: General description of any deed restrictions, protective covenants, master deed or association bylaws.**

This site is located within a PUD. We are submitting an amendment to the PUD to allow for a car wash.

- k. A list of all sources shall be provided.**

Exhibit A – Tommy Car Wash Systems analysis of water usage
Water and Sewer bills for Tommy Express Car Wash, Jennison, MI
Full Site Plan Submittal Package

Exhibit A – Water Discharge Analysis

Tommy Car Wash Systems – Water Usage and Discharge Report

The following information is based on a study conducted at two standard 130' Tommy Express facilities over the course of a six-month period from 7/1/20 to 12/31/20 at our Tommy's Express Hudsonville, MI and Jenison, MI locations. These sites use the typical reverse osmosis water purification system and water reclamation system (reclaim) used in all our sites. The belt speeds during this study were set to 72Hz which has the capacity to process 223 vehicles per hour. The test sites are "busier" sites with high process speeds.

Conclusions

Based on the studies data, the **average city water usage** per vehicle is **28.11 gallons per vehicle**. This includes RO/Reject water due to these functions feeding from prefilled tanks which are filled in the first day of operation.

Additionally, we use 13.81 gallons per vehicle of **reclaim water**. This brings our **total gallons per vehicle** to **41.92 gallons = 28.11 city water + 13.81 reclaim**. Reclaim water is used for 33% of our car washing.

Reclaim water is constantly in rotation in our system with tanks filled in first day of operation. The city water usage is higher than the reclaim so it is appropriate to conclude the city water is a proper pass-through volume per car less the effect of attrition. With attrition (C&E) applied to total water volume used per vehicle, the **reclaimed volume per vehicle** is then **33.54 gallons per vehicle = 28.11 city + 13.81 reclaim x 0.80 percent**. 13.81 gallons of the reclaimed water refills the tanks which leaves **total discharge per vehicle at 19.73 gallons per vehicle = 33.54 reclaimed – 13.81 reclaim water replaced**.

Summary

City water used per vehicle = **28.11 gallons**

Discharge water per vehicle = **19.73 gallons**

This carwash at **Grand Ave, Howell MI** projects to wash **24000** cars per month.

This will result in the following usage and discharge:

Incoming (gallons) = **674,640.00**

Discharge (gallons) = **473,520.00**

[*Brown, Chris. 2018. Water Use, Evaporation and Carryout – ICA 2018](#)

**THIRD AMENDMENT TO THE PLANNED
UNIT DEVELOPMENT AGREEMENT**

This Third Amendment to the Planned Unit Development ("Amendment") is entered into this ____ day of _____, 2021 by and between GRAND RIVER/LAWSON ASSOCIATES, LLC ("Owner"), GRAND RIVER/WHITEHORSE ASSOCIATES, LLC ("Whitehorse"), and the GENOA CHARTER TOWNSHIP, a Michigan Municipal Corporation ("Township") whose address is 2911 Dorr Road, Brighton, Michigan 48116.

RECITALS:

- A. Owner and Township entered into a certain Planned Unit Development Agreement on October 15, 2003, as amended by that certain First Amendment to the Planned Unit Development Agreement on June 20, 2005, and as further amended by that certain Amendment to the Planned Unit Development Agreement on October 12, 2016 (collectively, the "PUD") governing certain property as more particularly described on the attached Exhibit A ("Property");
- B. Owner and Township wish to further amend and modify the terms of the PUD under the terms and conditions provided for herein; and
- C. Whitehorse as owner of a portion of the Property hereby consents to and agrees to be bound by the terms and conditions of this Agreement.

NOW, THEREFORE, in consideration of the mutual covenants and promises as well as other valuable consideration, the receipt and sufficiency of which is acknowledged, the parties agree as follows:

- 1. Permitted Uses. Subsection r of Exhibit "B" of the PUD (entitled "Permitted Uses of the PUD") is hereby deleted and replaced in its entirety with the following:
 - r. Automatic automobile washes (provided (i) the same shall substantially conform to the site specifications as shown on Schedule 1 of the Third Amendment to the Planned Development Agreement; (ii) the same shall comply with the use requirements for automatic automobile washes as set forth in Section 7.02.02(1) of the Genoa Charter Township Zoning Code; and (iii) notwithstanding anything contained in the Zoning Ordinance, PUD, fee schedule, or any other similar regulation of Genoa Township to the contrary, the connection fees for automatic automobile washes located within the PUD shall be calculated at the then-prevailing rate of connection cost times 25.2 Residential Equivalent Units ("REUs") based upon the existing Equivalent User Table of Genoa Charter Township), and auto repair establishments (provided that, unless part of an automobile dealership, the establishment shall be limited to maintenance and minor repairs only, including but not limited to oil change, tire and brake service audio, telephone and alarm installation, etc.).
- 2. Connection Fees. Article VIII, Section 8.4 of the PUD is hereby deleted and replaced in its entirety with the following:

if the automatic car wash recycles water otherwise the rate of connection cost times 48.3 REUs

8.4 The cost for connection fees is as follows: the connection fee for both water and sanitary sewer shall be the then-prevailing rate of connection cost/REU, per connection, as set forth in the Equivalent User Table of the Genoa Charter Township as the same may be amended from time to time.

- 2. Ratification and Affirmation. Except as hereby amended, the PUD shall remain unmodified and in full force and effect. The PUD, as hereby amended, shall be binding upon and inure to the benefit of Township and Owner and their respective heirs, successors and assigns. The terms of the PUD, as hereby amended, shall run with the land and this Third Amendment shall be recorded on title to the Property with the local register of deeds.
- 3. Conflict of Terms. In the event that there is any conflict or inconsistency between the terms and conditions of this Agreement and the PUD, the terms and conditions of this Agreement shall control and govern.
- 4. Authority. Each person executing this Agreement on behalf of a party represents and warrants that it has the full power, authority, and legal right to execute and deliver this Agreement on behalf of such party and that this Agreement constitutes the legal, valid, and binding obligations of such party, its heirs, representatives, successors and assigns.

IN WITNESS WHEREOF, the parties have executed this Third Amendment on the dates indicated.

WITNESS

OWNER

GRAND RIVER/LAWSON ASSOCIATES, LLC
a Michigan limited liability company

Name: _____

By: Najib Samona
Its: Manager

CORPORATE ACKNOWLEDGEMENT

STATE OF MICHIGAN)
) ss:
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged and executed before me this ___ day of _____, 2021 by Najib Somona, the Manager of GRAND RIVER/LAWSON ASSOCIATES, LLC, a Michigan limited liability company, on behalf of the Michigan limited liability company.

Printed Name: _____
Notary Public, _____ County, MI
My Commission Expires: _____

WITNESS

WHITEHORSE

GRAND RIVER/WHITEHORSE ASSOCIATES,
LLC, a Michigan limited liability company

Name: _____

By: Najib Samona
Its: Manager

CORPORATE ACKNOWLEDGEMENT

STATE OF MICHIGAN)
) ss:
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged and executed before me this ___ day of _____, 2021 by Najib Somona, the Manager of GRAND RIVER/WHITEHORSE ASSOCIATES, LLC, a Michigan limited liability company, on behalf of the Michigan limited liability company.

Printed Name: _____
Notary Public, _____ County, MI
My Commission Expires: _____

WITNESS

TOWNSHIP

GENOA CHARTER TOWNSHIP,
a Michigan Municipal Corporation

Name: _____

By: _____
Its: Clerk

Name: _____

By: _____
Its: Supervisor

ACKNOWLEDGEMENT

STATE OF MICHIGAN)
) ss:
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged and executed before me this ___ day of _____, 2021 by _____, the Clerk of GENOA CHARTER TOWNSHIP, a Michigan Municipal Corporation, on behalf of said Corporation.

Printed Name: _____
Notary Public, _____ County, MI
My Commission Expires: _____

ACKNOWLEDGEMENT

STATE OF MICHIGAN)
) ss:
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged and executed before me this ___ day of _____, 2021 by _____, the Supervisor of GENOA CHARTER TOWNSHIP, a Michigan Municipal Corporation, on behalf of said Corporation.

Printed Name: _____
Notary Public, _____ County, MI
My Commission Expires: _____

EXHIBIT A

Real Property located in the County of Livingston, Township of Genoa, State of Michigan described as:

Part of the Northeast ¼ of Section 9, Town 2 North, Range 5 East, Genoa Township, Livingston County, Michigan and described as follows: Commencing at the North 1/4 corner of Section 9; thence South 89 degrees 06 minutes 45 seconds East 1170.49 feet along the North line of Section 9 (as described); thence South 10 degrees 22 minutes 00 seconds East 225.24 feet; thence South 24 degrees 46 minutes 00 seconds East 217.75 feet to a point on the West line of Sunrise Park Subdivision (as recorded in Liber 2, Page 23 of Plats, Livingston County Records); thence South 02 degrees 06 minutes 05 seconds West 257.92 feet along said West line of Sunrise Park Subdivision to the point of beginning of this description; thence continuing South 02 degrees 06 minutes 05 seconds West 501.68 feet along said West line of Sunrise Park Subdivision to a point being North 02 degrees 06 minutes 05 seconds East 30.00 feet from a plat corner; thence South 89 degrees 23 minutes 30 seconds West 315.60 feet; thence South 20 degrees 44 minutes 00 seconds West 150.00 feet to a point on the Northerly right-of-way line of Grand River Avenue (100 feet wide); thence along said Northerly right-of-way line North 61 degrees 02 minutes 30 seconds West 432.24 feet to a point on the Easterly right-of-way line of Lawson Drive (66 feet wide); thence along said Easterly right-of-way line of Lawson Drive the following 2 courses, North 19 degrees 06 minutes 45 seconds East 253.11 feet; thence 184.54 feet along an arc of a curve to the left having a radius of 1059.63 feet, a central angle of 09 degrees 58 minutes 42 seconds and a long chord bearing and distance of North 14 degrees 07 minutes 25 seconds East 184.31 feet; thence North 88 degrees 24 minutes 00 seconds East 354.40 feet; thence South 01 degree 36 minutes 00 seconds East 29.00 feet; thence North 88 degrees 24 minutes 00 seconds East 63.60 feet; thence North 01 degree 36 minutes 00 seconds West 29.00 feet; thence North 88 degrees 24 minutes 00 seconds East 219.68 feet to the point of beginning.

Now Known as:

SEC 9 T2N R5E COMM AT N 1/4 COR TH S89°06'45"E 1170.49 FT TH S10°22'00"E 225.24 FT TH S24°46'00"E 217.75 FT TH S02°06'05"W 257.92 FT FOR POB TH S02°06'05"W 501.68 FT TH S89°23'30"W 315.60 FT TH S20°44'00"W 150 FT TH N61°02'30"W 57.09 FT TH N20°44'00"E 185.69 FT TH DUE NORTH 433.30 FT TH N88°24'00"E 88.16 FT TH S01°36'00"E 29 FT TH N88°24'00"E 63.60 FT TH N01°36'00"E 29 FT TH N88°24'00"E 219.68 FT TO POB

Parcel Number: 4711-09-200-038

SEC 9 T2N R5E COMM AT N 1/4 COR TH S89°06'45"E 1170.49 FT TH S10°22'00"E 225.24 FT TH S24°46'00"E 217.75 FT TH S02°06'05"W 257.92 FT TH S88°24'00"W 219.68 FT TH S01°36'00"E 29 FT TH S88°24'00"W 63.60 FT TH N01°36'00"W 29 FT TH S88°24'00"W 88.16 FT TH DUE SOUTH 214.13 FT TH DUE WEST 92.58 FT TO POB

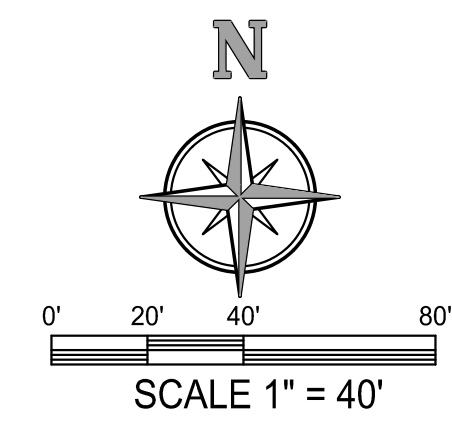
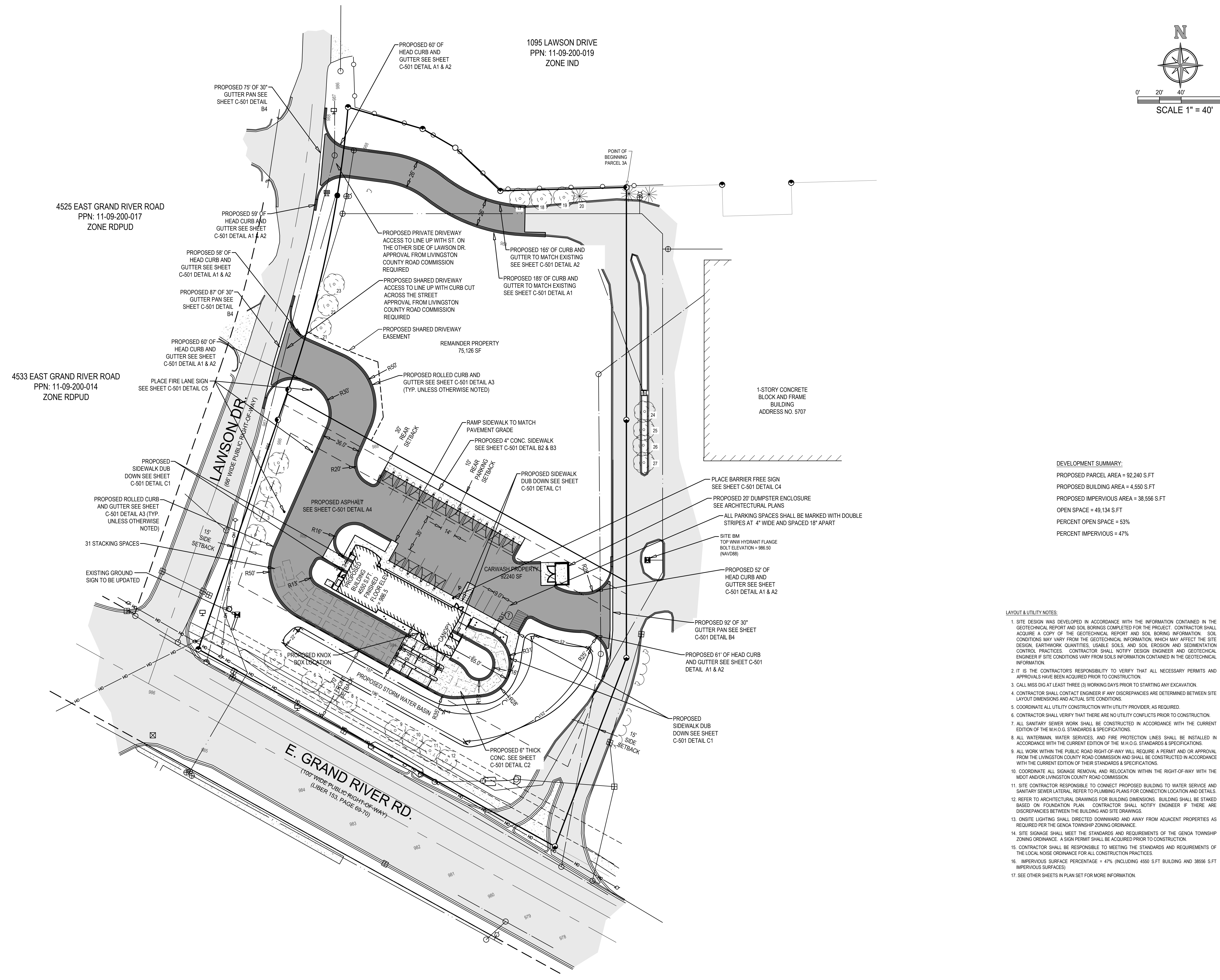
Parcel Number: 4711-09-200-039

SEC 9 T2N R5E COMM AT N 1/4 COR TH S89°06'45"E 1170.49 FT TH S10°22'00"E 225.24 FT TH S24°46'00"E 217.75 FT TH S02°06'05"W 257.92 FT TH S88°24'00"W 219.68 FT TH S01°36'00"E 29 FT TH S88°24'00"W 63.60 FT TH N01°36'00"W 29 FT TH S88°24'00"W 88.16 FT TH DUE SOUTH 214.13 FT TO POB TH DUE SOUTH 219.17 FT TH S20°44'00"W 185.69 FT TH N61°02'30"W 213.69 FT TH N28°57'30"E 330.72 FT TH DUE EAST 92.58 FT TO POB

Parcel Number: 4711-09-200-040

SEC 9 T2N R5E COMM AT N1/4 COR TH S89°06'45"E 1170.49 FT TH S10°22'00"E 225.24 FT TH S24°46'00"E 217.75 FT TH S02°06'05"W 257.92 FT TH S88°24'00"W 219.68 FT TH S01°36'00"E 29 FT TH S88°24'00"W 63.60 FT TH N01°36'00"W 29 FT TH S88°24'00"W 88.16 FT TO POB TH DUE SOUTH 214.13 FT TH DUE WEST 320.80 FT TH N19°06'45"E 29.60 FT TH 184.54 FT ALNG ARC OF A CURVE LEFT CHORD BEARING N14°07'25"E 184.31 FT TH N88°24'00"E 266.24 FT TO POB ALSO COMM AT N1/4 COR TH S89°06'45"E 654.21 FT TH S89°06'45"E 516.28 FT TH S10°22'00"E 225.24 FT TH S24°46'00"E 217.75 FT TH S02°06'05"W 257.92 FT TH S88°24'00"W 219.68 FT TH S01°36'00"E 29 FT TH S88°24'00"W 63.60 FT TH N01°36'00"W 29 FT TH S88°24'00"W 204.26 FT TO POB TH N46°15'18"W 57.43 FT TH N59°59'29"W 34.69 FT TH N73°43'39"W 71.55 FT TH ALONG ARC OF A CURVE RIGHT CHORD BEARING S06°55'12"W 81.90 FT TH N88°24'00"E 150.14 FT TO POB EXCLUDING THE FOLLOWING

PART OF THE NORTHWEST 1/4 OF SECTION 9, T2N-R5E, GENOA TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN. COMMENCING AT THE NORTH 1/4 CORNER OF SECTION 9; THENCE S89°06'45"E, 1170.45 FEET ALONG THE NORTH LINE OF SECTION 9 (AS RECORDED); THENCE S10°22'00"E, 225.24 FEET; THENCE S24°46'00"E, 217.75 FEET TO A POINT ON THE WEST LINE OF "SUNRISE PARK SUBDIVISION" (AS RECORDED IN LIBER 2 OF PLATS, PAGE 23, LIVINGSTON COUNTY RECORDS); THENCE S02°06'05"W, 257.92 FEET ALONG SAID WEST LINE OF "SUNRISE PARK SUBDIVISION"; THENCE S88°24'00"W, 219.68 FEET; THENCE S01°36'00"E, 29.00 FEET; THENCE S88°24'00"W, 63.60 FEET; THENCE N01°36'00"W, 29.00 FEET; THENCE S88°24'00"W, 116.16 FEET TO THE PLACE OF BEGINNING; THENCE CONTINUING S88°24'00"W 150.08 FEET, TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF LAWSON DRIVE (66 FEET WIDE); THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE OF LAWSON DRIVE ALONG AN ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 1059.63 FEET, A CENTRAL ANGLE OF 04°25'45" AND A LONG CHORD BEARING AND DISTANCE OF N06°55'10"E, 81.90 FEET; THENCE S73°43'39"E, 71.55 FEET; THENCE S59°59'29"E, 34.69 FEET; S46°15'18"E, 57.43 FEET THENCE TO THE PLACE OF BEGINNING, CONTAINING 7516 SQUARE FEET OF LAND, MORE OR LESS.



DEVELOPMENT SUMMARY:
 PROPOSED PARCEL AREA = 92,240 S.F.
 PROPOSED BUILDING AREA = 4,550 S.F.T
 PROPOSED IMPERVIOUS AREA = 38,556 S.F.T
 OPEN SPACE = 49,134 S.F.T
 PERCENT OPEN SPACE = 53%
 PERCENT IMPERVIOUS = 47%

- LAYOUT & UTILITY NOTES:**
- SITE DESIGN WAS DEVELOPED IN ACCORDANCE WITH THE INFORMATION CONTAINED IN THE GEOTECHNICAL REPORT AND SOIL BORINGS COMPLETED FOR THE PROJECT. CONTRACTOR SHALL ACQUIRE A COPY OF THE GEOTECHNICAL REPORT AND SOIL BORING INFORMATION. SOIL CONDITIONS MAY VARY FROM THE GEOTECHNICAL INFORMATION, WHICH MAY AFFECT THE SITE DESIGN. EARTHWORK QUANTITIES, USABLE SOILS, AND SOIL EROSION AND SEDIMENTATION CONTROL PRACTICES. CONTRACTOR SHALL NOTIFY DESIGN ENGINEER AND GEOTECHNICAL ENGINEER IF SITE CONDITIONS VARY FROM SOILS INFORMATION CONTAINED IN THE GEOTECHNICAL INFORMATION.
 - IT IS THE CONTRACTOR'S RESPONSIBILITY TO VERIFY THAT ALL NECESSARY PERMITS AND APPROVALS HAVE BEEN ACQUIRED PRIOR TO CONSTRUCTION.
 - CALL MISS DIG AT LEAST THREE (3) WORKING DAYS PRIOR TO STARTING ANY EXCAVATION.
 - CONTRACTOR SHALL CONTACT ENGINEER IF ANY DISCREPANCIES ARE DETERMINED BETWEEN SITE LAYOUT DIMENSIONS AND ACTUAL SITE CONDITIONS.
 - COORDINATE ALL UTILITY CONSTRUCTION WITH UTILITY PROVIDER, AS REQUIRED.
 - CONTRACTOR SHALL VERIFY THAT THERE ARE NO UTILITY CONFLICTS PRIOR TO CONSTRUCTION.
 - ALL SANITARY SEWER WORK SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE CURRENT EDITION OF THE M.H.O.G. STANDARDS & SPECIFICATIONS.
 - ALL WATERMAIN, WATER SERVICES, AND FIRE PROTECTION LINES SHALL BE INSTALLED IN ACCORDANCE WITH THE CURRENT EDITION OF THE M.H.O.G. STANDARDS & SPECIFICATIONS.
 - ALL WORK WITHIN THE PUBLIC ROAD RIGHT-OF-WAY WILL REQUIRE A PERMIT AND/OR APPROVAL FROM THE LIVINGSTON COUNTY ROAD COMMISSION AND SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE CURRENT EDITION OF THEIR STANDARDS & SPECIFICATIONS.
 - COORDINATE ALL SIGNAGE REMOVAL AND RELOCATION WITHIN THE RIGHT-OF-WAY WITH THE MDT AND/OR LIVINGSTON COUNTY ROAD COMMISSION.
 - SITE CONTRACTOR RESPONSIBLE TO CONNECT PROPOSED BUILDING TO WATER SERVICE AND SANITARY SEWER LATERAL. REFER TO PLUMBING PLANS FOR CONNECTION LOCATION AND DETAILS.
 - REFER TO ARCHITECTURAL DRAWINGS FOR BUILDING DIMENSIONS. BUILDING SHALL BE STAKED BASED ON FOUNDATION PLAN. CONTRACTOR SHALL NOTIFY ENGINEER IF THERE ARE DISCREPANCIES BETWEEN THE BUILDING AND SITE DRAWINGS.
 - ONSITE LIGHTING SHALL DIRECTED DOWNWARD AND AWAY FROM ADJACENT PROPERTIES AS REQUIRED PER THE GENOA TOWNSHIP ZONING ORDINANCE.
 - SITE SIGNAGE SHALL MEET THE STANDARDS AND REQUIREMENTS OF THE GENOA TOWNSHIP ZONING ORDINANCE. A SIGN PERMIT SHALL BE ACQUIRED PRIOR TO CONSTRUCTION.
 - CONTRACTOR SHALL BE RESPONSIBLE TO MEETING THE STANDARDS AND REQUIREMENTS OF THE LOCAL NOISE ORDINANCE FOR ALL CONSTRUCTION PRACTICES.
 - IMPERVIOUS SURFACE PERCENTAGE = 47% (INCLUDING 4550 S.F.T BUILDING AND 38556 S.F.T IMPERVIOUS SURFACES)
 - SEE OTHER SHEETS IN PLAN SET FOR MORE INFORMATION.

