

2020R-036768

RECORDED ON

10/15/2020 01:32:23 PM

BRANDON DENBY

REGISTER OF DEEDS

LIVINGSTON COUNTY, MI 48843

RECORDING: 26.00

REMON: 4.00

PAGES: 62

STATE OF MICHIGAN COUNTY OF LIVINGSTON GENOA CHARTER TOWNSHIP

PLANNED UNIT DEVELOPMENT AGREEMENT

THIS PLANNED UNIT DEVELOPMENT AGREEMENT ("Agreement") is made and entered into on this day of OCTOBER, 2020, by BMH Realty, L.L.C., a Michigan limited liability company, 775 N. Second Street, Brighton, Michigan 48116 ("Owner"), and GENOA CHARTER TOWNSHIP, a Michigan municipal corporation, 2911 Dorr Road, Brighton, Michigan 48116 (referred to as "Township").

WHEREAS, Owner owns real property located in the Charter Township of Genoa, County of Livingston, State of Michigan, and more particularly described on Exhibit A attached hereto ("Property"). There is an existing gas station and two retail buildings located within the Property. The balance of the Property is vacant. Owner intends to develop the Property as a planned unit development.

WHEREAS, Owner has submitted to the Township a request for rezoning of the Property to Redevelopment Planned Unit Development ("RDPUD"), including all Conceptual Submittal items set forth in Section 10.05 of the Township Zoning Ordinance, including, but not limited to, proof of ownership of the Property; a completed application and application fee; an impact assessment meeting the requirements of Article 18 of the Township Zoning Ordinance, a copy of which is attached hereto as Exhibit B ("Impact Assessment"); this Agreement; drawings of at least 24" x 36", containing a cover sheet, a plan sheet of existing conditions, a parallel plan, and a conceptual PUD plan sheet, a copy of which drawings are attached to this Agreement as Exhibit C ("PUD Plan").

WHEREAS, the Charter Township of Genoa Planning Commission ("GPC") has reviewed the PUD Plan, conducted a public hearing on March 9, 2020, and recommended approval of the Conceptual PUD Site Plan to the Charter Township of Genoa Board of Trustees ("Township Board") and Livingston County Planning Commission ("LCPC") on March 9, 2020.

WHEREAS, on May 20, 2020, the LCPC conducted a public hearing on the requested Conceptual PUD Site Plan, and recommended approval to the Township Board on May 20, 2020.

WHEREAS, Owner made revisions to incorporate conditions noted by the GPC and LCPC, if any, and submitted required copies to the Township, providing sufficient time for review prior to the Township Board meeting.

WHEREAS, the Township Board conducted a public hearing on the PUD rezoning, PUD Plan and PUD Agreement on July 6, 2020, and provided conceptual approval of these documents pursuant to Section 10.04.01 of the Township Zoning Ordinance on July 6, 2020.

WHEREAS, Owner has submitted to the Township all Final PUD Site Plan Submittal items set forth in Section 10.06 of the Township Zoning Ordinance, including, but not limited to, the PUD Plan containing all materials required by Article 18 of the Township Zoning Ordinance; an Impact Statement; a Traffic Impact Statement; a hydrologic impact assessment, a final copy of this Agreement (collectively the "Final Plan"), and all required fees.

WHEREAS, the GPC and Township Board actions set forth above have been taken in strict compliance with the Township Zoning Ordinance and with Act 110 of the Public Acts of 2006, as amended, and have rezoned the Property as an RDPUD, finding that such classification properly achieved the purposes of Article 10 of the Township's Zoning Ordinance, as amended, including the encouragement of innovation in land use, compatibility with adjacent uses, the promotion of efficient provision of public services and utilities, the reduction of adverse traffic impacts, and the provision of adequate employment. Further, the GPC and Township Board find the RDPUD, the PUD Plan, and this Agreement are consistent with the adopted Master Plan.

WHEREAS, the Township Board has found and concluded that the uses and future development plans and conditions shown on the approved PUD Plan and as set forth herein are reasonable and promote the public health, safety and welfare of the Township, and that they are consistent with the plans and objectives of the Township and consistent with surrounding uses of land for reasons including, but not limited to, the following:

- a. the Property has been previously developed for the purpose of a commercial, office, or industrial use, and redevelopment of the site will be an enhancement to the site and surrounding area;
- b. all buildings on the site are proposed to be removed or renovated;
- c. a use permitted within the underlying zoning district is proposed;
- d. the Township has determined that flexibility in dimensional standards is necessary to allow for innovative design in redeveloping a site with constraints and where a clear public benefit is being derived;
- to encourage flexibility and creativity consistent with the intent of the PUD, the Township is permitting specific departures from the requirements of the Zoning Ordinance as a part of the approval process;
- f. For all deviations, the Township has found that the deviation shall result in a higher quality of development than would be possible using conventional zoning standards;
- g. a parallel plan was provided showing how the site could be redeveloped without the use of the PUD;
- a table was provided on the site plan that specifically details all deviations from the zoning regulations, including ordinance provisions from which deviations are sought, the reasons the deviations are necessary and mechanisms to be utilized to mitigate any impacts; and
- i. The permitted deviations are consistent with the intent of the Township's PUD ordinance.

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

ARTICLE 1. GENERAL TERMS OF AGREEMENT

- 1.1 The Township and Owner acknowledge and represent that the recitations set forth above are true, accurate and binding on the respective parties.
- 1.2 The Township acknowledges and represents that the zoning of the Property as RDPUD, regulated by the PUD Plan and this Agreement may be relied upon for future land use and development of the Property by Owner, its successors, assigns and transferees. This Agreement is for the benefit of the Property, and shall run with the Property, and shall bind and inure to the benefit of the successors, assigns and transferees of the parties to this Agreement.
- 1.3 The PUD Plan, attached as Exhibit C, has been approved by the Township in accordance with its authority granted by the Genoa Charter Township Zoning Ordinance, The Michigan Zoning Enabling Act, being MCL 125.3101, et seq, and the Michigan Planning Enabling Act, being MCL 125.3801, et seq, subject to the terms of this Agreement.
- Deviations from the Township Zoning Ordinance shall be permitted as set forth in this Agreement or the PUD Plan, or as otherwise be agreed upon by the Township and the Owner. Changes to the PUD Plan and/or PUD Agreement shall be processed as set forth in the Zoning Ordinance and this Agreement.
- 1.5 All improvements constructed in accordance with this Agreement and the PUD Plan shall be deemed to be conforming under the Township Zoning Ordinance and in compliance with all other ordinances of the Township.
- 1.6 The approval of the PUD Plan shall be subject to the conditions set forth herein, inclusive of Exhibits.
- 1.7 All common areas and features, such as walkways, signs, lighting and landscaping, will be maintained by Owner, and financed on a pass-through basis to tenants through Owner's standard lease.
- 1.8 The construction, improvement and maintenance of all streets and necessary utilities (including public water, wastewater collection and treatment) to mitigate the impacts of the PUD project through construction shall be performed by the Owner, or sufficient performance bond given by the Owner to assure such construction.

ARTICLE II. LAND USE AUTHORIZATIONS

- 2.1 In addition to the uses set forth in the PUD Plan, uses listed in the GCD zoning classification of the Township Zoning Ordinance shall be allowed subject to the applicable permitted or special land use regulations, as well as those uses set forth on Exhibit D attached hereto.
- 2.2 The PUD Plan identifies the location and configuration of the currently-proposed structures that may be developed on the Property subject to the following:

- A. Owner shall be permitted to adjust the size or shape of the various parcels and/or the size or configuration of the proposed buildings within the parcels, as set forth in, and in compliance with, the Township's Code of Ordinances.
- B. The buildings identified on the PUD Plan are flexible use buildings that may be converted to retail, office or other uses in the future, provided that such uses are permitted under this Agreement.
- 2.3 The timing of development of the PUD shall be in compliance with the Charter Township of Genoa Code of Ordinances, but otherwise as determined by the Owner.
- 2.4 Owner shall have the right to develop the Property as a commercial condominium project by following the procedures required by Michigan law and any applicable Township ordinances. Owner shall additionally retain the right to apply to the Township for one or more lot splits that comply with Michigan law, Township Ordinances and the PUD Plan.

ARTICLE III. CURB CUTS AND OFF-SITE TRANSPORTATION IMPROVEMENTS

3.1 The number and general location of entrances to the site from adjacent public thoroughfares shall be as identified on the PUD Plan.

ARTICLE IV. INTERNAL ROAD NETWORK

4.1 The internal system of private roads or drives shall be as identified on the PUD Plan.

ARTICLE V. DRAINAGE

5.1 Storm drainage from the Property shall be managed by means of an off-site retention basin to be developed by Owner on the adjacent property shown on the PUD Plan, with permission of the owner of that property. Owner has obtained the necessary easements to improve, utilize, maintain and repair the off-site retention basin (the "Basin"), and to access the Basin across White Horse Drive.

ARTICLE VI. SITE IMPROVEMENTS

- 6.1 There shall be a coordination of site improvements within the overall Property, with the objective of creating site improvements that are integrated and mutually supportive among the respective portions of the development, including the utilities, landscaping and lighting, as more specifically set forth in the PUD Plan.
- 6.2 Comprehensive and interconnected pedestrian walkways shall be constructed as shown on the PUD Plan contemporaneously with construction of the building they are designed to serve.
- 6.3 Site elements, including site design and landscaping to diminish the prominence of parking lots as viewed from public roads and parking lot configuration, shall be constructed as shown on the PUD Plan.

- The Township shall grant to Owner and its contractors and subcontractors all Township permits and authorizations necessary to bring and/or construct all utilities necessary to service the Property and to otherwise develop and improve the Property in accordance with the PUD Plan, provided the Owner has complied with any and all legally-applicable requirements for such permits and authorizations, including paying any required fees. Any applications for permits or authorizations from the Township shall be processed by the Township in the customary manner.
- 6.5 All trees and woodlands will be preserved as shown on the PUD Plan, or replaced on a caliper-for-caliper basis, as more fully set forth in the PUD Plan.

ARTICLE VII. DESIGN OF BUILDING AND SIGNS

- 7.1 The architecture, building materials, colors and shapes of all buildings shall be consistent with the building elevations attached to this Agreement as Exhibit E and otherwise conform to the Zoning Ordinance.
- 7.2 All signs shall be permitted as authorized in the Zoning Ordinance. Any permitted sign shall have a base constructed of materials that coordinate with and are consistent with the architecture of the building, unless mounted directly on the building. The primary sign text of wall-mounted signs shall use channel-cut lettering, with the exception of ancillary logos or "pill box" messages which shall consist of not more than 25% of the sign area.
- 7.3 The landscaping within the PUD shall demonstrate consistency in terms of design and materials. Parking lot, street and walkway lighting shall be consistent throughout the PUD and comply with the Zoning Ordinance.

ARTICLE VIII. UTILITIES

- 8.1 All buildings that require plumbing must connect to the municipal water system and municipal sanitary sewer system. The internal water and sewer main plan shall be completed and approved with the site plan. The Township does not guarantee public utility availability without adequate planning and approval of the Township Engineer.
- Fees, charges and costs for utilities shall be as set forth in the Genoa Township Equivalent User Table as applicable and as may be amended from time to time.

ARTICLE IX. MISCELLANEOUS

9.1 This Agreement may not be modified, replaced, amended or terminated without the prior written consent of the parties to this Agreement. With respect to any portion of the Property owned by Owner, the Owner and the Township shall be entitled to modify, replace or amend this Agreement without the consent of any other person or entity, regardless of whether such person or entity now or hereafter has any interest in any part of the Property, including subsequent purchasers, tenants, mortgagees, or others, unless

required by Federal, State or local law or ordinance. Amendments and deviations, whether minor or major, shall be made in compliance with the procedures set forth in the Charter Township of Genoa Code of Ordinances at the time the amendment or deviation is sought. Nothing whatsoever provided in this Agreement shall be construed so as to prevent Owner from seeking major and/or minor changes to the PUD Plan in accordance with the applicable provisions of the Zoning Ordinance.

- 9.2 With the exception of Paragraph 9.1, reference in this Agreement to activities by the Owner in relation to development is intended to include Owner's transferees and assigns unless context dictates to the contrary.
- 9.3 In the event of any direct conflict between the specific terms and provisions of this Agreement (including the attached PUD Plan) and the provisions of the Zoning Ordinance, or other Township ordinances, rules or regulations, the provisions of this Agreement shall control. To the extent that this Agreement is silent as to an issue, that issue shall be governed by the provisions of the Zoning Ordinance, including, but not limited to, a) requirements for temporary outdoor sales and temporary outdoor events permitted by right under Exhibit D, b) procedural requirements for approval of special land uses permitted by Exhibit D.
- 9.4 In the event a portion of the Property is submitted for site plan approval, and such approval is denied, the party submitting such site plan shall be entitled to appeal such decision to the Zoning Board of Appeals as provided by law.
- 9.5 The undersigned parties acknowledge that the conditions imposed upon the development of the Property are reasonable conditions necessary to ensure that public services and facilities affected by the proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Further, it is acknowledged that the conditions meet all of the requirements of Section 503 of Public Act 110 of 2006, MCL 125.3503.

THE PARTIES have executed this Planned Unit Development Agreement on the dates set below their names, to be effective on the date set on the first page of this agreement.

(REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK)

GENOA CHARTER TOWNSHIP a Michigan municipal corporation By: Bill Rogers Its: Breevesor | Bill Rogers STATE OF MICHIGAN |) COUNTY OF LIVINGSTON |

This Amendment was acknowledged before me in LIVINGSTON County, Michigan, this 14th day of OCTOBER, 2020, by BILL ROGERS, the SUPERVISOR of Genoa Charter Township, a Michigan municipal corporation, on behalf of the corporation.

