

**GENOA CHARTER TOWNSHIP  
PLANNING COMMISSION PUBLIC HEARING  
AUGUST 10, 2020  
6:30 P.M.  
AGENDA**

**CALL TO ORDER:**

**PLEDGE OF ALLEGIANCE:**

**APPROVAL OF AGENDA:**

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

**OPEN PUBLIC HEARING # 1...** Consideration of Zoning Ordinance Text amendments to Article 16 of the Zoning Ordinance, entitled "Sign Standards".

A. Recommendation of Text Amendments.

**ADMINISTRATIVE BUSINESS:**

- *Staff Report*
- *Approval of June 3 and June 11, 2020 Planning Commission meeting minutes*
- *Member discussion*
- *Adjournment*

This memo is provided as a refresher on why updates to the sign ordinance are needed. This was discussed at a Joint meeting in 2017.

## MEMORANDUM

**To:** Kelly VanMarter, AICP, Brian Borden, AICP  
**Date:** January 26, 2017  
**From:** David M. Jirousek, AICP  
**RE:** **Special Topic Memo- Sign Content Regulation**

### Overview

This memo includes an initial review of Article 16, Sign Standards, as it relates to a 2015 U.S. Supreme Court case. The 2015 U.S. Supreme Court decision of *Reed v. the Town of Gilbert* affects many sign ordinances across the nation, specifically as they make distinctions between signs related to content. The Supreme Court requires that content-based regulation of non-commercial signs must meet a “strict scrutiny” test, meaning that local governments must show that the regulation is designed to serve a compelling governmental interest and is narrowly tailored to achieve that interest. In *Reed*, Justice Thomas:

*“found that the [temporary sign] distinctions were plainly content-based and thus subject to strict scrutiny. The distinctions—between Political Signs, Temporary Directional Signs, and Ideological Signs—“depende[d] entirely on the communicative content of the sign”*

*“Regulation targeted at specific subject matter is content based even if it does not discriminate among viewpoints with that subject matter.”*

Without delving too deeply into the details of the decision, the key point is that content-based regulation of speech is determined to be unconstitutional, especially for non-commercial signs. In general, the decision embraced content-neutral ordinances, which limit sign articles to reasonably regulate time, place, and manner of signs, including but not limited to: size, number, building materials, illumination, spacing, electronic displays, moving parts, and portability. Distinctions between temporary non-commercial signs are subject to the greatest potential for legal challenge based on the *Reed* case.

Although complete content neutrality may be difficult to achieve, local ordinances should strive to meet the intent of the *Reed* decision. In some cases, content regulation of non-commercial signs can be upheld if the regulation meets the strict scrutiny legal test. For example, restricting profane and offensive content would serve a compelling governmental interest and would be more likely to be upheld in the courts.

On the following page, we present several questions and recommendations concerning content neutrality.

## **Review**

### Sec. 16.02 DEFINITIONS

The following definitions should be revised or deleted as they include content-based regulation:

- Canopy sign.
- Construction sign.
- Directional sign.
- Menu board.
- Off-premise sign.
- On-premise sign.
- Political sign.
- Portable sign (references to signs that are regulated by content).
- Real estate sign.
- Regulatory sign (however, this should meet the strict scrutiny test).
- Temporary grand opening sign.

### Sec. 16.03 APPLICATION OF STANDARDS: EXEMPT SIGNS

- Several signs types should be combined as “temporary yard signs” and regulations should be updated to allow a base number at any one (1) time, plus extra signs during specific situations or time periods if desirable.
  - Temporary yard sign(s) at any one (1) time:
    - Number.
    - Height.
    - Setback.
    - Size.
  - In addition to the base number of yard signs allowable, how many extra signs or “seasonal” temporary yard signs are appropriate?
    - An additional temporary yard sign is permitted when a property is for sale? (list date to close date)
    - An additional temporary yard sign is permitted [ ] days before and [ ] days after an election?
    - An additional temporary yard sign is permitted [ ] days before and [ ] days after an open house?
    - An additional temporary yard sign is permitted during the construction of a structure? (permit date to CO date)
    - However, in no case shall more than [ ] yard signs be permitted at any one (1) time.

Please do not hesitate to contact me with questions or concerns at 616-988-3525 or by email at [jirousek@williams-works.com](mailto:jirousek@williams-works.com).

# Redline Version of Updated Ordinance

## ARTICLE 16 SIGN STANDARDS

### Sec. 16.01 STATEMENT OF PURPOSE

The purpose of this article is to regulate signs and outdoor advertising within Genoa Township to protect public safety, health and welfare; minimize abundance and size of signs to reduce motorist distraction and loss of sight distance; promote public convenience; preserve property values; support and complement objectives of the Township Master Plan and this Zoning Ordinance; and enhance the aesthetic appearance within the Township. The standards contained herein are intended to be content neutral. These objectives are accomplished by establishing the minimum amount of regulations necessary concerning the size, placement, construction, illumination and other aspects of signs in the Township in order to:

- 16.01.01 Recognize that the proliferation of signs is unduly distracting to motorists and ~~non-motorized travelers, pedestrians, creates a traffic hazard, and~~ reduces the effectiveness of signs ~~directing~~needed to direct and ~~warning~~warn the public, ~~causes. Too many signs can overwhelm the senses, impair sightlines and vistas, create~~ confusion, ~~reduces~~reduce desired uniform traffic flow, ~~and creates~~create potential for accidents, ~~—, affect the tranquility of residential areas, impair aesthetics and degrade the quality of a community.~~
- 16.01.02 Prevent signs that are potentially dangerous to the public due to structural deficiencies or disrepair.
- 16.01.03 Eliminate potential conflicts between business signs and traffic control signs, which could create confusion and hazardous consequences.
- 16.01.04 Recognize that the principal intent of commercial signs, to meet the purpose of these standards and serve the public interest, should be for identification of an establishment on the premises, and not for advertising special events, brand names or off-premise activities, as these can be advertised more appropriately by other methods.
- 16.01.05 Enable the public to locate goods, services and facilities without excessive difficulty and confusion by restricting the number and placement of signs.
- 16.01.06 Prevent placement of signs which will conceal or obscure signs of adjacent uses.
- 16.01.07 Protect the public right to receive messages, especially non-commercial messages such as religious, political, economic, social, philosophical and other types of information protected by the First Amendment of the U.S. Constitution.
- 16.01.08 Protect the individual user’s rights to convey a message balanced against the public’s right to be free of signs which unreasonably compete with one another, distract drivers and pedestrians, and create safety concerns and confusion. This ordinance is intended to balance the individual user’s desire to attract attention with the citizen’s right to be free of unreasonable distractions.
- 16.01.09 Recognize that the signs of least value to people within the Township are those which carry commercial messages other than the advertisement of any product, service, event, person,

institution or business located on the premises where the sign is located (off-premise sign) or indicates the sale or rental of such premises.

16.01.10 Prevent off-premise signs from conflicting with land uses. Off-premise signs unduly distract motorists and residents because of the periodic changing of the message on such signs and because such signs are generally larger and are predominantly located along busy highways where several businesses are located in close proximity to each other, thereby posing a greater risk to the Township's interest in traffic safety and aesthetics. Additionally, off-premise signs can also deter the redevelopment of a parcel or limit the redevelopment potential of a site due to extended lease periods for off-premise signs.

~~16.01.09~~11 Maintain and improve the image of the Township by encouraging signs of consistent size which are compatible with and complementary to related buildings and uses, and harmonious with their surroundings.

~~16.01.10~~12 Prohibit portable commercial signs in recognition of their significant negative impact on traffic safety and community aesthetics.

## Sec. 16.02 DEFINITIONS

16.02.01 **Business center:** a grouping of two or more business establishments on one or more parcels of property which may share parking and access and are linked architecturally or otherwise present the appearance of a unified grouping of businesses. A business center shall be considered one use for the purposes of determining the maximum number of monument signs. A vehicle dealership shall be considered a business center regardless of the number or type of models or makes available, however, used vehicle sales shall be considered a separate use in determining the maximum number of signs, provided that the used sales section of the lot includes at least twenty-five percent (25%) of the available sales area.

16.02.02 **Banner:** A temporary sign made of fabric, plastic or other non-rigid material sign without enclosing structural framework.

16.02.03 **Business affiliation signs:** signs not exceeding a total of two (2) square feet per business indicating acceptance of credit cards or describing business affiliations and are attached to a permitted sign, exterior wall, building entrance or window.

16.02.04 **Canopy sign:** a non-rigid fabric marquee or awning-type structure which is attached to the building by supporting framework, which includes a business identification message, symbol and/or logo.

16.02.05 **Changeable message sign, manual:** a reader board attached to a sign or the exterior of a wall where copy is changed manually.

~~16.02.04~~ **Changeable message sign, electronic:** ~~a sign that provides a display created by electronic means such as lights, television, or liquid crystal display.~~

~~16.02.05~~ **Changeable message sign, manual:** ~~a reader board attached to a sign or the exterior of a wall where copy is changed manually.~~

- 16.02.06 **Construction sign:** ~~a sign identifying the name(s) of project owners, contractors, developers, architects, designers, engineers, landscape architects and financiers of a project being constructed or improved; and not including advertising of any product or announcement of space availability.~~
- ~~16.02.07~~ **Directional sign:** ~~an on-premises sign that~~ which assists motorists in determining ~~or confirming a correct route; specifically the flow of pedestrian or vehicular traffic such as~~ enter, exit, crosswalk and parking one-way signs.
- ~~16.02.08~~ **Menu board:** ~~a restaurant sign that displays menu items and prices and may include a communication system for placing food orders and digital display of order. (as amended 12/17/10)~~
- 16.02.07 **Electronic Message Sign (EMS):** A sign or portion of a sign, that displays an electronic image or video, which may or may not include text, including any sign or portion of a sign that uses changing lights or similar forms of electronic display such as LED to form a sign message with text and or images wherein the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes. This definition includes without limitation television screens, plasma screens, digital screens, flat screens, LED displays, video boards, and holographic displays.
- 16.02.08 **Gas station pump island signs:** A sign affixed to or mounted on a fuel pump.
- 16.02.09 **Menu board:** a restaurant sign that displays menu items and prices and may include a communication system for placing food orders and digital display of order. (as amended 12/17/10)
- 16.02.10 **Incidental sign:** A sign which is incidental, accessory and subordinate to a permitted use relating only to the sale of goods, rendering of services, or instructing or directing the public which is located upon the building site on which said sign is erected or maintained. Examples include but are not limited to a building entrance/exit sign, open/closed sign, days/hours of operation sign, restroom sign, business affiliation signs, and gas station pump island signs.
- 16.02.11 **Monument sign:** A three-dimensional, self-supporting, solid base-mounted freestanding sign placed in the ground surface such that the entire bottom of the sign is affixed to the ground and is not supported by poles, columns or uprights, consisting of two (2) or more sides extending up from the base, and upon which a message, business, group of businesses or center name is affixed.
- 16.02.12 **Motor Vehicle Sign:** A sign measuring more than two (2) square feet in size that is mounted, placed, written, or painted on a vehicle or trailer, whether motor driven or not.
- 16.02.13 **Moving Sign:** A sign in which the sign itself or any portion of the sign moves or revolves. A "rotating sign" is a type of moving sign. Such motion does not refer to the method of changing the message on the sign.
- 16.02.14 **Nit:** A unit of illuminative brightness equal to one (1) candela per square meter (cd/m<sup>2</sup>), measured perpendicular to the rays of the source. (as amended 12/17/10)

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~~16.02.12~~ **16.02.15 Off-premise sign:** a sign which identifies a use or advertises products and services not available on the site or parcel on which the sign is located; a sign which directs travelers or provides a message unrelated to the site on which the sign is located, ~~e.g., billboards.~~

~~16.02.13~~ **16 On-premise sign:** a sign providing the address and name of owner of a parcel of land; a sign advertising a business, service or product sold or produced on the same site or parcel.

~~16.02.14~~ **17 Pole sign:** a sign supported on the ground by a pole ~~and not attached~~ or poles, the sole purpose of which pole or poles is to any building or other structure hold the sign.

~~16.02.15 **Political sign:** a temporary sign used in connection with local, state or national elections.~~

~~16.02.16~~ **18 Portable sign:** a freestanding sign designed to be moved from place to place, whether or not it is permanently attached to the ground or structure. This includes hot-air and gas filled balloons, ~~sandwich boards, banners,~~ pennants, streamers, festoons, ribbons, tinsel, pinwheels, ~~non-governmental flags and searchlights; but excludes political signs, real estate signs, construction signs, permanent changeable message signs, and regulatory/government signs.~~

~~16.02.17~~ **19 Projecting sign:** a sign, other than a wall sign, that is affixed to any building or wall and whose leading edge extends more than twelve (12) inches beyond such building or wall.