HOLLAND ENGINEERING
 220 Hoover Boulevard
 Holland, Michigan 49423-3766
 www.hollandengineering.com
 T 616-392-5938 F 616-392-2116

The Engineer's liability for any and all claims, including but not limited to those arising out of the design, construction, or professional services, negligence, gross negligence, or willful or wanton misconduct, shall be deemed limited to an amount no greater than the amount of the fee for the services rendered.

ROC WASH HOLDINGS, INC
 ATTN: MR. BLAKE PETERSON
 240 E 8TH STREET
 HOLLAND, MI 49423

TOMMY'S EXPRESS CARWASH
 4591 +/- E GRAND RIVER AVE
 HOWELL, MICHIGAN 48843
 PT. OF THE NE 1/4 SEC. 9, T2N, R5E
 GENOA TWP., LIVINGSTON CO., MICHIGAN

Issued for:	
No.	Description
A	06/23/2021 SITE SURVEY
B	06/28/2021 PRELIMINARY SITE PLAN
C	07/09/2021 SITE PLAN SUBMITTAL

Project Manager:		BRUCE ZEINSTRAL, LLA	
Vertical Datum	NAVD 88	Horz. Datum	LOCAL
Drawn by: PETER BULTEN			
Checked by:	Survey:	Date:	
Civil:	Struc.:		
L. A.:			
HEI Project Number: 21-06-003			
Sheet Title: SITE LAYOUT PLAN			
Sheet No.: C-101			

TOMMY'S EXPRESS CARWASH

4591 E. GRAND RIVER RD.
GENOA, MI, 48843

ZONING

NRPUD - NON-RESIDENTIAL PLANNED UNIT DEVELOPMENT

SETBACKS:
FRONT YARD 70 FEET MIN.
SIDE YARD 15 FEET MIN.
REAR YARD 50 FEET MIN.
HEIGHT 35 FEET MAX.

PUD REQUIREMENTS:
FRONT YARD (GRAND RIVER AVE): 70 FEET
SIDE YARDS (EAST AND WEST PROPERTY LINES): 35 FEET
REAR YARD (NORTH PROPERTY LINE): 50 FEET, REDUCED TO 30 FEET BY INDUSTRIAL ZONED PROPERTY
OPEN SPACE: 25%

DESCRIPTION

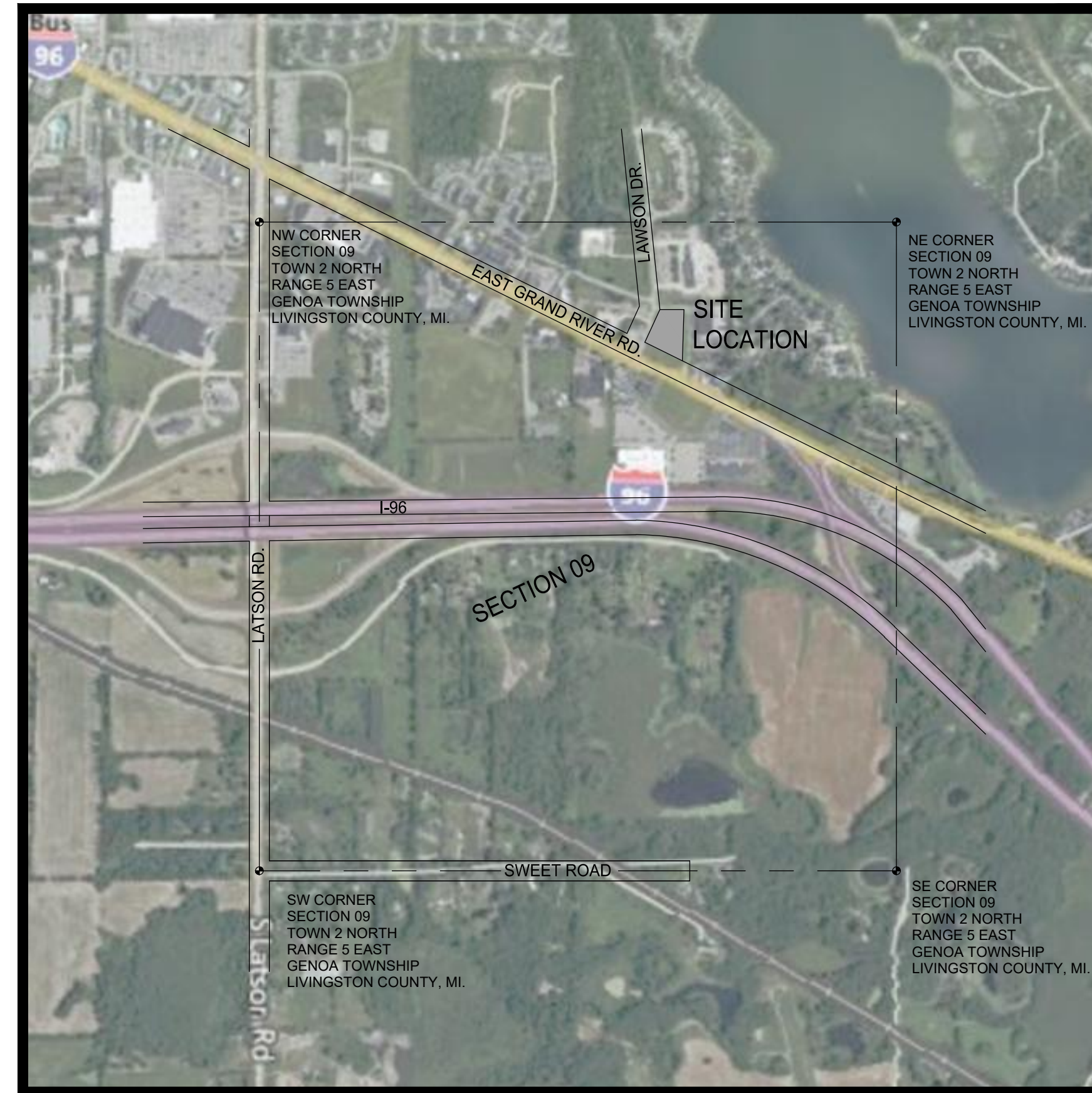
PER FIRST AMERICAN TITLE INSURANCE COMPANY
COMMITMENT NO.: NCS-1067911-MICH
COMMENCEMENT DATE: MAY 25, 2021
LAND IN THE TOWNSHIP OF GENOA, LIVINGSTON COUNTY, MI, DESCRIBED AS FOLLOWS:

PARCEL 1:
PART OF THE NORTHEAST 1/4 OF SECTION 9, TOWN 2 NORTH-RANGE 5 EAST, GENOA TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN, COMMENCING AT THE NORTH 1/4 CORNER OF SECTION 9; THENCE SOUTH 89 DEGREES 06 MINUTES 45 SECONDS EAST, 1170.49 FEET ALONG THE NORTH LINE OF SECTION 9 (AS RECORDED); THENCE SOUTH 10 DEGREES 22 MINUTES 00 SECONDS EAST, 225.24 FEET; THENCE SOUTH 24 DEGREES 46 MINUTES 00 SECONDS EAST, 217.75 FEET TO A POINT ON THE WEST LINE OF "SUNRISE PARK SUBDIVISION" (AS RECORDED IN LIBER 2 OF PLATS, PAGE 23, LIVINGSTON COUNTY RECORDS); THENCE SOUTH 02 DEGREES 06 MINUTES 05 SECONDS WEST, 257.92 FEET ALONG SAID WEST LINE OF "SUNRISE PARK SUBDIVISION"; THENCE SOUTH 88 DEGREES 24 MINUTES 00 SECONDS WEST, 219.68 FEET; THENCE SOUTH 01 DEGREES 36 MINUTES 00 SECONDS EAST, 29.00 FEET; THENCE SOUTH 88 DEGREES 24 MINUTES 00 SECONDS WEST, 63.60 FEET; THENCE NORTH 01 DEGREES 36 MINUTES 00 SECONDS WEST, 29.00 FEET; THENCE SOUTH 88 DEGREES 24 MINUTES 00 SECONDS WEST, 88.16 FEET; THENCE DUE SOUTH, 214.13 FEET; THENCE DUE WEST, 92.58 FEET TO THE PLACE OF BEGINNING; THENCE SOUTH 28 DEGREES 57 MINUTES 30 SECONDS WEST, 330.72 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF GRAND RIVER AVENUE (100 FEET WIDE); THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE OF GRAND RIVER AVENUE NORTH 61 DEGREES 02 MINUTES 30 SECONDS WEST, 161.46 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF LAWSON DRIVE (66 FEET WIDE); THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE OF LAWSON DRIVE NORTH 19 DEGREES 06 MINUTES 45 SECONDS EAST, 223.51 FEET; THENCE DUE EAST (RECORDED WEST), 228.22 FEET TO THE POINT OF BEGINNING.

PARCEL 2:
PART OF THE NORTHEAST 1/4 OF SECTION 9, TOWN 2 NORTH-RANGE 5 EAST, GENOA TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN, COMMENCING AT THE NORTH 1/4 CORNER OF SECTION 9; THENCE SOUTH 89 DEGREES 06 MINUTES 45 SECONDS EAST, 1170.49 FEET ALONG THE NORTH LINE OF SECTION 9 (AS RECORDED); THENCE SOUTH 10 DEGREES 22 MINUTES 00 SECONDS EAST, 225.24 FEET; THENCE SOUTH 24 DEGREES 46 MINUTES 00 SECONDS EAST, 217.75 FEET TO A POINT ON THE WEST LINE OF "SUNRISE PARK SUBDIVISION" (AS RECORDED IN LIBER 2 OF PLATS, PAGE 23, LIVINGSTON COUNTY RECORDS); THENCE SOUTH 02 DEGREES 06 MINUTES 05 SECONDS WEST, 257.92 FEET ALONG SAID WEST LINE OF "SUNRISE PARK SUBDIVISION"; THENCE SOUTH 88 DEGREES 24 MINUTES 00 SECONDS WEST, 219.68 FEET; THENCE SOUTH 01 DEGREES 36 MINUTES 00 SECONDS EAST, 29.00 FEET; THENCE SOUTH 88 DEGREES 24 MINUTES 00 SECONDS WEST, 63.60 FEET; THENCE NORTH 01 DEGREES 36 MINUTES 00 SECONDS WEST, 29.00 FEET; THENCE SOUTH 88 DEGREES 24 MINUTES 00 SECONDS WEST, 88.16 FEET; THENCE DUE SOUTH, 214.13 FEET TO THE PLACE OF BEGINNING; THENCE DUE SOUTH, 219.17 FEET; THENCE SOUTH 20 DEGREES 44 MINUTES 00 SECONDS WEST, 185.69 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF GRAND RIVER AVENUE (100 FEET WIDE); THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE OF GRAND RIVER AVENUE NORTH 61 DEGREES 02 MINUTES 30 SECONDS WEST, 213.69 FEET; THENCE NORTH 28 DEGREES 57 MINUTES 30 SECONDS EAST, 330.72 FEET, THENCE DUE EAST, 92.58 FEET TO THE PLACE OF BEGINNING.

PARCEL 3A:
PART OF THE NORTHEAST 1/4 OF SECTION 9, TOWN 2 NORTH-RANGE 5 EAST, GENOA TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN, COMMENCING AT THE NORTH 1/4 CORNER OF SECTION 9; THENCE SOUTH 89 DEGREES 06 MINUTES 45 SECONDS EAST, 1170.49 FEET ALONG THE NORTH LINE OF SECTION 9 (AS RECORDED); THENCE SOUTH 10 DEGREES 22 MINUTES 00 SECONDS EAST, 225.24 FEET; THENCE SOUTH 24 DEGREES 46 MINUTES 00 SECONDS EAST, 217.75 FEET TO A POINT ON THE WEST LINE OF "SUNRISE PARK SUBDIVISION" (AS RECORDED IN LIBER 2 OF PLATS, PAGE 23, LIVINGSTON COUNTY RECORDS); THENCE SOUTH 02 DEGREES 06 MINUTES 05 SECONDS WEST, 257.92 FEET ALONG SAID WEST LINE OF "SUNRISE PARK SUBDIVISION"; THENCE SOUTH 88 DEGREES 24 MINUTES 00 SECONDS WEST, 219.68 FEET; THENCE SOUTH 01 DEGREES 36 MINUTES 00 SECONDS EAST, 29.00 FEET; THENCE SOUTH 88 DEGREES 24 MINUTES 00 SECONDS WEST, 63.60 FEET; THENCE NORTH 01 DEGREES 36 MINUTES 00 SECONDS WEST, 29.00 FEET; THENCE SOUTH 88 DEGREES 24 MINUTES 00 SECONDS WEST, 88.16 FEET; THENCE DUE SOUTH, 214.13 FEET TO THE PLACE OF BEGINNING; THENCE DUE SOUTH, 219.17 FEET; THENCE SOUTH 20 DEGREES 44 MINUTES 00 SECONDS WEST, 185.69 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF GRAND RIVER AVENUE (100 FEET WIDE); THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE OF GRAND RIVER AVENUE NORTH 61 DEGREES 02 MINUTES 30 SECONDS WEST, 213.69 FEET; THENCE NORTH 28 DEGREES 57 MINUTES 30 SECONDS EAST, 330.72 FEET, THENCE DUE EAST, 92.58 FEET TO THE PLACE OF BEGINNING.

PARCEL 3B:
PART OF THE NORTHEAST 1/4 OF SECTION 9, TOWN 2 NORTH, RANGE 5 EAST, GENOA TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN, COMMENCING AT THE NORTH 1/4 CORNER OF SECTION 9; THENCE SOUTH 89 DEGREES 06 MINUTES 45 SECONDS EAST 654.21 FEET, ALONG THE NORTH LINE OF SECTION 9 (AS DESCRIBED); THENCE CONTINUING ALONG SAID NORTH SECTION LINE SOUTH 89 DEGREES 06 MINUTES 45 SECONDS EAST 516.28 FEET; THENCE SOUTH 10 DEGREES 22 MINUTES 00 SECONDS EAST 225.24 FEET; THENCE SOUTH 24 DEGREES 46 MINUTES 00 SECONDS EAST, 217.75 FEET TO A POINT ON THE WESTERLY LINE OF "SUNRISE PARK SUBDIVISION", (AS RECORDED IN LIBER 2 OF PLATS, PAGE 23, LIVINGSTON COUNTY RECORDS); THENCE SOUTH 02 DEGREES 06 MINUTES 05 SECONDS WEST 257.92 FEET ALONG SAID WEST LINE OF "SUNRISE PARK SUBDIVISION"; THENCE SOUTH 88 DEGREES 24 MINUTES 00 SECONDS WEST 219.68 FEET; THENCE SOUTH 01 DEGREES 36 MINUTES 00 SECONDS EAST 29.00 FEET; THENCE SOUTH 88 DEGREES 24 MINUTES 00 SECONDS WEST, 63.60 FEET; THENCE NORTH 01 DEGREES 36 MINUTES 00 SECONDS WEST, 29.00 FEET; THENCE SOUTH 88 DEGREES 24 MINUTES 00 SECONDS WEST, 88.16 FEET; THENCE DUE SOUTH, 214.13 FEET TO THE PLACE OF BEGINNING; THENCE DUE SOUTH, 219.17 FEET; THENCE SOUTH 20 DEGREES 44 MINUTES 00 SECONDS WEST, 185.69 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF GRAND RIVER AVENUE (100 FEET WIDE); THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE OF GRAND RIVER AVENUE NORTH 61 DEGREES 02 MINUTES 30 SECONDS WEST, 213.69 FEET; THENCE NORTH 28 DEGREES 57 MINUTES 30 SECONDS EAST, 330.72 FEET, THENCE DUE EAST, 92.58 FEET TO THE PLACE OF BEGINNING.



LOCATION MAP

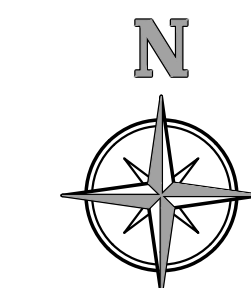
SCALE: 1" = 1000'



Know what's below.
Call before you dig.

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SHEET C-201	GRADING & SESC PLAN
SHEET C-202	DRAINAGE PLAN
SHEET C-501	GENERAL DETAILS
SHEET L-101	LANDSCAPE PLANTING PLAN



LEGEND

	SECTION CORNER		UNDERGROUND GAS
	SITE BENCHMARK		UNDERGROUND ELECTRIC
	SOIL BORING		UNDERGROUND TELEPHONE
	FOUND STEEL BAR		CHAIN LINK FENCE
	FOUND IRON PIPE		MINOR CONTOUR
	SET STEEL BAR		INDEX CONTOUR
	MANHOLE		ASPHALT
	CATCHBASIN		CONCRETE
	HYDRANT		GRAVEL
	WATER VALVE		
	UTILITY POLE		
	LIGHT POLE		
	CLEANOUT		
	DECIDUOUS TREE		

HOLLAND ENGINEERING
220 Hoover Boulevard
Holland, Michigan 49423-3766
www.hollandengineering.com
T 616-392-5938 F 616-392-2116

The Surveyor's / Engineer's liability for any and all claims, including but not limited to those arising out of the negligence, gross negligence, or misrepresentations shall be deemed limited to an amount no greater than the service fee.

ROC WASH HOLDINGS, INC
ATTN: MR. BLAKE PETERSON
240 E 8TH STREET
HOLLAND, MI 49423

TOMMY'S EXPRESS CARWASH
4591 +/- E GRAND RIVER AVE
HOWELL, MICHIGAN 48843
PT. OF THE NE 1/4 SEC. 9, T2N, R5E
GENOA TWP., LIVINGSTON CO, MICHIGAN

No.	Description	Date
A	06/03/2021 SITE SURVEY	
B	06/09/2021 PRELIMINARY SITE PLAN	
C	07/09/2021 SITE PLAN SUBMITTAL	
D	08/24/2021 REVISED PER 06/09/2021 PC MEETING	
E	09/16/2021 REVISED PER 07/22/2021 PC MEETING	

Plans are preliminary & incomplete until ISSUED FOR CONSTRUCTION

Project Manager:
BRUCE ZEINSTRA, LLA
Vertical Datum: NAVD 88
Horizontal Datum: LOCAL

Checked by: PETER BULTEN
Survey Date:

Civil:

Struc.:

L. A.:

HEI Project Number:
21-06-003

Sheet Title:
COVER SHEET

Sheet No.:
G-100

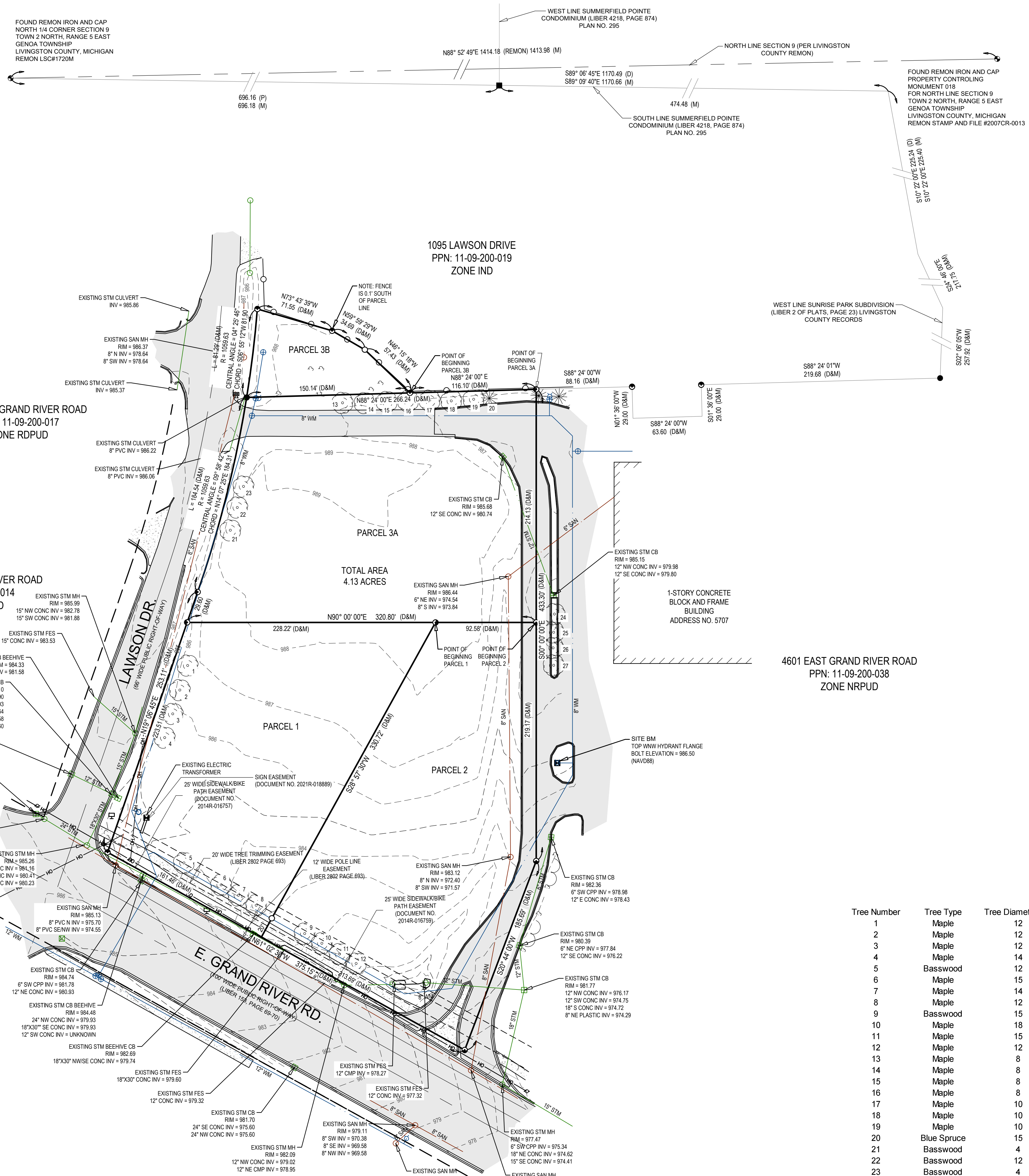
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G-100

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Sheet No.:
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Sheet No.:
G-100



DESCRIPTION

PER FIRST AMERICAN TITLE INSURANCE COMPANY
 COMMITMENT NO.: NCS-1067911-MICH
 COMMENCEMENT DATE: MAY 25, 2021
 LAND IN THE TOWNSHIP OF GENOA, LIVINGSTON COUNTY, MI, DESCRIBED AS FOLLOWS:

PARCEL 1:
 PART OF THE NORTHEAST 1/4 OF SECTION 9, TOWN 2 NORTH-RANGE 5 EAST, GENOA TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN. COMMENCING AT THE NORTH 1/4 CORNER OF SECTION 9; THENCE SOUTH 89 DEGREES 06 MINUTES 45 SECONDS EAST, 1170.49 FEET ALONG THE NORTH LINE OF SECTION 9 (AS RECORDED); THENCE SOUTH 10 DEGREES 22 MINUTES 00 SECONDS EAST, 225.24 FEET; THENCE SOUTH 24 DEGREES 46 MINUTES 00 SECONDS EAST, 217.75 FEET TO A POINT ON THE WEST LINE OF "SUNRISE PARK SUBDIVISION" (AS RECORDED IN LIBER 2 OF PLATS, PAGE 23, LIVINGSTON COUNTY RECORDS); THENCE SOUTH 02 DEGREES 06 MINUTES 05 SECONDS WEST, 257.92 FEET ALONG SAID WEST LINE OF "SUNRISE PARK SUBDIVISION"; THENCE SOUTH 88 DEGREES 24 MINUTES 00 SECONDS WEST, 219.68 FEET; THENCE SOUTH 01 DEGREES 36 MINUTES 00 SECONDS EAST, 29.00 FEET; THENCE SOUTH 88 DEGREES 24 MINUTES 00 SECONDS WEST, 63.60 FEET; THENCE NORTH 01 DEGREES 36 MINUTES 00 SECONDS WEST, 29.00 FEET; THENCE SOUTH 88 DEGREES 24 MINUTES 00 SECONDS WEST, 88.16 FEET; THENCE DUE SOUTH, 214.13 FEET, THENCE DUE WEST, 92.58 FEET TO THE PLACE OF BEGINNING; THENCE SOUTH 28 DEGREES 57 MINUTES 30 SECONDS WEST, 330.72 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF GRAND RIVER AVENUE (100 FEET WIDE); THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE OF GRAND RIVER AVENUE NORTH 61 DEGREES 02 MINUTES 30 SECONDS WEST, 161.46 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF LAWSON DRIVE (66 FEET WIDE); THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE OF LAWSON DRIVE NORTH 19 DEGREES 06 MINUTES 45 SECONDS EAST, 223.51 FEET; THENCE DUE EAST (RECORDED WEST), 228.22 FEET TO THE POINT OF BEGINNING.