KELLY VANMARTER
Notary Public, Livingston County, MI
My Commission Expires March 8, 2027

KELLY VANMARTER, Notary Public LIVINGSTON County, Michigan

My Commission Expires: 382027 Acting in the County of LIVING STON

BMH REALTY, L.L.C. a Michigan limited liability company

By: Michael B. Corrigan

Its: Member

STATE OF MICHIGAN

)SS

COUNTY OF Livingston

This Amendment was acknowledged before me in Livingston County, Michigan, this 12th day of October 2020, by Michael B. Corrigan, the Member of BMH Realty, L.L.C., a Michigan limited liability company, on behalf of the company.

Notary Public

_County, Michigan

My Commission Expires: <u>Livingston</u>
Acting in the County of <u>*03/08/20</u>2

DRAFTED BY AND WHEN RECORDED RETURN TO:
Bradford L. Maynes, Esq.
Corrigan Oil Company
775 North Second Street

Brighton, Michigan 48116

CONNIE M PRATT
MOTARY PUBLIC - MICHIGAN
LIVINGSTON COUNTY
ACTING IN THE COUNTY OF Livingston
MY COMMISSION EXPIRES MAR. 8, 2025

Exhibit A

Property Description

Real estate situated in the Township of Genoa, County of Livingston, State of Michigan, described as:

Part of the Northeast quarter of Section 9, Town 2 North, Range 5 East, Michigan, described as follows: Beginning at a point South 2°24' West 636.58 feet from the North quarter corner of said Section 9; thence South 2°24'West 172.53 feet; thence South 60°0' East 141.66 feet along the Northerly right of way line of Grand River; thence North 30°0' East 200.00 feet; thence North 72°0' West 226.54 feet to the point of beginning.

Commonly known as: 4483 E. Grand River, Howell, MI PARCEL ID NO. 4711-09-200-005

A part of the Northeast quarter of Section 9, Town 2 North, Range 5 East, Genoa Township, Livingston County, Michigan, described as follows: Commencing at the North quarter corner of said Section 9; thence South 02°24'00" West along the West line of Charles Garlock Survey No. 142-33, dated February 2, 1977, 809.11 feet to the Northerly right-of-way of Grand River Avenue; thence South 60°00'00" East along the Northerly right-of-way of Grand River Avenue, 141.66 feet to the point of beginning of the parcel to be described; thence North 30°00'00" East 200.00 feet; thence South 60°00'00" East 274.00 feet; thence South 25°32'20" West 217.67 feet to the Northerly right-of-way of Grand River Avenue; thence North 60°00'00" West along the Northerly right-of-way 289.86 feet to the point of beginning.

Commonly known as: 4525 E. Grand River, Howell, MI PARCEL ID NO. 4711-09-200-010 and 4711-09-200-015

A part of the Northeast quarter of Section 9, Town 2 North, Range 5 East, Genoa Township, Livingston County, Michigan, described as follows: Commencing at the North quarter corner of said Section 9; thence South 02°24'00" West along the West line of Charles Garlock Survey No. 142-33, dated February 2, 1977, 809.11 feet to the Northerly right-of-way of Grand River Avenue; thence South 60°00'00" East along said Northerly right-of-way of Grand River Avenue, 431.52 feet to the point of beginning of the parcel to be described; thence North 25°32'20" East 217.67 feet; thence South 64°27'40" East 106.63 feet; thence South 05°09'00" West 23.38 feet; thence South 16°19'00" West 210 feet to the Northerly right-of-way of Grand River Avenue; thence North 60°00'00" West along said Northerly right-of-way 148.90 feet to the point of beginning.

Commonly known as: 4533 E. Grand River, Howell, MI PARCEL ID NO. 4711-09-200-014

A part of the Northeast quarter of Section 9, Town 2 North, Range 5 East, Genoa Township, Livingston County, Michigan, described as follows: Commencing at the North quarter corner of said Section 9; thence South 02°24′00″ West along the West line of Charles Garlock Survey No. 142-33, dated February 2, 1977,

459.11 feet to the point of beginning of the parcel to be described; thence South 67°30′00″ East 612.00 feet; thence South 05°09′00″ West 205.00 feet; thence North 64°27′ 40″ West 106.63 feet; thence North 60°00′00″ West 274.00 feet; thence North 72°00′00″ West 226.54 feet; thence North 02°24′00″ East t77.47 feet to the point of beginning.

Commonly known as: 1098 Lawson Road, Howell, MI

PARCEL ID NO. 4711-09-200-016

A part of the Northeast quarter of Section 9, Town 2 North, Range 5 East, Genoa Township, Livingston County, Michigan, described as follows: Commencing at the North quarter corner of said Section 9; thence South 02°24'00" West 459.11 feet; thence South 67°33'00" East 501.50 feet to the point of beginning; thence South 03°14'18" West 177.38 feet; thence South 64°26'59" East 121.69 feet; thence-South 16°19'00" West 210.00 feet; thence North 19°06'45" East 232.36 feet; thence North 13°44'25" East 192.25 feet; thence North 8 19°06'45" West 44.87 fee±; thence North 67°33'00" West 110.50 feet to .the point of beginning.

Commonly known as: 4525 E. Grand River, Howell, MI

PARCEL ID NO. 4711-09-200-017

Exhibit B

Impact Assessment

BMH – PREMIER GENOA PUD Genoa Township, Michigan Site Plan Application

IMPACT ASSESSMENT

Owner:

BMH Realty, L.L.C. 775 N. Second Street Brighton, Michigan 48116

Prepared by: DESINE INC. 2183 Pless Drive Brighton, Michigan 48114

A. INTRODUCTION

This impact assessment has been prepared pursuant to Article 18 – <u>SITE PLAN REVIEW</u> of the Zoning Ordinance for the Township of Genoa, Livingston County, Michigan. This assessment addresses the impact of the proposed building additions and parking expansion on the surrounding community and the economic condition and social environment of the Township.

This Impact Assessment has been prepared under the direction of Wayne Perry, P.E., DESINE INC., 2183 Pless Drive, Brighton, Michigan 48114. Mr. Perry is a licensed Civil Engineer, providing professional engineering services in Livingston County since 1988 with experience in private and municipal development including projects within Genoa Township and Livingston County.

B. SITE LOCATION / DESCRIPTION

The site is comprised of six parcels, containing a total of 5.12 acres of property, bordered on the North by White Horse Drive, Lawson Drive on the East, Grand River Avenue on the South and the Lake Trust Credit Union to the West, as shown on Figure 1. The Southeasterly four parcels are zoned General Commercial (GCD) district, the Southwesterly Parcel is zoned Office Service (OSD) district, and the North Parcel is split zoned with the East 1/2 zoned GCD and the West 1/2 zoned OSD.

The property currently contains three buildings and related improvements. An existing fuel station with a 2,670 square foot convenience store building, parking lot and storm water basin is located on the two center parcels. A 7,900 square foot commercial building, occupied by the Total Pool Supplies and Service, is located on the Southeast parcel. The Northeast parcel contains a 2,440 square foot industrial building, with a fenced outdoor storage yard, currently home to Security Access Controls and Fence Company. A residential home and related improvements, located on the Westerly parcel, were previously removed. The Existing Conditions Plan provides a detailed overview of the existing site features.

The BMH-Premier PUD development plan depicts proposed site improvements to be constructed on the site. Improvements consist of A 37,275 sq ft multi-purpose, adaptive use building, currently proposed to be up-fit with equipment to operate a drive-through, climate controlled building, with the potential for small flex-office spaces for rent, a 7,000 sq ft building appropriate for use for office, retail, restaurant, or a mix of those uses, a 2,336 sq ft out parcel pad suitable for use for retail or drive through fast food or other commercial use, and the existing gas station with a convenience store and related (existing) ancillary propane and kerosene sales. Additionally, the PUD plan features new parking areas, access drives, a storm water management system, lighting, landscaping and related site improvements.

Access to the property from Grand River Avenue and from Lawson Drive is provided through existing drives to the fuel station and convenience store. New access drives are proposed on White Horse Drive, in the Northeast portion of the project, and connection to the existing cross-access drive to Lake Trust Credit Union, located at the Southwest corner

of the site. The development will provide 102 parking spaces, including 6 barrier free accessible spaces, are to be developed on the site. Appurtenant features including commercial access drives, drive aisles, unloading/loading area, sidewalks and landscaping are also presented in the site plan. An aerial photograph depicting the proposed site improvements is provided in Figure 2.

Adjacent uses include the Lake Trust Credit Union to the West and the DTE Service Center to the Northeast. Property to the North and East of the site is currently vacant. An aerial photograph depicting the proposed site improvements is provided in Figure 2.

C. IMPACT ON NATURAL FEATURES

Natural features on the subject parcel consist of re-established field grasses and shrub/scrub brush on the Westerly portion of the property. Existing topography of the site is generally flat to gently sloping terrain. The elevation of the property varies from an elevation of 991 at the Westerly property line, to approximately 986 at the Southeast corner of the parcel. Surface water drainage on the property generally flows to the Southeast.

Existing soils on the property are primarily Miami loam. These soils are generally moderately drained, moderately permeable, loams. Soil classifications are prepared by the United States Department of Agriculture, Soil Conservation Service, and "Soil Survey of Livingston County". The Soils Map, shown in Figure 3, shows the locations of specific soil types as classified.

The proposed construction and improvements will require filling and grading in the Southeast portion of the property, filling the existing storm water basin and modifications to site elevations on the Northwest corner of Lawson Drive and Grand River. Excavation will be required to construct the proposed storm water retention system proposed on the North side of White Horse Drive.

The limits of disturbance have been depicted on the grading plan. Grading for this project will maintain the general character of the existing site. Development of this project will require earthwork to construct to proposed retention basin and modify site grades with useable materials from the site, requiring the exporting of excess soil and importing of additional structural fill material. The proposed elevations and grading of the site mesh with the existing grades at the property lines.

Landscaping is proposed for the developed portion of the site to reduce the visual impact of the proposed project. All proposed landscaping areas meet or exceed the planting requirements of Genoa Township's current Zoning Ordinance and have been designed to improve the aesthetics of the property. Within the developed portion of the site, areas not otherwise covered, shall have lawn or other vegetative surface cover established.

Surface drainage characteristics on the property will be affected by the construction of the proposed building expansions and parking lots. Construction of the proposed improvements will reduce the permeable area of the property resulting in an increase in the surface water runoff generated. A storm water management system has been designed to

collect and control the surface water runoff, reducing the discharge rate from the property and increasing the infiltration of surface water runoff.

The proposed changes and modifications to the surface drainage conditions will not significantly impact local aquifer characteristics or groundwater recharge capacity. All surface water runoff from the site will be directed into the proposed retention basin to be constructed North of White Horse Drive. Reduction in the surface permeability will affect onsite infiltration, surface water flow path and duration. Surface water runoff from the development will be reduced and no significant impact to adjacent properties are anticipated from the proposed construction and re-development of the site.

Upland wildlife habitats on the property are minimal and consist of primarily field grass and shrub/scrub brush areas in the Northwest portion of the property. Wildlife supported in this area is generally smaller field animals and birds. Previous development and the existing use of the property, the adjoining developments and the proximity of Grand River, limits the existing upland habitat.

The project site does not currently support any significant wildlife habitat and the proposed construction will not have a significant impact on overall habitat quality. No significant adverse impact to natural features is anticipated due to the proposed re-development of this property.

D. IMPACT ON STORM WATER MANAGEMENT

Excavation and grading will be undertaken to construct the proposed stormwater retention basin. Earthwork will be required to direct storm water flow into the storm water collection system. This system will discharge surface water runoff generated by development of the property to the proposed sedimentation basin and retention basin. Site grading will mesh with existing grades on adjoining properties. No adverse impact to adjoining properties is anticipated due to the construction and grading of the property.

Surface water runoff generated from all improved areas of the site will be collected by catch basins, conveyed through a storm sewer system, and discharged to the sedimentation and retention basin located on the North side of White Horse Drive. Storm water will be retained within the basin during a storm event and will infiltrate into the ground.

Soil erosion and sedimentation are controlled by the Soil Erosion Control Act No. 347 of the Public Acts of 1972, as amended and is administered by the Livingston County Drain Commissioner. Silt fencing will be installed around a majority of the site during construction. The Contractor shall comply with all regulations including control during and after construction.

Impact on adjoining properties due to the construction of this site will be minimized by implementing soil erosion control methods. No adverse impact to adjacent properties due to surface water runoff will be created as a result of the proposed improvements.

E. IMPACT ON SURROUNDING LAND USES

Surrounding land uses to the North of the site, on the North side of White Horse Drive, zoned Mixed-Use Planned Unit Development (MU-PUD), consists of an industrial user and vacant property. Land to the East is zoned Non-Residential Planned Unit Development (NR-PUD) and is vacant. Land to the South, zoned Non-Residential Planned Unit Development (NR-PUD) and Industrial (IND), contains a mix of commercial and industrial users including an auto wash and Reuland Electric Company. Property to the West is the Lake Trust Credit Union, zoned Mixed-Use Planned Unit Development (MU-PUD).

The Genoa Township Future Land Use Plan designates this property for General Commercial uses. The surrounding property is designated for a mix of General Commercial, Neighborhood Commercial and Medium Density Residential uses.

The proposed uses depicted on the development plan are consistent with existing development in the area and are generally consistent with the long-term planning within the Township.