~~16.02.18 **Real estate sign:** an on premise temporary sign advertising the availability of property or structures for sale or lease.~~

~~16.02.19 **Regulatory sign:** a sign installed by a public agency to direct traffic flow, regulate traffic operations and provide information that conforms to the Michigan Manual of Uniform Traffic Control Devices.~~

16.02.20 **Roof sign:** a sign that is located above the top of the wall of a flat roof building, above the eave on a pitched roof building or above the deck line of a mansard roofed building.

16.02.21 **Sign:** any device, structure, fixture, figure, banner, pennant, flag, balloon ~~or placard, poster, handbill, flyer, painting, streamer, placard, or similar object~~ consisting of written copy, symbols, logos and/or graphics, designed for the purpose of identifying or bringing attention to an establishment, product, goods, services or other message to the general public. This definition of sign shall not include:

~~16.02.22 **Temporary grand opening signs:** a temporary sign used to announce the grand opening of businesses which are new to a particular location or under new ownership.~~  
(a) Legal notices, including but not limited to signs required for proposed zoning changes or variance requests.

(b) Decorative displays in connection with a recognized holiday, provided that the display doesn't exceed 75 days.

(c) Signs required by law (e.g. fire, traffic code)

16.02.22 **Temporary sign:** A sign that appears to be intended or is determined by the Zoning Administrator to be displayed for a limited period of time which is not intended to be lasting and is not constructed from an enduring material such as masonry and metal which remains unchanged in position, character, and condition (beyond normal wear), and is not permanently affixed to the ground, wall or building. Examples include but are not limited to posters, banners, a-frame/sandwich board and corrugated plastic/yard type signs.

16.02.23 **Wall sign:** a sign attached parallel to and extending not more than twelve (12) inches from the wall of the building. Painted signs, signs which consist of individual letters, cabinet signs, and signs mounted on the face of a mansard roof shall be considered wall signs.

16.02.24 **Window sign:** signs which are affixed to a window or are positioned within two (2) feet of the inside of a window so that they are visible from the outside.

Sec. 16.03 **APPLICATION OF STANDARDS: ~~EXEMPT SIGNS~~**

16.03.01 **Requirement for Permit.** Except as expressly provided herein, it is unlawful for any person to erect, re-erect, alter or relocate any sign without obtaining a permit from the Zoning Administrator and paying the applicable permit fee.

16.03.02 **Exempt Signs.** The following signs are specifically exempt from obtaining a sign permit but shall be required to comply with all other requirements of this ordinance:

~~16.03.01 **Business affiliation signs:** signs not exceeding a total of two (2) square feet per business indicating acceptance of credit cards or describing business affiliations and are attached to a permitted sign, exterior wall, building entrance or window.~~

~~16.03.02 **Construction signs:** provided that there shall be only one such sign per development project; with a maximum height of six (6) feet and not exceeding sixteen (16) square feet in area for residential projects; a maximum height of six (6) feet and not exceeding thirty two (32) square feet in area for non-residential projects; setback a minimum fifteen (15) feet from any property line or public street right of way; and that such signs shall be erected during the construction period only and shall be removed fourteen (14) days after an occupancy permit is issued.~~

~~(a) 16.03.03 **Flags:** insignia of any nation, state, community organization, college or university.~~

~~16.03.04 **Garage sale and estate sale signs:** provided that they are not attached to public utility poles and do not exceed six (6) square feet in area; and that they are erected no more than ten (10) business days before and are removed within one (1) business day after the announced sale. Garage and estate sale signs may be placed within the public street right of way provided that the signs does not obstruct visibility. (b) (as amended 3/5/10)~~



- ~~16.03.05 — **Gas station pump island signs:** attached to the pumps, provided that there are no more than two (2) such signs per pump island and that such signs do not exceed four (4) square feet in area. (as amended 12/17/10)~~
- 16.03.06 **Historical marker:** plaques or signs describing state or national designation as an historic site or structure and/or containing narrative, not exceeding twelve (12) square feet in area.
- 16.03.07 (c) **Integral signs:** names of buildings, dates of erection, monumental citations, commemorative tablets when carved into stone, concrete or similar material or made of bronze, aluminum or other noncombustible material and made an integral part of the structure and not exceeding twenty-five (25) square feet in area.
- ~~16.03.08 — **Miscellaneous signs:** on vending machines, gas pumps, (d) **Parking lot signs:** A sign which regulates vehicle traffic within a permitted parking lot and ice containers indicating the contents includes information of a general directive or announcing on-premise sales, provided that the sign on each device informational nature such as no parking, handicapped parking, and loading area; which bears no advertising matter, and does not exceed two (2) square feet in area.~~
- ~~16.03.09 — **Model signs:** temporary signs directing the public to a model home or unit, which do not exceed six (6) square feet in area and are located onsite.~~
- ~~16.03.10 — **Non-commercial signs:** signs containing non-commercial messages, such as those designating the location of public telephones, restrooms, restrictions on smoking and restrictions on building entrances, provided that such signs do not exceed two (2) square feet in area.~~
- ~~16.03.11 — **Municipal and non-profit organization signs:** local government, church, school, museum, library, public park or other non profit institution permanent signs with a minimum setback from the street right of way of ten (10) feet, which do not exceed twenty five (25) square feet and are a maximum of six (6) feet in height. (as amended 12/17/10)~~
- ~~16.03.12 — **Owner/tenant signs:** address or occupant name and other signs of up to two (2) square feet in area mounted on the wall of an office building.~~
- ~~16.03.13 — **Parking lot signs:** indicating restrictions on parking, when placed within a permitted parking lot, are a maximum of six (6) feet in height, and do not exceed and four (4) square feet in area.~~
- ~~16.03.14 — **Political signs:** provided such signs are not placed within the public street right of way line in a manner that obstructs visibility. (as amended 12/31/06)~~
- ~~16.03.15 — **Real estate signs:** provided that there shall be only one real estate sign per parcel. For corner lots or through lots there may be one real estate sign located within the front yard of each street frontage. The maximum height of any such sign shall be eight (8) feet and the maximum size of any such sign shall be twenty (20) square feet in all single family residential districts and thirty six (36) square feet in multiple family, commercial and industrial districts. One additional open house shall be permitted for a period not to exceed two (2) days on the lot where the sale is taking place. (as amended 12/31/06)~~

~~16.03.16~~ (e) **Regulatory, directional and street signs:** erected by a public agency in compliance with Michigan Manual of Uniform Traffic Control Devices Manual. Regulatory, directional and street signs shall be allowed within the ~~required setback area~~ public street right-of-way provided such signs are not placed ~~within the public street right of way line~~ in a manner that obstructs visibility. (as amended 3/5/10)

~~16.03.17~~ ~~**Rental office directional signs:** Up to two (2) signs identifying or directing motorists to a rental or management office in a multiple family development, provided that such signs are a maximum of four (4) feet in height, are setback a minimum of fifteen (15) feet from any property line or public right of way, and do not exceed three (3) square feet in area.~~

~~16.03.18~~ ~~**Roadside stand signs:** provided that they meet the standard of Section 3.03.02(f) regarding their removal, that there are a maximum of three on any parcel and none exceed thirty two (32) square feet in area.~~

~~16.03.19~~ (f) **Street address signs (street numbers).** (as amended 12/31/06) Street address signs shall be allowed within the public street right-of-way provided such signs are not placed in a manner that obstructs visibility. (as amended 3/5/10)

(g) **Temporary signs on agriculturally or residentially zoned property:** shall be allowed with property owner permission within the required setback area provided such signs are not placed within the public street right-of-way ~~line in a manner that obstructs~~ and do not obstruct motorist visibility. ~~(as amended 3/5/10)~~ subject to the following regulations:

~~16.03.20~~ \_\_\_\_\_

<u>Type</u>	<u>Number</u>	<u>Area</u>	<u>Height</u>	<u>Duration</u>
<u>Temporary Sign</u>	<u>1 per lot</u>	<u>6 sq. ft.</u>	<u>4 ft.</u>	
<u>Extra Temp. Sign</u>	<u>1 per lot</u>	<u>20 sq. ft.</u>	<u>6 ft.</u>	<u>From property listing to 30 days after closing of sale/lease.</u>
<u>Extra Temp. Sign</u>	<u>1 per lot</u>	<u>20 sq. ft.</u>	<u>6 ft.</u>	<u>From permitting of construction to 15 days after Certificate of Occupancy or Completion.</u>
<u>Extra Temp. Sign(s)</u>	<u>The same number as the number of issues and candidates</u>	<u>36 sq. ft.</u>	<u>6 ft.</u>	<u>From sixty (60) days prior to and six (6) days after election.</u>

(h) **Warning signs:** such as no trespassing, warning of electrical currents or animals, provided that such signs do not exceed six (6) square feet. Warning signs shall be allowed within the required setback area provided such signs are not placed within the public street right-of-way ~~line in a manner that obstructs~~ and do not obstruct visibility. (as amended 3/5/10)

~~16.03.21~~ (i) **Window signs:** window signs shall be permitted to occupy no more than twenty five (25%) of the area of each individual window frame except as provided for in 16.07.02(d). (as amended 12/17/10)

(j) **Incidental signs:** Incidental signs placed internal to sites are permitted within the non-residential districts, but are subject to the setbacks applicable to principal buildings for the zoning district and shall not exceed two (2) square feet in size.

#### Sec. 16.04 **PROHIBITED SIGNS**

The following signs shall be prohibited in any district in the Township:

- 16.04.01 ~~Commercial vehicles.~~ **Commercial motor vehicle signs.** Motor vehicles may not be used as signs. As determined by the Zoning Administrator, a ~~commercial motor~~ vehicle may be parked on ~~an occupied non-residential~~ business premises ~~or an industrial~~ lot for a time period not exceeding forty-eight (48) hours for the intended purpose of advertising a product or serving as a business sign. (as amended 12/17/10)
- 16.04.02 **String/Rope lights.** Exterior string ~~and/or rope~~ lights used in connection with a commercial enterprise shall be prohibited, other than holiday decorations which are strung no more than sixty (60) days before the holiday and removed within ten (10) days following the holiday for which they were erected.
- 16.04.03 **Signs in right-of-way.** Non-regulatory signs placed in any public right-of-way, including those attached to a utility pole or affixed to a tree shall be prohibited. No sign in any zoning district shall be erected or placed in the public right-of-way except for the regulatory, directional, and street signs erected by a public agency and street address signs as ~~may otherwise be~~ expressly authorized by Section 16.03.02 (e) and 16.03.02(f) of this Ordinance. The Township retains the right to remove any signs found to be in violation of this section. (as amended 12/17/10)
- 16.04.04 **Off-premise signs.** Signs shall only be permitted as an accessory use on the same lot as a principal permitted use. Off-premise signs that are not located on the same lot as the principal use they serve shall be prohibited. (as amended 3/5/10) No sign in any zoning district shall be erected or placed in the public right-of-way except as may otherwise be expressly authorized by this Ordinance. The Township retains the right to remove any signs found to be in violation of this section. (as amended 12/17/10)
- 16.04.05 **Pole signs.** Pole signs shall be prohibited.
- 16.04.06 **Portable signs.** Portable signs shall be prohibited ~~unless otherwise provided~~ except a permit may be issued to allow a business to use a portable sign once during its stay at the same location or have new owners for a period not to exceed fourteen (14) days subject to the setbacks in this ordinance ~~Section 16.06.03.~~
- 16.04.07 **Roof signs.** Roof signs shall be prohibited.
- 16.04.08 **Moving.** Signs having moving members, or parts or emitting a sound shall be prohibited.
- 16.04.09 **Lights.** Signs using high intensity lights or flashing lights, spinners or animated devices; neon signs in agricultural or residential districts shall be prohibited.
- 16.04.10 **Obstruct vision.** Signs that obstruct vision or impair the vision of motorists or non-motorized travelers at any intersection, driveway, within a parking lot or loading area shall be

prohibited. No sign in any zoning district shall be erected or placed in the public right-of-way except as may otherwise be expressly authorized by this Ordinance. The Township retains the right to remove any signs found to be in violation of this section. (as amended 12/17/10)

- 16.04.11 **Emergency or traffic.** Signs that simulate or could in any way be confused with the lighting of emergency vehicles or traffic signals shall be prohibited.
- 16.04.12 **On Towers.** Any type of signage including logos shall not be permitted on a public or private radio, television, cellular phone, or water towers with the exception of the name of the municipality, unless approved by the Township Board as described in section 6.02.02(p)(5).
- 16.04.13 **Costumed people.** Any person dressed with a business logo or as a representation of a business logo/mascot for the purpose of drawing attention and advertising that business. (as amended 12/31/06)
- 16.04.14 **Exceeding size limits.** Any sign that exceeds the height or area limits of this article shall be prohibited. (as amended 3/5/10)

Sec. 16.05 **REQUIRED ADDRESS SIGN**

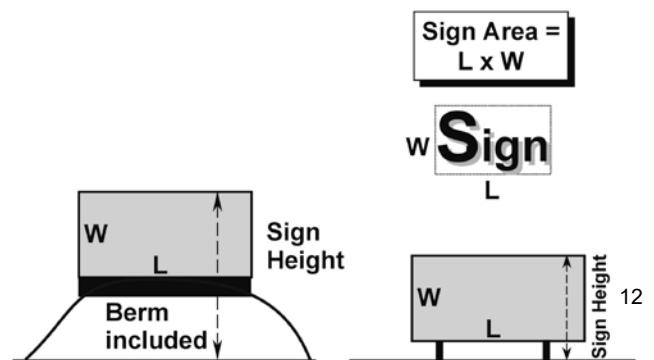
All residences and commercial/industrial buildings shall have an address sign which is clearly visible from the adjacent street- and shall comply with the requirements of the Fire Authority if applicable.