PARCEL 2:
 PART OF THE NORTHEAST 1/4 OF SECTION 9, TOWN 2 NORTH-RANGE 5 EAST, GENOA TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN. COMMENCING AT THE NORTH 1/4 CORNER OF SECTION 9; THENCE SOUTH 89 DEGREES 06 MINUTES 45 SECONDS EAST, 1170.49 FEET ALONG THE NORTH LINE OF SECTION 9 (AS RECORDED); THENCE SOUTH 10 DEGREES 22 MINUTES 00 SECONDS EAST, 225.24 FEET; THENCE SOUTH 24 DEGREES 46 MINUTES 00 SECONDS EAST, 217.75 FEET TO A POINT ON THE WEST LINE OF "SUNRISE PARK SUBDIVISION" (AS RECORDED IN LIBER 2 OF PLATS, PAGE 23, LIVINGSTON COUNTY RECORDS); THENCE SOUTH 02 DEGREES 06 MINUTES 05 SECONDS WEST, 257.92 FEET ALONG SAID WEST LINE OF "SUNRISE PARK SUBDIVISION"; THENCE SOUTH 88 DEGREES 24 MINUTES 00 SECONDS WEST, 219.68 FEET; THENCE SOUTH 01 DEGREES 36 MINUTES 00 SECONDS EAST, 29.00 FEET; THENCE SOUTH 88 DEGREES 24 MINUTES 00 SECONDS WEST, 63.60 FEET; THENCE NORTH 01 DEGREES 36 MINUTES 00 SECONDS WEST, 29.00 FEET; THENCE SOUTH 88 DEGREES 24 MINUTES 00 SECONDS WEST, 88.16 FEET; THENCE DUE SOUTH, 214.13 FEET TO THE PLACE OF BEGINNING; THENCE DUE SOUTH, 219.17 FEET; THENCE SOUTH 20 DEGREES 44 MINUTES 00 SECONDS WEST, 185.69 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF GRAND RIVER AVENUE (100 FEET WIDE); THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE OF GRAND RIVER AVENUE NORTH 61 DEGREES 02 MINUTES 30 SECONDS WEST, 213.69 FEET; THENCE NORTH 28 DEGREES 57 MINUTES 30 SECONDS EAST, 330.72 FEET, THENCE DUE EAST, 92.58 FEET TO THE PLACE OF BEGINNING.

PARCEL 3A:
 PART OF THE NORTHEAST 1/4 OF SECTION 9, TOWN 2 NORTH-RANGE 5 EAST, GENOA TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN. COMMENCING AT THE NORTH 1/4 CORNER OF SECTION 9; THENCE SOUTH 89 DEGREES 06 MINUTES 45 SECONDS EAST, 1170.49 FEET ALONG THE NORTH LINE OF SECTION 9 (AS RECORDED); THENCE SOUTH 10 DEGREES 22 MINUTES 00 SECONDS EAST, 225.24 FEET; THENCE SOUTH 24 DEGREES 46 MINUTES 00 SECONDS EAST, 217.75 FEET TO A POINT ON THE WEST LINE OF "SUNRISE PARK SUBDIVISION" (AS RECORDED IN LIBER 2 OF PLATS, PAGE 23, LIVINGSTON COUNTY RECORDS); THENCE SOUTH 02 DEGREES 06 MINUTES 05 SECONDS WEST, 257.92 FEET ALONG SAID WEST LINE OF "SUNRISE PARK SUBDIVISION"; THENCE SOUTH 88 DEGREES 24 MINUTES 00 SECONDS WEST, 219.68 FEET; THENCE SOUTH 01 DEGREES 36 MINUTES 00 SECONDS EAST, 29.00 FEET; THENCE SOUTH 88 DEGREES 24 MINUTES 00 SECONDS WEST, 63.60 FEET; THENCE NORTH 01 DEGREES 36 MINUTES 00 SECONDS WEST, 29.00 FEET; THENCE SOUTH 88 DEGREES 24 MINUTES 00 SECONDS WEST, 88.16 FEET TO THE PLACE OF BEGINNING; THENCE DUE SOUTH, 219.17 FEET; THENCE SOUTH 20 DEGREES 44 MINUTES 00 SECONDS WEST, 185.69 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF GRAND RIVER AVENUE (100 FEET WIDE); THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE OF GRAND RIVER AVENUE NORTH 61 DEGREES 02 MINUTES 30 SECONDS WEST, 213.69 FEET; THENCE NORTH 28 DEGREES 57 MINUTES 30 SECONDS EAST, 330.72 FEET, THENCE DUE EAST, 92.58 FEET TO THE PLACE OF BEGINNING.

PARCEL 3B:
 PART OF THE NORTHEAST 1/4 OF SECTION 9, TOWN 2 NORTH, RANGE 5 EAST, GENOA TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN. COMMENCING AT THE NORTH 1/4 CORNER OF SECTION 9; THENCE SOUTH 89 DEGREES 06 MINUTES 45 SECONDS EAST 654.21 FEET, ALONG THE NORTH LINE OF SECTION 9 (AS DESCRIBED); THENCE CONTINUING ALONG SAID NORTH SECTION LINE SOUTH 89 DEGREES 06 MINUTES 45 SECONDS EAST 516.28 FEET; THENCE SOUTH 10 DEGREES 22 MINUTES 00 SECONDS EAST 225.24 FEET; THENCE SOUTH 24 DEGREES 46 MINUTES 00 SECONDS EAST, 217.75 FEET TO A POINT ON THE WESTERLY LINE OF "SUNRISE PARK SUBDIVISION" (AS RECORDED IN LIBER 2 OF PLATS, PAGE 23, LIVINGSTON COUNTY RECORDS); THENCE SOUTH 02 DEGREES 06 MINUTES 05 SECONDS WEST 257.92 FEET ALONG SAID WEST LINE OF "SUNRISE PARK SUBDIVISION"; THENCE SOUTH 88 DEGREES 24 MINUTES 00 SECONDS WEST 219.68 FEET; THENCE SOUTH 01 DEGREE 36 MINUTES 00 SECONDS EAST 29.00 FEET; THENCE SOUTH 88 DEGREES 24 MINUTES 00 SECONDS WEST 63.60 FEET; THENCE NORTH 01 DEGREE 36 MINUTES 00 SECONDS WEST 29.00 FEET; THENCE SOUTH 88 DEGREES 24 MINUTES 00 SECONDS WEST 204.26 FEET TO THE POINT OF BEGINNING; THENCE NORTH 46 DEGREES 15 MINUTES 18 SECONDS WEST 57.43 FEET; THENCE NORTH 59 DEGREES 59 MINUTES 29 SECONDS WEST 34.69 FEET; THENCE NORTH 73 DEGREES 43 MINUTES 39 SECONDS WEST 71.55 FEET, TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF LAWSON DRIVE (66 FEET WIDE); THENCE 81.92 FEET ALONG AN ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 1059.63 FEET, A CENTRAL ANGLE OF 04 DEGREES 25 MINUTES 46 SECONDS AND A LONG CHORD BEARING AND DISTANCE OF SOUTH 06 DEGREES 55 MINUTES 12 SECONDS WEST 81.90 FEET, ALONG THE EASTERLY RIGHT-OF-WAY LINE OF LAWSON DRIVE (66 FEET WIDE); THENCE NORTH 88 DEGREES 24 MINUTES 00 SECONDS EAST 150.14 FEET TO THE POINT OF BEGINNING.

SURVEYOR'S NOTES

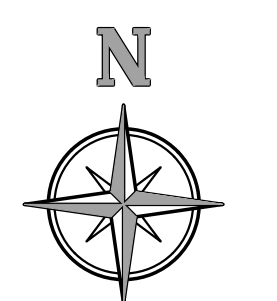
UTILITIES SHOWN HEREON ARE BASED UPON ABOVE GROUND OBSERVATIONS AND TOWNSHIP AS-BUILT DRAWINGS. THEY SHOULD NOT BE INTERPRETED TO BE EXACT LOCATIONS NOR SHOULD IT BE ASSUMED THAT THEY ARE THE ONLY UTILITIES IN THIS AREA. THE SURVEY SHOULD NOT BE RELIED UPON TO DEPICT THE LOCATION OF ALL UNDERGROUND UTILITIES.

NOTE: CONNECTIVITY AS SHOWN HEREON IS BASED UPON BEST AVAILABLE INFORMATION. HOWEVER, LACKING EXCAVATION, THE EXACT LOCATION OF ALL UNDERGROUND FEATURES CANNOT BE ACCURATELY, COMPLETELY AND RELIABLY DEPICTED.

BEARINGS ARE BASED ON THE NORTH LINE OF PARCEL 3A AS BEING N 88°24'00" E.

FOUNDATIONS BELOW GROUND SURFACE AND ANY OTHER BELOW GROUND IMPROVEMENTS, IF ANY, WERE NOT LOCATED UNDER THE SCOPE OF THIS SURVEY.

DATE OF FIELD SURVEY: JUNE 18, 2021



SCALE 1" = 50'

I, MARK O. SCOVILL, A LICENSED PROFESSIONAL SURVEYOR IN THE STATE OF MICHIGAN, HEREBY CERTIFY THAT I HAVE SURVEYED THE PARCEL OF LAND DESCRIBED AND DELINEATED HEREON; THAT THE SURVEY MAP IS A TRUE REPRESENTATION OF THE SURVEY AS PERFORMED BY ME; THAT SAID SURVEY WAS PERFORMED RESULTING WITH A RELATIVE POSITIONAL PRECISION AT EACH BOUNDARY CORNER SHOWN HEREON WITHIN LIMITS ACCEPTED BY THE PRACTICE OF PROFESSIONAL SURVEYING. THIS SURVEY WAS MADE FROM THE ATTACHED LEGAL DESCRIPTION. THE DESCRIPTION WAS GIVEN TO US BY OTHERS, OR WAS PREPARED BY US FROM INFORMATION OR DOCUMENTS GIVEN TO US BY OTHERS, AND SHOULD BE COMPARED WITH THE ABSTRACT OF TITLE OR TITLE INSURANCE POLICY FOR ACCURACY, EASEMENTS OR EXCEPTIONS.

HOLLAND ENGINEERS, INC.
 220 HOOVER BOULEVARD
 HOLLAND, MICHIGAN 49423
 (616) 392-5938

Mark O. Scovill
 MARK O. SCOVILL
 MICHIGAN PROFESSIONAL SURVEYOR #4001045504



Tree Number	Tree Type	Tree Diameter (in)
1	Maple	12
2	Maple	12
3	Maple	12
4	Maple	14
5	Basswood	12
6	Maple	15
7	Maple	14
8	Maple	12
9	Basswood	15
10	Maple	18
11	Maple	15
12	Maple	12
13	Maple	8
14	Maple	8
15	Maple	8
16	Maple	8
17	Maple	10
18	Maple	10
19	Maple	10
20	Blue Spruce	15
21	Basswood	4
22	Basswood	12
23	Basswood	4
24	Ornamental	12
25	Ornamental	12
26	Ornamental	12
27	Ornamental	12

LEGEND

- SECTION CORNER
- BENCHMARK
- FOUND IRON - 1"
- FOUND STEEL BAR - CAP #29252
- FOUND STEEL BAR - CAP #35999
- FOUND STEEL BAR - CAP # 17022
- FOUND STEEL BAR - NO CAP
- SET MAG NAIL
- SET STEEL BAR - 1/2"
- STORM MANHOLE
- SEWER MANHOLE
- HYDRANT
- UTILITY POLE
- GUY ANCHOR
- LIGHT POLE
- BOLLARD
- ELECTRIC METER
- TRANSFORMER
- GAS METER
- A/C UNIT
- SIGN
- SPRINKLER
- FIRE PROTECTION VALVE
- DECIDUOUS TREE
- SECTION LINE
- RIGHT OF WAY LINE
- BOUNDARY LINE
- CONCRETE CURB AND GUTTER
- STORM SEWER
- SANITARY SEWER
- WATERMAIN
- OVERHEAD UTILITY
- WOOD FENCE
- INDEX CONTOUR (5' INTERVAL)
- MINOR CONTOUR (1' INTERVAL)
- TREELINE
- BITUMINOUS PAVEMENT
- CONCRETE
- SURFACE WATER
- RIP-RAP
- (D) DEEDED DIMENSION
- (M) MEASURED DIMENSION
- (P) PLATTED DIMENSION
- REMON REMONUMENTATION

HOLLAND ENGINEERING
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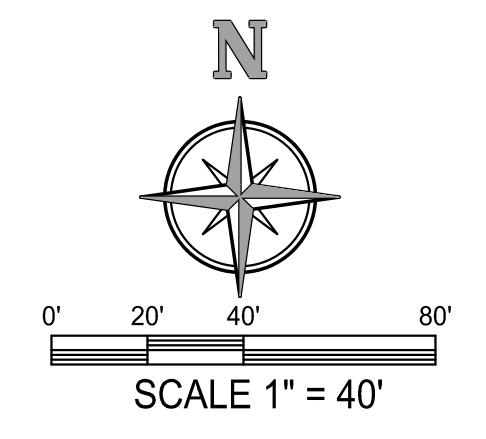
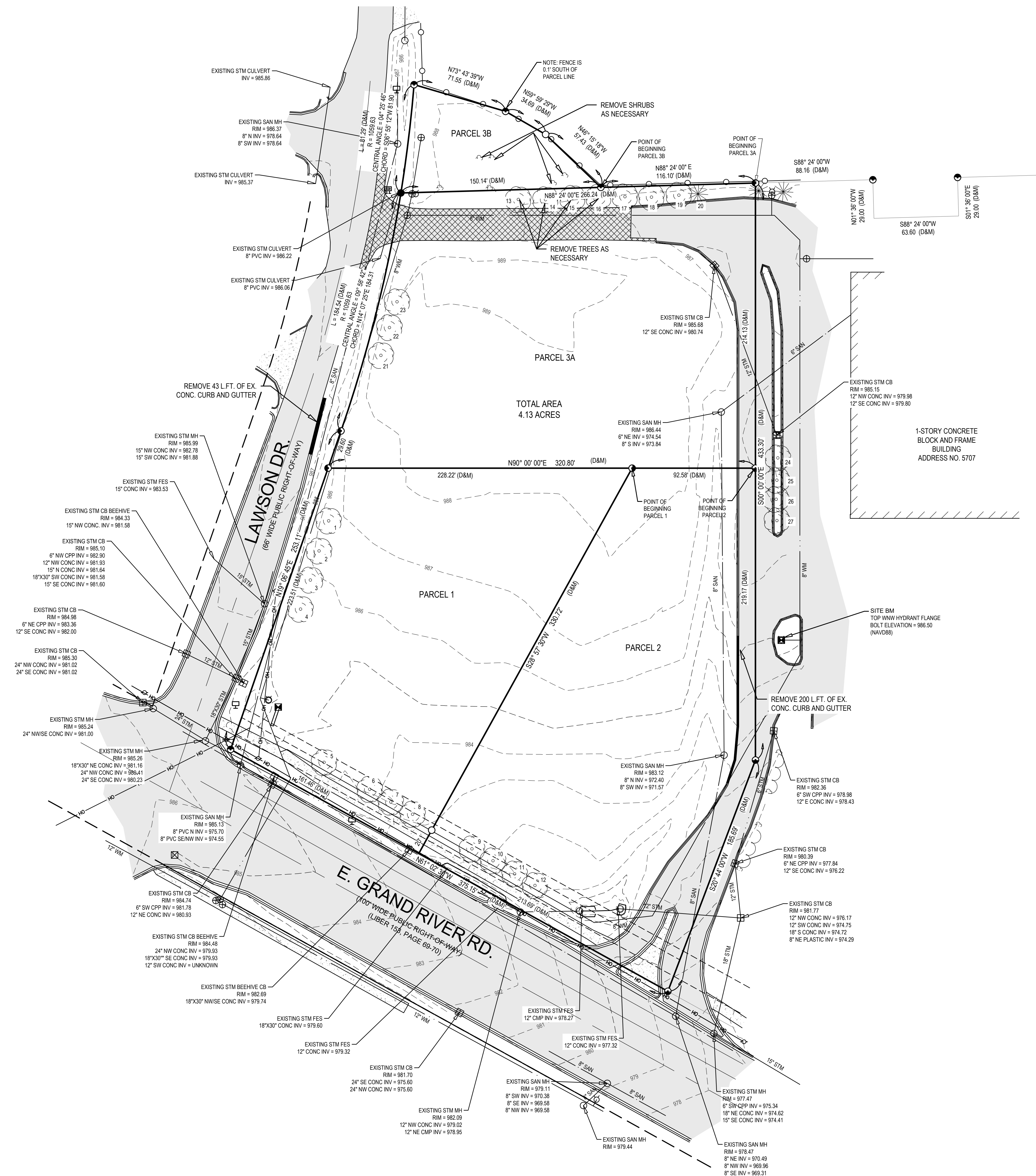
The Surveyor's / Engineer's liability for any and all claims, including but not limited to those arising from the negligence, gross negligence, or misrepresentation shall be deemed limited to an amount no greater than the service fee.

ROC WASH HOLDINGS, INC
 ATTN: MR. BLAKE PETERSON
 240 E 8TH STREET
 HOLLAND, MI 49423

TOMMY'S EXPRESS CARWASH
 4591 1/2 E GRAND RIVER AVE
 HOWELL, MICHIGAN 48843
 PT. OF THE NE 1/4 SEC. 9, T2N, R5E
 GENOA TWP., LIVINGSTON CO, MICHIGAN

No.	Date	Description
A	06/03/2021	SITE SURVEY
B	06/09/2021	PRELIMINARY SITE PLAN
C	07/02/2021	SITE PLAN SUBMITTAL
D	08/24/2021	REVISED PER 6/09/2021 PC MEETING
E	09/16/2021	REVISED PER 9/13/2021 PC MEETING

Project Manager	BRUCE ZEINSTR, LLA
Vertical Datum	NAVD 88
Horizontal Datum	LOCAL
Drawn by	PETER BULTEN
Checked by	Survey
Date	MOS 6/23/2021
Civil	
Struct.	
L. A.	
HEI Project Number	21-06-003
Sheet Title	EXISTING CONDITIONS
Sheet No.	V-101



- CIVIL DEMOLITION NOTES:**
- SEE BOUNDARY AND TOPOGRAPHIC SURVEY SHEET FOR PROPERTY, EASEMENT, BENCHMARK, ETC. INFORMATION.
 - LOCATION OF UNDERGROUND UTILITIES HAVE BEEN SHOWN BASED ON SURFACE EVIDENCE AND RECORD INFORMATION AVAILABLE. IT IS THE CONTRACTOR'S RESPONSIBILITY TO VERIFY UTILITY LOCATIONS PRIOR TO CONSTRUCTION.
 - DURING CONSTRUCTION, CONTRACTOR SHALL PROTECT ALL EXISTING AND NEW CONSTRUCTION FROM DAMAGE. SHOULD ANY DAMAGE OCCUR, CONTRACTOR SHALL MAKE ALL NECESSARY REPAIRS AT NO COST TO THE OWNER. THE PAVED ROADWAY SHALL BE SWEEPED CLEAN AS NEEDED, BUT AT LEAST ONCE A WEEK.
 - CONTRACTOR SHALL PROVIDE BARRIERS, AS NECESSARY, TO PREVENT PEDESTRIAN AND VEHICULAR TRAFFIC FROM ENTERING THE CONSTRUCTION SITE.
 - CALL MISS DIG AT LEAST THREE (3) WORKING DAYS PRIOR TO STARTING ANY EXCAVATION.
 - REMOVAL ITEMS ARE SHOWN BASED ON BEST AVAILABLE INFORMATION AND ARE SHOWN SCHEMATICALLY. THE CONTRACTOR SHALL VISIT THE SITE PRIOR TO VERIFY THE EXTENT OF WORK REQUIRED.
 - REMOVE ALL STRUCTURES, CONCRETE CURB, CONCRETE PAVING, ASPHALT PAVING, TREES, STUMPS, UTILITIES, AND OTHER EXISTING SITE FEATURES WITHIN THE LIMITS OF DEMOLITION. ALL DEMOLITION MATERIALS SHALL BE REMOVED FROM THE SITE UNLESS OTHERWISE NOTED AND DISPOSED OF IN A MANNER ACCEPTABLE TO THE LOCAL AUTHORITY HAVING JURISDICTION.
 - ALL UTILITY LINES SHOWN "X" OUT SHALL BE PHYSICALLY REMOVED ALONG WITH STRUCTURES AND APPURTENANCES. CONTRACTOR SHALL CONFIRM UTILITY LINES REMOVED WILL NOT IMPACT UTILITIES TO REMAIN.
 - ALL REMOVALS OF PAVEMENT, CONCRETE, CURB AND GUTTER, ETC. SHALL BE PERFORMED TO THE NEXT JOINT BEYOND THE LIMITS OF REMOVAL. ALL REMOVALS SHALL BE PERFORMED BY SAWCUTTING.
 - PROTECT ALL TREES AND SHRUBS NOT SCHEDULED FOR REMOVAL. DO NOT OPERATE EQUIPMENT, STORE, STOCKPILE, OR PARK WITHIN DRIP LINE. HOLD NECESSARY DISTURBANCE TO A MINIMUM.
 - ALL TREE STUMPS SHALL BE REMOVED TO BELOW GRADE BY EITHER GRINDING OR COMPLETE REMOVAL. IN ALL CASES NO WOODCHIPS AND/OR STUMPS SHALL BE LEFT IN PLACE.
 - IT IS THE CONTRACTOR'S RESPONSIBILITY TO COORDINATE ALL UTILITIES REMOVALS WITH PROPERTY OWNER AND UTILITY PROVIDER.
 - ALL WORK IN ROAD RIGHTS OF WAY SHALL BE COMPLETED IN ACCORDANCE WITH MDOT, LIVINGSTON COUNTY ROAD COMMISSION AND GENOA TOWNSHIP.
 - SEE OTHER SHEETS IN PLAN SET FOR MORE INFORMATION.