The landscaping and architecture proposed will allow this site to be developed to compliment the surrounding properties. The impact of the improvements to the surrounding area has been minimized.

Ambient noise levels on and around the property are largely generated by Grand River vehicle traffic. Daily activities within the proposed building are not anticipated to create an increase in the sound level in the area.

All site lighting shall meet the requirements of the Genoa Township Zoning Ordinance. Proposed building mounted fixtures and pole mounted site lighting will be shielded and down directed on the site. The existing fuel station and convenience store lighting shall be on from dusk until dawn. General site lighting for other uses, excluding safety and emergency lighting, shall be energized between the times from dusk to 12:01 a.m. and from 5:00 a.m. to dawn.

The building façade along the building front (South side) and the East side elevations are most visible from Grand River. The East and West ends of the storage building provide primary entrance features. The storage building is designed to grant vehicular access into and out of the respective East and West ends of the building. The entire length of the building is designed with a 30' wide drive and parking aisle through the building, reducing demand for exterior onsite parking needs and eliminating the need for any outdoor parking and loading areas to access the building for pick up and delivery of stored items.

HVAC units serving the multi-purpose facility are placed inside of the building eliminating unsightly large heating and cooling mechanical equipment typically located either on rooftops or outside within landscaped buffers, which if placed on the available area outside of the building these mechanicals would be seen along White Horse Drive or Lawson Drive. The proposed interior placement reduces visibility by drivers accessing nearby residential neighborhoods and indoor placement of the HVAC lessens the total height and

mass of the structure.

The proposed use of the property does not create any significant emissions of smoke, airborne solids, odors, gases, vibrations, noise or glare discernable and substantially annoying or injurious to person and/or property beyond the lot lines. No significant change in air pollution is anticipated.

The Contractor shall be responsible for initiating and maintaining adequate dust control measures during and after construction until the project site is fully stabilized and a vegetative cover established. Dust control measures used during construction may consist of site watering, mulching of completed areas, installation of windbreak fencing, and application of chemical dust control materials. The site will comply with the performance standards contained in Section 13.05 of the Township Zoning Ordinance.

F. IMPACT ON PUBLIC FACILITIES AND SERVICES

The Livingston County Sheriff and Michigan State Police will provide Police protection. Public safety services required to accommodate the proposed use are anticipated to be minor.

The Brighton Area Fire Department as a part of an existing governmental agreement will provide fire protection service. A fire hydrant will be constructed on the property within the White Horse Drive Right-of-way to provide adequate fire protection capabilities. The building is provided with an internal fire suppression system. A Fire Department Connection is located near the Northwest corner of the building along with a Knox box and required address labeling to meet the Fire Departments requirements. No significant increase in fire protection services are anticipated as a result of the proposed use.

The property is accessed from Grand River, White Horse Drive and Lawson Drive, providing adequate access for emergency vehicles. A wide drive aisle on the West side of the building will serve as a fire access lane between Grand River and White Horse Drive.

The proposed uses will not create any direct adverse impact on the public schools.

G. IMPACT ON PUBLIC UTILITIES

The property is presently within municipal sewer and water districts and existing buildings are connected to the municipal utilities.

Water service to the storage building is provided from a new water main extension to be constructed along White Horse Drive. A water service lead is connected to this main to supply the building and a fire suppression line is also provided from this main. An easement for repair, maintenance and access are provided for this connecting water main. Capacity is available within the existing water system to provide adequate service to this site.

Sanitary sewer is located along the North side of Grand River. Capacity is available within the existing sanitary sewer system to provide adequate service for the site.

The site is currently serviced by electric, gas, phone and cable systems located along Grand River Avenue.

All solid wastes will be properly disposed of through a licensed disposal firm on a regular basis. Dumpster enclosures with screen walls are located on the East, South and West sides of the storage building. The enclosures will be constructed decorative CMU material, matching material used on the site and complimenting the adjacent architecture of the building. Additional landscaping is provided in these areas to further enhance the aesthetics of these enclosures.

Delivery services are generally limited to parcel trucks, such as UPS, and similar single axle vehicles. These delivery service providers use available parking and drop off areas during their deliveries. Large vehicles accessing the site will be capable of maneuvering on the proposed access drives around the building and will utilize the proposed storage building for loading and unloading purposes.

H. STORAGE AND HANDLING OF ANY HAZARDOUS MATERIALS

The proposed uses within the building will not use, store, generate and/or discharge potentially polluting materials. Small quantities of material such as cleaning products and chemicals may be stored on-site.

I. TRAFFIC IMPACT STUDY

A traffic impact study for the development has been prepared by Rowe Engineering and is submitted with the Site Plan packet. ¹

Pedestrian access to the property is provided by an existing sidewalk along Grand River. A new sidewalk will be constructed along the East side of the property on Lawson Drive. Sidewalks throughout the property provide safe and efficient means for pedestrians to access the various uses within the property.

No adverse impact on pedestrian traffic in the area is anticipated as a result of developing the proposed project.

J. HISTORIC AND CULTURAL RESOURCES

The existing buildings on the property do not have any major historic significance on a local, regional or state level.

K. SPECIAL PROVISIONS

No special provisions or requirements are currently proposed for this facility.

END NOTE

1 Net difference between development plan analyzed within the Rowe Engineering Traffic Study compared to the PUD plan part of this proposal includes a net 3,100 sq ft reduction in the retail/flex-office out building on the West end of the site and an increase of 2.685 net rentable sf in storage space.

BMH - PREMIER PUD

FIGURE 1

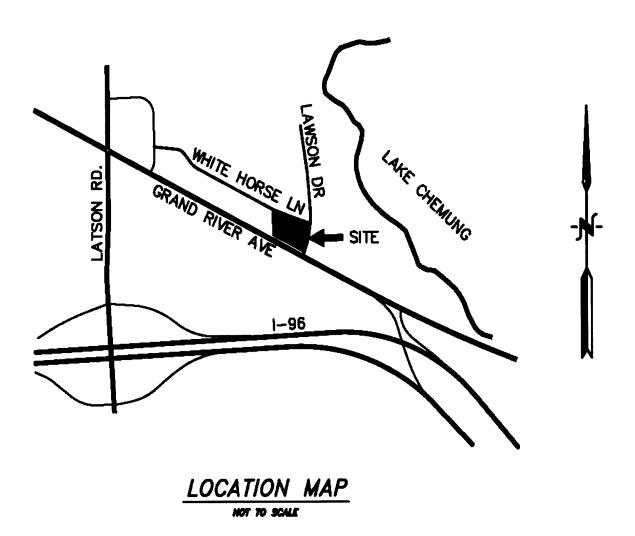
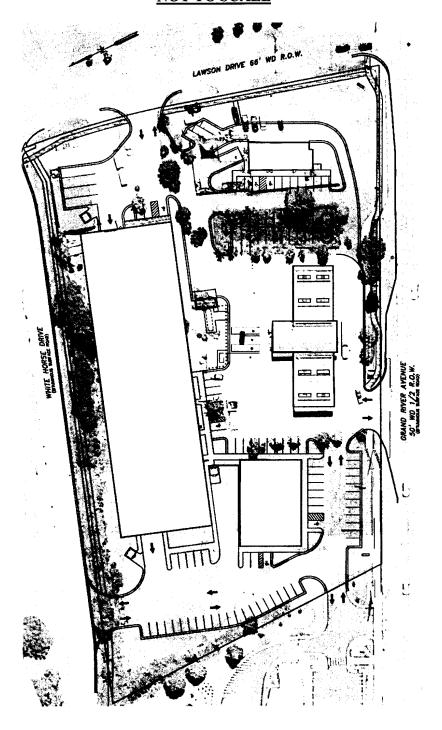


FIGURE 2

PHOTO DEPICTING SITE IMPROVEMENTS

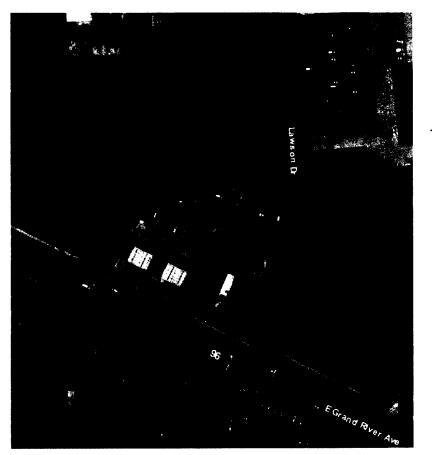
NOT TO SCALE



BMH - PREMIER PUD

FIGURE 3

SOILS MAP (NOT TO SCALE)



SOILS MAP

Map Unit Symbol	Map Unit Name
BIB	Boyer-Oshtemo loamy sands, 2 to 6 percent slopes
BtC	Boyer-Oshtemo loamy sands, 6 to 12 percent slopes
BtE	Boyer-Oshtemo loamy sands, 18 to 25 percent slopes
BwA	Bronson loarny sand, 0 to 2 percent slopes
CvA	Conover loam, 0 to 2 percent slopes
FrB	Fox-Boyer complex, 2 to 6 percent slopes
FrC	Fox-Boyer complex, 6 to 12 percent slopes
FrD	Fox-Boyer complex, 12 to 18 percent slopes
FrE	Fox-Boyer complex, 18 to 25 percent slopes
Ho	Houghton muck
MoB	Miami loam, 2 to 6 percent slopes
w	Water

BMH - PREMIER PUD

Exhibit C:

PUD Plan

CONCEPTUAL PLAN

BMH - PREMIER P.U.D.

GENOA TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN A PART OF THE NE 1/4 OF SECTION 9, T2N, R5E. GENOA TOWNSHIP, MICHIGAN



SIGNAGE AND PAVEMENT MARKING NOTES AND DETAILS RETENTION BASIN DETAIL AND DRAINAGE CALCULATION

NOTES AND DETAILS GRADING PLAN UTILITY PLAN

EMERGENCY VEHICLE CIRCULATION PLAN

PD SP PD SR C EVC EVC OT1

PRELIMINARY PUD PARALLEL DEVELOPMENT PLAN **EXISTING CONDITIONS**

SHEET INDEX

ENLARGEMENTS AND LANDSCAPE DETAILS

PRELIMINARY LANDSCAPE PLAN ENLARGEMENTS

SELF STORAGE BUILDING, FLOOR PLANS SELF STORAGE BUILDING, ELEVATIONS

\$ 4 \$ 5 4 C C C

RETAL BUILDING
FUEL STATION AND CONVENIENCE STORE
SECTIONS

AERIAL PHOTOGRAPH

Sovgle maps

OWNER

BRIGHTON, MICHIGAN 48116 775 N. SECOND STREET BMH REALITY L.L.C.