Sec. 16.06 **GENERAL STANDARDS FOR PERMITTED SIGNS**

Signs which are permitted as accessory uses serving a commercial or informational purpose may be permitted subject to the requirements of this section; provided that no such sign shall be erected or altered until approved by the Zoning Administrator and until a permit has been issued.

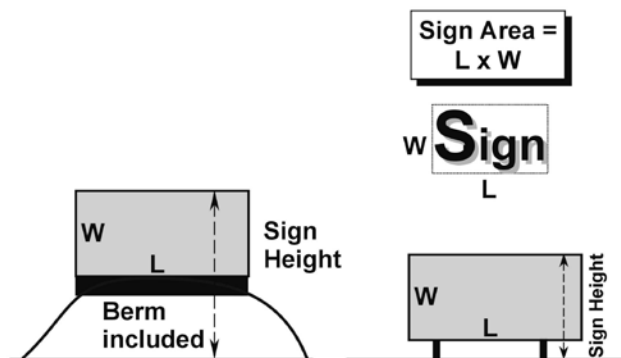
16.06.01 **Measurement of sign area:**

- (a) The area for signs shall be measured by calculating the square footage of the sign face, measured by enclosing the most protruding points or edges of a sign within a parallelogram or rectangle including any frame. On a monument sign, a decorative masonry base shall not be included in the sign area measurement.
- (b) Where a sign has two or more faces, the area of only the larger face shall be considered when calculating maximum size, provided all faces are part of the same structure, back-to-back, contain the same message and are separated by no more than two (2) feet.
- (c) The wall sign area square footage shall be determined by enclosing the portion of



the wall which contains a message, lettering, symbol and/or logo within a parallelogram or rectangle. Signs placed on canopies shall also be counted towards the allowable wall sign area.

16.06.02 **Sign height:** The height of the sign shall be measured from the average grade to the upper-most point of the sign. Average grade shall be measured fifty (50) feet along the frontage from both sides of the sign. Placing a sign on top of a berm is permitted only if the berm is long enough to meet the average grade requirement and landscaping is provided on the berm.



16.06.03 **Sign setbacks:**

- (a) All signs, unless otherwise provided for, shall be setback a minimum of ten (10) feet from any public street right-of-way or property line. This distance shall be measured from the nearest edge of the sign, measured at a vertical line perpendicular to the ground to the right-of-way.
- (b) In order to ensure adequate sight distance for motorists, bicyclists and pedestrians, a minimum clear vision area shall be maintained between a height of two (2) feet and six (6) feet within a triangular area measured twenty-five (25) feet back from intersection of public right-of-way lines. Greater clear vision areas may be required by the Michigan Department of Transportation or the Livingston County Road Commission in particular areas. Furthermore, signs shall not be permitted where they obstruct motorist vision of regulatory signs, traffic control devices or street signs.

16.06.04 **Sign materials:** as permitted in the various zoning districts, signs shall be designed to be compatible with the character of building materials and landscaping to promote an overall unified and aesthetic effect in accordance with the standards set forth herein. Signs shall not be constructed from materials that are remnants or manufactured for a different purpose.

16.06.05 **Illumination:** Sign illumination shall comply with all of the following requirements:

- (a) Signs shall be illuminated only by steady, stationary shielded light sources directed solely at the sign, or internal to it.
- (b) Use of glaring undiffused lights or bulbs shall be prohibited. Lights shall be shaded so as not to project onto adjoining properties or thoroughfares.
- (c) Sign illumination that could distract motorists or otherwise create a traffic hazard shall be prohibited.
- (d) Illumination by bare bulbs or flames is prohibited.
- (e) Underground wiring shall be required for all illuminated signs not attached to a building.

- (f) Electronic ~~changeable~~—message signs may be permitted subject to Section 16.07.~~02-03~~. (as amended 12/17/10)

16.06.06 **Construction and maintenance:** Every sign shall be constructed and maintained in a manner consistent with the building code provisions and maintained in good structural condition at all times. All signs shall be kept neatly painted, stained, sealed or preserved including all metal parts and supports.

16.06.07 **Sign safety:** All signs erected, constructed, reconstructed, altered or moved shall be constructed in such a manner and of such materials so that they shall be able to withstand wind pressure of at least twenty (20) pounds per square foot. All signs, including any cables, guy wires or supports shall have a minimum clearance of four (4) feet from any electric fixture, street light or other public utility pole or standard.

Sec. 16.07 **SPECIFIC SIGN STANDARDS**

The number, display area and height of signs within the various zoning districts is provided in table 16.1 and its accompanying set of footnotes. Some additional standards for specific types of signs are given below:

16.07.01 **Canopy signs:** Canopy signs may project a maximum of six (6) feet from the edge of the building, measured horizontally parallel to the ground. Any sign area on the canopy shall be included in calculations of maximum wall sign square footage. (as amended 12/31/06)

16.07.02 **Changeable message signs:** Changeable message signs shall be permitted on any non-residential sign, subject to the following regulations:

- (a) ~~(a)~~—Only one changeable message ~~sign~~~~sign~~ shall be permitted per business. Changeable message signs shall only be part of one of the following types of conforming signs and shall be subject to the area, height, and placement requirements for that sign:

- (1) A monument sign; or
- (2) A window sign.

- (b) ~~(b)~~—Changeable message signs may not be added to a nonconforming sign.

- (c) ~~(c)~~—The changeable message portion of a monument sign shall not exceed one-third (1/3) of the sign area and the remainder of the sign shall be of a permanent character.

- (d) ~~(d)~~—Changeable message signs affixed or hung in a window shall be limited to one (1) per business or two (2) for businesses in corner units or lots and shall be a maximum of two (2) square feet in area.

~~(e)~~16.07.03 **Electronic Message Sign (EMS):** Electronic message signs shall meet all of the requirements for changeable message signs ~~shall meet all of the~~ in Section 16.07.02 above, in addition to following requirements, ~~in addition to (a)–(d) above~~ below:

- (a) ~~(1)~~—Electronic changeable message signs shall not exceed the following illuminative brightness:

Time of Day	Brightness	
	Within 300 feet of residential district or use	At least 300 feet from residential district or use
Night time	300 nits (cd/m <sup>2</sup> )	500 nits (cd/m <sup>2</sup> )
Day time	3,500 nits (cd/m <sup>2</sup> )	5,000 nits (cd/m <sup>2</sup> )

- (b) ~~(2)~~ — The message on an electronic changeable message sign may change a maximum of four (4) times per hour, except for time or temperature displays. At all other times the sign message and background must remain constant. If the sign is within 300 feet of a residential use or zoning district, the message shall remain static from dusk until dawn.
- (c) ~~(3)~~ — ~~The lettering and/or message components on an electronic changeable message sign shall be comprised of one (1) color with a black or dark background.~~ The lettering and/or message components being displayed at any given time shall not change, flash or fade to another color. The changeable message sign shall have a default design that will freeze the sign in a dark or blank position if a malfunction occurs.
- (d) ~~(4)~~ — Electronic changeable message signs shall not contain any moving, blinking, flashing, scrolling or animated parts nor have the appearance of having any movement or animation. Only static messages shall be displayed.
- (e) ~~(5)~~ — Electronic changeable message signs shall be located with a minimum separation distance of one hundred fifty (150) feet from any other electronic changeable message sign.
- (f) ~~(6)~~ — Electronic changeable message signs shall only be permitted in non-residential zoning districts. (as amended 12/17/10)
- (g) A non-glare panel or equivalent to substantially reduce glare shall be installed to cover the electronic changeable message sign display.
- (h) All permitted electronic changeable message signs shall be equipped with a sensor or other device that automatically determines the ambient illumination and is programmed to automatically dim according to ambient light conditions.
- (i) A written certification from a sign manufacturer or other approved testing agency that the light intensity has been preset to conform to the brightness and display standards established herein and that the preset levels are protected from end user manipulation by password protected software or other method.
- (j) The owner or controller of any electronic changeable message sign must adjust the sign to meet the brightness standards established herein and that any necessary adjustments must be made immediately upon notice of non-compliance from the Township.

16.07.0304 **Directional signs:** No more than one (1) directional sign shall be permitted per approved driveway, with a maximum sign area of four (4) square feet per sign, and a maximum height of three (3) feet. Any area of a directional sign that includes a business name, symbol or logo shall be calculated as part of the allowable monument sign square footage, as specified in table 16.1.

16.07.0405 **Menu board:** Up to two (2) menu board signs shall be permitted per drive-through ~~restaurant~~ order lane, which display menu items and may include a communication system for placing food orders and digital display of order. Each menu board shall be a maximum of ~~sixteen (16)~~ twenty (20) square feet. Menu board sign(s) shall not be located in the front yard. (as amended 12/17/10)

16.07.0506 **Monument signs:** A minimum setback of ten (10) feet shall be provided from the right-of-way, when located to ensure adequate sight distance for motorists. Dimensional standards for monument signs are given in table 16.1.

16.07.07 **Municipal and non-profit organization signs:** Local government, church, school, museum, library, public park or other non-profit institution permanent signs with a minimum setback from the street right-of-way of ten (10) feet, which do not exceed seventy-two (72) square feet and are a maximum of six (6) feet in height. (as amended 12/17/10)

~~16.07.06~~ 16.07.08 **Rental office directional signs:** Up to two (2) signs identifying or directing motorists to a rental or management office in a multiple family development, provided that such signs are a maximum of four (4) feet in height, are setback a minimum of fifteen (15) feet from any property line or public right-of-way, and do not exceed three (3) square feet in area.

16.07.09 **Residential community or development identification signs:** One permanent sign per driveway which does not exceed thirty-six (36) square feet in area and a maximum height of six (6) feet identifying developments such as ~~office complexes~~, a college, a subdivision, an apartment complex, condominium communities, senior housing complexes, mobile home parks and similar uses.

~~16.07.07 **Temporary signs:** One temporary sign may be permitted on the site for a period not to exceed fourteen (14) days. A business shall only be allowed to use a temporary sign once during its stay at the same location or have new owners. The sign shall be no larger than thirty five (35) square feet in surface display area per side and shall not exceed six (6) feet in height. Wind blown devices, such as pennants, spinners, and streamers shall also be allowed on the site of the business advertising a grand opening for the fourteen day time period designated for the temporary sign.~~

16.07.10 **Temporary signs on non-agricultural and non-residential zoned property:** Temporary signs located in non-agricultural and non-residential zoning districts may be allowed subject to the following:

(a) All temporary signs on non-agricultural and non-residential zoned property may be located within the required setback area provided such signs are not placed within the public street right-of-way and do not that obstruct motorist visibility.

(b) Prior to the erection or placement of a temporary sign, the permission of the property owner where the sign is to be located must be secured.