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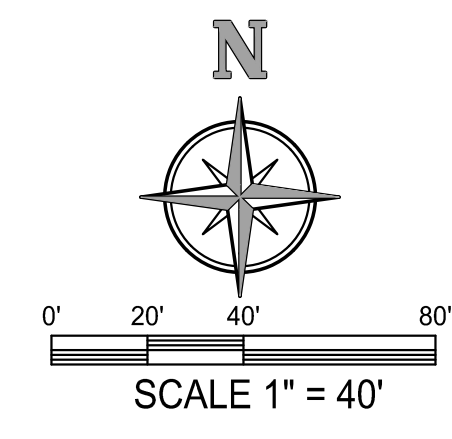
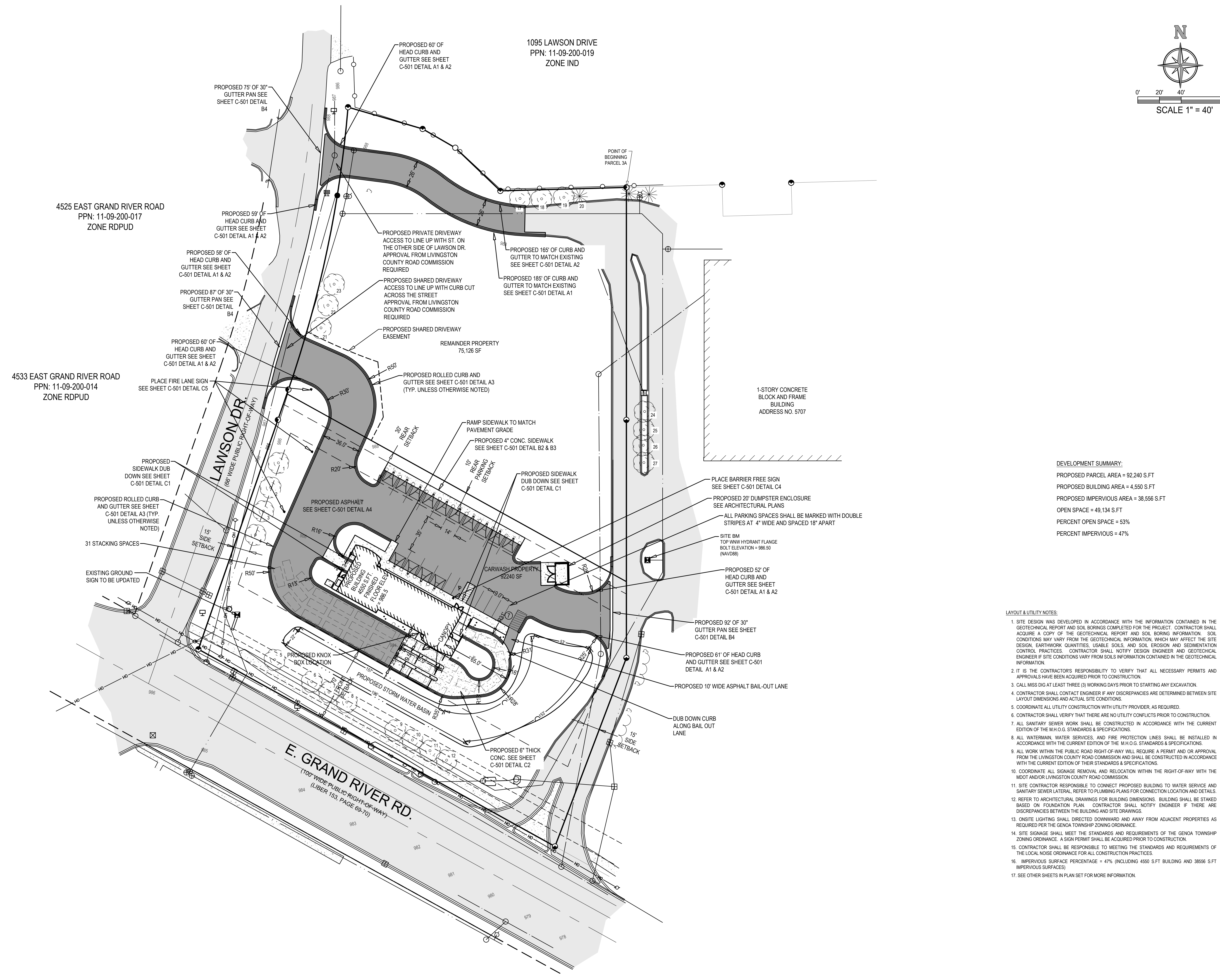
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ROC WASH HOLDINGS, INC
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 PT. OF THE NE 1/4 SEC. 9, T2N, R5E
 GENOA TWP., LIVINGSTON CO, MICHIGAN

No.	Date	Description
1	06/03/2021	SITE SURVEY
2	06/09/2021	PRELIMINARY SITE PLAN
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5	09/16/2021	REVISED PER 9/15/2021 PC MEETING

Project Manager: **BRUCE ZEINSTRA, LLA**
 Vertical Datum: **NAVD 88** | Horiz. Datum: **LOCAL**
 Drawn by: **PETER BULTEN**
 Checked by: **Survey** | Date: **Survey**
 Civil: **L. A.** | Struct.: **L. A.**
 HEI Project Number: **21-06-003**
 Sheet Title: **CIVIL DEMOLITION**
 Sheet No.: **CD-101**



DEVELOPMENT SUMMARY:
 PROPOSED PARCEL AREA = 92,240 S.F.T
 PROPOSED BUILDING AREA = 4,550 S.F.T
 PROPOSED IMPERVIOUS AREA = 38,556 S.F.T
 OPEN SPACE = 49,134 S.F.T
 PERCENT OPEN SPACE = 53%
 PERCENT IMPERVIOUS = 47%

- LAYOUT & UTILITY NOTES:**
- SITE DESIGN WAS DEVELOPED IN ACCORDANCE WITH THE INFORMATION CONTAINED IN THE GEOTECHNICAL REPORT AND SOIL BORINGS COMPLETED FOR THE PROJECT. CONTRACTOR SHALL ACQUIRE A COPY OF THE GEOTECHNICAL REPORT AND SOIL BORING INFORMATION. SOIL CONDITIONS MAY VARY FROM THE GEOTECHNICAL INFORMATION, WHICH MAY AFFECT THE SITE DESIGN, EARTHWORK QUANTITIES, USABLE SOILS, AND SOIL EROSION AND SEDIMENTATION CONTROL PRACTICES. CONTRACTOR SHALL NOTIFY DESIGN ENGINEER AND GEOTECHNICAL ENGINEER IF SITE CONDITIONS VARY FROM SOILS INFORMATION CONTAINED IN THE GEOTECHNICAL INFORMATION.
 - IT IS THE CONTRACTOR'S RESPONSIBILITY TO VERIFY THAT ALL NECESSARY PERMITS AND APPROVALS HAVE BEEN ACQUIRED PRIOR TO CONSTRUCTION.
 - CALL MISS DIG AT LEAST THREE (3) WORKING DAYS PRIOR TO STARTING ANY EXCAVATION.
 - CONTRACTOR SHALL CONTACT ENGINEER IF ANY DISCREPANCIES ARE DETERMINED BETWEEN SITE LAYOUT DIMENSIONS AND ACTUAL SITE CONDITIONS.
 - COORDINATE ALL UTILITY CONSTRUCTION WITH UTILITY PROVIDER, AS REQUIRED.
 - CONTRACTOR SHALL VERIFY THAT THERE ARE NO UTILITY CONFLICTS PRIOR TO CONSTRUCTION.
 - ALL SANITARY SEWER WORK SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE CURRENT EDITION OF THE M.H.O.G. STANDARDS & SPECIFICATIONS.
 - ALL WATERMAIN, WATER SERVICES, AND FIRE PROTECTION LINES SHALL BE INSTALLED IN ACCORDANCE WITH THE CURRENT EDITION OF THE M.H.O.G. STANDARDS & SPECIFICATIONS.
 - ALL WORK WITHIN THE PUBLIC ROAD RIGHT-OF-WAY SHALL REQUIRE A PERMIT AND OR APPROVAL FROM THE LIVINGSTON COUNTY ROAD COMMISSION AND SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE CURRENT EDITION OF THEIR STANDARDS & SPECIFICATIONS.
 - COORDINATE ALL SIGNAGE REMOVAL AND RELOCATION WITHIN THE RIGHT-OF-WAY WITH THE MDOT AND/OR LIVINGSTON COUNTY ROAD COMMISSION.
 - SITE CONTRACTOR RESPONSIBLE TO CONNECT PROPOSED BUILDING TO WATER SERVICE AND SANITARY SEWER LATERAL. REFER TO PLUMBING PLANS FOR CONNECTION LOCATION AND DETAILS.
 - REFER TO ARCHITECTURAL DRAWINGS FOR BUILDING DIMENSIONS. BUILDING SHALL BE STAKED BASED ON FOUNDATION PLAN. CONTRACTOR SHALL NOTIFY ENGINEER IF THERE ARE DISCREPANCIES BETWEEN THE BUILDING AND SITE DRAWINGS.
 - ONSITE LIGHTING SHALL DIRECTED DOWNWARD AND AWAY FROM ADJACENT PROPERTIES AS REQUIRED PER THE GENOA TOWNSHIP ZONING ORDINANCE.
 - SITE SIGNAGE SHALL MEET THE STANDARDS AND REQUIREMENTS OF THE GENOA TOWNSHIP ZONING ORDINANCE. A SIGN PERMIT SHALL BE ACQUIRED PRIOR TO CONSTRUCTION.
 - CONTRACTOR SHALL BE RESPONSIBLE TO MEETING THE STANDARDS AND REQUIREMENTS OF THE LOCAL NOISE ORDINANCE FOR ALL CONSTRUCTION PRACTICES.
 - IMPERVIOUS SURFACE PERCENTAGE = 47% (INCLUDING 4550 S.F.T BUILDING AND 38556 S.F.T IMPERVIOUS SURFACES)
 - SEE OTHER SHEETS IN PLAN SET FOR MORE INFORMATION.

HOLLAND ENGINEERING
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The Engineer's liability for any and all claims, including but not limited to those arising out of the design, construction, or professional services, negligence, gross negligence, or willful or wanton disregard of the duties of a professional shall be deemed limited to an amount no greater than the amount of the fee for the services rendered.

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 GENOA TWP., LIVINGSTON CO, MICHIGAN

No.	Description	Date
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Issued for: _____

Project Manager: **BRUCE ZEINSTRAL, LLA**

Vertical Datum: **NAVD 88** Horiz. Datum: **LOCAL**

Drawn by: **PETER BULTEN**

Checked by: _____ Date: _____

Survey: _____

Civil: _____

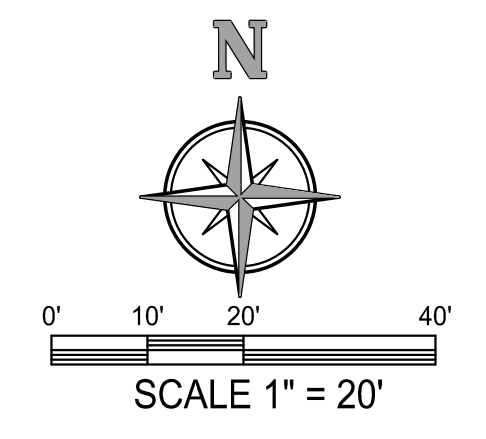
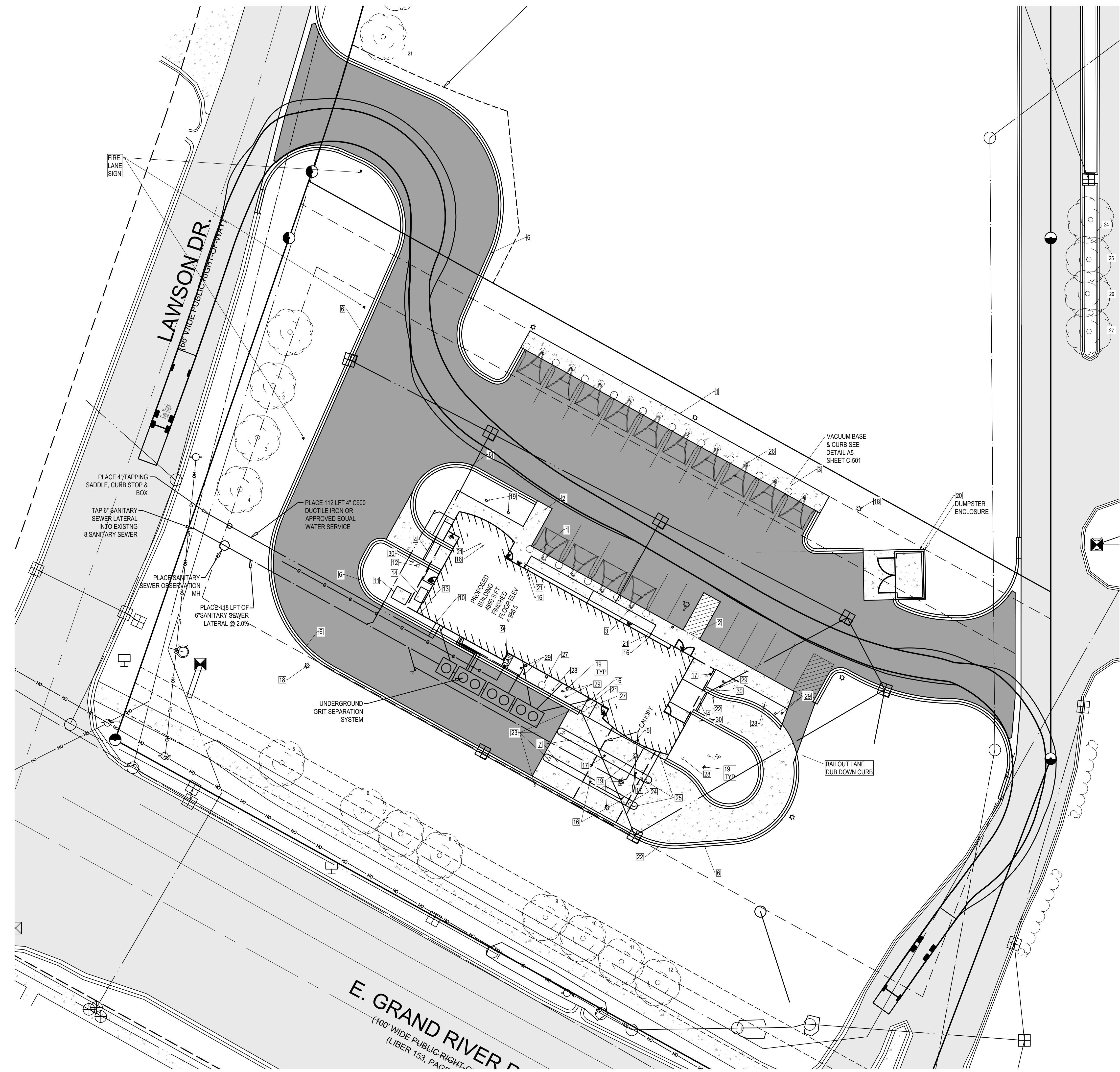
Struc.: _____

L. A.: _____

HEI Project Number: **21-06-003**

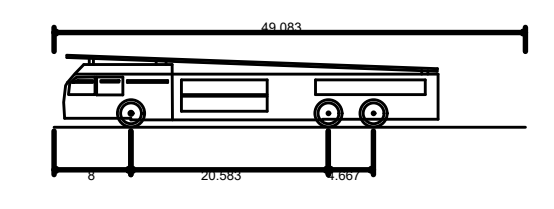
Sheet Title: **SITE LAYOUT PLAN**

Sheet No.: **C-101**



KEY NOTES

1. 4" TALL INTEGRAL CURB / SIDEWALK
2. BARRIER FREE ACCESS RAMP
3. VACUUM STANCHION CANOPY AND CANISTER
4. TRENCH DRAIN
5. CURB FACE 6" FROM CENTER POINT OF TOWER SEE SHEET C-501 DETAIL C3
6. ROLLED CURB AND GUTTER
7. PAY LANE RAISED CONCRETE ISLAND, 3'-0" WIDE, 4" HIGH FOR TX SITES
8. WATER RECLAMATION SYSTEM - 6" LINE SEE ENLARGED PLAN
9. GAS METER - 4" LINE
10. WATER SERVICE ENTRANCE
11. TRANSFORMER ON 6'-9" x 5'-5" CONCRETE PAD - SUGGESTED 800 AMP, 3 PHASE, 480 VOLT
12. SONITUBE WITH CONDUIT FOR RELAX / GO LIGHT
13. DATA TO BUILDING. SELECT ONE ENTRANCE POINT FROM RECOMMENDED LOCATIONS
14. AC UNIT ON 6'-0" x 3'-6" CONCRETE PAD.
15. SANITARY CLEANOUT
16. DOWNSPOUT
17. COLUMN
18. LIGHT POLE
19. FLOODLIGHTS
20. TRASH ENCLOSURE TO BE PROVIDED BY ARCHITECT OF RECORD.
21. LANDSCAPE TO ENCOMPASS DOWNSPOUTS
22. CURB TRANSITION
23. LICENSE PLATE READER
24. APPROVE / GO LIGHT
25. GATE
26. TOMMY PROVIDED RED BALL VACUUM HOSE HOLDER
27. 33" DIAMETER PLASTIC RED BALL
28. STAINLESS TREE
29. U-SHAPED SNAP SIGN
30. CAMERA POLE
31. HEAD CURB AND GUTTER



Fire Truck
 Overall Length 49.083ft
 Overall Width 9.157ft
 Overall Body Height 7.500ft
 Min Body Ground Clearance 0.750ft
 Track Width 8.157ft
 Lock-to-lock time 5.00s
 Max Wheel Angle 45.00°

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 4591 +/- E GRAND RIVER AVE
 HOWELL, MICHIGAN 48843
 PT. OF THE NE 1/4 SEC. 9, T2N, R5E
 GENOA TWP., LIVINGSTON CO, MICHIGAN

No.	Description	Date
A	06/03/2021 SITE SURVEY	
B	06/28/2021 PRELIMINARY SITE PLAN	
C	07/02/2021 SITE PLAN SUBMITTAL	
D	08/24/2021 REVISED PER 6/08/2021 PC MEETING	
E	09/16/2021 REVISED PER 9/13/2021 PC MEETING	

Plans are preliminary & incomplete until ISSUED FOR CONSTRUCTION

Project Manager BRUCE ZEINSTR, LLA	
Vertical Datum NAVD 88	Horz. Datum LOCAL
Drawn by PETER BULTEN	
Checked by L. A.	Date
Civil	
Struc.	
HEI Project Number 21-06-003	
Sheet Title SITE DETAIL LAYOUT PLAN	
Sheet No. C-102	

Issued for:

No.	Description	Date
A	06/23/2021 SITE SURVEY	
B	06/29/2021 PRELIMINARY SITE PLAN	
C	07/02/2021 SITE PLAN SUBMITTAL	
D	08/24/2021 REVISED PER 6/09/2021 PC MEETING	
E	09/16/2021 REVISED PER 9/13/2021 PC MEETING	

(Plans are preliminary & incomplete until ISSUED FOR CONSTRUCTION)

Project Manager: **BRUCE ZEINSTRA, LLA**

Vertical Datum: **NAVD 88** Horiz. Datum: **LOCAL**

Drawn by: **PETER BULTEN**

Checked by: **Survey** Date: **9/16/2021**

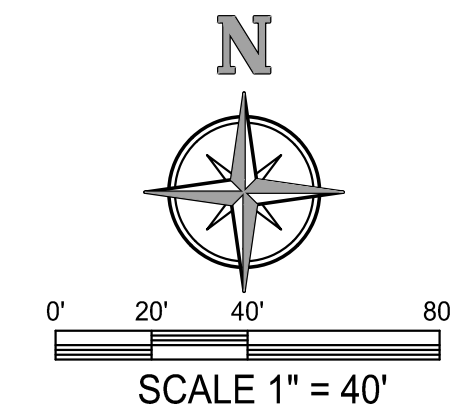
Civil: **L. A.**

Struc.:

HEI Project Number: **21-06-003**

Sheet Title: **GRADING & SESC PLAN**

Sheet No.: **C-201**



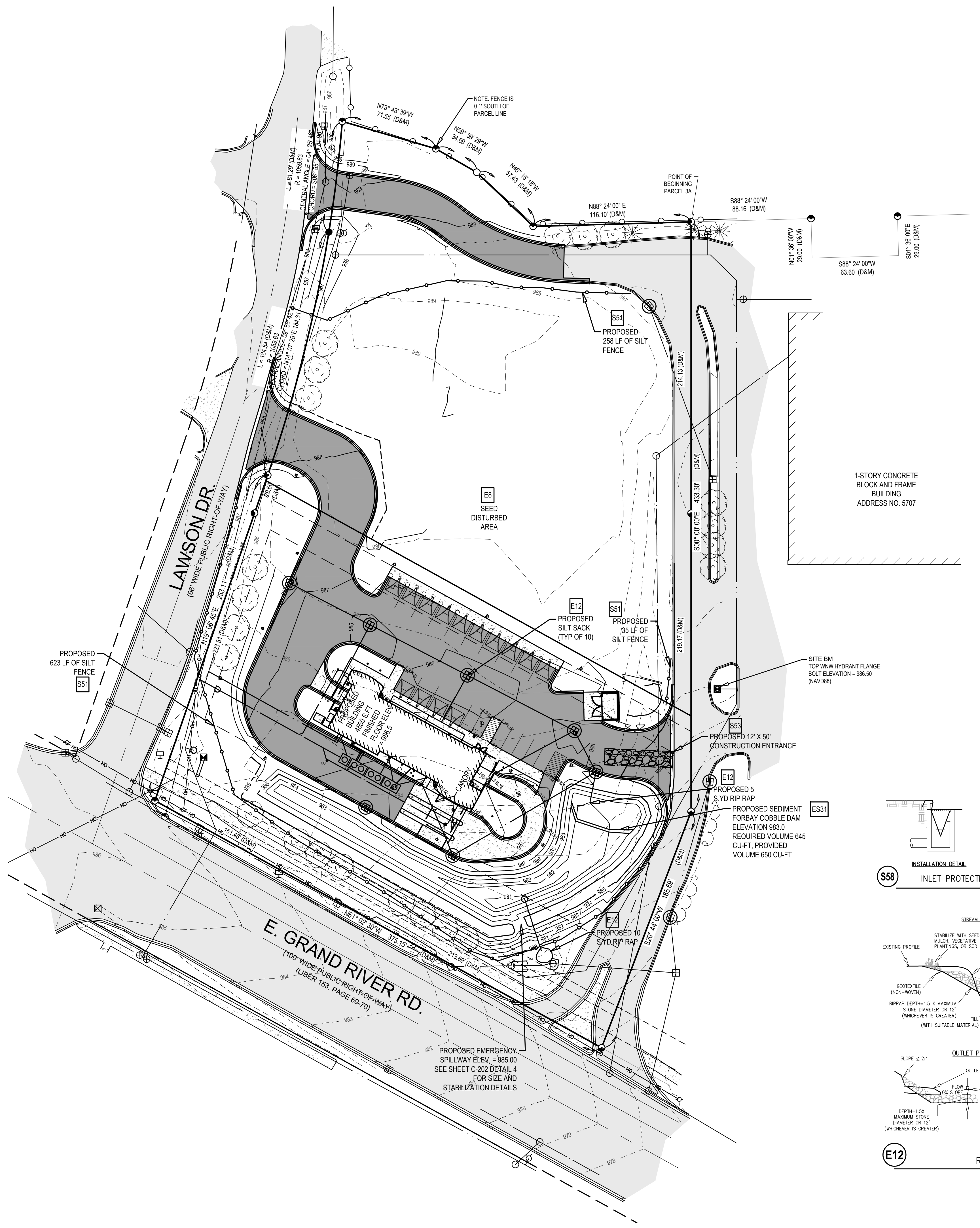
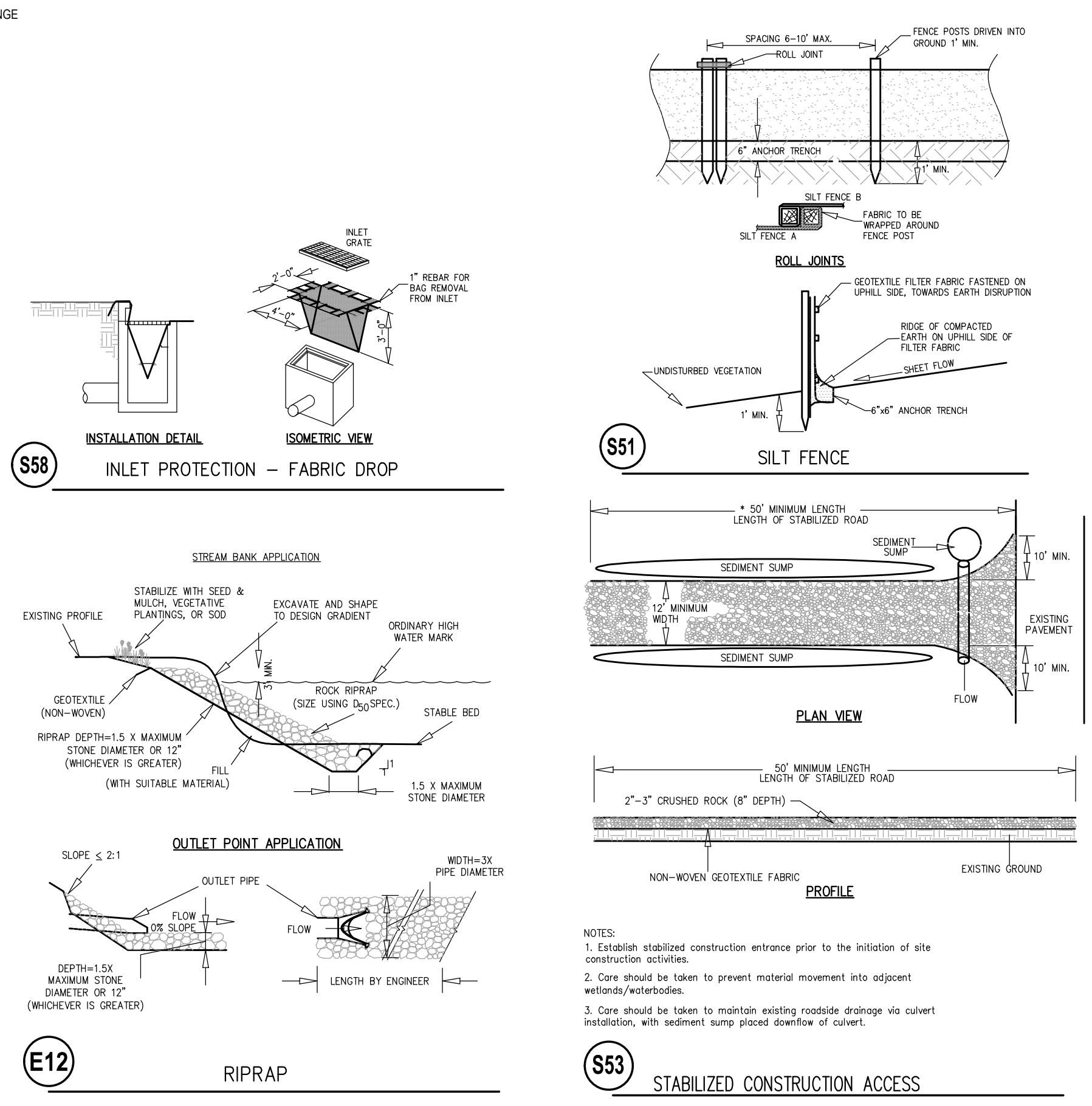
PROPOSED CONSTRUCTION SCHEDULE

ACTIVITY	2021					
	AUG.	SEP.	OCT.	NOV.	DEC.	JAN.
INSTALL CONTROLS						
CLEARING						
GRADE						
BUILDING						
UTILITIES						
PAVING						
RESTORE						

*NOTE: CONSTRUCTION SCHEDULE MAY VARY BASED ON CONTRACTOR'S SCHEDULE. CONTRACTOR SHALL UPDATE THE OCWRC IF CONSTRUCTION SCHEDULE VARIES FROM ABOVE.

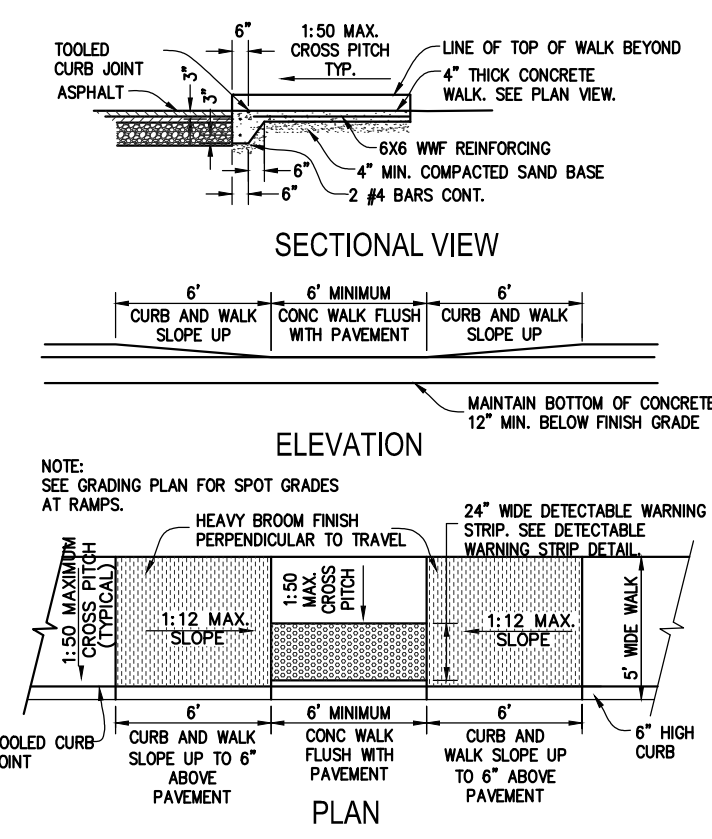
S.E.S.C. LEGEND MICHIGAN UNIFIED KEYING SYSTEM

E8	PERMANENT SEEDING		Stabilization method utilized on sites where earth change has been completed. (Final grading situations).
E12	RIPRAP		Use along shorelines, waterways, or where concentrated flows occur. Slows velocity, reduces sediment load, and reduces erosion.
S51	SILT FENCE		Use adjacent to critical areas, to prevent sediment sheet flow from entering these areas.
S53	STABILIZED CONSTRUCTION ACCESS		Used at every point where construction traffic enters or leaves a construction site.
S58	INLET PROTECTION FABRIC DROP		Use at stormwater inlets, especially at construction sites.

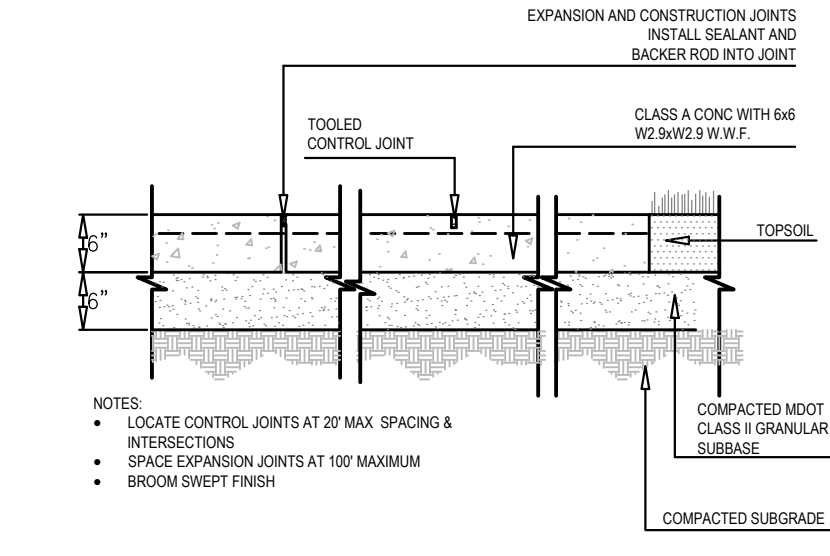


- GRADING & STORM SEWER NOTES:**
- IT IS THE CONTRACTOR'S RESPONSIBILITY TO VERIFY THAT ALL NECESSARY PERMITS AND APPROVALS HAVE BEEN ACQUIRED PRIOR TO CONSTRUCTION.
 - SITE DESIGN WAS DEVELOPED IN ACCORDANCE WITH THE INFORMATION CONTAINED IN THE GEOTECHNICAL REPORT AND SOIL BORINGS COMPLETED FOR THE PROJECT. CONTRACTOR SHALL ACQUIRE A COPY OF THE GEOTECHNICAL REPORT AND SOIL BORING INFORMATION. SOIL CONDITIONS MAY VARY FROM THE GEOTECHNICAL INFORMATION, WHICH MAY AFFECT THE SITE DESIGN, EARTHWORK QUANTITIES, USABLE SOILS, AND SOIL EROSION AND SEDIMENTATION CONTROL PRACTICES. CONTRACTOR SHALL NOTIFY DESIGN ENGINEER AND GEOTECHNICAL ENGINEER IF SITE CONDITIONS VARY FROM SOILS INFORMATION CONTAINED IN THE GEOTECHNICAL INFORMATION.
 - CALL MISS DIG AT LEAST THREE (3) WORKING DAYS PRIOR TO STARTING ANY EXCAVATION.
 - CONTRACTOR SHALL VERIFY THAT THERE ARE NO UTILITY CONFLICTS PRIOR TO CONSTRUCTION.
 - ALL WORK WITHIN THE RIGHT-OF-WAY WILL REQUIRE A PERMIT AND OR APPROVAL FROM MDO AND/OR LIVINGSTON COUNTY ROAD COMMISSION AND SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE CURRENT EDITION OF THEIR STANDARDS & SPECIFICATIONS.
 - STORM WATER MANAGEMENT SYSTEM AND GRADING SHALL BE IN ACCORDANCE WITH THE GENOA TOWNSHIP AND LIVINGSTON COUNTY DRAIN COMMISSION STORM WATER ORDINANCE.
 - SITE CONTRACTOR RESPONSIBLE TO CONNECT STORM / ROOF WATER TO STORM DRAIN AS SHOWN. REFER TO PLUMBING PLANS FOR CONNECTION TO THE BUILDING AND DETAILS.
 - SITE SHALL BE GRADED WITH SMOOTH CONTOURS IN ALL AREAS OF DISTURBANCE AND GRADED TO SLOPE AWAY FROM THE EXISTING AND PROPOSED BUILDINGS AND SIDEWALKS.
 - ALL STORM SEWER PIPING SHALL BE ADS N-12, HANCOR H-10 OR APPROVED EQUIVALENT POLYETHYLENE (PE) PLASTIC PIPE AND FITTINGS, UNLESS OTHERWISE NOTED, WHERE SPECIFIED IN THE PLANS. CONCRETE CLASS IV PIPE WITH RUBBER GASKETS IS REQUIRED.
 - SOILS CONSIST OF MAJORITY CLAY/LOAM PER THE USDA WEB SOIL SURVEY.
 - SEE OTHER SHEETS IN PLAN SET FOR MORE INFORMATION.

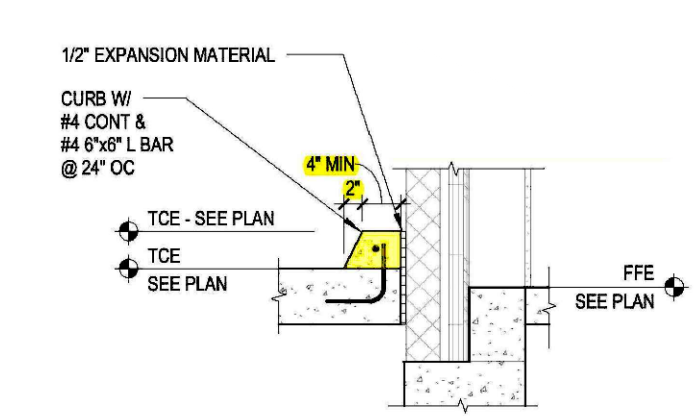
- SESC NOTES:**
- CONTRACTOR SHALL OBTAIN ALL STATE AND LOCAL PERMITS AS NECESSARY FOR CONSTRUCTION.
 - SITE DESIGN WAS DEVELOPED IN ACCORDANCE WITH THE INFORMATION CONTAINED IN THE GEOTECHNICAL REPORT AND SOIL BORINGS COMPLETED FOR THE PROJECT. CONTRACTOR SHALL ACQUIRE A COPY OF THE GEOTECHNICAL REPORT AND SOIL BORING INFORMATION. SOIL CONDITIONS MAY VARY FROM THE GEOTECHNICAL INFORMATION, WHICH MAY AFFECT THE SITE DESIGN, EARTHWORK QUANTITIES, USABLE SOILS, AND SOIL EROSION AND SEDIMENTATION CONTROL PRACTICES. CONTRACTOR SHALL NOTIFY DESIGN ENGINEER AND GEOTECHNICAL ENGINEER IF SITE CONDITIONS VARY FROM SOILS INFORMATION CONTAINED IN THE GEOTECHNICAL INFORMATION.
 - CONTRACTOR IS RESPONSIBLE TO ACQUIRE THE LIVINGSTON COUNTY DRAIN COMMISSION SOIL EROSION AND SEDIMENTATION CONTROL PERMIT AND THE NPDES NOTICE OF COVERAGE AND COMPLY WITH ALL PERMIT REQUIREMENTS AND WITH ALL STANDARDS AND REQUIREMENTS OF THE AGENCIES HAVING JURISDICTION.
 - BEST MANAGEMENT PRACTICES SHALL BE UTILIZED DURING AND AFTER CONSTRUCTION FOR TEMPORARY AND PERMANENT SOIL EROSION AND SEDIMENTATION CONTROL MEASURES.
 - CONTRACTOR SHALL PROVIDE A CERTIFIED STORM WATER OPERATOR FROM CONSTRUCTION COMMENCEMENT THROUGH FINAL SITE STABILIZATION.
 - THE TEMPORARY SOIL EROSION CONTROL MEASURES SHALL BE INSPECTED AND MAINTAINED WEEKLY AND AFTER EACH SIGNIFICANT RAIN EVENT IN ACCORDANCE WITH THE MDOE REQUIREMENTS.
 - CALL MISS DIG AT LEAST THREE (3) WORKING DAYS PRIOR TO STARTING ANY EXCAVATION.
 - ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE GENOA TOWNSHIP AND LIVINGSTON COUNTY ROAD COMMISSION STANDARDS AND SPECIFICATIONS.
 - SOIL EROSION CONTROL MEASURES SHALL BE PLACED PRIOR TO EARTH MOVING OR GROUND DISTURBANCE AND REMAIN IN PLACE UNTIL FINAL RESTORATION HAS BEEN ESTABLISHED.
 - THE STORM WATER MANAGEMENT BASIN SHALL BE CONSTRUCTED FIRST. CONTRACTOR IS RESPONSIBLE TO REMOVE SEDIMENT FROM BOTTOM OF DETENTION BASIN UNTIL THE SITE IS FULLY STABILIZED.
 - ALL FOREIGN MATERIAL OR DEBRIS FROM JOB SITE WHICH IS DEPOSITED ON PAVED ROADWAY SHALL BE REMOVED IMMEDIATELY.
 - THE PAVED ROADWAY SHALL BE SWEEPED CLEAN AS NEEDED, BUT AT LEAST ONCE A WEEK.
 - SOIL EROSION CONTROL MEASURES ARE THE RESPONSIBILITY OF THE CONTRACTOR DURING CONSTRUCTION AND THE OWNER UPON COMPLETION.
 - CONTRACTOR SHALL PHASE THE PLACEMENT OF THE SOIL EROSION CONTROL MEASURES AS NECESSARY FOR THE SITE IMPROVEMENTS WITHIN THE LIMITATIONS OF THE ACQUIRED SOIL EROSION CONTROL PERMIT.
 - STOCKPILE AREAS SHALL BE STABILIZED WITH TEMPORARY OR PERMANENT SEED IN ACCORDANCE WITH THE LIVINGSTON COUNTY DRAIN COMMISSION SOIL EROSION AND SEDIMENTATION CONTROL REQUIREMENTS. ALL EXCESS SPOILS SHALL BE REMOVED FROM SITE.
 - ALL EXCESS SPOILS SHALL BE HAULED OFFSITE AND LEGALLY PLACED IN AN UPLAND AREA NOT ENCUMBERED BY WETLANDS OR FLOODPLAIN.
 - THERE SHALL BE NO EARTH MOVEMENT OR DISTURBANCE OUTSIDE THE LIMITS OF DISTURBANCE WITHOUT PRIOR AUTHORIZATION FROM THE LIVINGSTON COUNTY DRAIN COMMISSION.
 - THE MINIMUM AMOUNT OF SOIL EROSION AND SEDIMENTATION CONTROL MEASURES ARE SHOWN THE DRAWINGS. CONTRACTOR SHALL PROVIDE ADDITIONAL CONTROL MEASURES, MAINTENANCE, AND/OR STABILIZATION MEASURES AS NECESSARY FOR CONSTRUCTION ACTIVITIES.
 - SEE OTHER SHEETS IN PLAN SET FOR MORE INFORMATION.