DRN & ASSOCIATES, ARCHITECTS PC 50850 APPLEBROOKE DR. NORTHVILLE, MICHIGAN 48167 PHONE (248) 880-6523 ARCHITECT

ENGINEER/SURVEYOR

DESINE INC. 2183 PLESS DRIVE BRIGHTON, MICHIGAN 48114 PHONE: (810) 227-9533

BRIGHTON, MICHIGAN 48116

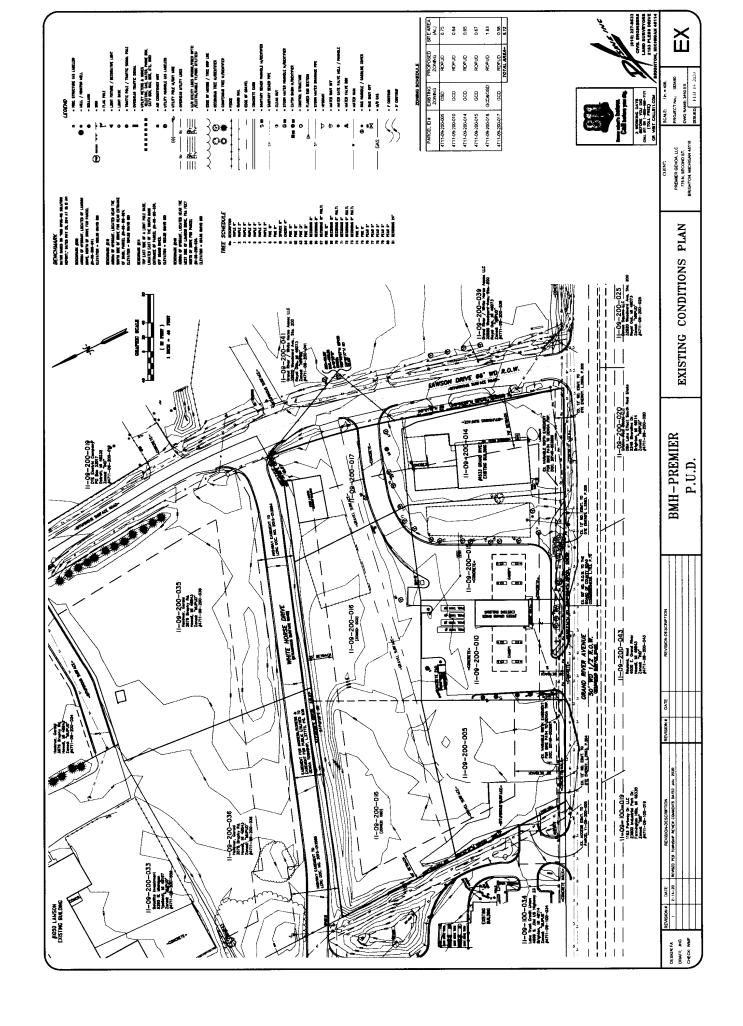
775 N. SECOND STREET PREMIER GENOA LLC

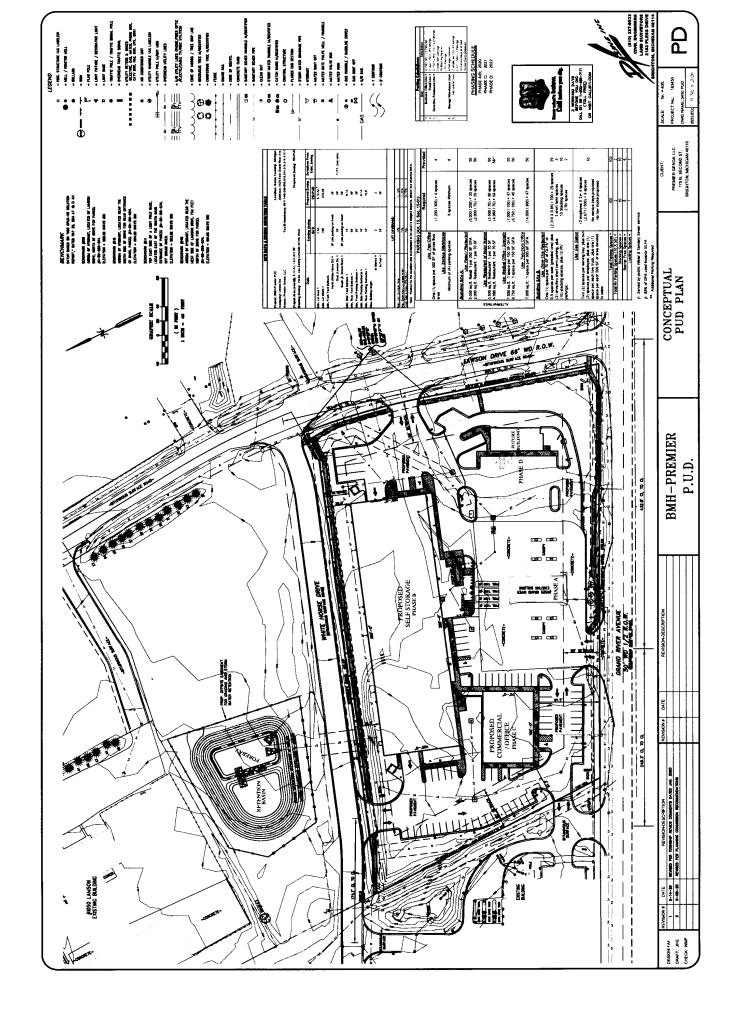
DEVELOPER

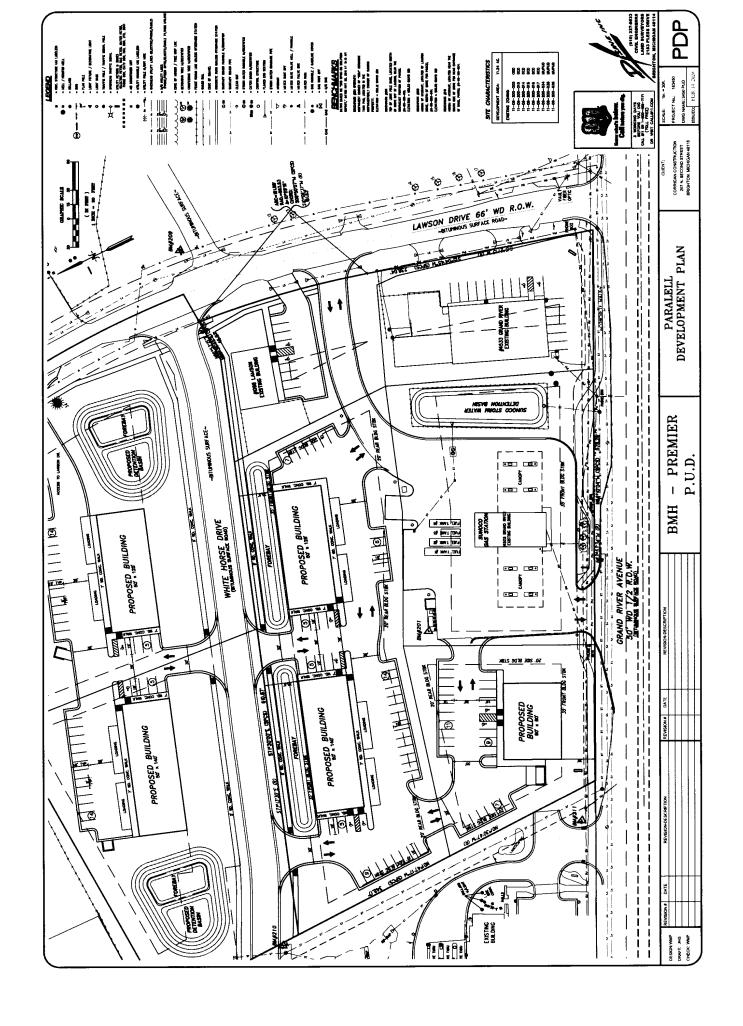
LANDSCAPE ARCHITECT VERT VERDE LANDSAPE ARCHITECT PLYMOUTH, MICHIGAN

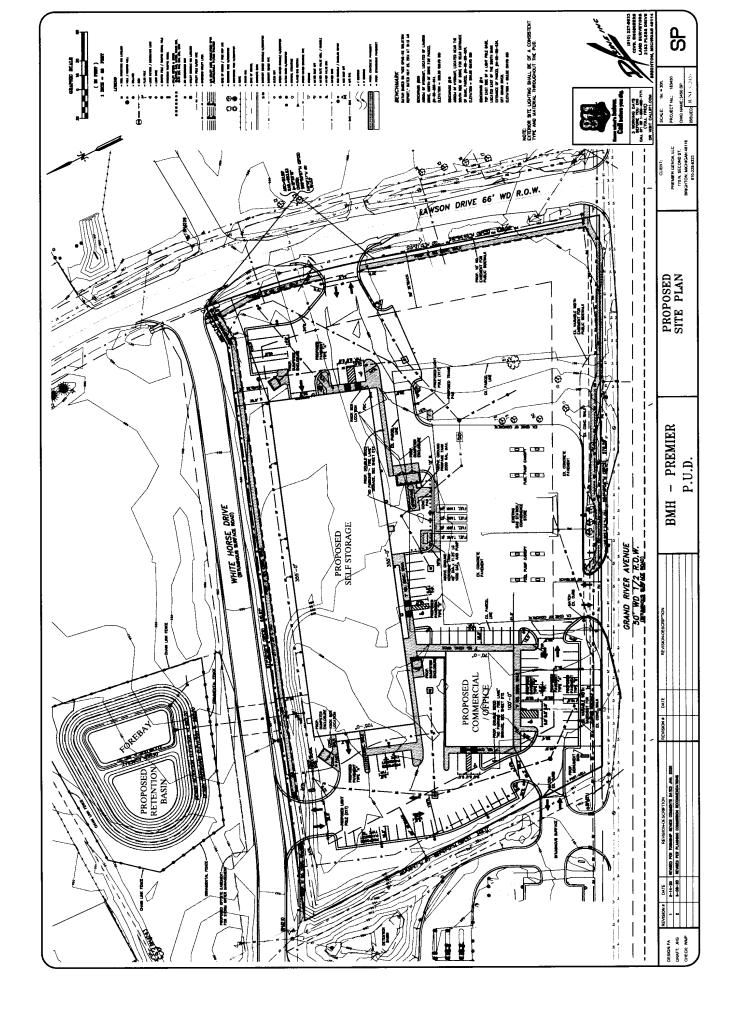


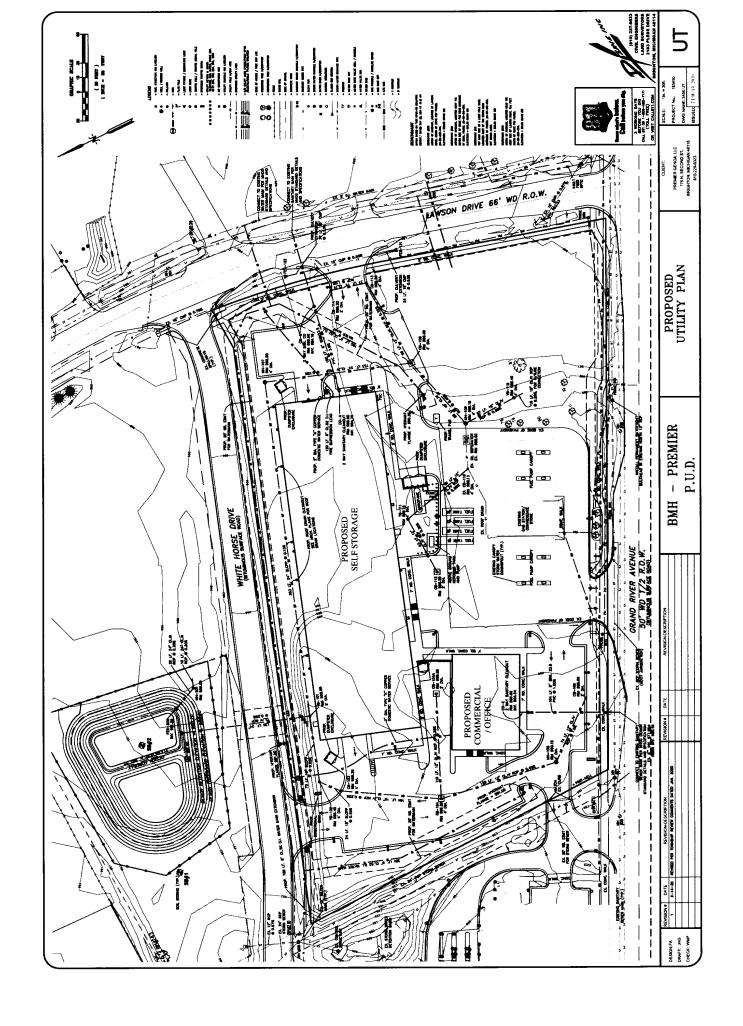


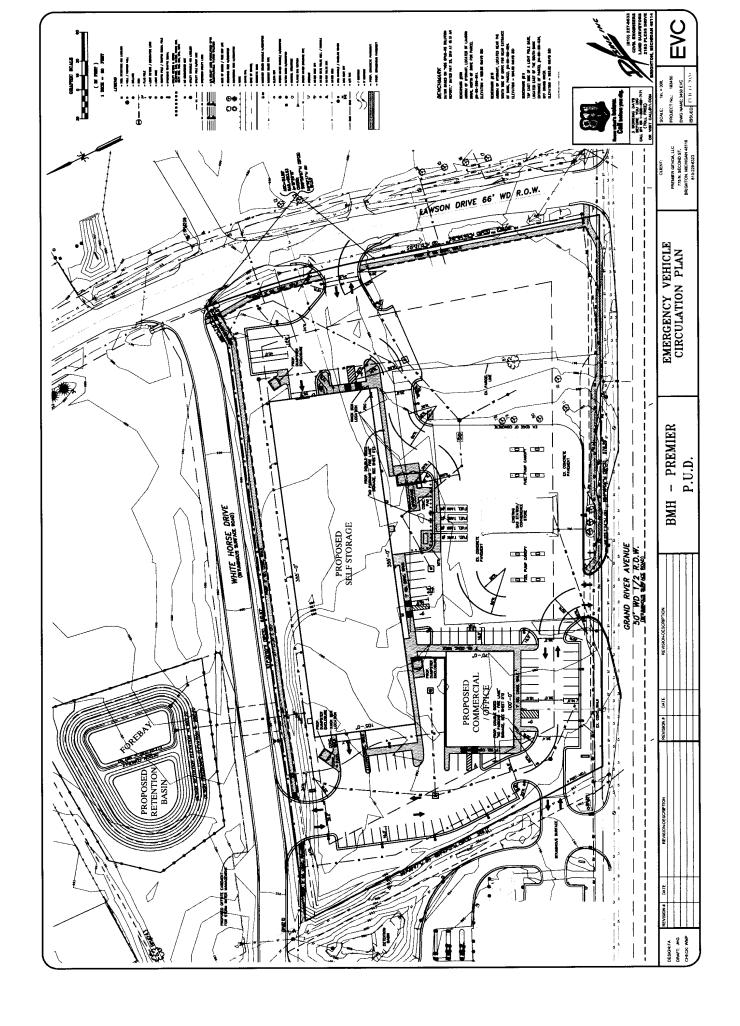


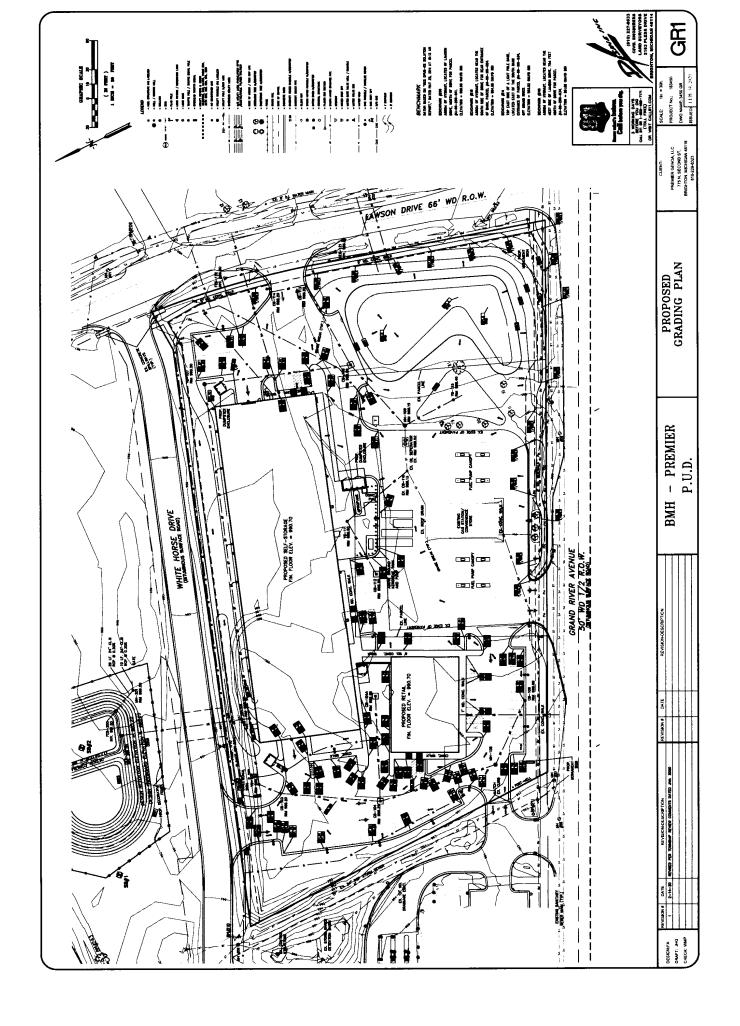


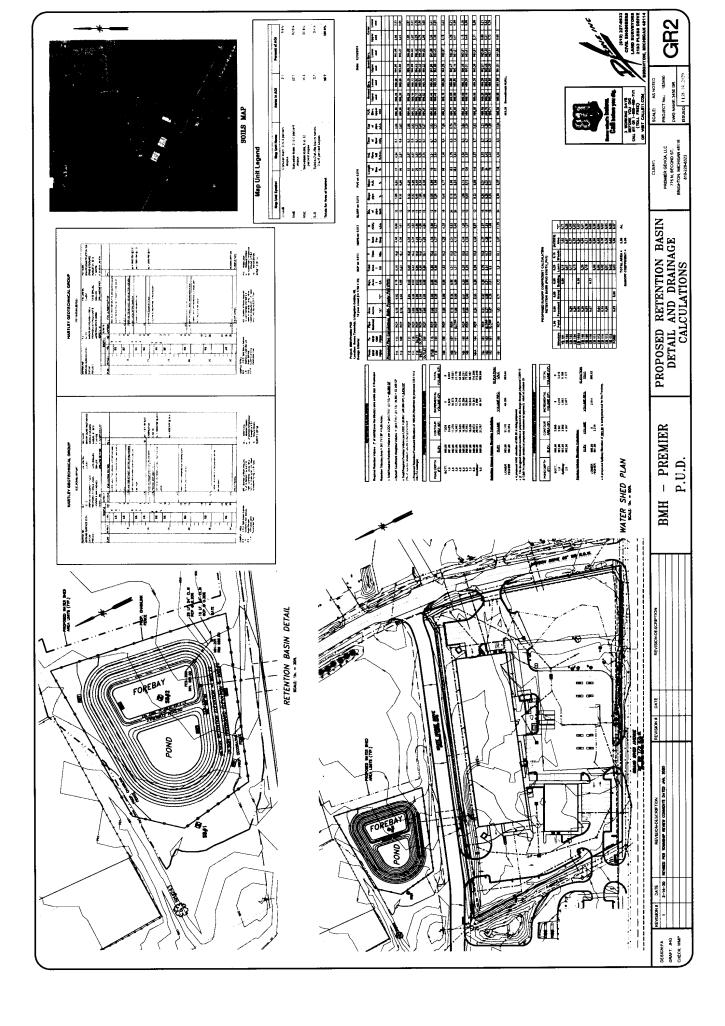


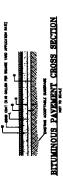














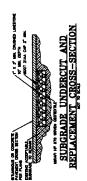
ě	DESCRIPTION OF	MINING SECTION	SEAM COPACTED RECREEM
•	MEANING COLUMN	1901 100	
-	LEVELING COLUMN	MOOT 13A	77
•	ACCREGATE BASE	MENOT 22hA	
•	CHARGE OF SERVICE	MDGY CLASS II	7
-	940049	W/W	4/4
	MINIMIN	MINIMUM TOWNSHIP CROSS SECTION	S SECTION
è	- CONTRACTOR	MARINE SPECIFICATION	MARKE COMPACTED THEORETS
•	MEANING COURSE	MOOT 38A	14
-	JENTOD SHITATI	MOOT 13A	1.5"
•	MATHEMATIC BASE	MDOT 22A	
•	DIAMES AND SERVICE	MEDIT CLASS #	
-	G100000	*/*	N/A

BITUMINOUS PAVEMENT NOTES:

Unusuable will fraud within the Line I influence zone of the readway, with a muck past topos and all the consoler members and the certain for all other certains and other proposed authority devance with MIOJ (Fast III principle metrical compacted to 9% maximum unit verificility from the certain with MIOJ (Fast III principle metrical compacted to 9% maximum unit verificility from the certain of the certain and the certain and the compacted to 9% maximum unit verificility.

. Commeter shall proof roll prepared subgrade as directed by Enginees. Unaccopable areas of subgrade landscontable for the soll be undersont and replaced as directed by Enginees.

Described and all processed of the processed of the processes were executed to the processes of the processe

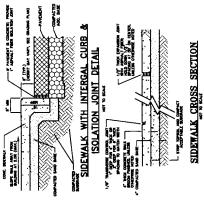


PAVEMENT SUBGRADE UNDERCUT NOTES

Areas of pavement unbymde that do not para a proof roll impection shall be underrol when detected by the Matteri I entire Euglance and Princit Engineer. All underroll work shall be winnessed and held mateured by the Material Ferring Engineer and to Project Engineer. 2. Underson areas shall be encavated to a depth of 12' below the proposed adequate elevation using an information or Reachine with 8 Smooth Edged Datching Blacken to as not to examity the underlying sortic. Underson uses a shall ensuit these of all construction to fifth, and equipment to an oid nating and/or tracking of the underlying will. Mindi HP 510 Waven Geotenule Fabric (or appos ed equal) shall be pleced over all undercut areas per ex hamiliarium Procifications ("Dreftg all seems a minimum of 12" unless specified otherwise by the Austication."

1. Bert füll die undertru necht with 1"x 3" minnenn, nare erunded langslate lundsrates up to the prevoxed lungstade eine nach solden derende material daal 10 ff 10 webaltunde for eruthod lanestoner naterial. The bestell material daal be spread with a Vide Track Dezet to manutze feading on the naterial meterial serba is ange moved dream relet in naterial serba is ange moved dream relet.

The General Contactor and the Enthwork Sewsteins or shall provide ALDS has with many relative to the Contact of Contact o



MDOT TYPE F4 CURB

** - Z71 4

SIDEWALK CROSS SECTION NOTES;

1. The construction specifications of the Local Manacipality are a part of this work. Refer to the Clement Notes and the Sidewalk Cross Section Details on the Propert Plans for additional requirements.

Sidewalk widths may vary. See the Project Plans for the proposed sidewalk width at each location. Increase sidewalks to of mammar labelancy at divorways and other action exposed to reducular traffic

CONCRETE CURB MOTES: I. Refer to the proposit plans for the proposed locations of the specific curb construction specifications of the appropriate Local Municipality a of this work. Rofer to the General Notes and Cuch Cross Sections is no the project place for additional requirements.

MDOT TYPE F4 CURB REVERSE PITCH

Entered the base and/or unbhase material of the appropriate adjacent several conservations between the 1 foce behind the back of curt-froncine can shall be constructed on no less than of of combined depul compacted base-subbase material.

4. The side-will compared aphese; material shall be MIOOT (T. Il neat). No subbase material and strategies aball be permated unbeat price avoiden approval of the Project Deplace and recept of the Owerf's the advisorable and the subbase shall be compared to a minimum of 55% of the reasonment outs weight, modified process. 3. The cutang uniquely sole shall be perpared print to placement of the grander solbane. Unaumble mole and washing the cut to the cutant part of the cutant part of the cutant part of the cutant part operation where the cut sole in concept must sell our order unauth meaning daily to extramel and represent with min usual fill. Showned fill that be MIXOT Class If grounder meaning placed in accordance, with the General Noise on the Proper Place.