(c) The dimensional standards and regulations applicable to temporary signs in non-agricultural and non-residential districts are as follows:

<u>Type</u>	<u>Number</u>	<u>Area</u>	<u>Height</u>	<u>Duration</u>
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<u>Temporary Sign</u>	<u>One (1) sign per lot with one (1) additional sign allowed for each one-hundred (100) linear feet of frontage in excess of the minimum lot width required in the zoning district subject to a minimum separation distance of one hundred (100) feet between any other temporary sign.</u>	<u>36 sq. ft.</u>	<u>6 ft.</u>	<u>Not to exceed 60 days in a calendar year.</u>
<u>Extra Temp. Sign</u>	<u>1 per lot</u>	<u>36 sq. ft.</u>	<u>6 ft.</u>	<u>From property listing to 30 days after closing of sale/lease.</u>
<u>Extra Temp. Sign</u>	<u>1 per lot</u>	<u>36 sq. ft.</u>	<u>6 ft.</u>	<u>From permitting of construction to 15 days after Certificate of Occupancy or Completion.</u>
<u>Extra Temp. Sign(s)</u>	<u>The same number as the number of issues and candidates</u>	<u>36 sq. ft.</u>	<u>6 ft.</u>	<u>From sixty (60) days prior to and six (6) days after election.</u>

16.07.0811 **Wall signs:** Signs shall not project beyond or overhang the wall or any permanent architectural feature by more than one (1) foot and shall not project above the roof or parapet. (as amended 12/17/10)

**Table 16.1 Sign Dimensional Standards and Regulations**

DISTRICT (7)	WALL <del>OR CANOPY</del> SIGN		MONUMENT SIGN		
	MAX. NO. OF SIGNS <sup>(1)</sup>	MAX SIZE	MAX. NO. OF SIGNS <sup>(3)</sup>	MAX. SIZE <sup>(3,4,5)</sup>	MAX. HEIGHT
Agricultural Districts	1	10 sq. ft.	1	10 sq. ft.	6 ft.
Single Family Residential (6)	N/A	N/A	(See Exempt Signs)		
Multiple Family Residential	N/A	N/A	(See Exempt Signs)		
<del>Mobile</del> /Manufactured Home District	N/A	N/A	(See Exempt Signs)		

Neighborhood Service District <u>Town Center Overlay District</u>	1 per business	10% of front facade <sup>(2)</sup>	1 <sup>(4)</sup>	72 sq. ft.	6 ft.
General Commercial District Regional Commercial District	1 per business	10% of front facade <sup>(2)</sup>	1 <sup>(4)</sup>	72 sq. ft.	6 ft.
Office -Service District	1 per business	10% of front facade <sup>(2)</sup>	1 <sup>(4)</sup>	72 sq. ft.	6 ft.
<u>Public and</u> Recreational Facilities District	1	10% of front <sup>(2)</sup> facade	1 <sup>(4)</sup>	72 sq. ft.	6 ft.
Industrial District	1	10% of front <sup>(2)</sup> facade	1	60 sq. ft.	6 ft.
Planned Industrial and PUD Districts (7)	1	10% of front <sup>(2)</sup> facade	1	60 sq. ft.	6 ft.

**Footnotes to Table 16.1:**

- (1) One wall sign shall be allowed per business with its own public entrance. The sign may be attached to the façade that faces the street or on another façade where the business provides a public entrance; in either case, however, the sign may only be attached to a portion of the building that is occupied by the business. For a multi-tenant office building with common entrances, one (1) building identification sign shall be allowed.
- (2) The maximum wall sign shall not exceed ten percent (10%) of the facade of the building that the sign is attached to and is occupied by the business or one-hundred (100) square feet, per use or business establishment whichever is less. The maximum allowable wall sign area may be utilized in the following manner:
- a. Two wall signs may be permitted for businesses located on a corner or through-lot. One sign, meeting the maximum allowable sign area, shall be permitted on each side of the building that fronts along the public right-of-way, including I-96.
  - b. At the discretion of the Planning Commission, two wall signs may be permitted for businesses located on an interior lot (~~non-corner lot~~) which under certain circumstances, such as obstructed views and building orientation, require additional visibility. The total collective sign area of the two signs may not exceed one-hundred (100) square feet.
  - c. Commercial structures containing one use or business establishment use, as determined by the Planning Commission, the size of the wall sign may be increased up to the maximum square footage given in the following table.
    1. 201 - 400 linear feet of building frontage facing a public street and having a public entrance = 150 square foot maximum wall sign area.
    2. Over 400 linear feet of building frontage facing a public street and having a public entrance = 200 square foot maximum wall sign area.
    3. The maximum wall sign can be increased by up to twenty percent (20%) if required number or size of landscape materials is exceeded by at least twenty percent (20%).
- (3) For buildings or lots having frontage and vehicular access along a second public street, frontage along I-96, or for a business/retail shopping center, office center, or industrial park with a

combined gross floor area over 60,000 square feet, a second sign or a larger sign may be permitted by the Planning Commission provided that the total sign area does not increase the maximum signs square footage listed for that district in the table above by more than fifty percent (50%). The Planning commission may also approve one (1) additional monument sign for each outlot with at least one hundred (100) feet of public street frontage provided the site provides shared access.

- (4) Any logo or business identification on any directional sign, or any logo or business identification area on a second sign at any driveway shall be included when calculating maximum sign area.
- (5) A ten (10) percent increase in the maximum permitted monument sign area is permitted if extensive landscaping and a decorative brick base consistent with the materials of the principal building are provided.
- | (6) Refer to Section 16.07.~~0609~~ for residential identification signs.
- (7) PUD District development agreements may provide for specific sign standards.

(as amended 12/31/06, 8/24/07 and 3/5/10)

# Clean Version of Updated Ordinance

## ARTICLE 16 SIGN STANDARDS

### Sec. 16.01 STATEMENT OF PURPOSE

The purpose of this article is to regulate signs and outdoor advertising within Genoa Township to protect public safety, health and welfare; minimize abundance and size of signs to reduce motorist distraction and loss of sight distance; promote public convenience; preserve property values; support and complement objectives of the Township Master Plan and this Zoning Ordinance; and enhance the aesthetic appearance within the Township. The standards contained herein are intended to be content neutral. These objectives are accomplished by establishing the minimum amount of regulations necessary concerning the size, placement, construction, illumination and other aspects of signs in the Township in order to:

- 16.01.01 Recognize that the proliferation of signs is unduly distracting to motorists and pedestrians, creates a traffic hazard, and reduces the effectiveness of signs needed to direct and warn the public. Too many signs can overwhelm the senses, impair sightlines and vistas, create confusion, reduce desired uniform traffic flow, create potential for accidents, affect the tranquility of residential areas, impair aesthetics and degrade the quality of a community.
- 16.01.02 Prevent signs that are potentially dangerous to the public due to structural deficiencies or disrepair.
- 16.01.03 Eliminate potential conflicts between business signs and traffic control signs, which could create confusion and hazardous consequences.
- 16.01.04 Recognize that the principal intent of commercial signs, to meet the purpose of these standards and serve the public interest, should be for identification of an establishment on the premises, and not for advertising special events, brand names or off-premise activities, as these can be advertised more appropriately by other methods.
- 16.01.05 Enable the public to locate goods, services and facilities without excessive difficulty and confusion by restricting the number and placement of signs.
- 16.01.06 Prevent placement of signs which will conceal or obscure signs of adjacent uses.
- 16.01.07 Protect the public right to receive messages, especially non-commercial messages such as religious, political, economic, social, philosophical and other types of information protected by the First Amendment of the U.S. Constitution.
- 16.01.08 Protect the individual user's rights to convey a message balanced against the public's right to be free of signs which unreasonably compete with one another, distract drivers and pedestrians, and create safety concerns and confusion. This ordinance is intended to balance the individual user's desire to attract attention with the citizen's right to be free of unreasonable distractions.
- 16.01.09 Recognize that the signs of least value to people within the Township are those which carry commercial messages other than the advertisement of any product, service, event, person, institution or business located on the premises where the sign is located (off-premise sign) or indicates the sale or rental of such premises.

- 16.01.10 Prevent off-premise signs from conflicting with land uses. Off-premise signs unduly distract motorists and residents because of the periodic changing of the message on such signs and because such signs are generally larger and are predominantly located along busy highways where several businesses are located in close proximity to each other, thereby posing a greater risk to the Township's interest in traffic safety and aesthetics. Additionally, off-premise signs can also deter the redevelopment of a parcel or limit the redevelopment potential of a site due to extended lease periods for off-premise signs.
- 16.01.11 Maintain and improve the image of the Township by encouraging signs of consistent size which are compatible with and complementary to related buildings and uses, and harmonious with their surroundings.
- 16.01.12 Prohibit portable commercial signs in recognition of their significant negative impact on traffic safety and community aesthetics.

Sec. 16.02 **DEFINITIONS**

- 16.02.01 **Business center:** a grouping of two or more business establishments on one or more parcels of property which may share parking and access and are linked architecturally or otherwise present the appearance of a unified grouping of businesses. A business center shall be considered one use for the purposes of determining the maximum number of monument signs. A vehicle dealership shall be considered a business center regardless of the number or type of models or makes available, however, used vehicle sales shall be considered a separate use in determining the maximum number of signs, provided that the used sales section of the lot includes at least twenty-five percent (25%) of the available sales area.
- 16.02.02 **Banner:** A temporary sign made of fabric, plastic or other non-rigid material sign without enclosing structural framework.
- 16.02.03 **Business affiliation signs:** signs not exceeding a total of two (2) square feet per business indicating acceptance of credit cards or describing business affiliations and are attached to a permitted sign, exterior wall, building entrance or window.
- 16.02.04 **Canopy sign:** a non-rigid fabric marquee or awning-type structure which is attached to the building by supporting framework, which includes a business identification message, symbol and/or logo.
- 16.02.05 **Changeable message sign, manual:** a reader board attached to a sign or the exterior of a wall where copy is changed manually.
- 16.02.06 **Directional sign:** an on-premises sign that which assists motorists in determining the flow of pedestrian or vehicular traffic such as enter, exit, crosswalk and one-way signs.
- 16.02.07 **Electronic Message Sign (EMS):** A sign or portion of a sign, that displays an electronic image or video, which may or may not include text, including any sign or portion of a sign that uses changing lights or similar forms of electronic display such as LED to form a sign message with text and or images wherein the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes. This definition includes without limitation television screens, plasma screens, digital screens, flat screens, LED displays, video boards, and holographic displays.
- 16.02.08 **Gas station pump island signs:** A sign affixed to or mounted on a fuel pump.

- 16.02.09 **Menu board:** a restaurant sign that displays menu items and prices and may include a communication system for placing food orders and digital display of order. (as amended 12/17/10)
- 16.02.10 **Incidental sign:** A sign which is incidental, accessory and subordinate to a permitted use relating only to the sale of goods, rendering of services, or instructing or directing the public which is located upon the building site on which said sign is erected or maintained. Examples include but are not limited to a building entrance/exit sign, open/closed sign, days/hours of operation sign, restroom sign, business affiliation signs, and gas station pump island signs.
- 16.02.11 **Monument sign:** A three-dimensional, self-supporting, solid base-mounted freestanding sign placed in the ground surface such that the entire bottom of the sign is affixed to the ground and is not supported by poles, columns or uprights, consisting of sides extending up from the base, and upon which a message, business, group of businesses or center name is affixed.
- 16.02.12 **Motor Vehicle Sign:** A sign measuring more than two (2) square feet in size that is mounted, placed, written, or painted on a vehicle or trailer, whether motor driven or not.
- 16.02.13 **Moving Sign:** A sign in which the sign itself or any portion of the sign moves or revolves. A “rotating sign” is a type of moving sign. Such motion does not refer to the method of changing the message on the sign.
- 16.02.14 **Nit:** A unit of illuminative brightness equal to one (1) candela per square meter ( $\text{cd}/\text{m}^2$ ), measured perpendicular to the rays of the source. (as amended 12/17/10)
- 16.02.15 **Off-premise sign:** a sign which identifies a use or advertises products and services not available on the site or parcel on which the sign is located; a sign which directs travelers or provides a message unrelated to the site on which the sign is located.
- 16.02.16 **On-premise sign:** a sign providing the address and name of owner of a parcel of land; a sign advertising a business, service or product sold or produced on the same site or parcel.
- 16.02.17 **Pole sign:** a sign supported on the ground by a pole or poles, the sole purpose of which pole or poles is to hold the sign.
- 16.02.18 **Portable sign:** a freestanding sign designed to be moved from place to place, whether or not it is permanently attached to the ground or structure. This includes hot-air and gas filled balloons, pennants, streamers, festoons, ribbons, tinsel, pinwheels, flags and searchlights.
- 16.02.19 **Projecting sign:** a sign, other than a wall sign, that is affixed to any building or wall and whose leading edge extends more than twelve (12) inches beyond such building or wall.
- 16.02.20 **Roof sign:** a sign that is located above the top of the wall of a flat roof building, above the eave on a pitched roof building or above the deck line of a mansard roofed building.
- 16.02.21 **Sign:** any device, structure, fixture, figure, banner, pennant, flag, balloon, poster, handbill, flyer, painting, streamer, placard, or similar object consisting of written copy, symbols, logos and/or graphics, designed for the purpose of identifying or bringing attention to an

establishment, product, goods, services or other message to the general public. This definition of sign shall not include:

- (a) Legal notices, including but not limited to signs required for proposed zoning changes or variance requests.
- (b) Decorative displays in connection with a recognized holiday, provided that the display doesn't exceed 75 days.
- (c) Signs required by law (e.g. fire, traffic code)

16.02.22 **Temporary sign:** A sign that appears to be intended or is determined by the Zoning Administrator to be displayed for a limited period of time which is not intended to be lasting and is not constructed from an enduring material such as masonry and metal which remains unchanged in position, character, and condition (beyond normal wear), and is not permanently affixed to the ground, wall or building. Examples include but are not limited to posters, banners, a-frame/sandwich board and corrugated plastic/yard type signs.