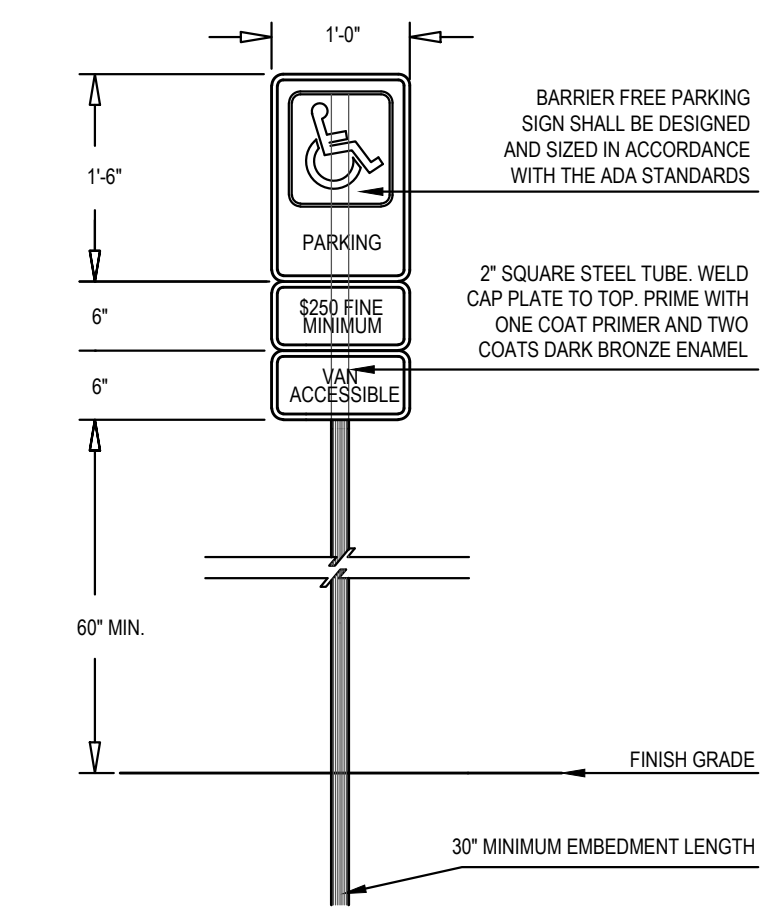
C1 TYPE 2 BARRIER FREE SIDEWALK RAMP



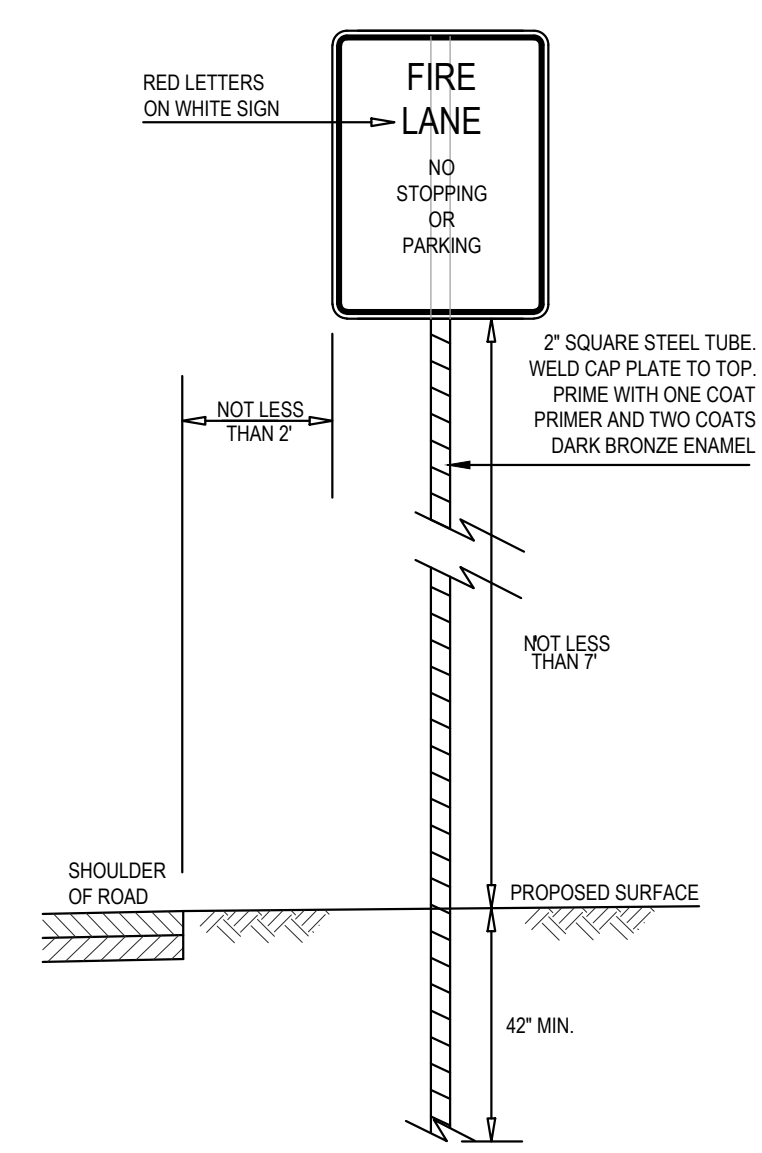
C2 6" THICK CONCRETE



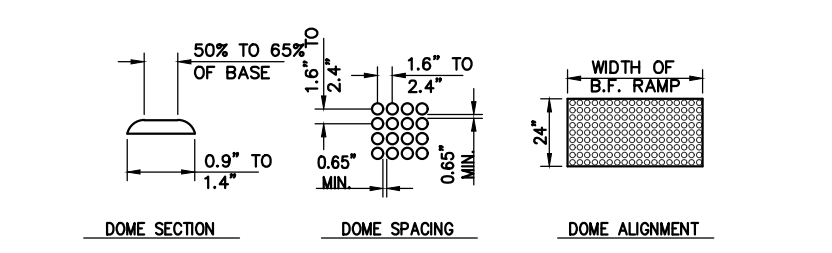
C3 KEY NOTE #5 CHAMFERED CURB



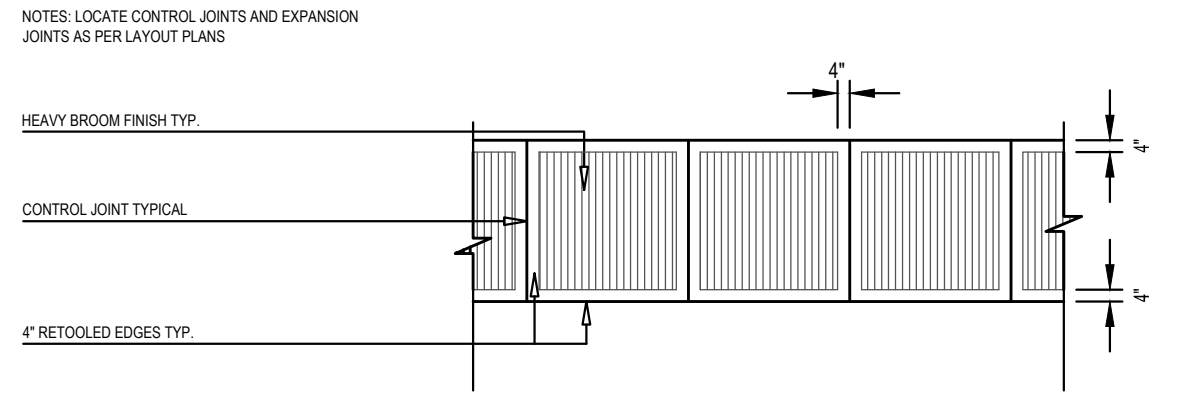
C4 BARRIER FREE PARKING SIGN



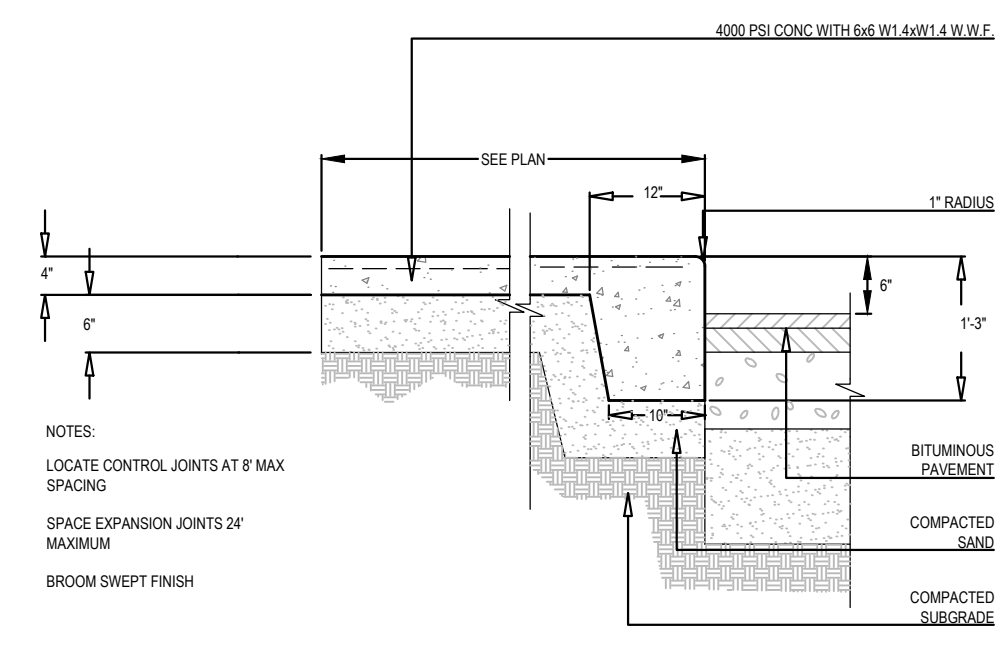
C5 FIRE LANE SIGN



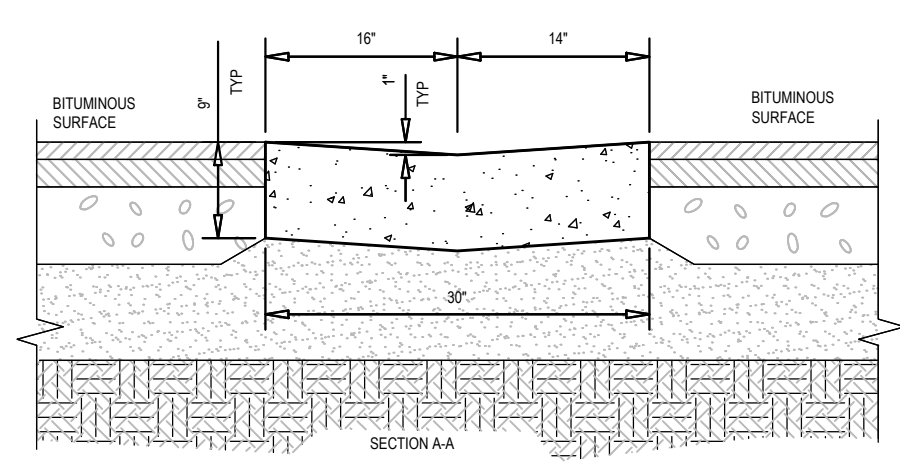
B1 BARRIER FREE DETECTABLE WARNING STRIP



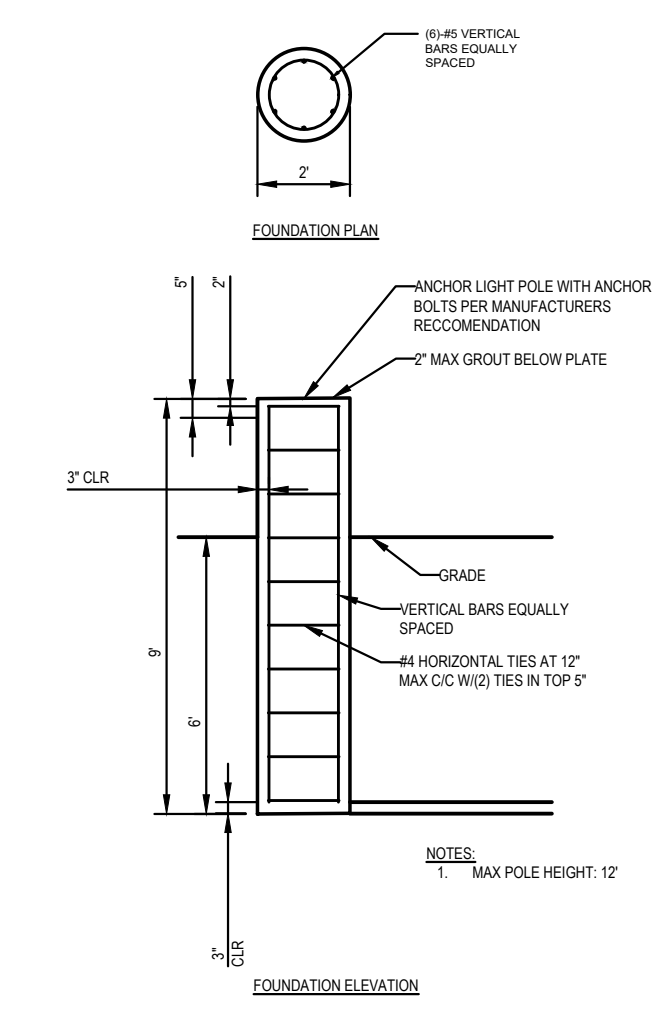
B2 4" CONCRETE SIDEWALK PAVEMENT SCALE 1" = 1'-0"



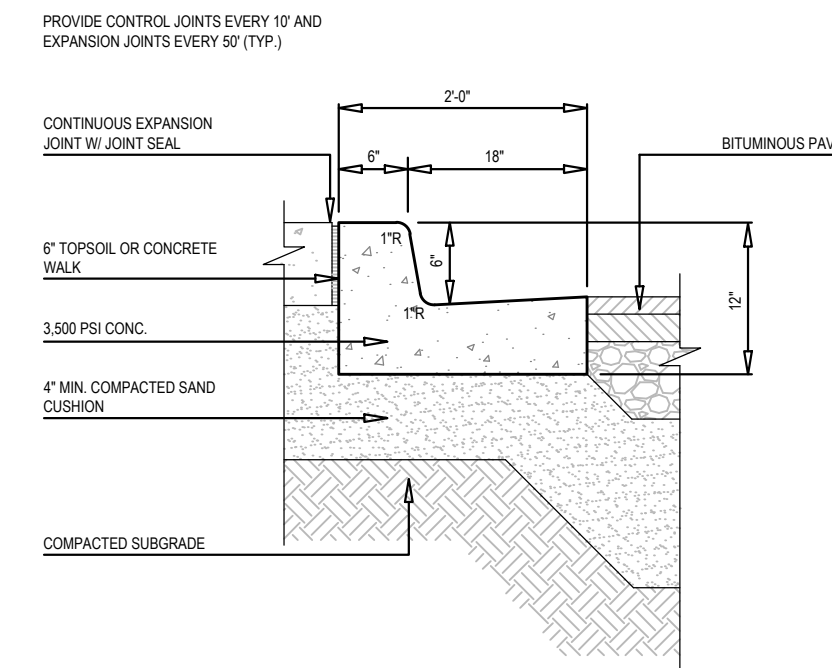
B3 4" INTEGRAL WALK AND CURB



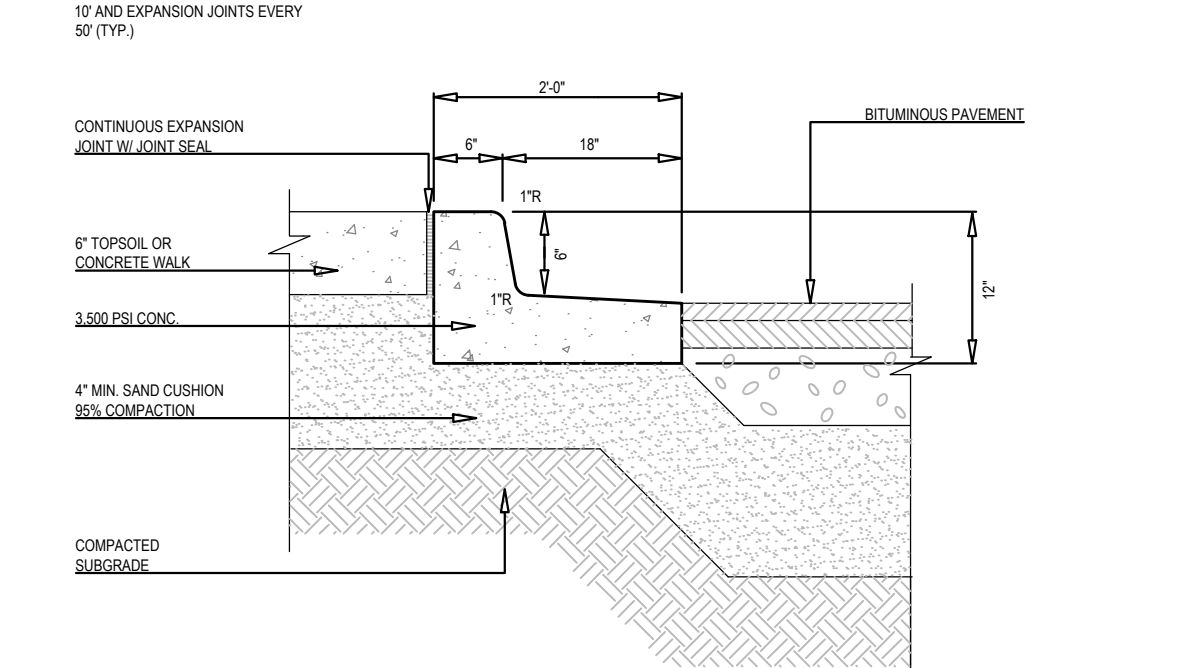
B4 30" GUTTER PAN



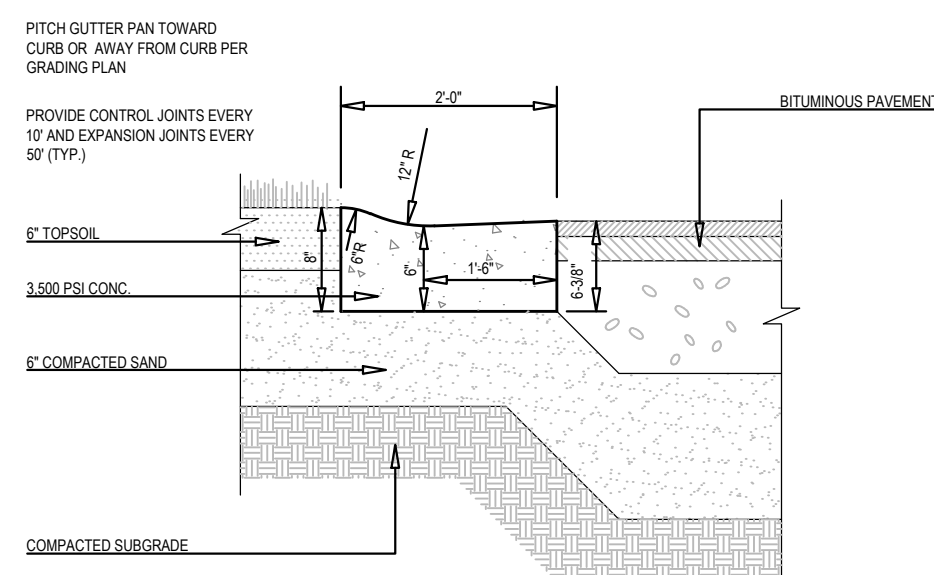
B5 TYPICAL LIGHT POLE FOUNDATION



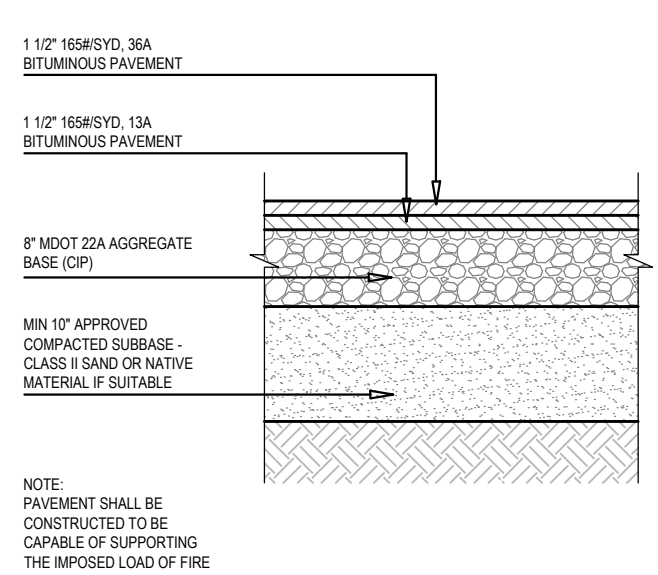
A1 24" CURB & GUTTER (PITCH IN)



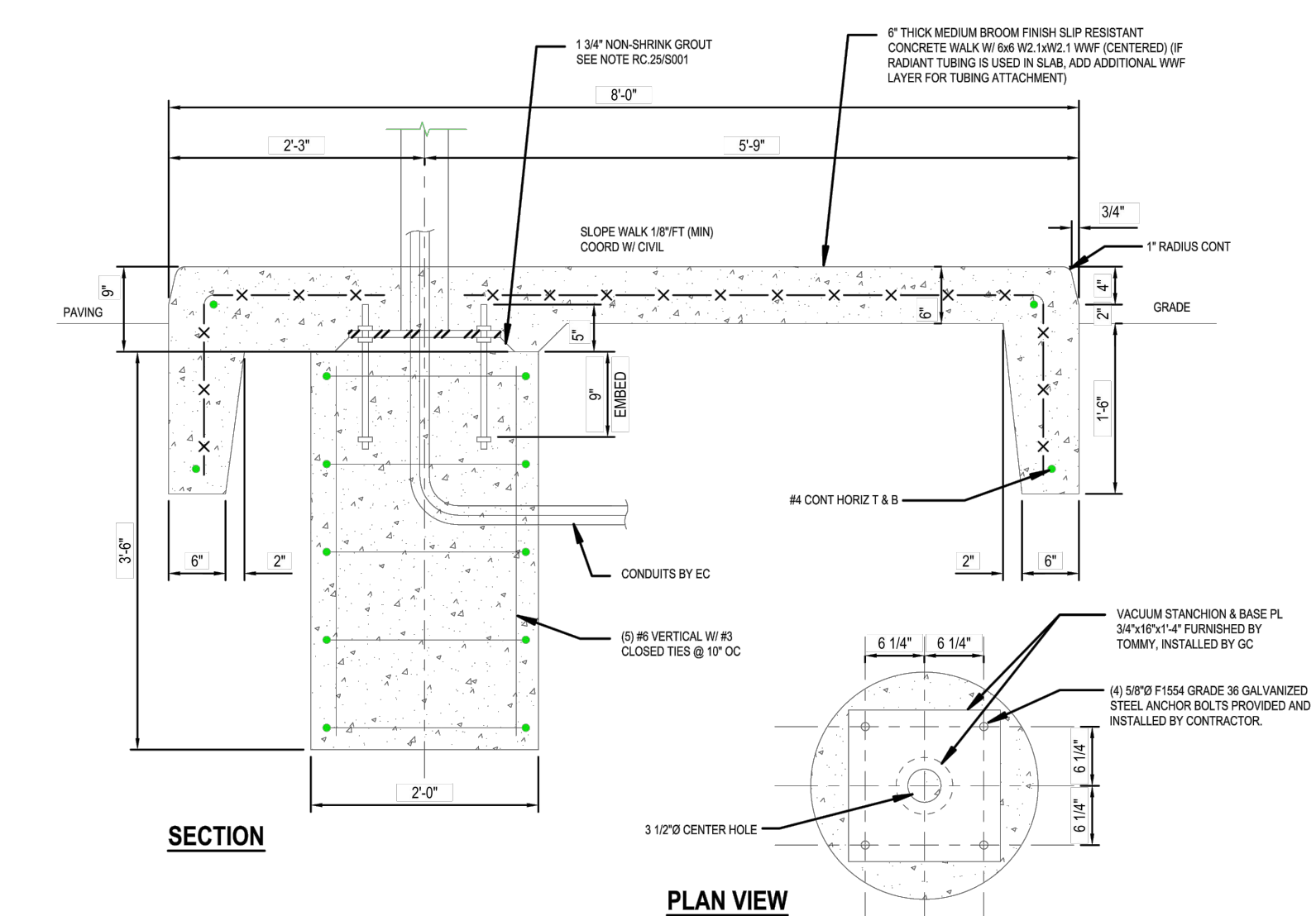
A2 24" CURB & GUTTER (PITCH OUT)



A3 ROLLED CURB



A4 LIGHT DUTY BIT. PAVEMENT



A5 VACUUM BASE & CURB DETAIL

HOLLAND ENGINEERING
 220 Hoover Boulevard
 Holland, Michigan 49423-3766
 www.hollandengineering.com
 T 616-392-5938 F 616-392-2116

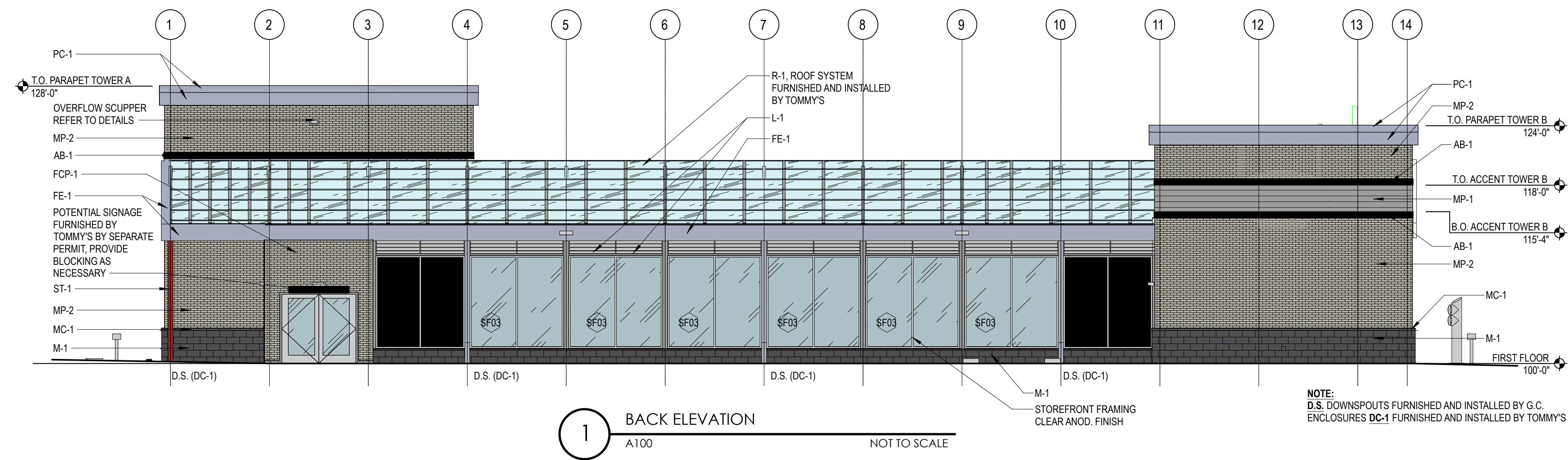
ROC WASH HOLDINGS, INC
 ATTN: MR. BLAKE PETERSON
 240 E 8TH STREET
 HOLLAND, MI 49423

TOMMY'S EXPRESS CARWASH
 4591 +/- E GRAND RIVER AVE
 HOWELL, MICHIGAN 48843
 PT. OF THE NE 1/4 SEC. 9, T2N, R5E
 GENOA TWP., LIVINGSTON CO, MICHIGAN

No.	Date	Description
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B	06/09/2021	PRELIMINARY SITE PLAN
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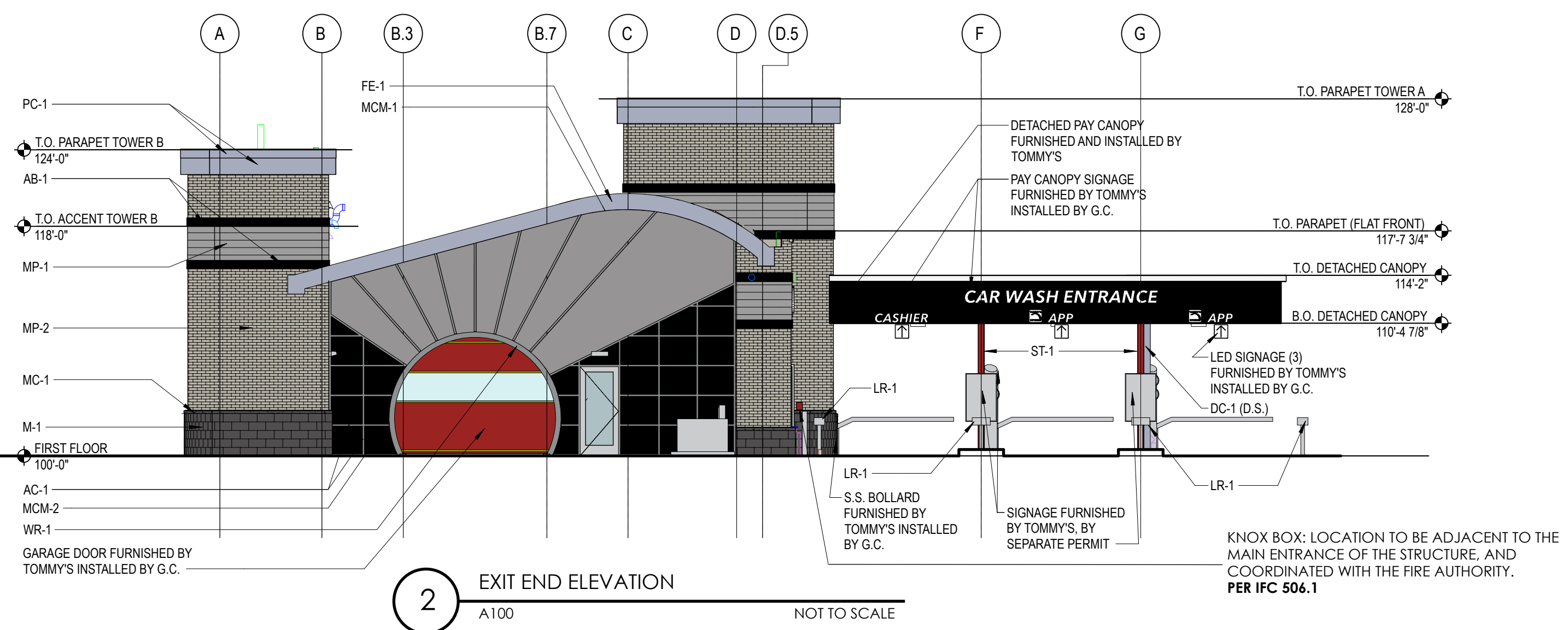
Project Manager	BRUCE ZEINSTRALIA
Vertical Datum	NAVD 88
Horizontal Datum	LOCAL
Drawn by	PETER BULTEN
Checked by	Survey
Date	
Civil	
Struc.	
L. A.	
HEI Project Number	21-06-003
Sheet Title	GENERAL DETAILS
Sheet No.	C-501

CONFIDENTIAL WARNING:
THIS SHEET CONTAINS AND CONSTITUTES CONFIDENTIAL INFORMATION, IMAGES, AND TRADE SECRETS OF TOMMY CAR WASH SYSTEMS. ANY UNAUTHORIZED USE OR DISCLOSURE OF ANY OR PORTION THEREOF, IS STRICTLY PROHIBITED. THIS WORK IS THE EXCLUSIVE PROPERTY OF TOMMY CAR WASH SYSTEMS. ALL RIGHTS RESERVED.