Concre mandral ball met er exceed by specification reperments of the apprapara. I and following the Concrete control of the Concrete control of the Concrete control of the control of the control of the control of the Concrete control of the Concr

o, Insall reaso raw concretion control joins in accordance with the Sidesual Creat Section Detail. Space control points to match sidewalk width, has no greater than 10' on center. Tool joints in fresh controls or taw cat without huars.

3. Lorall transfer expanses control joints is accordance with the Sidewall Crina Section Detail. Space regardaness control to that a 45 feet or center maximum. Transverse expansion control joints shall be 1/2 beliefs by a partial free port filter matching return advent cross section.

tracts ente contraction control joints in concrete curb with I's a depth at IC on contor. Tool joints in first concrete or saw house.

ii. Provide 0.5° auphali fibet control joint behween concrete aidewalka and all other concrete structures, such as concrete bridaing fraushalinas, concrete curb and conscrete devenays. b) Control all Bernst Froe Sidewalk Bernps in accordance with the American Daubhitass Act and the affairer Free Daugh Agenterment on the pypopmat actal, Courty or Visite Agency with jurnsdiction over the rooker; It feet in MLYT Kandad Plan R-23, hash review.

I. Provide G.C. suptief fiber control joint between back of curb and all other concrete structures, such as concrete adewalks and concrete dry ownys.

Curb Contractor shall provide final adjustment of catch basin cartings is curb lose. Laxings shall be task posited to structure water tight with concrete or mortal transit and watelede of carting.

10. The Concrete Pavement shall not be exposed to vehicular rail/it until the concrete has reached at least 75 "s of the deeps focused stronger.

Contractor shall comply with all permit, incurance; literating and impertion requirements associated that work, Price to constructions, Continuous and Oscillation and Oscillation and the expension of containing such required permit. Usualized what is right that the each required permit is constructed with virily that the each required permit is constructed to the stage of work susceitable with the required permit.

I Commerce and control and con

Contractor shall coordinate scheduling of all work in the proper sequence, including work is becomescore. Additional costs date to improper planning by Contractor or work done out or equence as determined by standard acceptable construction practices, shall be Contractor's

Copingtor shall coordinate scheduling a Pre-Construction Meeting with Engineer ommencement of work.

10 Daring the performance of their work. Contracts shall be solely responsible for decriminal conditions and appropriate contributes the advanced solely and their conditions. Concert (Figure 1) (figure), and and matter shorting to sharp, being solely of their took and opportunities of contractions therefore a solely forting their other took and opportunities of experience of approach for the solely opportunities.

11. Contractor shall insell compressly such permanent and conservation and audiencialation control in the appropriate stages of construction as accordance with the appropriate regulatory Agenticies. 12. Stouchast Fill ball for percel as specified on the project plans and sultan the 1 or 1 miles of all fill because it is considered by the project of the 14 ('miracior shall soully Owner/Developer and Engineer immediately upon enter conditions, which are inconsistent with the project plans and/or specifications.

5. When noted on the project plans for demolstwo and/or removal, Communics shall remove extra amounts, building and debrits and recycle and/or dupase of in accordance with Local, Country, No. 5 detail regulations.

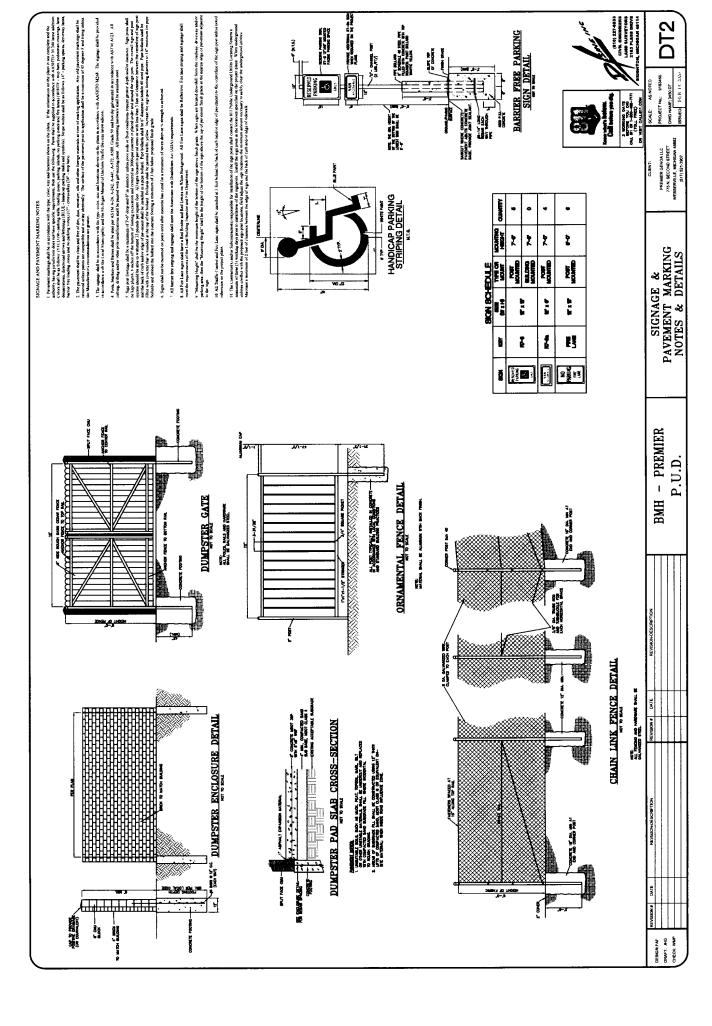
17. Construction secrets to the state shall be located to acceptable to the Owner/Developer and to the appropriate Local Contribution of the modelly perchalge access the site. Construction secret shall be manuface and cleaned in accedence with the appropriate Local, Country and/or Shan Agenties and as devected by Owner/Developer and/or Shan Agenties and as devected by Owner/Developer and/or Support. 18. Contractor chall side necessary percunions to protect all tole super-results from the and construction procedures. Demage resulting from Centractor actives thall be repaired in Contractor actives thall be repaired in Contractor actives thall be repaired in