16.02.23 **Wall sign:** a sign attached parallel to and extending not more than twelve (12) inches from the wall of the building. Painted signs, signs which consist of individual letters, cabinet signs, and signs mounted on the face of a mansard roof shall be considered wall signs.

16.02.24 **Window sign:** signs which are affixed to a window or are positioned within two (2) feet of the inside of a window so that they are visible from the outside.

#### Sec. 16.03 APPLICATION OF STANDARDS

16.03.01 **Requirement for Permit.** Except as expressly provided herein, it is unlawful for any person to erect, re-erect, alter or relocate any sign without obtaining a permit from the Zoning Administrator and paying the applicable permit fee.

16.03.02 **Exempt Signs.** The following signs are specifically exempt from obtaining a sign permit but shall be required to comply with all other requirements of this ordinance:

- (a) **Flags:** insignia of any nation, state, community organization, college or university.
- (b) **Historical marker:** plaques or signs describing state or national designation as an historic site or structure and/or containing narrative, not exceeding twelve (12) square feet in area.
- (c) **Integral signs:** names of buildings, dates of erection, monumental citations, commemorative tablets when carved into stone, concrete or similar material or made of bronze, aluminum or other noncombustible material and made an integral part of the structure and not exceeding twenty-five (25) square feet in area.
- (d) **Parking lot signs:** A sign which regulates vehicle traffic within a permitted parking lot and includes information of a general directive or informational nature such as no parking, handicapped parking, and loading area; which bears no advertising matter, and does not exceed a maximum of six (6) feet in height and four (4) square feet in area.
- (e) **Regulatory, directional and street signs:** erected by a public agency in compliance with Michigan Manual of Uniform Traffic Control Devices Manual. Regulatory, directional

and street signs shall be allowed within the public street right-of-way provided such signs are not placed in a manner that obstructs visibility. (as amended 3/5/10)

- (f) **Street address signs (street numbers).** (as amended 12/31/06) Street address signs shall be allowed within the public street right-of-way provided such signs are not placed in a manner that obstructs visibility. (as amended 3/5/10)
- (g) **Temporary signs on agriculturally or residentially zoned property:** shall be allowed with property owner permission within the required setback area provided such signs are not placed within the public street right-of-way and do not obstruct motorist visibility subject to the following regulations:

Type	Number	Area	Height	Duration
Temporary Sign	1 per lot	6 sq. ft.	4 ft.	
Extra Temp. Sign	1 per lot	20 sq. ft.	6 ft.	From property listing to 30 days after closing of sale/lease.
Extra Temp. Sign	1 per lot	20 sq. ft.	6 ft.	From permitting of construction to 15 days after Certificate of Occupancy or Completion.
Extra Temp. Sign(s)	The same number as the number of issues and candidates	36 sq. ft.	6 ft.	From sixty (60) days prior to and six (6) days after election.

- (h) **Warning signs:** such as no trespassing, warning of electrical currents or animals, provided that such signs do not exceed six (6) square feet. Warning signs shall be allowed within the required setback area provided such signs are not placed within the public street right-of-way and do not obstruct visibility. (as amended 3/5/10)
- (i) **Window signs:** window signs shall be permitted to occupy no more than twenty five (25%) of the area of each individual window frame except as provided for in 16.07.02(d). (as amended 12/17/10)
- (j) **Incidental signs:** Incidental signs placed internal to sites are permitted within the non-residential districts, but are subject to the setbacks applicable to principal buildings for the zoning district and shall not exceed two (2) square feet in size.

Sec. 16.04 **PROHIBITED SIGNS**

The following signs shall be prohibited in any district in the Township:

- 16.04.01 **Motor vehicle signs.** Motor vehicles may not be used as signs. As determined by the Zoning Administrator, a motor vehicle may be parked on an occupied non-residential business premises lot for a time period not exceeding forty-eight (48) hours for the intended purpose of advertising a product or serving as a business sign. (as amended 12/17/10)
- 16.04.02 **String/Rope lights.** Exterior string and/or rope lights used in connection with a commercial enterprise shall be prohibited, other than holiday decorations which are strung no more than



sixty (60) days before the holiday and removed within ten (10) days following the holiday for which they were erected.

- 16.04.03 **Signs in right-of-way.** Non-regulatory signs placed in any public right-of-way, including those attached to a utility pole or affixed to a tree shall be prohibited. No sign in any zoning district shall be erected or placed in the public right-of-way except for the regulatory, directional, and street signs erected by a public agency and street address signs as expressly authorized by Section 16.03.02 (e) and 16.03.02(f) of this Ordinance. The Township retains the right to remove any signs found to be in violation of this section. (as amended 12/17/10)
- 16.04.04 **Off-premise signs.** Signs shall only be permitted as an accessory use on the same lot as a principal permitted use. Off-premise signs that are not located on the same lot as the principal use they serve shall be prohibited. (as amended 3/5/10) No sign in any zoning district shall be erected or placed in the public right-of-way except as may otherwise be expressly authorized by this Ordinance. The Township retains the right to remove any signs found to be in violation of this section. (as amended 12/17/10)
- 16.04.05 **Pole signs.** Pole signs shall be prohibited.
- 16.04.06 **Portable signs.** Portable signs shall be prohibited except a permit may be issued to allow a business to use a portable sign once during its stay at the same location or have new owners for a period not to exceed fourteen (14) days subject to the setbacks in Section 16.06.03.
- 16.04.07 **Roof signs.** Roof signs shall be prohibited.
- 16.04.08 **Moving.** Signs having moving members, or parts or emitting a sound shall be prohibited.
- 16.04.09 **Lights.** Signs using high intensity lights or flashing lights, spinners or animated devices; neon signs in agricultural or residential districts shall be prohibited.
- 16.04.10 **Obstruct vision.** Signs that obstruct vision or impair the vision of motorists or non-motorized travelers at any intersection, driveway, within a parking lot or loading area shall be prohibited. No sign in any zoning district shall be erected or placed in the public right-of-way except as may otherwise be expressly authorized by this Ordinance. The Township retains the right to remove any signs found to be in violation of this section. (as amended 12/17/10)
- 16.04.11 **Emergency or traffic.** Signs that simulate or could in any way be confused with the lighting of emergency vehicles or traffic signals shall be prohibited.
- 16.04.12 **On Towers.** Any type of signage including logos shall not be permitted on a public or private radio, television, cellular phone, or water towers with the exception of the name of the municipality, unless approved by the Township Board as described in section 6.02.02(p)(5).
- 16.04.13 **Costumed people.** Any person dressed with a business logo or as a representation of a business logo/mascot for the purpose of drawing attention and advertising that business. (as amended 12/31/06)
- 16.04.14 **Exceeding size limits.** Any sign that exceeds the height or area limits of this article shall be prohibited. (as amended 3/5/10)

Sec. 16.05 **REQUIRED ADDRESS SIGN**

All residences and commercial/industrial buildings shall have an address sign which is clearly visible from the adjacent street and shall comply with the requirements of the Fire Authority if applicable.

Sec. 16.06 **GENERAL STANDARDS FOR PERMITTED SIGNS**

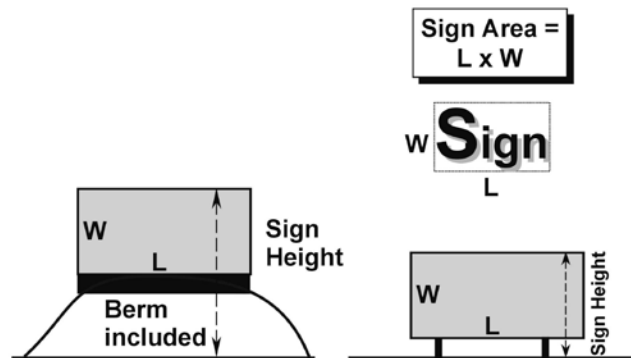
Signs which are permitted as accessory uses serving a commercial or informational purpose may be permitted subject to the requirements of this section; provided that no such sign shall be erected or altered until approved by the Zoning Administrator and until a permit has been issued.

16.06.01 **Measurement of sign area:**

(a) The area for signs shall be measured by calculating the square footage of the sign face, measured by enclosing the most protruding points or edges of a sign within a parallelogram or rectangle including any frame. On a monument sign, a decorative masonry base shall not be included in the sign area measurement.

(b) Where a sign has two or more faces, the area of only the larger face shall be considered when calculating maximum size, provided all faces are part of the same structure, back-to-back, contain the same message and are separated by no more than two (2) feet.

(c) The wall sign area square footage shall be determined by enclosing the portion of the wall which contains a message, lettering, symbol and/or logo within a parallelogram or rectangle. Signs placed on canopies shall also be counted towards the allowable wall sign area.



16.06.02 **Sign height:** The height of the sign shall be measured from the average grade to the uppermost point of the sign. Average grade shall be measured fifty (50) feet along the frontage from both sides of the sign. Placing a sign on top of a berm is permitted only if the berm is long enough to meet the average grade requirement and landscaping is provided on the berm.

16.06.03 **Sign setbacks:**

(a) All signs, unless otherwise provided for, shall be setback a minimum of ten (10) feet from any public street right-of-way or property line. This distance shall be measured from the nearest edge of the sign, measured at a vertical line perpendicular to the ground to the right-of-way.

- (b) In order to ensure adequate sight distance for motorists, bicyclists and pedestrians, a minimum clear vision area shall be maintained between a height of two (2) feet and six (6) feet within a triangular area measured twenty-five (25) feet back from intersection of public right-of-way lines. Greater clear vision areas may be required by the Michigan Department of Transportation or the Livingston County Road Commission in particular areas. Furthermore, signs shall not be permitted where they obstruct motorist vision of regulatory signs, traffic control devices or street signs.

16.06.04 **Sign materials:** as permitted in the various zoning districts, signs shall be designed to be compatible with the character of building materials and landscaping to promote an overall unified and aesthetic effect in accordance with the standards set forth herein. Signs shall not be constructed from materials that are remnants or manufactured for a different purpose.

16.06.05 **Illumination:** Sign illumination shall comply with all of the following requirements:

- (a) Signs shall be illuminated only by steady, stationary shielded light sources directed solely at the sign, or internal to it.
- (b) Use of glaring undiffused lights or bulbs shall be prohibited. Lights shall be shaded so as not to project onto adjoining properties or thoroughfares.
- (c) Sign illumination that could distract motorists or otherwise create a traffic hazard shall be prohibited.
- (d) Illumination by bare bulbs or flames is prohibited.
- (e) Underground wiring shall be required for all illuminated signs not attached to a building.
- (f) Electronic message signs may be permitted subject to Section 16.07.03. (as amended 12/17/10)

16.06.06 **Construction and maintenance:** Every sign shall be constructed and maintained in a manner consistent with the building code provisions and maintained in good structural condition at all times. All signs shall be kept neatly painted, stained, sealed or preserved including all metal parts and supports.

16.06.07 **Sign safety:** All signs erected, constructed, reconstructed, altered or moved shall be constructed in such a manner and of such materials so that they shall be able to withstand wind pressure of at least twenty (20) pounds per square foot. All signs, including any cables, guy wires or supports shall have a minimum clearance of four (4) feet from any electric fixture, street light or other public utility pole or standard.

#### Sec. 16.07 **SPECIFIC SIGN STANDARDS**

The number, display area and height of signs within the various zoning districts is provided in table 16.1 and its accompanying set of footnotes. Some additional standards for specific types of signs are given below:

16.07.01 **Canopy signs:** Canopy signs may project a maximum of six (6) feet from the edge of the building, measured horizontally parallel to the ground. Any sign area on the canopy shall be included in calculations of maximum wall sign square footage. (as amended 12/31/06)

16.07.02 **Changeable message signs:** Changeable message signs shall be permitted on any non-residential sign, subject to the following regulations:

(a) Only one changeable message sign shall be permitted per business. Changeable message signs shall only be part of one of the following types of conforming signs and shall be subject to the area, height, and placement requirements for that sign:

(1) A monument sign; or

(2) A window sign.

(b) Changeable message signs may not be added to a nonconforming sign.

(c) The changeable message portion of a monument sign shall not exceed one-third (1/3) of the sign area and the remainder of the sign shall be of a permanent character.

(d) Changeable message signs affixed or hung in a window shall be limited to one (1) per business or two (2) for businesses in corner units or lots and shall be a maximum of two (2) square feet in area.

16.07.03 **Electronic Message Sign (EMS):** Electronic message signs shall meet all of the requirements for changeable message signs in Section 16.07.02 above, in addition to following requirements below:

(a) Electronic changeable message signs shall not exceed the following illuminative brightness:

Time of Day	Brightness	
	Within 300 feet of residential district or use	At least 300 feet from residential district or use
Night time	300 nits (cd/m <sup>2</sup> )	500 nits (cd/m <sup>2</sup> )
Day time	3,500 nits (cd/m <sup>2</sup> )	5,000 nits (cd/m <sup>2</sup> )

(b) The message on an electronic changeable message sign may change a maximum of four (4) times per hour, except for time or temperature displays. At all other times the sign message and background must remain constant. If the sign is within 300 feet of a residential use or zoning district, the message shall remain static from dusk until dawn.