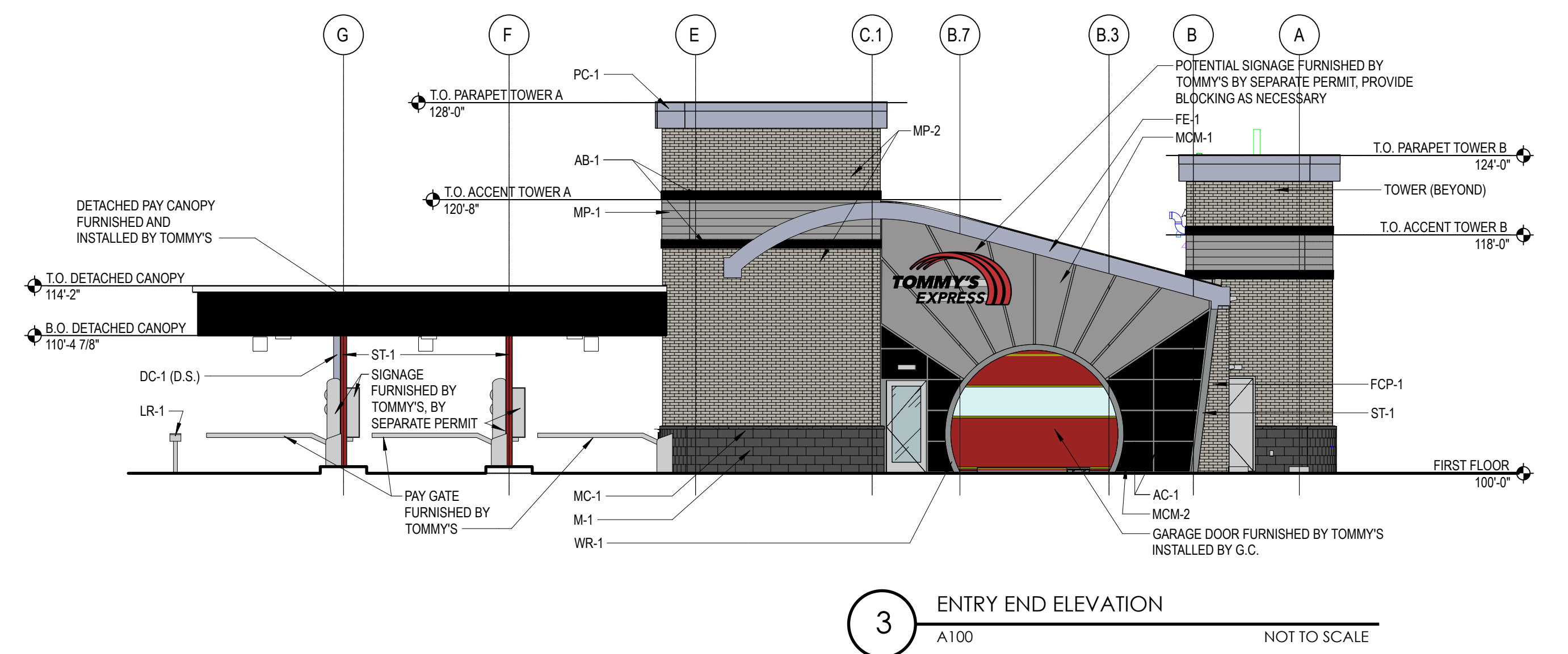


1 BACK ELEVATION
A100 NOT TO SCALE

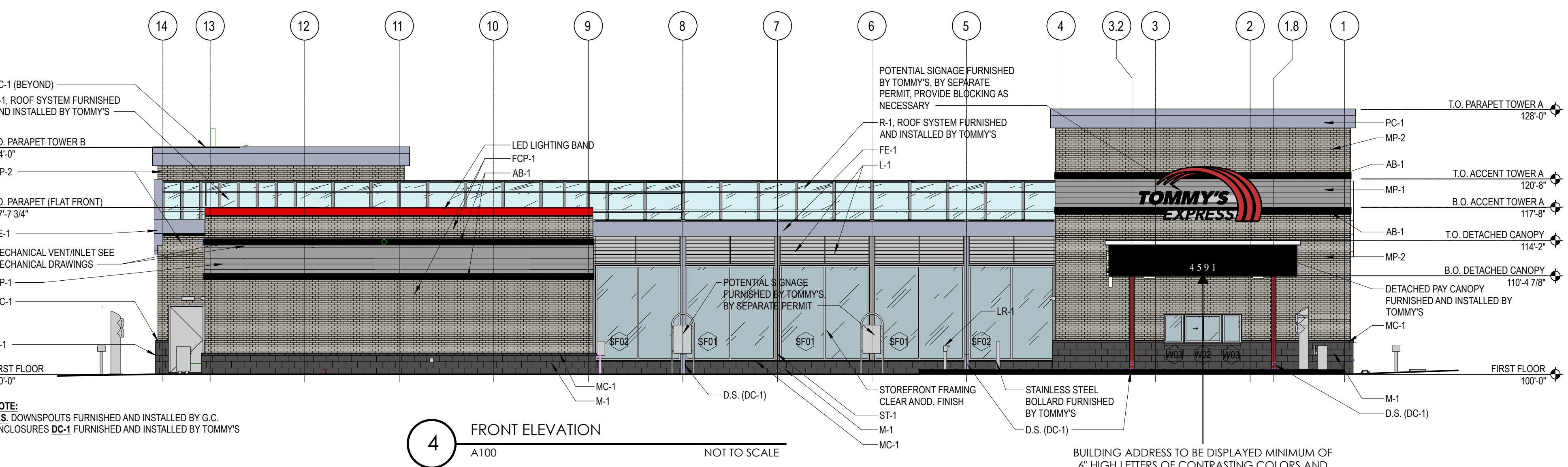
TAG	MATERIAL	MANUFACTURER	DESCRIPTION	COLOR	FURNISHED BY	INSTALLED BY
ST-1	STRUCTURAL STEEL	RBI	POWDER COATED STRUCTURAL STEEL	RAL 3001	TOMMY'S	TOMMY'S
MP-1	PROFILED ALUMINUM METAL PANEL	ATAS	ATAS 7.2 BWR360 BELVEDERE	SILVERSMITH	TOMMY'S	G.C.
M-1	SPLIT-FACE CMU	CONSUMERS	4" VENEER SPLIT-FACED	ASH	G.C.	G.C.
M-2	BRICK	GLEN GARY	KLAYCOAT BRICK	STONE GRAY - RAL 7044	G.C.	G.C.
MC-1	PRECAST STONE		MASONRY CAP	MATCH CMU COLOR	G.C.	G.C.
AB-1	PREFIN. ALUM. ACCENT BANDING	ATAS	ATAS FLAT SHEET	BLACK	TOMMY'S	G.C.
PC-1	PREFIN. ALUM. PARAPET CORNICE	ARCONIC	REYNOBOND COMPOSITE PANELS	BRIGHT SILVER METALLIC	TOMMY'S	G.C.
MCM-1	PREFIN. ALUM. COMPOSITE PANELS	LAMINATORS	LAMINATORS OMEGA SERIES	SLATE GREY - HEX #969495	TOMMY'S	G.C.
MCM-2	PREFIN. ALUM. COMPOSITE PANELS	CITADEL	SINOCORE	EBONY	TOMMY'S	G.C.
AC-1	PREFIN. ALUM. CLOSURE CAPS	TUBELITE	TUBELITE 200 SERIES STOREFRONT	CLEAR ANNOXIDIZED	TOMMY'S	G.C.
SF01, SF02, SF03	PREFIN. ALUM. STOREFRONT WITH INSULATED GLASS	KAWNEER	1" INSULATED GLASS LOW-E	CLEAR ANNOXIDIZED	G.C.	G.C.
SF04	PREFIN. ALUM. STOREFRONT WITH METAL PANEL INFILL	KAWNEER/CITADEL	1" GLAZE GUARD 1000 WR+ PANEL INFILL SEE DETAIL ON A602	CLEAR ANNOXIDIZED FRAMES/ EBONY INFILL PANELS	G.C.	G.C.
DC-1	PREFINISHED ALUMINUM	ALPOLIC	4MM MCM PANELS DOWNSPOUT COVER	METALLIC SILVER	TOMMY'S	TOMMY'S
LR-1	LICENSE PLATE READER	TOMMY'S	BOLLARD	STAINLESS STEEL	TOMMY'S	G.C.
WR-1	PREFIN. ALUM. COMPOSITE PANELS	ARCONIC	MCM WRAP COVER FOR STEEL RING	CLEAR ANNOXIDIZED	TOMMY'S	G.C.
FE-1	FASCIA / EAVE	ALPOLIC	4MM MCM PANELS AT EAVES AND FASCIA	METALLIC SILVER	TOMMY'S	TOMMY'S
L-1	PREFIN. ALUM LOUVER	RUSIKIN	DRAINABLE LOUVER	CLEAR ANNOXIDIZED	TOMMY'S	TOMMY'S
R-1	ACRYLIC ROOF SYSTEM	ACRYLITE	DRAINABLE ACRYLIC ROOF SYSTEM	COOL BLUE	TOMMY'S	TOMMY'S



2 EXIT END ELEVATION
A100 NOT TO SCALE



3 ENTRY END ELEVATION
A100 NOT TO SCALE



4 FRONT ELEVATION
A100 NOT TO SCALE

EXTERIOR MATERIALS LEGEND

- BRICK
- SPLIT FACED CONCRETE MASONRY UNIT
- PREFINISHED METAL COPING
- ALUM. FLAT STOCK (BLACK)
- PROFILED METAL PANEL
- MCM PANEL (BLACK)
- GLAZING

NOTE: ALL PROFILED METAL PANEL ACCENT (MP-1) SHALL BE CRIMP CURVED AT FACE OF TOWERS AND SHALL HAVE MITERED CORNERS, NO CORNER TRIMS, NO EXCEPTIONS.

BUILDING ADDRESS TO BE DISPLAYED MINIMUM OF 6" HIGH LETTERS OF CONTRASTING COLORS AND TO BE CLEARLY VISIBLE FROM STREET. LOCATION AND SIZE TO BE VERIFIED PRIOR TO INSTALL. PER IFC 505.1



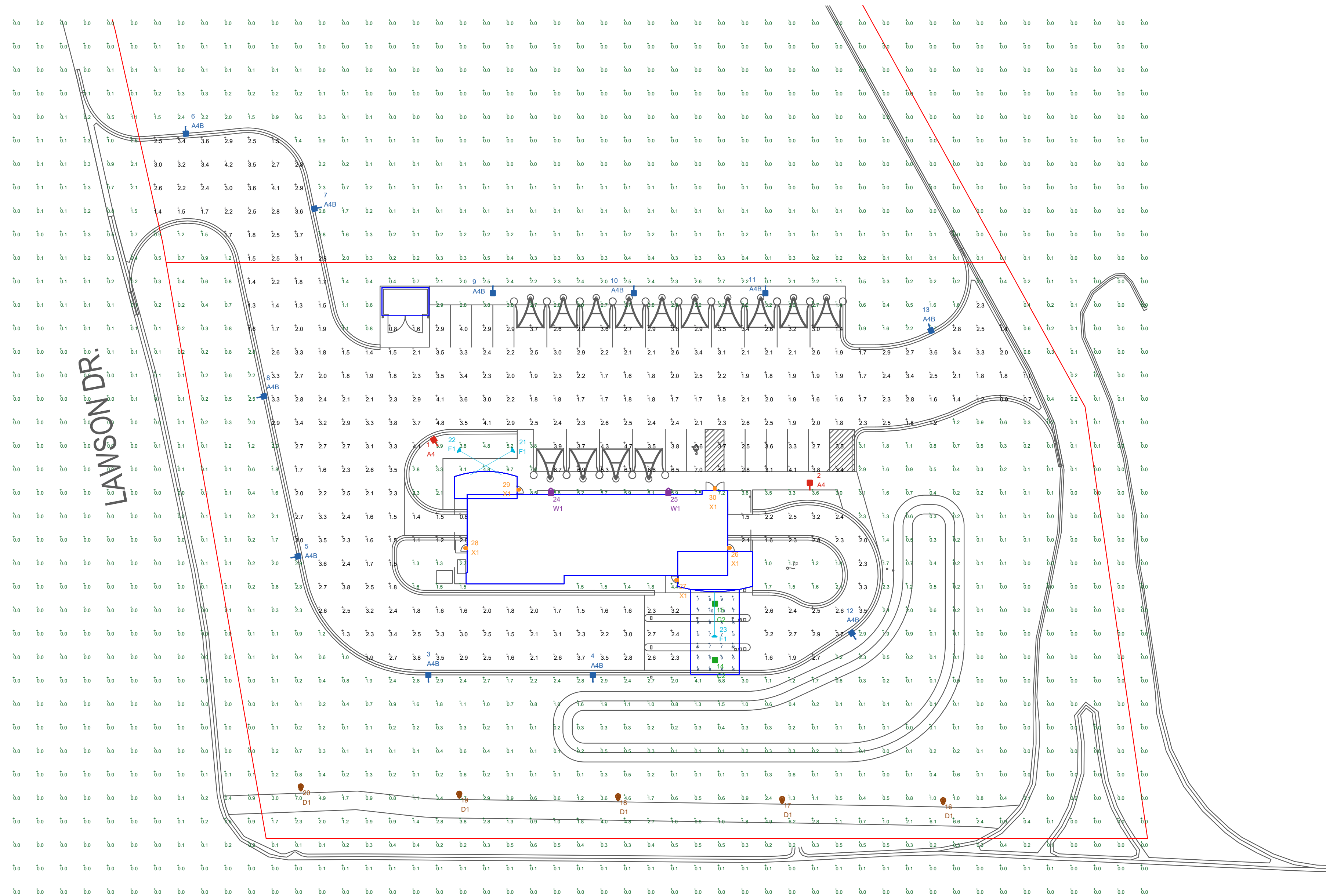
B2 EXTERIOR COLOR ELEVATIONS
TOMMY CAR WASH SYSTEMS
TOMMY EXPRESS #P3045
4591 +/- GRAND RIVER AVE.
HOWELL, MI 48843

NOT FOR CONSTRUCTION

A200

8/24/2021

NOT TO SCALE



LUMINAIRE LOCATION SUMMARY		
LUM NO.	LABEL	MTG. HT.
1	A4	20
2	A4	20
3	A4B	20
4	A4B	20
5	A4B	20
6	A4B	20
7	A4B	20
8	A4B	20
9	A4B	20
10	A4B	20
11	A4B	20
12	A4B	20
13	A4B	20
14	C2	15
15	C2	15
16	D1	10
17	D1	10
18	D1	12
19	D1	12
20	D1	12
21	F1	0.5
22	F1	0.5
23	F1	18
24	W1	15
25	W1	15
26	X1	9
27	X1	9
28	X1	9
29	X1	9
30	X1	9

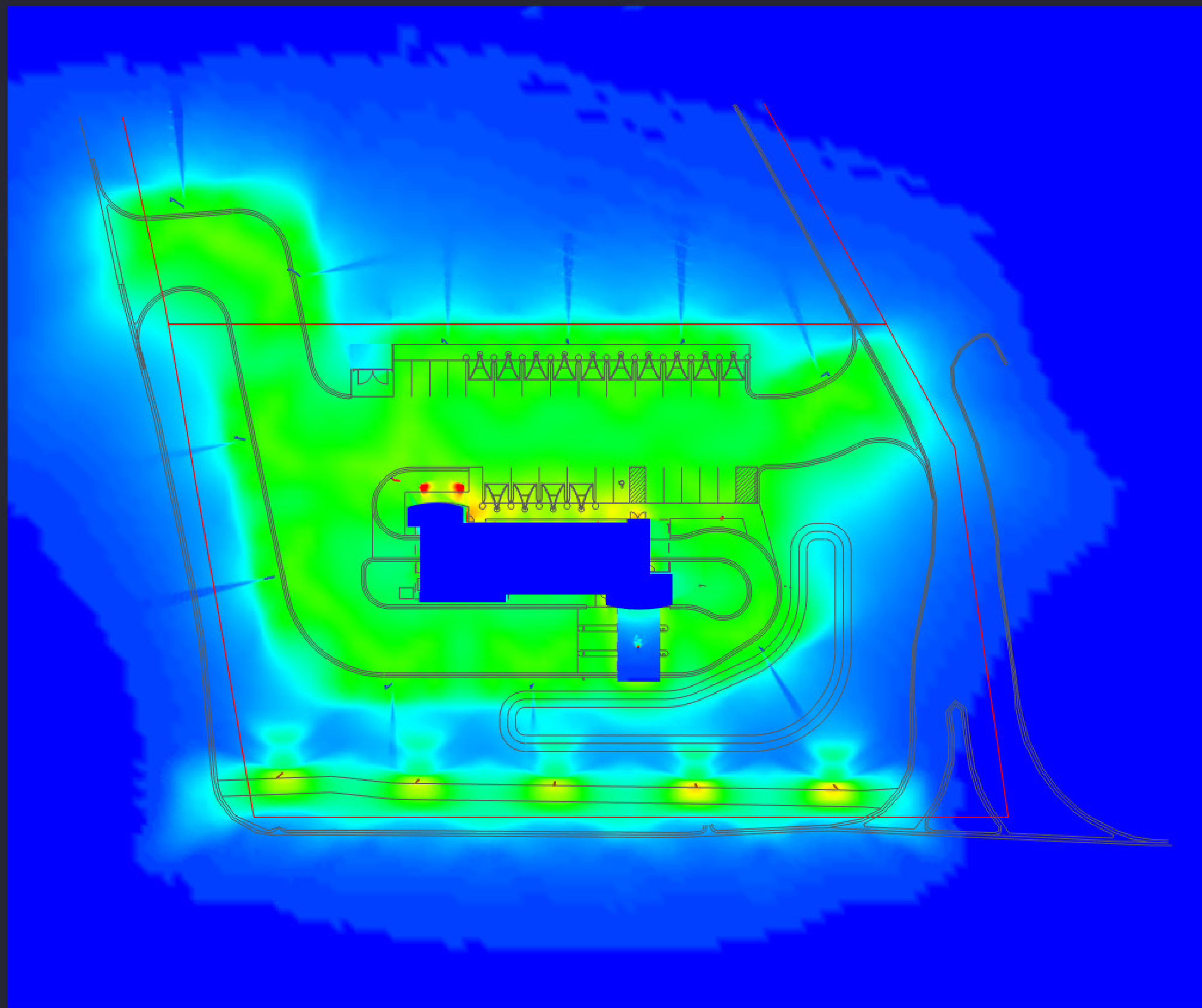
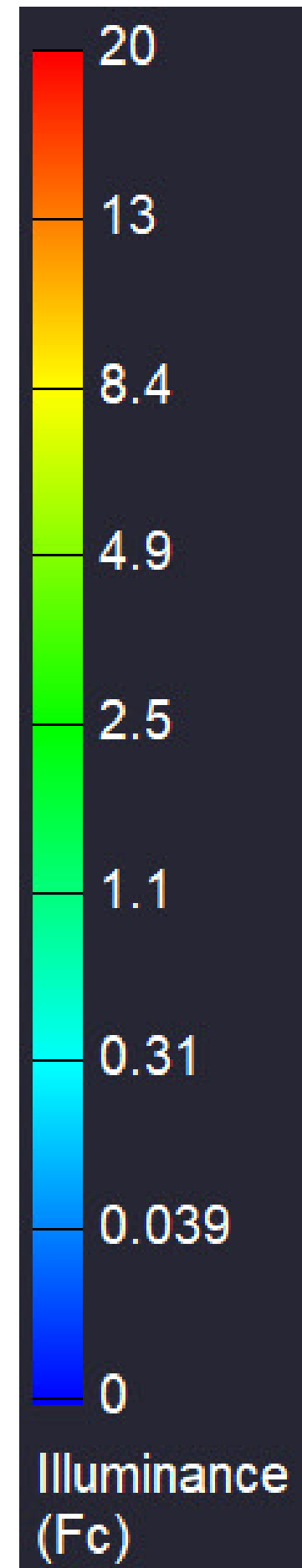
THIS SITE IS LOCATED IN A REGION WHERE LIGHTING IS REGULATED BY LOCAL ORDINANCES

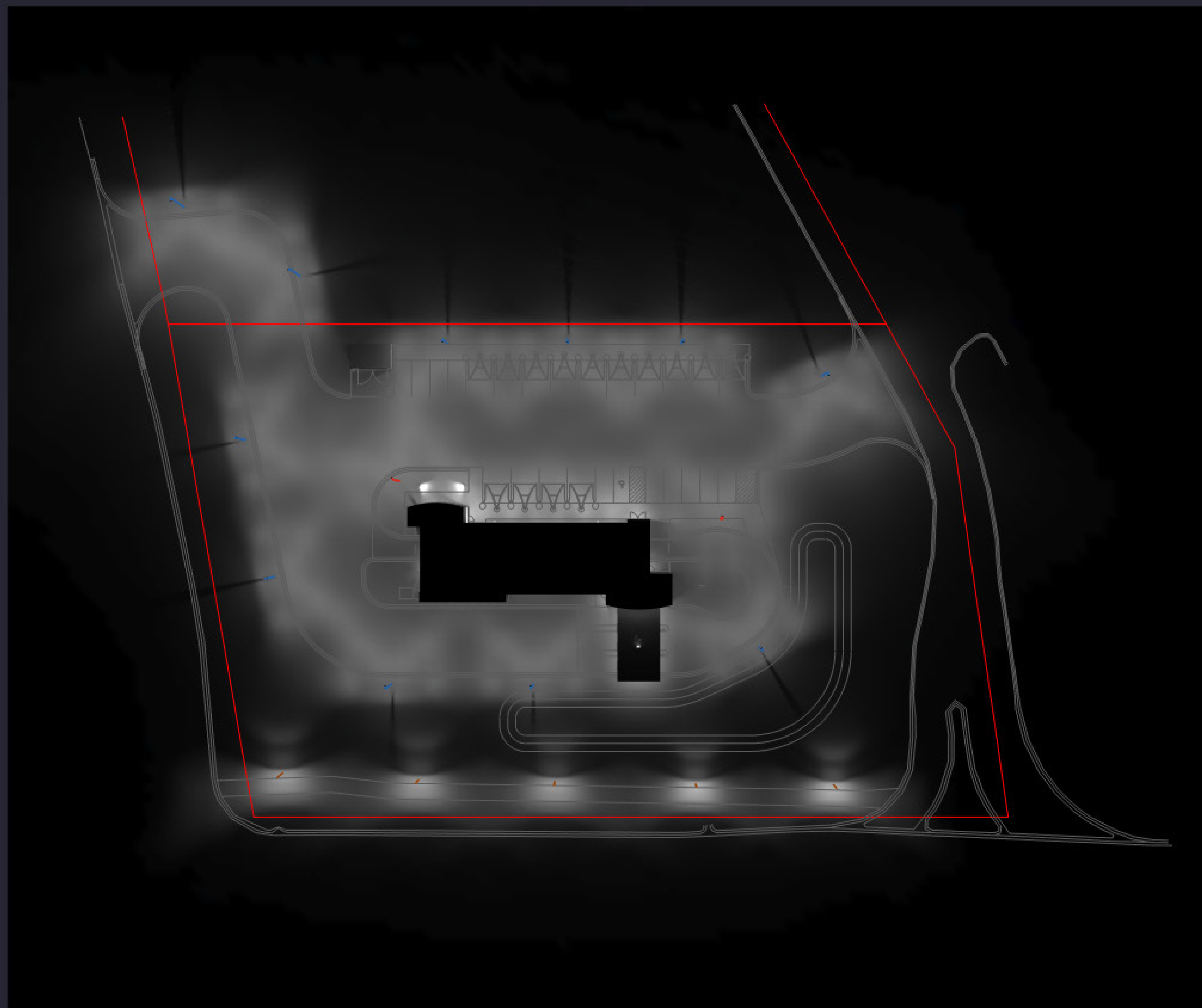
FOOTCANDLE LEVELS CALCULATED AT GRADE USING INITIAL LUMEN VALUES					
LABEL	AVG	MAX	MIN	AVG/MIN	MAX/MIN
CANOPY	7.21	10	5	1.44	2.00
PAVED	2.57	7.0	0.7	3.67	10.00
UNDEFINED	0.49	9.7	0.0	N.A.	N.A.