PIOCHIBITOR IN A DISTRICT ON THE CONTROL OF THE CON

SITE PAVEMENT NOTES & DETAILS BMH - PREMIER P.U.D. DESIGNEFAF DRAFT: JHG CHECK: WAIP

PREMIER GENOA LLC 775 N. SECOND STREET BRIGHTON, MICHIGAN 48116

DWG NAME; 3450 DT ISSUED: PL:R 14 3020 SCALE: NO SCALE PROJECT No.: 183450





BMH - Premier PUD 4525 East Grand River Ave. Genoa Township, MI

Preliminary Landscape Plan

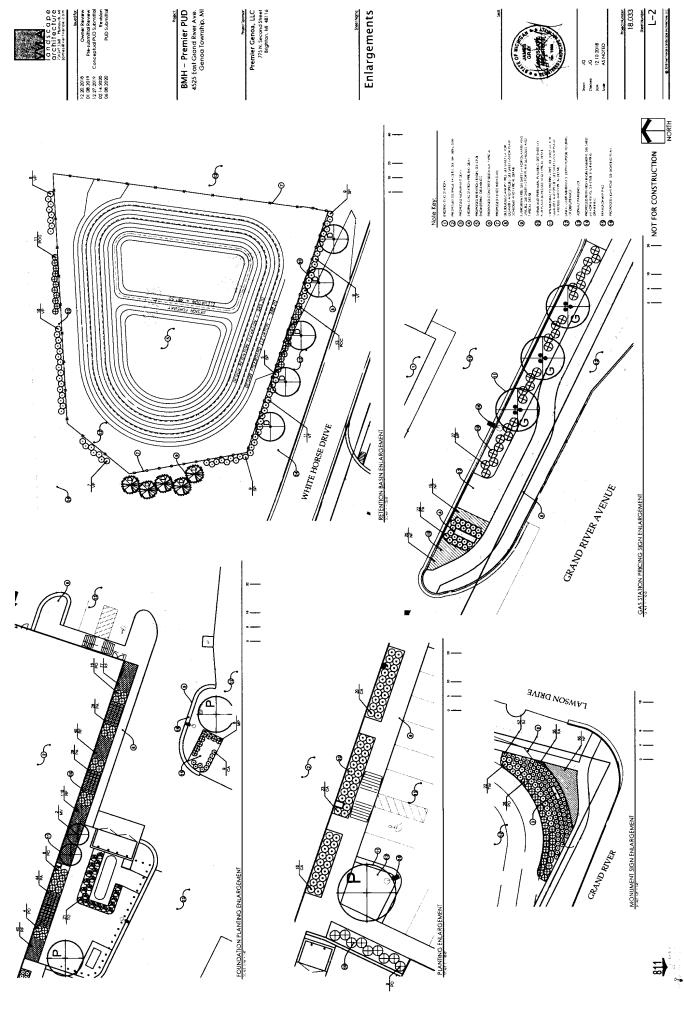


ĕ	
Ĕ	
ž	
NOT FOR CONSTRUCTION	-
Š.	8 —
Ĭ	8—

NORTH

WYTHY CYCLARY	
10 (1) (1) (1) (1) (1) (1) (1) (1) (1) (1)	
4	
A Manual Anna Maria	~ 2-) EHRS (HEMIS) SHEEL (HEMI
CRAND RIVE	
SE ON DATE WEEPO	

AMERICAN MANAGEMENT OF THE PROPERTY OF THE PRO
SE CHESCHI PLANTS



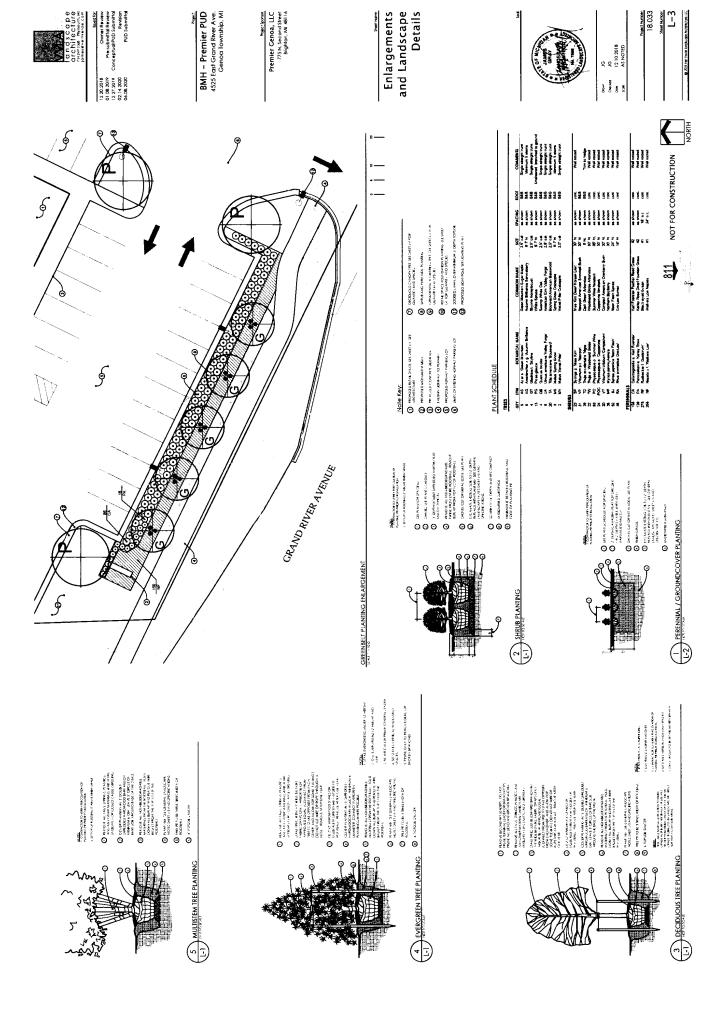


Exhibit D

Uses

Schedule of Uses – BMH Realty, LLC RDPUD				
		RDPUD/GCD	Use Conditions	
Retail Uses				
Retail establishments and shopping centers which provide goods such as bakery goods, including bakery items produced on the premises, groceries, produce, meats, provided no slaughtering shall take place on the premises, seafood; dairy products, beverages appliances, electronics, furniture, and home furnishings, apparel, jewelry, art, pharmaceuticals, home improvement supplies, hardware, and garden supplies, sporting goods, bicycles, toys, hobby crafts, videos (rental, and sales), music, musical instruments, books, computer hardware and software, antiques, flower shops, greeting card shops, auto parts and similar establishments not specifically addressed elsewhere	Uses with up to 15,000 square feet gross floor area	Р		
	Uses 15,001 - 30,000 square feet of gross floor area	Р	(a)	
	Uses 30,000 - 60,000 square feet of gross floor area	S	(a)	
	Pharmacies with drive-up window	S	(b)	
Automobile, motorcycle, boat and recreational vehicle sales, new and used		S	(c)	
Outdoor commercial display, sales or storage		S	(d)	
Service Uses				
Banquet halls, assembly halls, dance halls, private clubs, fraternal order halls, lodge halls or other similar places of assembly		Р		
Business services such as mailing, copying, data processing and retail office supplies		Р		
Child care centers, preschool and commercial day care		Р	(e)	
Conference Centers		S	(f)	
Funeral home or mortuary		Р	(g)	
Bed and breakfast inns, hotels and motels with no more than 25 rooms not including accessory convention/meeting		Р		

Schedule of Uses – BMH Realty, LLC RDPUD					
		RDPUD/GCD	Use Conditions		
facilities or restaurants	These uses may include the				
residence for the owner/manger's family					
Hotels and motels with I	more than 25 rooms including	Р			
accessory convention/meeting facilities and restaurants					
Laundromats		Р			
Personal and business service establishments, performing		Р			
services on the premises, including: dry cleaning drop-off					
stations (without on site processing), photographic studios,					
copy centers, mailing centers, data processing centers,					
	, shoe repair shops, tanning salons,				
beauty parlors, barber shops, and similar establishments			/1.		
	ations with drive-through service	S	(b)		
Restaurants, taverns,	Standard restaurants and coffee	P			
bars, delicatessen,	shops, except as provided below				
food carryout, coffee	Restaurants and bars serving	P			
shops, and similar	alcoholic beverages				
establishments serving food or beverages	Bars providing dancing and live	P			
1000 of beverages	music		(:)		
	Restaurants with open front	S	(i)		
	Windows Restaurants with outdoor seating	P	/:\		
	Restaurants with outdoor seating		(i)		
	Drive-through restaurants	S	(j)		
	Drive- in restaurants	S	(j)		
	Carry-out restaurants	P			
	Coffee Shop with drive-through	S	(j)		
	Brewpub	Р			
	Micro-brewery, small distillery	S	(y)		
	and small winery				
Studios of photographers and artists		P			
Tattoo parlors		Р			
Tool and equipment rental, excluding vehicles		Р			
Kennel, commercial		S	(h)		
Pet day care center		S	(w)		
Climate-controlled indoor commercial storage		Р			
Auto Service Uses					
Minor auto repair establishment		S	(k)		

<u> </u>	Scn	edule of Uses – BMH Realty, LLC				
		15 10 10 10	RDPUD/GCD	Use Conditions		
Auto/gasoline service station, limited to one (1) on the		P (1)	(k)			
Property at any time			/1)			
Automobile wash, automatic or self serve			\$	(1)		
Leasing and rental of automobiles, trucks and trailers		S				
Office Service and Med	ical Us	ses				
Adult day care facilities			S			
Banks, credit unions, V		h up to 3 drive-through teller	Р	(m)		
savings and loan	win	dows				
establishments and	Wit	h more than 3 drive-through	S	(m)		
similar financial	telle	er windows				
institutions	1	nd alone automatic drive-up	S			
	telle	er machines				
Offices of non-profit professional, civic, social, political and		nal, civic, social, political and	Р			
religious organizations						
Medical urgent care faci	lities,	medical centers and clinics	Р			
Medical offices of doctors, dentists, optometrists, chiropractors, psychiatrists, psychologists and similar or		Buildings up to 15,000 square	Р			
		feet of gross floor area				
		Buildings over 15,000 square	Р			
		feet of gross floor area				
allied professions, exclu	ding					
clinics, and urgent care						
centers						
Offices of lawyers,		Buildings up to 15,000	Р			
engineers, architects, insurance, and real estate		square feet of gross floor				
		area				
agents, financial consultants,		Buildings between 15,000 and	Р			
and brokers, advertising		55,000 square feet of gross				
offices, accounting, and bookkeeping services,		floor area				
clerical, and stenographic		Buildings over 55,000 square	Р			
services, sales offices, other		feet of gross floor area				
types of executive, or	•					
administrative offices and						
similar or allied professions						
Veterinary hospitals		S	(o)			
Veterinary clinics without boarding or overnight care		S	(x)			
Recreation						

Schedule of Uses – BMH Realty, LLC RDPUD				
	RDPUD/GCD	Use Conditions		
Accessory fuel storage and use or storage of hazardous materials	S	13.07		

Use Conditions: Uses noted above shall only be allowed where the following requirements are complied with:

- (a) Shopping centers and home improvement centers over 15,000 square feet shall comply with the following requirements:
 - (1) The center shall have access to at least one County Primary Road or roadway with a right-of-way of at least eight six (86) feet.
 - (2) The design of the center shall ensure that vehicular circulation patterns will minimize conflicts between vehicles and pedestrians on-site,
 - (3) The impacts of traffic generated by the center on adjacent streets will be mitigated to ensure a level of service D, or maintenance of the current level of service if lower than D, along the site's frontage and nearest signalized intersections.
 - (4) Internal circulation shall be designed such that no intersection includes more than four aisles or drives.
 - (5) Site entrances shall be restricted to three-way movements, with unrestricted inbound movements.
 - (6) Internal drives defined by the ends of aisles shall have raised curbed islands at appropriate locations to define circulation paths and control movements through the parking lot.
 - (7) Loading facilities which serve the commercial establishment in the principal building shall be screened from public view.
 - (8) Any building side facing a public street or residential district shall be constructed with brick, split face block or similar decorative material, unless a landscaped berm is approved by the Township.
 - (9) Any outlots shall have access, circulation and parking designed to complement the entire site.
- (b) Accessory drive-through service for uses other than restaurants and banks shall comply with the following requirements:
 - (1) The drive-through facility must be attached to the structure.
 - (2) The drive-through service, including any lighting associated therewith shall be screened from adjacent residential land uses such that it will not impact the use and enjoyment of said residential land use.
 - (3) Clear identification and delineation between the drive-through facility and the parking lot shall be provided.
 - (4) Each drive-through facility shall provide an escape lane to allow other vehicles to pass those waiting to be served. The Planning Commission may