(c) The lettering and/or message components being displayed at any given time shall not change, flash or fade to another color. The changeable message sign shall have a default design that will freeze the sign in a dark or blank position if a malfunction occurs.

(d) Electronic changeable message signs shall not contain any moving, blinking, flashing, scrolling or animated parts nor have the appearance of having any movement or animation. Only static messages shall be displayed.

- (e) Electronic changeable message signs shall be located with a minimum separation distance of one hundred fifty (150) feet from any other electronic changeable message sign.
- (f) Electronic changeable message signs shall only be permitted in non-residential zoning districts. (as amended 12/17/10)
- (g) A non-glare panel or equivalent to substantially reduce glare shall be installed to cover the electronic changeable message sign display.
- (h) All permitted electronic changeable message signs shall be equipped with a sensor or other device that automatically determines the ambient illumination and is programmed to automatically dim according to ambient light conditions.
- (i) A written certification from a sign manufacturer or other approved testing agency that the light intensity has been preset to conform to the brightness and display standards established herein and that the preset levels are protected from end user manipulation by password protected software or other method.
- (j) The owner or controller of any electronic changeable message sign must adjust the sign to meet the brightness standards established herein and that any necessary adjustments must be made immediately upon notice of non-compliance from the Township.

16.07.04 **Directional signs:** No more than one (1) directional sign shall be permitted per approved driveway, with a maximum sign area of four (4) square feet per sign, and a maximum height of three (3) feet. Any area of a directional sign that includes a business name, symbol or logo shall be calculated as part of the allowable monument sign square footage, as specified in table 16.1.

16.07.05 **Menu board:** Up to two (2) menu board signs shall be permitted per drive-through order lane, which display menu items and may include a communication system for placing food orders and digital display of order. Each menu board shall be a maximum of twenty (20) square feet. Menu board sign(s) shall not be located in the front yard. (as amended 12/17/10)

16.07.06 **Monument signs:** A minimum setback of ten (10) feet shall be provided from the right-of-way, when located to ensure adequate sight distance for motorists. Dimensional standards for monument signs are given in table 16.1.

16.07.07 **Municipal and non-profit organization signs:** Local government, church, school, museum, library, public park or other non-profit institution permanent signs with a minimum setback from the street right-of-way of ten (10) feet, which do not exceed seventy-two (72) square feet and are a maximum of six (6) feet in height. (as amended 12/17/10)

16.07.08 **Rental office directional signs:** Up to two (2) signs identifying or directing motorists to a rental or management office in a multiple family development, provided that such signs are a maximum of four (4) feet in height, are setback a minimum of fifteen (15) feet from any property line or public right-of-way, and do not exceed three (3) square feet in area.

16.07.09 **Residential community or development identification signs:** One permanent sign per driveway which does not exceed thirty-six (36) square feet in area and a maximum height of six (6) feet identifying developments such as a college, a subdivision, an apartment complex, condominium communities, senior housing complexes, mobile home parks and similar uses.

16.07.10 **Temporary signs on non-agricultural and non-residential zoned property:** Temporary signs located in non-agricultural and non-residential zoning districts may be allowed subject to the following:

- (a) All temporary signs on non-agricultural and non-residential zoned property may be located within the required setback area provided such signs are not placed within the public street right-of-way and do not that obstruct motorist visibility.
- (b) Prior to the erection or placement of a temporary sign, the permission of the property owner where the sign is to be located must be secured.
- (c) The dimensional standards and regulations applicable to temporary signs in non-agricultural and non-residential districts are as follows:

Type	Number	Area	Height	Duration
Temporary Sign	One (1) sign per lot with one (1) additional sign allowed for each one-hundred (100) linear feet of frontage in excess of the minimum lot width required in the zoning district subject to a minimum separation distance of one hundred (100) feet between any other temporary sign.	36 sq. ft.	6 ft.	Not to exceed 60 days in a calendar year.
Extra Temp. Sign	1 per lot	36 sq. ft.	6 ft.	From property listing to 30 days after closing of sale/lease.
Extra Temp. Sign	1 per lot	36 sq. ft.	6 ft.	From permitting of construction to 15 days after Certificate of Occupancy or Completion.
Extra Temp. Sign(s)	The same number as the number of issues and candidates	36 sq. ft.	6 ft.	From sixty (60) days prior to and six (6) days after election.

16.07.11 **Wall signs:** Signs shall not project beyond or overhang the wall or any permanent architectural feature by more than one (1) foot and shall not project above the roof or parapet. (as amended 12/17/10)

**Table 16.1 Sign Dimensional Standards and Regulations**

DISTRICT (7)	WALL SIGN		MONUMENT SIGN		
	MAX. NO. OF SIGNS <sup>(1)</sup>	MAX SIZE	MAX. NO. OF SIGNS <sup>(3)</sup>	MAX. SIZE <sup>(3,4,5)</sup>	MAX. HEIGHT
Agricultural Districts	1	10 sq. ft.	1	10 sq. ft.	6 ft.
Single Family Residential (6)	N/A	N/A	(See Exempt Signs)		
Multiple Family Residential	N/A	N/A	(See Exempt Signs)		
Manufactured Home District	N/A	N/A	(See Exempt Signs)		
Neighborhood Service District Town Center Overlay District	1 per business	10% of front facade <sup>(2)</sup>	1 <sup>(4)</sup>	72 sq. ft.	6 ft.
General Commercial District Regional Commercial District	1 per business	10% of front facade <sup>(2)</sup>	1 <sup>(4)</sup>	72 sq. ft.	6 ft.
Office Service District	1 per business	10% of front facade <sup>(2)</sup>	1 <sup>(4)</sup>	72 sq. ft.	6 ft.
Public and Recreational Facilities District	1	10% of front <sup>(2)</sup> facade	1 <sup>(4)</sup>	72 sq. ft.	6 ft.
Industrial District	1	10% of front <sup>(2)</sup> facade	1	60 sq. ft.	6 ft.
Planned Industrial and PUD Districts (7)	1	10% of front <sup>(2)</sup> facade	1	60 sq. ft.	6 ft.

**Footnotes to Table 16.1:**

- (1) One wall sign shall be allowed per business with its own public entrance. The sign may be attached to the façade that faces the street or on another façade where the business provides a public entrance; in either case, however, the sign may only be attached to a portion of the building that is occupied by the business. For a multi-tenant office building with common entrances, one (1) building identification sign shall be allowed.
- (2) The maximum wall sign shall not exceed ten percent (10%) of the facade of the building that the sign is attached to and is occupied by the business or one-hundred (100) square feet, per use or business establishment whichever is less. The maximum allowable wall sign area may be utilized in the following manner:
  - a. Two wall signs may be permitted for businesses located on a corner or through-lot. One sign, meeting the maximum allowable sign area, shall be permitted on each side of the building that fronts along the public right-of-way, including I-96.
  - b. At the discretion of the Planning Commission, two wall signs may be permitted for businesses located on a lot which under certain circumstances, such as obstructed views and building orientation, require additional visibility. The total collective sign area of the two signs may not exceed one-hundred (100) square feet.
  - c. Commercial structures containing one use or business establishment use, as determined by the Planning Commission, the size of the wall sign may be increased up to the maximum square footage given in the following table.

1. 201 - 400 linear feet of building frontage facing a public street and having a public entrance = 150 square foot maximum wall sign area.
  2. Over 400 linear feet of building frontage facing a public street and having a public entrance = 200 square foot maximum wall sign area.
  3. The maximum wall sign can be increased by up to twenty percent (20%) if required number or size of landscape materials is exceeded by at least twenty percent (20%).
- (3) For buildings or lots having frontage and vehicular access along a second public street, frontage along I-96, or for a business/retail shopping center, office center, or industrial park with a combined gross floor area over 60,000 square feet, a second sign or a larger sign may be permitted by the Planning Commission provided that the total sign area does not increase the maximum signs square footage listed for that district in the table above by more than fifty percent (50%). The Planning commission may also approve one (1) additional monument sign for each outlot with at least one hundred (100) feet of public street frontage provided the site provides shared access.
- (4) Any logo or business identification on any directional sign, or any logo or business identification area on a second sign at any driveway shall be included when calculating maximum sign area.
- (5) A ten (10) percent increase in the maximum permitted monument sign area is permitted if extensive landscaping and a decorative brick base consistent with the materials of the principal building are provided.
- (6) Refer to Section 16.07.09 for residential identification signs.
- (7) PUD District development agreements may provide for specific sign standards.

(as amended 12/31/06, 8/24/07 and 3/5/10)



This Meeting was conducted via Zoom Meeting

**GENOA CHARTER TOWNSHIP  
PLANNING COMMISSION  
PUBLIC HEARING  
JUNE 3, 2020  
6:30 P.M.  
MINUTES**

CALL TO ORDER: Chairman Grajek called the meeting of the Genoa Charter Township Planning Commission to order at 6:35 p.m. Present were Marianne McCreary, Chris Grajek, Eric Rauch, Jim Mortensen, Jeff Dhaenens, Jill Rickard and Glynis McBain. Also present was Kelly VanMarter, Community Development Director/Assistant Township Manager, Shelby Scherdt of Tetra Tech, and Brian Borden of Safebuilt Studio. There were 42 audience members present.

PLEDGE OF ALLEGIANCE: The pledge of allegiance was recited.

Chairman Grajek reviewed the process for this evening's Planning Commission meeting and how public comment can be given via Zoom Meeting.

APPROVAL OF AGENDA:

**Moved** by Commissioner Dhaenens, seconded by Commissioner Mortensen, to approve the agenda as presented. **The motion carried unanimously with a roll call vote.**

CALL TO THE PUBLIC: The call to the public was made at 6:40 pm.

Mr. Don Farr of 170 Lane Drive is objecting to these proceedings because the public has not been afforded ample time to meet to prepare and formulate their response due to the Governor's stay-at-home order. They request that the Planning Commission delay making any decision this evening to allow them time to meet.

Ms. VanMarter stated the applicant submitted their application and paid their fees back in February. They were delayed twice due to the pandemic. Other communities have held Planning Commission meetings virtually. Unfortunately this is the reality now and the applicant must be afforded due process to have their application heard. She sympathizes with the residents.

The call to the public was closed at 6:45 pm.

DECLARATION OF CONFLICT OF INTEREST: Commissioner McBain stated her personal residence is within 300 feet of the Boss property. She must be excluded from this item on the agenda. All Commissioners voted unanimously via a roll call vote to excuse Commissioner McBain due to a conflict of interest.

## PUBLIC HEARING

OPEN PUBLIC HEARING # 1... Review of a rezoning application and impact assessment to rezone approximately 46.5 acres from Rural Residential (RR) to Low Density Residential (LDR) for parcel# 11-05-200- 002. The parcel is located at 3850 Golf Club Road on the southwest corner of Golf Club Road and Latson Road. This request is petitioned by Bible Baptist Church.

- A. Recommendation of Rezoning Application.
- B. Recommendation of Environmental Impact Assessment. (2-24-2020)

Mr. Brent LaVanway of Boss Engineering, Pastor Tim Christoson, the applicant, and Mr. Gary Boss, the property owner, were present.

Mr. LaVanway provided a review of the property and the applicant's request to rezone the property from Rural Residential (RR) to Low-Density Residential (LDR)

Pastor Christoson thanked the Township for allowing the Planning Commission meeting to be held virtually this evening. They believe that the presence of a church in a community is a great source of love, hope, and compassion. A core principle of being a Christian is to love your neighbor. The rezoning request complies with the Master Plan and it creates a situation for the church to seek a development partner who will assist with the cost of much of the infrastructure, such as the roadway and utilities. They are committed to a plan that preserves a high amount of the natural beauty of the property. They have met with the neighbors and appreciate their feedback.

Mr. Borden stated this first item is strictly the rezoning of the property. He reviewed his letter of March 17, 2020.

- LDR zoning is generally consistent with the rezoning criteria of Section 22.04 of the zoning ordinance.
- The request is consistent with the Township Master Plan.
- The request is anticipated to be compatible with the surrounding area.
- The host of uses permitted in LDR is compatible with existing and planned uses in the surrounding area.
- Consideration must be given to any technical comments provided by the Township Engineer, Utilities Director and/or Fire Authority with respect to infrastructure compatibility or capacity, and environmental impacts.

Ms. Shelby Scherdt reviewed her letter of March 3, 2020.