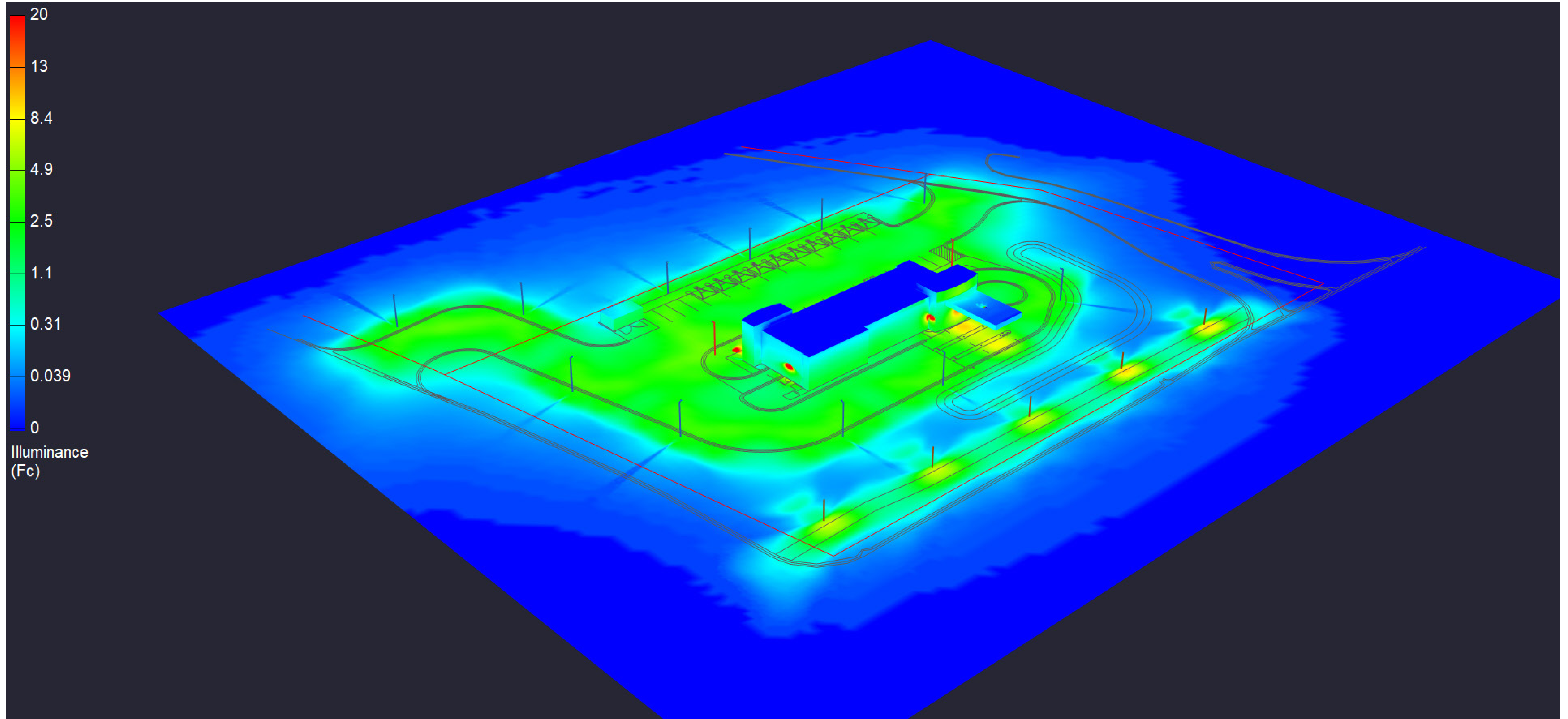
E. GRAND RIVER RD.

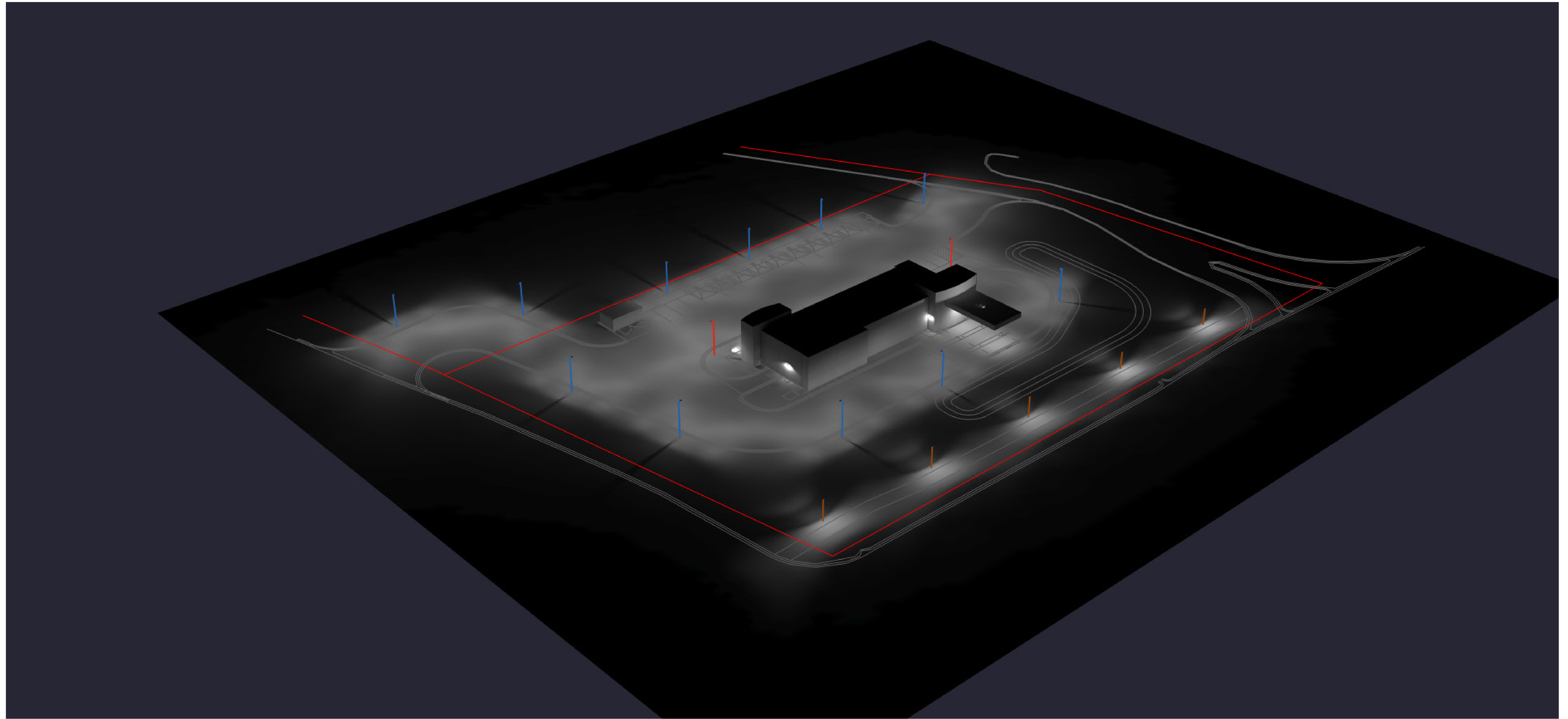
NOTE:
 - ALL AREA LIGHTS TYPE D1 ON NEW 12 FT. DECORATIVE POLES
 - ALL OTHER AREA LIGHTS ON NEW 17 FT. POLES MOUNTED ON 3 FT. CONCRETE BASE

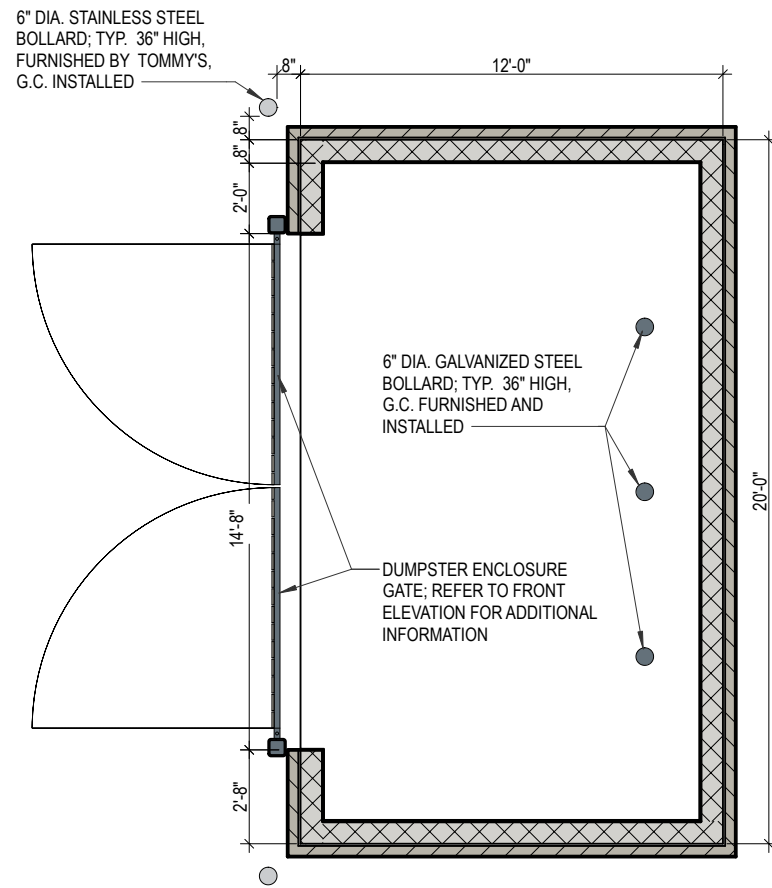
LUMINAIRE SCHEDULE										
SYMBOL	QTY	LABEL	ARRANGEMENT	LUMENS	LLF	BUG RATING	WATTS/LUMINAIRE	TOTAL WATTS	MANUFACTURER	CATALOG LOGIC
	2	A4	SINGLE	11174	1.030	B2-U0-G2	72	144	Cree Inc	OSQM-B-11L-57K7-4M-XX-NM-XX
	11	A4B	SINGLE	8574	1.030	B1-U0-G2	72	792	Cree Inc	OSQM-B-11L-57K7-4M-XX-NM-XX + OSQ-BLSMF
	2	C2	SINGLE	4520	1.030	B2-U0-G1	31	62	Cree Inc	CPY250-B-DM-F-C-UL-XX-57K
	5	D1	SINGLE	3492	1.000	B1-U2-G1	36.5	182.5	HCI LIGHTING	F100S-X-FAC-35W-5000K-120V-277V-III-XX-X
	3	F1	SINGLE	4330	1.030	B2-U0-G0	37	111	CREE, INC.	FLD-EDG-N6-AA-02-E-UL-XX-525-57K
	2	W1	SINGLE	11259	1.030	B3-U0-G3	134	268	CREE, INC.	SEC-EDG-4M-WM-06-E-UL-XX-700-57K
	5	X1	SINGLE	1530	1.000	N.A.	15.8	79	BARRON LGHTING GROUP	SLW-15-4K-XX-EM (BY OTHERS)



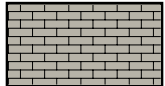






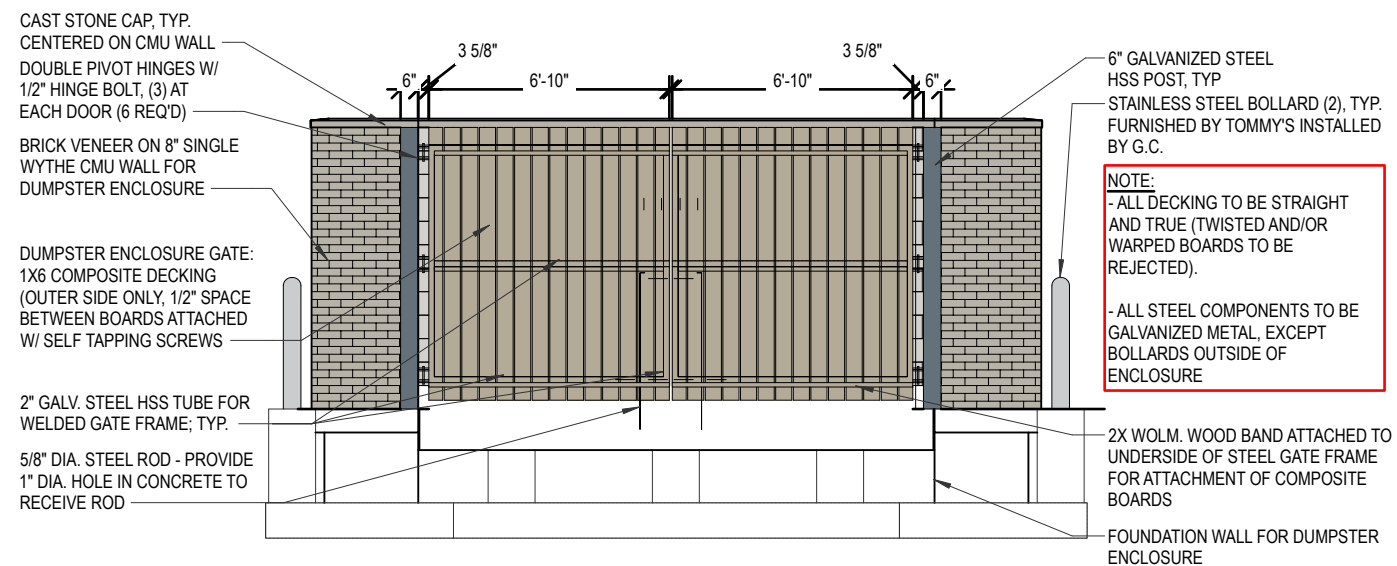
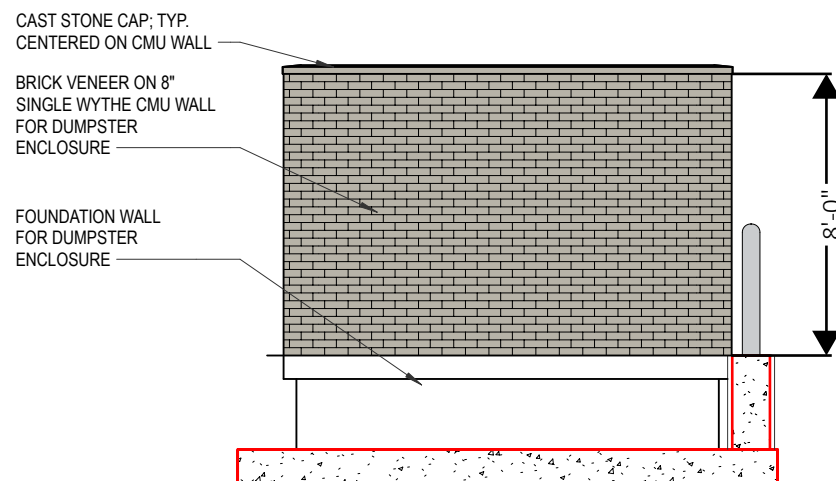






MATERIALS LEGEND

-  BRICK VENEER
-  CMU WALL
-  STAINLESS STEEL
-  GALVANIZED STEEL
-  COMPOSITE DECKING
COLOR: Roman Antique, Home Depot



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B2 BRICK - DUMPSTER ENCLOSURE DETAILS COLOR

TOMMY CAR WASH SYSTEMS

TOMMY EXPRESS #P3045
4591 +/- E GRAND RIVER AVE
HOWELL, MICHIGAN 48843

NOT FOR CONSTRUCTION

A001

7/16/2021

184
NOT TO SCALE

MEMORANDUM

TO: Township Board

FROM: Michael Archinal 

DATE: 9/30/22021

RE: State Street

As I have mentioned during previous meetings, there is a short section of State Street between Dillon and 7th Streets north of Brighton Road. This section was done through a special assessment in 2006. This summer the City of Brighton reconstructed several streets immediately adjacent to State Street. The project included water, sanitary and storm sewer replacement. The spoils from the project were trucked to a site in Genoa Township near Very Drive and needed fill. The large number of trucks moving this material likely resulted in damage to State Street.

The City's paving will involve two lifts of HMA. I called the City and they put me in touch with their contractor. I asked for an estimate for putting a tack coat and one 1 ½" lift of HMA on State with edge milling and restoration with topsoil and seed. The attached email includes an estimate of \$26,128. I asked the Livingston County Road Commission's Chief Engineer to opine on this scope of work and cost. She affirmed that the cost is consistent with the market and is appropriate.

Given the recently completed work we performed on Dillon and the work the City of Brighton recently performed this section of State (map attached) should be improved at this time. Please consider the following action:

Moved by _____, supported by _____, to authorize the Township Manager to execute a contract with Dunnigan Brothers in the amount of \$26,128 for the paving of State Street between Dillon and Seventh.



STATE ST

DILLON ST

BRIGHTON RD

SAGE DR

SEVENTH

Parcel lines are approximate.
Not intended for survey purposes.

196



1 inch = 60 feet

Mike Archinal

From: Patrick Dunigan II <Patrick@duniganbros.com>
Sent: Friday, September 24, 2021 1:36 PM
To: Mike Archinal
Subject: RE: State Street Revised
Attachments: Patrick Dunigan II2.vcf

Mike,

To mill/fill 1.5" and topsoil, seed, and mulch the edges on State St from Dillon to 7th would be \$26,128.00

If you need a more formal quote let me know.

Thanks,

Patrick



From: Mike Archinal [mailto:Mike@genoa.org]
Sent: Monday, September 20, 2021 9:33 AM
To: Patrick Dunigan II <Patrick@duniganbros.com>
Subject: RE: State Street Revised

Patrick,

Thanks. Let me know when you have something.

Michael Archinal, AICP
Township Manager
Genoa Charter Township
2911 Dorr Road
Brighton MI, 48116
mike@genoa.org

From: Patrick Dunigan II <Patrick@duniganbros.com>
Sent: Friday, September 17, 2021 5:52 PM

To: Mike Archinal <Mike@genoa.org>

Subject: Re: State Street Revised

Mike

Sorry, my brother got sick this week and I got stuck running his crew, but I was able to walk that street with our paver the other day, and got some feedback from them about holding our pricing from our other job. I'll get you something over the weekend. Again, sorry for the delay.

Patrick Dunigan II
Dunigan Bros., Inc.

On Sep 10, 2021, at 12:37 PM, Mike Archinal <mike@genoa.org> wrote:

Patrick,

Thank you for the quick response.

Yes on the milling and I would prefer topsoil and seed to match the new elevation. If you could get me a number by the middle of next week that would be perfect.

Michael Archinal, AICP
Township Manager
Genoa Charter Township
2911 Dorr Road
Brighton MI, 48116
mike@genoa.org

From: Patrick Dunigan II <Patrick@duniganbros.com>

Sent: Thursday, September 9, 2021 4:30 PM

To: Mike Archinal <Mike@genoa.org>

Subject: RE: State Street Revised

Mike

I will see if we can just extend our current HMA pricing to do this. Would you want any milling, I'm assuming you'd at a minimum want clean butt joints at the end, and probably the driveways milled some to create clean transitions.

Also, would you want shoulders put back, or topsoil added and seeded to get the yards up even with the pavement?

Thanks,

Patrick

<image002.jpg>

From: Mike Archinal [<mailto:Mike@genoa.org>]
Sent: Thursday, September 9, 2021 4:27 PM
To: Patrick Dunigan II <Patrick@duniganbros.com>
Cc: Marcel Goch (GochM@BrightonCity.org) <GochM@BrightonCity.org>; geinzern@brightoncity.org;
Kelly VanMarter <Kelly@genoa.org>
Subject: FW: State Street Revised

Patrick,

Marcel gave me your contact information and indicated you would be expecting this email. Since you will already be mobilized I was wondering if you would be interested in putting a tack coat and wearing course on the portion of State Street between 7th and Dillon when you are finishing up the rest of your job north of Brighton Road. The attached shows the area I am requesting. If you are interested the agreement would be between Genoa Township and your company and not an addendum to the work you are doing for the City. Thank you in advance and let me know if you have any questions.

Michael Archinal, AICP
Township Manager
Genoa Charter Township
2911 Dorr Road
Brighton MI, 48116
mike@genoa.org