- waive the requirement for an escape lane where it can be demonstrated that such a waiver will not result in an adverse effect on public safety or the convenience of patrons of the facility.
- (5) There shall be a minimum of three (3) stacking spaces.
- (6) The drive-through facility shall be located on the side or rear elevation of the building to minimize visibility from the public or private roadway.
- (7) The number of on-site directional signage shall be limited to two (2) signs meeting the area and location requirements of Article 16.
- (8) The principal structure shall be setback a minimum of fifty (50) feet from all lot lines and the public right-of-way, unless a greater setback applies.
- (9) When located in the NSD district, accessory drive-through service windows for pharmacies/drug stores shall be used only for prescription drug pick-up and drop-off. Only one drive-through service lane is permitted for each pharmacy or drug store structure in the NSD district.
- (c) Automobile, motorcycle, boat and recreational vehicle sales, new and used shall comply with the following requirements:
 - (1) Sale space for used mobile homes, recreational vehicles and boats may only be carried on in conjunction with a regularly authorized new mobile home, recreational vehicle or boat sales dealership on the same parcel of land.
 - (2) All outdoor storage areas shall be paved with a permanent, durable and dustless surface and shall be graded and drained to dispose storm water without negatively impact adjacent property. The Township Board, following a recommendation of the Planning Commission and the Township Engineer, may approve a gravel surface for all or part of the display or storage area for low intensity activities, upon a finding that neighboring properties and the environment will not be negatively impacted.
 - (3) No storage or display of vehicles shall be permitted in any landscape greenbelt area, provided the Township may permit a display pod for an automobile within the greenbelt area where it is integrated into the landscape design.
 - (4) The site shall include a building of at least five hundred (500) feet of gross floor area for office use in conjunction with the use.
 - (5) All loading and truck maneuvering shall be accommodated on-site.
 - (6) All outdoor storage area property lines adjacent to a residential district shall provide a buffer zone A as described in Section 12.02. A buffer zone B shall be provided on all other sides. The Planning Commission may approve a six (6) foot high screen wall or fence, or a four (4) foot high landscaped berm as an alternative.
- (d) Commercial Outdoor Display Sales or Storage including, but not limited to, sales or storage of: building/lumber supply, contractor's yards, garden/landscape supplies, nurseries, greenhouses, stone, farm implements, automobiles, trucks,

recreational vehicles, mobile homes, boats, jet skis, mowing equipment, construction equipment and similar materials or equipment shall comply with the following requirements:

- (1) Minimum lot area shall be one (1) acre.
- (2) Any stockpiles of soils, fertilizer or similar loosely packaged materials shall be sufficiently covered or contained to prevent dust or blowing of materials.
- (3) All outdoor storage areas shall be paved with a permanent, durable and dustless surface and shall be graded and drained to dispose stormwater without negatively impact adjacent property. The Township Board, following a recommendation of the Planning Commission and the Township Engineer, may approve a gravel surface for all or part of the display or storage area for low intensity activities, upon a finding that neighboring properties and the environment will not be negatively impacted.
- (4) No outdoor storage shall be permitted in any required yard (setback) of buildings for the district in which the commercial outdoor display, sales or storage use is located. Any approved outdoor sales or display within a parking lot shall meet the required parking lot setback; provided the Planning Commission may require additional landscaping screening or ornamental fencing.
- (5) The site shall include a building of at least five hundred (500) feet of gross floor area for office use in conjunction with the use.
- (6) All loading and truck maneuvering shall be accommodated on-site.
- (7) All outdoor storage area property lines adjacent to a residential district shall provide a buffer zone A as described in Section 12.02. A buffer zone B shall be provided on all other sides. The Planning Commission may approve a six (6) foot high screen wall or fence, or a four (4) foot high landscaped berm as an alternative.
- (8) The height of all material and equipment stored in an outdoor storage area shall not exceed the height of any landscape screening, wall or fence. Boats and recreational vehicles may exceed the height of the fence provided that they are setback from the fence a distance equal to their height. Storage of materials up to the height of the adjacent building wall may be permitted in the rear yard if it is illustrated on the site plan, the rear yard does not abut a residential district, will not be visible from an expressway and such storage is confined to within twenty (20) feet of the building.
- (e) Child day cares shall provide not less than the minimum amount of indoor and outdoor play areas required by the State of Michigan. The required outdoor play area shall be fenced.
- (f) Conference Centers shall comply with the following requirements:

- (1) The site shall have direct access, via lot frontage or an improved road, to at least one paved arterial roadway (County Primary Road).
- (2) The location, geometric design and throat depth of site access points, and overall internal site circulation, shall prevent unreasonable traffic congestion on public roadways. The level of service shall not be below "D" for any turning movements for any event. A traffic management program shall be submitted as part of the application.
- (3) Building height shall not exceed thirty-five (35) feet but may be three (3) stories (i.e. a permitted exception from the maximum number of stories allowed for other buildings in the various zoning districts).
- (4) Minimum floor area shall be ten thousand (10,000) square feet of usable conference rooms, meeting rooms, banquet rooms and pre-function space.
- (5) Minimum building and outdoor use areas shall be setback at least one-hundred (100) feet from any property line of residentially zoned and/or seventy-five (75) feet from any other property line. Buffer zones shall be provided as required for "community commercial" uses in Section 12.02. The Planning Commission may reduce the required setbacks by up to fifty percent (50%) where more extensive landscaping or existing features provide an extensive screen.
- (6) Parking setbacks shall be forty (40) feet in the front yard, twenty-five (25) feet for side and rear yards adjacent to residential uses, and ten (10) feet elsewhere.
- (7) The proposed building(s) may provide atriums, lobbies, or other public gathering places.
- (8) The accessory uses, specialty shops, and activity centers shall be customarily incidental to the primary components of the conference center.
- (9) All uses, except for off-street parking or loading spaces and approved outdoor gathering places (such as courtyards, plazas, etc.) shall be conducted within a completely enclosed building. Sales, display, and outdoor storage of any commodities or storage containers, vehicles or other uses shall be expressly prohibited.
- (10) In addition to other requirements, the Impact Assessment shall describe intended and anticipated number, type and frequency of events that may be expected at the proposed site including hours of operation. Include information about outdoor receptions and the location where they may be held.
- (g) Funeral homes shall comply with the following requirements:
 - (1) Minimum lot area shall be one (1) acre and minimum lot width shall be one hundred and fifty (150) feet.

- (2) An off-street vehicle assembly area shall be provided to be used in support of funeral processions and activities. This area shall be in addition to the required off-street parking and its related maneuvering area.
- (h) Commercial kennels shall comply with the following requirements:
 - For kennels housing dogs, the minimum lot size shall be two (2) acres for the first four (4) dogs and an additional one-third (1/3) acre for each one (1) additional dog.
 - (2) Buildings wherein dogs are kept, dog runs, and/or exercise areas shall not be located nearer than five hundred (500) feet to a residential use or property line, two hundred (200) feet from any adjacent principal building or unit, and shall be setback one hundred and fifty (150) feet to any lot line and/or road right-of-way.
 - (3) Adequate odor control measures shall be implemented so that odor from inside or outside the kennel will not be discernible outside the building.
 - (4) All kennels shall be operated in conformance with all applicable county and state regulations and operated by a licensed operator.
 - (5) Any dog and food waste shall be properly and lawfully disposed of to not create a litter, insect, rodent, vermin or offensive odor nuisance. Approval from the Genoa MHOG Utility Department, the Drain Commissioner and Health Department shall be provided as part of the special use application.
 - (6) The applicant may be required to post a financial guarantee, the amount of which to be determined by the Township board, before a permit is granted or renewed.
 - (7) The application shall include a floor plan for the facility that indicates noise insulation measures.
 - (8) All enclosures for breeding, rearing, shelter, or other uses in connection with harboring of animals, shall be hard surfaces and provided with proper drains for washing with water pressure.
 - (9) The applicant shall provide a waste management plan detailing both indoor and outdoor waste management procedures to ensure animal waste is not discharged to surface or storm water. Outdoor animal areas shall be designated and shall consist of properly maintained lawn, special canine grass or other methods as approved by the Planning Commission following a recommendation by the Township Engineer.
 - (10) Such facilities shall be subject to other conditions and requirements necessary to ensure against the occurrence of any possible nuisance (i.e., fencing, sound-proofing, sanitary requirements).
 - (11) Applicants shall submit, at the time of special land use application, a proposed site plan and floor plan and written operating procedures including waste and noise management methods, such as those recommended by the International Boarding and Pet Services Association (IBPSA). These procedures shall be followed for the duration of the business and shall be designed to prevent or control animal behavior that

- may adversely impact surrounding uses, including loud or excessive barking.
- (12) All animals shall be kept indoors between the hours of 10:00 PM and 8:00 AM.
- (i) Open front restaurant (window service) and restaurants with outdoor seating shall comply with the following requirements:
 - (1) All trash containers shall be provided outside. Both recycle bins and trash receptacles shall be provided.
 - (2) For open front restaurants with window service, all signs for an open front window placed on the building shall be flat; and interior signs visible to patrons through glass or an opening shall not exceed twenty-five percent (25%) of that area.
 - (3) Additional parking shall be provided for outdoor seating and standing areas.
 - (4) Outdoor noise shall not be greater than that commonly associated with a restaurant. The Township Board may place restriction on outdoor speakers or hours of operation to control the noise.
 - (5) The Zoning Administrator shall approve a land use permit for any outdoor seating including a sketch plan illustrating seating areas, enclosures/railings, sufficient off-street parking and lighting.
- (j) Restaurants or coffee shops with drive-in or drive-through facilities shall comply with the following requirements:
 - (1) Principal and accessory buildings shall be setback fifty (50) feet from any adjacent public right of way line or property line.
 - (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.
 - (3) Only one (1) access shall be provided onto any street.
 - (4) Such restaurants constructed adjacent to other commercial developments shall have a direct vehicular access connection where possible.
- (k) Automobile service stations and maintenance establishments (including those accessory to another use) shall comply with the following requirements:
 - (1) There shall be a minimum lot area of one (1) acre and minimum lot frontage of two hundred fifty (250) feet.
 - (2) Pump islands shall be a minimum of twenty (20) feet from any public right of way or lot line, and at least forty (40) feet from any residential lot line.
 - (3) Access driveways shall meet the standards of Article 15; turning movements may be restricted in consideration of traffic conditions. Only one driveway shall be permitted from each street unless the Planning Commission determines additional driveways will be consistent with the purpose of Article 15.
 - (4) Where adjoining residentially zoned or used property, 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 approve a landscaped berm as an alternative.
- (5) All repair work shall be conducted completely within an enclosed building. Garage doors shall not face any public roadway except as approved by the Planning Commission under the following circumstances:
 - a. For through garages where doors are provided on the front and rear of the building;
 - b. Garages located on corner or through lots; and,
 - c. Where the Planning Commission determines that a rear garage would have a negative impact on an abutting residential district. Under these circumstances the Planning Commission may require additional landscape screening above and beyond what is required for street frontage landscaping.
- (6) There shall be no outdoor storage or display of vehicle components and parts, supplies, or equipment or other merchandise, except within an area defined on the site plan approved by the Planning Commission and which extends no more than ten (10) feet beyond the building.
- (7) Storage of wrecked, partially dismantled, or other derelict vehicles is prohibited, unless such storage is required under police or court order. Vehicles shall not be stored outdoors for more than seven (7) days in any thirty (30) day period.
- (8) Storage of gasoline shall be at least four hundred (400) feet from churches, schools or similar public/quasi public places of assembly.
- (9) Below ground fuel storage tanks shall be at least two thousand (2000) feet from any drinking water well serving two or more residential units.
- (10) The design and materials of the canopy shall be compatible with the main building. The proposed clearance of any canopy shall be noted on the site plan. Any signs, logo or identifying paint scheme on the canopy shall be reviewed by the Planning Commission and considered part of the maximum wall sign permitted. Details on the canopy lighting shall be provided to ensure there is no glare on the public streets or adjacent property, and that lighting levels are in accordance with Section 12.03. Canopy lighting shall be recessed such that the light source cannot be seen from off site.
- (11) The applicant shall submit a Pollution Incidence Protection Plan (PIPP) as part of the Impact Assessment. The PIPP shall describe measures to prevent groundwater contamination caused by accidental gasoline spills or leakage, such as: special check valves, drain back catch basins and automatic shut off valves.
- (12) In the event that an automobile service station use has been abandoned or terminated for a period of more than one (1) year, all underground gasoline storage tanks shall be removed from the premises.

- (13) The establishment of a new automobile service station shall require the lot to be separated a minimum of five hundred (500) feet from any other lot containing an existing automobile service station.
- (14) Automobile service stations and maintenance establishments shall comply with the requirements of Section 13.07 Hazardous Materials and Fuel Storage.
- (I) Automobile washes, automatic or self-service, shall comply with the following requirements:
 - (1) Only one (1) ingress/egress driveway shall be permitted on any single street.
 - (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.
 - (3) All washing facilities shall be within a completely 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.
 - (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.
- (m) Banks, credit unions, savings and loan institutions with drive-through facilities shall only be permitted one (1) ingress/egress driveway, or one (1) pair of one-way driveways along any street.
- (o) Veterinary hospitals which include overnight stays and/or boarding of animals shall comply with the following requirements:
 - (1) The principal accessory building or structure shall be setback seventy five (75) feet from the front property line and fifty (50) feet from all other property lines.
 - (2) All principal use activities shall be conducted within a totally enclosed principal building.
 - (3) The applicant shall provide a waste management plan detailing both indoor and outdoor waste management procedures to ensure animal waste is not discharged to surface or storm water. Outdoor animal areas shall be designated and shall consist of properly maintained lawn, special canine grass or other methods as approved by the Planning Commission following a recommendation by the Township Engineer.
 - (4) Adequate odor control measures shall be implemented so that odor from inside or outside the veterinary hospital will not be discernible outside the building.
 - (5) Applicants shall submit, at the time of special land use application, a proposed site plan and floor plan and written operating procedures

including waste and noise management methods, such as those recommended by the International Boarding and Pet Services Association (IBPSA). These procedures shall be followed for the duration of the business and shall be designed to prevent or control animal behavior that may adversely impact surrounding uses, including loud or excessive barking.