- The lot sizes shown on the LDR rezoning plan are all over 1 acre, which matches the LDR zoning requirement of 1 unit per acre. The general layout presented on the rezoning plan is acceptable.
- The LDR zoning does not require public water and sewer utilities, but Marion, Howell, Oceola, and Howell Sewer and Water Authority (MHOG) water is available on the west side of Latson Road and sewer in the Rolling Ridge Condominiums to the south of the

subject site. The impact assessment states that the petitioner anticipates connecting to water for the proposed residential homes but does not plan on a sanitary sewer connection at this time. If this is the proposal for sanitary sewage disposal, perk tests should be presented showing that the soils are suitable for septic fields as part of the site condominium plan submittal.

Commission Rickard is glad the applicant changed their rezoning request to comply with the Master Plan.

Commission Mortensen confirmed that the rezoning will not guarantee a church will be developed on this site as it is a special use in this zoning. Ms. VanMarter stated, "Yes. A church is a Special Land Use in both the existing and the proposed zoning."

Commissioner Mortensen also noted that the Impact Assessment says "It MAY be serviced by water and sewer". He asked the petitioner for clarification. Mr. LaVanway stated on-site well and septic are permitted in this zoning. However they are proposing to use the MHOG water system for fire hydrants for fire protection and on-site septic systems.

Commissioner Dhaenens agrees with Commissioner Mortensen. He also questioned why public sanitary sewer is not going to be used if it is available. Mr. LaVanway stated they are not sure if it is economically feasible to extend the public sewer into the site. They are aware it is available and are pursuing it further.

Commissioner McCreary questioned the franchise utility easement shown on the plan. Mr. LaVanway stated this is for the extension of public utilities of water, gas, and underground electricity.

Chairman Grajek asked if Mr. LaVanway was aware of the comments from the BAFA letter dated March 18, 2020 and he answered, "Yes".

Commissioner Mortensen asked for confirmation that conditions cannot be put on a rezoning. Mr. Borden stated that conditions cannot be put on rezoning approvals. He also asked if there were any engineering issues that could prohibit this rezoning. Ms. Scherdt stated this property can be developed with well and septic; however, if the property is rezoned and it is determined that there is not adequate capacity for well and septic, the developer would be required to connect to municipal water and sewer.

The call to the public was made at 7:12 pm

Ms. VanMarter stated that 19 letters and emails were received by the Township from residents and all were not in support of the project. She reviewed the names and addresses (if provided). The concerns were storm water runoff, tree removal, traffic, etc.

Ms. Dawn Izurieta of 3922 Sugarbush Drive is opposed to this rezoning. She does not want the traffic through their subdivision. She is not opposed to churches, but she knows there will be a lot of traffic, and not just on Sundays.

Mr. Don Farr of 170 Lane Drive would like to respond to his general comment previously. He reiterated his opposition to the format this evening. He would like to know why the petitioner is afforded due process but the public is not. It is biased and concerning. There has been poor audio. This is not how this process is supposed to work to give the residents adequate representation. There is a significant delay between what is being heard on the call and what is being broadcast on YouTube. He thinks everyone should be on the same format, and not the members on Zoom and the public on a call-in feature. He is concerned with the additional traffic. This corner is congested and dangerous already. He wants to know what the Township plans to manage the increased traffic. He would like the Township to have the petitioner upgrade the intersections to acceptable standards and those plans be presented before this is approved. They have existing drainage problems on their properties and this development will exacerbate this situation. What will the Township do to address this? He wants the Planning Commission to tell them how the development of this corner will be consistent with the Master Plan. This is a rural atmosphere. This would not be preserving the natural quality of life in the Township, such as slopes, mature trees and natural ecosystems.

Mr. Paul Rottach of 3897 Sugarbush. His home is directly behind the proposed church. He agrees with Mr. Farr's comments regarding due process. Everyone is afforded due process. He objects to the traffic study done in 2012, prior to I-96 and most Latson Road development so it does not take into account any of the existing traffic. Everyone is aware of the traffic and speeding on Latson Road. He is also concerned with privacy regarding the lighting and parking lot directly behind his house. He has flood insurance because his house is low level and the lot next to his house floods. When all of the trees are removed, it will cause more water to flow toward his house and into his lot. He would like clarification as to what can be put on each one-acre lot. He also asked if the emergency access area will be paved.

Mr. James Miller echoed the due process comment made by Mr. Farr as well as the technical difficulties that residents are having to make sure they are heard. His main concern is traffic and safety and how the emergency access will open up their neighborhood to traffic. This area is not adequate to support this type of development. He questioned if this development will have access through Sugarbush Drive.

Chairman Grajek advised that many of these items will be addressed during the next item on the agenda, the Site Plan review.

Ms. Tammy Celmo of 3910 Sugarbush Drive. Her concerns echo the other residents'. She is also concerned about the DEQ wetlands that surround their neighborhood. The road can barely handle the existing traffic. It is a safety concern. Their property values can go down if the trees

are removed from behind their homes. A road does not belong in a subdivision and a subdivision does not belong on that property. There are other properties in Howell.

Mr. Bruce Macey of 3878 Sugarbush Drive lives directly across from the development. They have had discussion with the applicant and he has been reasonable. He advised his co-owners residents that they need not worry about a roadway through Sugarbush. There is no public land or ROW's or easements here. The lot is owned by the association. The Board will not allow that to happen. He does not believe the pastor is looking at that as an option. He has the same concerns as his neighbors; but he wants to assure the pastor that they will welcome them to the neighborhood. They want the two communities to work together. They do prefer that the development be done within the constraints of the current zoning. They do not see the need for the rezoning.

Mr. Tom Lemkau of 47 Lane Drive. His property is the catch-all for any runoff coming from the surrounding area. He wants to be assured that he is not going to feel the effects of the runoff from this development onto his property. He is also concerned about the traffic flow on Golf Club. It is a downhill in that area and vehicles speed.

Ms. Nichole Zajac of 3274 Snowden Lane stated she has the same concerns as everyone else, with regard to traffic. Her road is already deteriorating and will deteriorate more if there is more traffic and they would. It is currently difficult to exit left out of their neighborhood. She is concerned that if it is rezoned and then the church does not develop it and questions what would be developed on that site.

Mr. Farr reiterated his due process concerns. He noted that there is a resident who is unable to connect to voice his concerns. Ms. VanMarter stated she is following the comments on the YouTube video and our technician is trying to get him connected.

Mr. Rottach of 3897 Sugarbush Drive stated he did not receive clarification on the definition of LDR. How many units are allowed for each acre? He reiterated the other caller's concerns that if the church does not develop the site, what can be built there.

Mr. Borden stated Low density Residential allows for minimum one-acre lots for single-family residences. There are only two differences between the site as it is currently zoned and what is being proposed; one is the density. RR requires two acres and the only use difference is that if there is a large RR lot, they have the option to keep livestock. All of the other uses are exactly the same.

Mr. Michael Siterlet of 3780 Golf Club stated he has the same concerns as the other members of the public, especially with the amount of traffic and the speeding. He is concerned because the pond on his property is fed by the water to the south and he wants to ensure that this development will not stop that flow of water.

The call to the public was closed at 8:01 pm.

Ms. VanMarter stated that the applicant has changed the zoning from their first request. They had originally asked for UR, which allowed additional units per acre and allowed duplexes. This is a completely different rezoning request than what was requested before. What is allowed with this request is one detached single-family home per acre.

Commissioner Rickard questioned the existing traffic study. Are the trip generations based on what is being proposed or the maximum allowable build out? This should be required as part of the rezoning.

Commissioner McCreary has the same concerns as Commissioner Rickard. The last traffic study was done eight years ago and there has been development since then.

Ms. VanMarter reviewed the zoning ordinance and what is needed to require an updated traffic study. Mr. LaVanway stated the traffic data they used for the Impact Assessment was for 23 homes, which is the maximum build out, so their request does not meet the criteria. The current zoning has 189 trips in a 24 hour period and the proposed zoning has 227 trips. So the difference between RR and the traffic generated by the proposed LDR is relatively minimum.

Commissioner Dhaenens noted that this item is about the rezoning and not the proposed development. The difference in the two zonings is 13 houses.

**Moved** by Commissioner Mortensen, seconded by Commissioner Rickard, to recommend to the Township Board approval of the rezoning the property at the southwest corner of Golf Club and Latson Roads from Rural Residential to Low Density Residential. This request is made because the PC finds that the proposal is consistent with the Township Master Plan, compatible with the existing building out in the surrounding area, and meets the rezoning criteria of Section 22.04 of the Township Ordinance. **The motion carried unanimously with a roll call vote**

Commissioner McCreary has concerns with the Environmental Impact Assessment. She asked if a wetland survey has ever been done on this property. Mr. LaVanway stated it is in the Natural Features Plan as part of the rezoning packet. She asked if this property is in a floodplain. Mr. LaVanway stated there is not a FEMA-regulated floodplain in this area; however, there is a pond shared by the two properties.

She questioned the access through Sugarbush. Was there a legal opinion from the Rolling Ridge subdivision opinion that the developer does not have the right to access that area? Ms. VanMarter stated they received a legal opinion from the subdivision's attorney indicating the applicant does not have a right to access that area. The applicant is allowed to submit a different opinion.

Commissioner McCreary feels there should be consistency with regard to sanitary sewer and septic as both are mentioned in the Impact Assessment. Mr. LaVanway said they are both mentioned because it is available but they are opting for septic systems.

**Moved** by Commissioner Mortensen, seconded by Commissioner Dhaenens, to recommend to the Township Board approval of the Environmental Impact Assessment for residential rezoning of the property at the corner of Golf Club and Latson Road dated February 24, 2020.

**The motion carried unanimously with a roll call vote.**

Chairman Grajek called for a 10-minute break at 8:21 pm

The meeting resumed at 8:31 pm.

OPEN PUBLIC HEARING #2...Review of a request of a preliminary site plan and impact assessment requesting preliminary site condominium approval for a proposed 10-unit site condominium. The property in question is located at 3850 Golf Club Road on approximately 46.5 acres on the southwest corner of Golf Club Road and Latson Road. The request is petitioned by Bible Baptist Church.

- A. Recommendation of Environmental Impact Assessment (3-30-2020)
- B. Recommendation of Preliminary Site Plan

Mr. Brent LaVanway of Boss Engineering, Pastor Tim Christoson, the applicant, and Mr. Gary Boss, the property owner, were present.

Mr. LaVanway reviewed the project. They are proposing 10 single-family residential site condominium units, which will be on the west side of the property and south of the pond. The access point to the residential lots is from Golf Club Road and has been approved by the Livingston County Road Commission. They propose utilities to include on-site septic systems for each lot and a combination of public water and wells. The Fire Marshall expressed concerns with fire suppression since there is only one access point so they are using the public water and increasing the number of hydrants.

Mr. LaVanway addressed the comments made during the rezoning.

- The storm drainage for the site is to encompass the road network and will utilize storm drainage structures and Lots 8 and 9. Based on the topography, they currently drain toward the subdivision to the south so they will be capturing that drainage and sending it to the north via storm sewer and the use of three fore bays, which will be utilized to pretreat the storm water prior to it discharging into the shared pond and the wetland, which is a regulated wetland. They will need approval from EGLE. After the preliminary site plan review, the Livingston County Drain Commissioner, the Livingston County Road Commission, and the Township Engineer will review and approve the plans. It will also be directed away from Lane Drive toward the east.

- No access to Sugarbush Drive is proposed. There will be a single-point of access on Golf Club Drive.
- They have received all of the review letters from the Township consultants and understand that meeting all of those requirements will be needed for approval of the final site plan approval.

Mr. Borden reviewed his letter dated May 6, 2020.

- Favorable action must be conditioned upon granting of the LDR rezoning request.
- The existing residence, park/nature preserve, and future church site are not included in the proposed site plan. These properties must be separated from the existing parcel.
- Condominium documents (Master Deed and By-Laws) must be provided with the final plan submittal. He recommends language be included ensuring protection of the wetlands, natural features setback, and undisturbed wooded areas. Use and maintenance provisions for the park must also be provided.
- There is an existing accessory building that will be located in a front yard via construction of the private road. The applicant notes that they will seek a variance from the ZBA to mitigate this condition. If a variance is not obtained, the building will need to be removed. Favorable action on this request must include a condition addressing the accessory building.
- Technical review of the private road and shared residential driveways shall be reviewed and approved by the Township Engineer and Brighton Area Fire Authority; however, it should be noted that Planning Commission approval is needed to reduce the easement width and extend the maximum cul-de-sac length.
- The applicant must provide a Private Road Maintenance Agreement, as required by the Township. If needed, this document must include provisions for use by parcels not included in the condominium.
- Final plan submittal must include a detailed landscape plan demonstrating compliance with the street tree requirements.
- During construction, protection fencing must be provided around wooded areas/trees to be preserved.
- Special land use approval is required for the encroachments into the 25-foot natural features setback (private road, landscape wall, grading, and storm water management structures).
- Any activities within the wetland areas are subject to review/approval by EGLE.