- (p) Carnivals, fairs, commercial cider mills and amusement parks shall comply with the following requirements:
 - (1) Minimum lot size shall be ten (10) acres.
 - (2) A site plan shall be provided clearly defining activity areas using fences, buildings, walkways or other suitable barriers.
 - (3) All buildings, structures and parking shall be at least three hundred (300) feet from any dwelling unit excluding any dwelling unit on the site.
 - (4) The Township Board may require placement of a six (6) foot high fence around all or part of the site.
 - (5) Access shall be provided onto a primary road, as designated by the Livingston County Road Commission. Access shall be controlled, with capability to accommodate at least three (3) lanes of ingress traffic. At least three hundred (300) feet on stacking (queuing) area shall be provided on site before parking fee collection.
 - (6) The amount of on-site parking shall be deemed sufficient.
 - (7) Maximum coverage by buildings and structures shall be twenty percent (20%).
 - (8) The Township Board may require posting of a performance bond or other form of financial guarantee. The bond shall be in an amount determined by the Board as necessary to cover any potential damage or clean-up on the site or adjacent properties.
 - (9) The Township Board may establish limits on hours of operation, time limits on validity of special use permit, or any other measures deemed necessary to minimize negative impacts on nearby uses and traffic operations along public streets.
 - (10) Prior to issuance of a Special Land Use Permit, the applicant shall provide evidence of public liability insurance and property damage insurance to cover potential liability for death or injury to persons, or damage to property, which may result from the conduct of the activity.
- (q) Commercial Outdoor Recreation Establishments (excluding golf related uses) shall comply with the following requirements:
 - (1) Such uses shall include, but need not be limited to, the following: recreational fields, rinks or courts, including football, softball, soccer, tennis, basketball, ice skating, and similar activities, swimming pools open to the general public or operated by a private non-profit organization, archery and shooting ranges, animal racing, go-cart, automobile or motorcycle tracks, music concert pavilions and band shells, amusement

- parks and uses accessory to the above uses, such as refreshment stands, retail shops selling items related to the above uses, maintenance buildings, office for management functions, spectator seating and service areas, including locker rooms and rest rooms.
- (2) The site shall be adequate to accommodate the intended use(s), parking and adequate buffer areas without significant impact on nearby properties in terms of noise, traffic, lighting glare, views, odors, trespassing, dust or blowing debris, as determined by the Planning Commission. The applicant shall provide documentation the site size is adequate using national facility standards.
- (3) The site shall be located on a paved street which is classified as a Primary Route by the Livingston County Road Commission.
- (4) No building or spectator seating facility shall be located within one hundred (100) feet of a property line.
- (5) The site shall be periodically cleared of debris.
- (r) Golf Driving Ranges, Miniature Golf Courses shall comply with the following requirements:
 - (1) All traffic ingress and egress shall be from a Primary Road, as classified by the Livingston County Road Commission.
 - (2) Any lot line abutting a residential district shall provide a fifty (50) foot wide, landscaped buffer zone A, as defined in Section 12.02.
 - (3) A minimum twenty (20) foot wide greenbelt, as described in Section 12.02, shall be provided along any public street or highway.
 - (4) Site size shall be adequate to retain all golf balls within the site by means of a fence no more than six (6) feet high.
 - (5) The Planning Commission may restrict the hours of operation in consideration of the adjacent land uses and zoning.
- (s) Indoor commercial recreation: (bowling alleys, ice arenas, skating rinks, etc.) shall comply with the following requirements:
 - (1) The principal and accessory buildings and structures shall be not be located within one-hundred (100) feet of any residential district or permitted residential use.
 - (2) All uses shall be conducted completely within a fully enclosed building.
- (t) Animal shelters shall comply with the following requirements:
 - (1) Buildings wherein dogs are kept, dog runs, and/or exercise areas shall not be located nearer than five hundred (500) feet to a residential use or property line, two hundred (200) feet from any adjacent principal building or unit, and shall be setback one hundred and fifty (150) feet to any lot line and/or road right-of-way.
 - (2) Adequate odor control measures shall be implemented so that odor from inside or outside the animal shelter will not be discernible outside the building.

- (3) All shelters shall be operated in conformance with all applicable county and state regulations and operated by a licensed operator.
- (4) Any dog and food waste shall be properly and lawfully disposed of to not create a litter, insect, rodent, vermin or offensive odor nuisance. Approval from the Genoa MHOG Utility Department, Drain Commissioner and Health Department shall be provided as part of the special use application.
- (5) The applicant shall provide a waste management plan detailing both indoor and outdoor waste management procedures to ensure animal waste is not discharged to surface or storm water. Outdoor animal areas shall be designated and shall consist of properly maintained lawn, special canine grass or other methods as approved by the Planning Commission following a recommendation by the Township Engineer.
- (6) The applicant may be required to post a financial guarantee, the amount of which to be determined by the Township board, before a permit is granted or renewed.
- (7) The application shall include a floor plan for the facility that indicates noise insulation measures.
- (8) All enclosures for breeding, rearing, shelter, or other uses in connection with harboring of animals, shall be hard surfaces and provided with proper drains for washing with water pressure.
- (9) Such facilities shall be subject to other conditions and requirements necessary to ensure against the occurrence of any possible nuisance (i.e., fencing, sound-proofing, sanitary requirements).
- (10) Applicants shall submit, at the time of special land use application, a proposed site plan and floor plan and written operating procedures including waste and noise management methods, such as those recommended by the International Boarding and Pet Services Association (IBPSA). These procedures shall be designed to prevent or control animal behavior that may adversely impact surrounding uses, including loud or excessive barking.
- (u) Shelters and rehabilitation centers for philanthropic or non-profit institutions shall comply with the following requirements:
 - (1) The center shall have access to at least one County Primary Road, State Trunkline or roadway with a right-of-way of at least eight six (86) feet.
 - (2) The site shall not be located within five hundred (500) feet of a residential zoning district.
- (v) Temporary outdoor sales and Temporary outdoor events may be permitted on the same lot with a developed permitted use and shall comply with the following conditions:
 - (1) The total of all such uses on any given lot shall be allowed for a combined total of a maximum of twenty-eight (28) days during a calendar year.
 - (2) There shall be no outside vendors. Merchandise sold or service provided shall be that of the regular use in the principal building of the site. Proof

- of tenant occupancy in the principal building shall be provided to the satisfaction of the Zoning Administrator.
- (3) All such uses shall be contained on-site and shall not have an adverse impact on adjacent properties or the surrounding neighborhood. Parking shall be provided on-site and shall not exceed parking and/or occupancy loads.
- (4) Such uses shall not occupy or utilize the street right-of-way nor block traffic movement on the street, and shall not interfere with pedestrian's use of the sidewalks. Available sanitation facilities must be adequate to meet the requirements of the expected attendance and any temporary facilities shall be approved for use by the Livingston County Health Department. Traffic and dust control measures shall be utilized as deemed necessary by the Zoning Administrator throughout the duration of the sale or event.
- (5) In addition to being subject to Genoa Township Ordinances, such uses shall be subject to all other applicable law, rules, and regulations including but not limited to the Livingston County Sanitary Code, the regulations of the Livingston County Health Department, Building Department, Road Commission, Drain Commission, Sheriff's Department and the Brighton Area Fire Authority, as applicable. The applicant shall allow for inspections by Township officials, the Brighton Area Fire Authority and all other public agencies having jurisdiction.
- (6) The applicant shall submit and obtain the Zoning Administrator's approval of a Land Use Permit for each Temporary outdoor sale and/or Temporary outdoor event prior to each such use. The application for Land Use Permit shall include a site plan illustrating location of structures and sale/event areas (with setbacks), sufficient off-street parking, means of ingress/egress, location of utilities, fire lanes, proposed and existing lighting and signs prior to initiation of such activity.
- (7) The use of any sound system shall be controlled so as not to become a nuisance to adjacent properties and shall comply with the Township Noise Ordinance.
- (8) Failure to comply with any of the standards within this section shall constitute grounds for immediate termination of the Land Use Permit for the temporary sale and/or event.
- (9) The restrictions set forth herein shall be enforceable except to the extent pre-empted by state law.
- (w) Pet Daycare Centers (as differentiated from Kennels, which commonly have outdoor runs and are primarily operated for purposes of sheltering, boarding, impounding, keeping or breeding of animals with minimal social interaction among animals), including retail sale of dog care products, grooming, overnight boarding, and outdoor play area, provided the following conditions are met:

- (1) Hours of operation open to the public are limited to twelve (12) hours per day and shall not extend later than 7 p.m.
- (2) There shall not be individual, outdoor dog runs.
- (3) Walls, partitions and floor/ceilings assemblies separating dog daycare facilities from adjacent uses shall adequately soundproofed with a sound transmission class over sixty (60) and shall be constructed so that there will be no emission of noise detrimental to surrounding properties. The applicant shall provide a noise impact study performed by a certified acoustical engineer to ensure the noise levels produced by the pet daycare use will not exceed fifty (50) decibels above ambient noise at the outside of an exterior wall or at the opposite side of a common interior wall. The study shall also confirm compliance with the Township Noise Ordinance in regard to noise levels at the property line.
- (4) The number of pets cared for at any one time shall not exceed one (1) pet per one hundred (100) square feet of gross floor area, which is subject to discretionary review by the Planning Commission.
- (5) Overnight boarding of pets shall be an accessory use to the daycare center. The length of stay for boarded animals shall be limited to fourteen (14) consecutive days, and no outdoor boarding shall be permitted.
- (6) Adequate odor control measures shall be implemented so that odor from inside or outside the pet daycare center will not be discernible outside the building or unit.
- (7) Any outdoor play area shall be attached to the center and shall be setback a minimum of three hundred (300) feet from the nearest residential use.
- (8) The outdoor play area for the pets shall be surrounded with a masonry wall or other material that is aesthetically compatible in terms of material, color and finish with the principal and surrounding buildings. Said wall shall be at least six (6) feet in height and maintained in good condition at all times. Failure to maintain the wall in its original condition shall be considered a violation of the site plan approval.
- (9) Any outdoor play area is for periodic use only, and pets shall not be allowed to access the outdoor play area on their own. Not more than fifteen (15) pets shall be permitted in the outdoor play area at any one time. While in the outdoor play area, dogs shall be escorted and supervised by a dog handler who will be responsible for preventing or quickly suppressing any dog behavior that may adversely impact surrounding uses, including loud or excessive barking.
- (10) The applicant shall provide a waste management plan detailing both indoor and outdoor waste management procedures to ensure animal waste is not discharged to surface or storm water. Outdoor animal areas shall be designated on the plan and shall consist of properly maintained lawn, special canine grass or other methods with an appropriate drainage system to control surface run-off. The outdoor area surface shall be approved by

- the Planning Commission following a recommendation by the Township Engineer. The outdoor play area must be maintained in a clean, sanitary manner, and adequate odor control measures shall be implemented so that odor will not be discernible beyond the area. Solid pet waste in the outdoor play area must be promptly picked up.
- (11) Any pet and food waste shall be properly and lawfully disposed of to not create a litter, insect, rodent, vermin or offensive odor nuisance. Approval from the Utility Authority, Drain Commissioner and Health Department shall be provided as part of the special use application.
- (12) The applicant shall demonstrate the proposed drop-off/pick-up pattern and shall provide one (1) parking space for each staff member and one (1) space for each 5 animals permitted at the daycare.
- (13) Applicants shall submit, at the time of special land use application, a proposed site plan and floor plan and written operating procedures including waste and noise management methods, such as those recommended by the International Boarding and Pet Services Association (IBPSA). These procedures shall be followed for the duration of the business and shall be designed to prevent or control animal behavior that may adversely impact surrounding uses, including loud or excessive barking.
- (x) Veterinary Clinic (as differentiated from Veterinary Hospital, which commonly has animal boarding or overnight in-patient animal care) provided the following conditions are met:
 - (1) A site plan shall be provided as part of the Land Use Permit application showing a dedicated outdoor animal area. Outdoor animal areas shall consist of properly maintained lawn, special canine grass or other methods with an appropriate drainage system to control surface run-off. The outdoor area surface shall be approved by the Planning Commission following a recommendation by the Township Engineer. The outdoor area must be maintained in a clean, sanitary manner, and adequate odor control measures shall be implemented so that odor will not be discernible beyond the area. Solid pet waste in the outdoor area must be promptly picked up.
 - (2) Applicants shall submit, at the time of land use application, a proposed site plan and floor plan and written operating procedures including waste and noise management methods. The waste management plan shall detail both indoor and outdoor waste management procedures to ensure animal waste is not discharged to surface or storm water. These procedures shall be followed for the duration of the business and shall be designed to prevent or control animal behavior that may adversely impact surrounding uses, including loud or excessive barking.

- (y) Micro-breweries, small distilleries and small wineries shall comply with all requirements of the State of Michigan for the production, sale and/or distribution of alcoholic beverages and shall obtain all necessary licenses and permits. Such uses shall also provide sufficient on-site space and circulation for loading/unloading. Any vehicles affiliated with the use shall be parked or stored only in the rear yard.
- (aa) Upper floor dwelling units shall incorporate parking and waste receptacles for the dwelling units in the site plan for the facility.

Exhibit E

Elevations