Ms. Scherdt reviewed her letter of April 23, 2020

- The plan proposes a private drive with a dead-end that is approximately 1,400 feet long. This is longer than the maximum private road length of 1,000 feet as required in the Genoa Township Engineering Standards. Given the natural features of the site and the limited access points to adjacent Latson Road, she supports a deviation for the private road length.



- The private road entrance on Golf Club Road will need to be approved by the Livingston County Road Commission, and approval should be provided to the Township for final site plan approval.
- The site plan shows a 12-foot franchise easement. The Petitioner extended the franchise easement through the future church area to Latson Road, rather than extending it north on the private drive to the Golf Club Road intersection as previously requested. This alternate route is acceptable.
- Detailed storm sewer sizing calculations should be included in the final site plan and the size of the proposed storm sewer and storm structures should be shown on the final site plan.
- The LDR zoning does not require public water and sewer utilities, but Marion, Howell, Oceola, and Howell Sewer and Water Authority (MHOG) water is available on the west side of Latson Road and sewer in the Rolling Ridge Condominiums to the south of the subject site. The petitioner is proposing to connect to the existing water stub on Latson Road to provide service to the future church and to 4 of the 10 units. We recommend that if municipal water is being provided to some of the lots, it should be provided to all 10 units.
- The petitioner is proposing a dead-end water main with a stub to the south for potential future connection to the existing 8-inch water main on Sugarbush Drive. Looping the water main is more desirable than a dead end main as it provides increased water quality and reliability. We therefore recommend that the water main be connected to the existing water main on Sugarbush Drive as part of this phase of the development to benefit the proposed homes, rather than possibly being done in the future. The petitioner should also include a 25-foot utility easement to the edge of the property to facilitate this connection.
- The petitioner is not proposing municipal sanitary sewer service for the proposed units and is instead proposing to install septic systems for sanitary sewer disposal. Perk tests should be presented showing that the soils are suitable for septic fields as part of the final site condominium plan submittal.
- After final site plan approval, construction plans will need to be submitted to MHOG Sewer and Water Authority for approval of any water improvements and permitting.
- The preliminary plan shows adequate access to the site and except for the comments above, a satisfactory concept for the public infrastructure.
- The final site plan should be submitted with the required documents and agreements.

To address other concerns of the residents, Mr. LaVanway showed the grading plan. They understand the need for preservation of trees, the topography of the land, and all of the natural features on this site. They want these to be estate homes. With regard to the outbuilding, they are going to seek a variance from the ZBA as they would like to keep it as it has been there for many years.

The call to the public was made at 9:01 pm.

Mr. Rottach of 3897 Sugarbush Drive noted that the traffic and environmental impact studies are done solely by the petitioner's engineers, so there is bias. These items are obvious concerns by the community.

Mr. Farr of 170 Lane Drive noted that the church has stated that they need to sell the lots in order to fund the church development. What is the additional development that can occur if the church is not built? The property backs up within feet along Lane Drive and asked the Township to consider the statement around the development rule will require maintaining a significant portion of the forested property so what is the setback of that road? They would like a large buffer on the road and the lots. It will change the rural character and affect their home values. He would like a rigorous tree protection plan to be put in place. He believes these homes should be connected to the municipal sewer system.

Mr. Don Putkela of 3366 Snowden Lane stated his concerns have been stated by other members of the public. The public was told not to consider the traffic the church would have with the rezoning and now in this item, the church is not listed so it cannot be considered again. He wants to understand what the actual maximum build out would be without the church.

Ms. Nichole Zajac of 3274 Snowden Lane she is concerned about the lighting that would be used for the church parking lot. They have commercial lighting from Meijer to the south and now there would be commercial lighting to the north. She has the same concerns about what is the true buildout capacity.

Mr. Steve Trudeau of 312 Conover Court is concerned with the traffic that would be generated from the church, light pollution from the church and will they maintain the buffer so he will not see the church. Will the sidewalk be extended from Snowden to Golf Club along this property?

Mr. Lemkau of 47 Lane Drive would like more information regarding the road off of Gold Club. There is a hill in this area and drivers speed. There is no more traffic needed on this road and he is totally against it. He also questioned if the sidewalk will be extended on Latson and also on Golf Club.

Mr. Borden noted that the proposal before the Planning Commission is not for a church. It is for a site condominium with a private road; however, if a church is proposed, it will need to go through a formal special land use and site plan review and approval. The township does have regulations for lighting, including maximum intensity, downward directed, landscaping, buffering, parking number maximums, etc.

Commissioner Grajek noted that the maximum capacity is 23 homes if the church is not developed. Mr. LaVanway confirmed this, which includes the existing residence. The reason is due to the pond, the regulated wetlands, the roadway, etc. so the density is below the allowable one-unit per acre. Commissioner Mortensen confirmed that if this property was not rezoned,

there could be 20 homes on this site, including the existing home. So the difference is minimum with regard to the two zonings.

Mr. Bruce Macey of 3878 Sugarbush Drive questioned why the property was rezoned if the church is not an issue with this preliminary site plan. Ms. VanMarter stated the purpose of the rezoning is to gain three additional residential lots. Mr. LaVanway added that the LDL zoning allows them to work better with the topography and the natural features of the property.

Mr. Mike Siterlet of 3780 Golf Club is upset because he thought the meeting was over so he left and did not hear the beginning of the discussion. He does not like the format of this meeting. The Impact Assessment states there are no deed restrictions but they have an easement that allows them access to the dam. Mr. LaVanway reviewed their plans for regulating the pond level and that he and Mr. Boss will work with Mr. Siterlet to ensure it is to his benefit.

The call to the public was closed at 9:30 pm.

Commissioner McCreary questioned why not all of the parcels would receive municipal water and the reason for the decreased easement for the road width. Mr. LaVanway stated the decreased easement for the road width is because most of it would be storm sewer and there would not be any other public utilities. Due to the extended road length, the Fire Marshall felt a reasonable compromise to this longer road width would be for the developer to provide public water with fire hydrants that they can access should they need to.

Commissioner Mortensen is not in favor of a mixture of municipal water and wells. He would like all 10 homes to be serviced by municipal water. Chairman Grajek does not see it as an issue if the Health Department is in agreement.

Commissioner Rauch believes that the new proposal has a significantly diminished impact from what was presented and good for the community.

Commissioner Rickard is concerned with the way they are creating these lots. They have left the existing home with no lot created and the remainder of the property with no defined lot. She would like these to be defined prior to preliminary site plan approval. Additionally, they are creating the need for a variance with the proposed road. She agrees with Commissioner Mortensen in that all lots should have water or none should have it. There is no landscaping plan and she would like to see buffers and she does not like to see them encroaching into the regulated wetlands. A master grading plan should be presented to address the concerns of the residents. She would like to see a connection of the road onto Latson Road. She would like to see these issues addressed.

Mr. LaVanway stated they will parcel out the lots when the condominium is recorded and will be available for final site plan approval. A variance will be required the outbuilding. The access off of Golf Club is what is acceptable by the Livingston County Road Commission and due to the

topography, wetlands, etc. they felt they had approached it in an appropriate manner to balance those. They do know they encroach into the natural features setback but there is a very narrow width between the pond and the wetlands so they have very little room for the roadway.

Commissioner Dhaenens understands that it is preliminary; however, he agrees with Commissioners Mortensen and Rickard. Water and sewer should be brought to all of the homes. He would also like to see more separation between those lots and Lane Drive

Commissioner Mortensen **moved** to recommend to the Township Board approve the Environmental Impact Assessment for the property at the southwest corner of Golf Club and Latson roads dated March 30, 2020, subject to the following:

- All homes on the property will have public water

Commissioner Rauch seconded the motion. He asked if this condition should be placed on an item for a preliminary site plan approval. He also noted that since the Health Department approved it, it should be sufficient. Mr. LaVanway noted that they were going to use well and septic; however the fire marshal required them to connect to the water for fire suppression, and the homes near them would be serviced by municipal water. The remaining lots would be on wells. All Commissioners and the applicant participated in the discussion and each provided their opinion on the requirement to have all homes connected to municipal water. After the discussion, **the motion carried with a roll call vote (Mortensen - yes; Rauch - no; Rickard - yes; Dhaenens - yes; McCreary - yes; Grajek - no).**

Commissioner Mortensen **moved** to recommend to the Township Board approval of the Preliminary Site Plan dated May 20, 2020 for the property located at the southwest corner of Golf Club and Latson roads, subject to the following:

- Favorable action must be conditioned upon granting of the LDR rezoning request.
- The existing residence, park/nature preserve, and future church site are not included in the condominium. These properties must be separated from the existing parcel.
- Condominium documents (Master Deed and By-Laws) must be provided with the final plan submittal. Language must be included ensuring protection of the wetlands, natural features, setbacks, and undisturbed wooded areas. Use and maintenance provisions for the park must also be provided.
- There is an existing accessory building that will be located in a front yard via construction of the private road. The applicant notes that they will seek a variance from the ZBA to mitigate this condition. If a variance is not obtained, the building will need to be removed. Favorable action on this request must include a condition addressing the accessory building.
- The requirements of the Township Engineer's letter dated April 23, 2020 and the BAFA letter dated April 9, 2020 will be met.
- The applicant must provide a Private Road Maintenance Agreement, as required by the Township. If needed, this document must include provisions for use by parcels not included in the condominium.

- Final plan submittal must include a landscape plan demonstrating compliance with the street tree requirements.
- During construction, protection fencing must be provided around wooded areas/trees to be preserved.
- Special land use approval is required for the encroachments into the 25-foot natural features setback (private road, landscape wall, grading, and storm water management structures).
- Any activities within the wetland areas are subject to review and approval by EGLE.

Commissioner Rickard seconded the motion noting she would like to see a detailed landscape plan, buffering plans, a tree survey, ROW lines, a grading plan, etc. Mr. LaVanway stated this is a unique situation because it is already heavily wooded and they feel they have addressed this in the landscape plan provided. There was a discussion regarding these items and the remaining Commissioners agreed that these items can be addressed at final site plan approval.

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

Commissioner McBain rejoined the meeting.

OPEN PUBLIC HEARING #3...Review of a request for a minor amendment to the special land use site plan for a previously approved special use permit for outdoor storage for Home Depot located at 3330 Grand River Avenue. The request is petitioned by Scott A. Mommer.

A. Disposition of minor amendment to special land use site plan (04-29-20)

Ms. Janay Mommer, and Mr. Scott Mommer, representing Home Depot, was present. They would like to amend their previously-approved site plan to allow for merchandise display in front of the garden center. It was labeled to be for tool rental and that was an error.

Ms. VanMarter stated that grills were being displayed in the area that was submitted as the tractor display area. Staff has been struggling with this particular store regarding compliance with the plan that was previously approved. She reminded the Commission that the Township was very specific on what items can be displayed in which locations.

Chairman Grajek visited the store yesterday and he noted that it was not per the plan. They are not following what was approved.

Commissioner Dhaenens asked why the store manager did not follow the plan that was approved. Mr. Mommer stated that both areas were identified as "rental areas", and they should have said "merchandise display". It was an error in the wording on the plan and that is the change that needs to be made. He addressed the concerns of Chairman Grajek. The store has been receiving a lot of shipments now due to the backup due to the pandemic. The issues they had before were with the previous store manager, and there is a new store manager.

Commissioner Mortensen has empathy for the store due to the pandemic. Stores were closed and now they are all opening back up. He feels that as long as it is neat and doesn't encroach further into the parking lot, he agrees with the change. Commissioner Rauch agrees.

There was a discussion on how to best serve Home Depot and the Township with the wording or the label put on each of the display areas. It was suggested that instead of specific items or types of items that are allowed, it should be more generic as long as the items stay within the allowable and designated space. All Commissioners agree.

Commissioner McCreary wants to ensure that the sheds will only be placed in the location designated and approved by the Township. Ms. VanMarter stated that since the store has not put in the landscape buffer, the Township has allowed them to put them in a different location. When the construction is complete, they will be moved.

The call to the public was made at 10:36 pm with no response.

**Moved** by Commissioner Mortensen, seconded by Commissioner Dhaenens, to recommend to the Township Board approve the minor amendment to the Home Depot site plan. This will provide language subject to staff approval designating flexibility of the merchandise displayed in the previously-approved display areas. This amendment approval will require renewal at the same time as the original approval period.

**The motion carried with a unanimous roll call vote.**

## ADMINISTRATIVE BUSINESS

### **Staff Report**

Ms. VanMarter stated there will be another Planning Commission meeting via Zoom Meeting next Thursday, June 11.

### **Approval of the March 9, 2020 Planning Commission meeting minutes**

Commissioner McCreary noted changes that needed to be made.

**Moved** by Commissioner McCreary, seconded by Commissioner Dhaenens, to approve the minutes of the March 9, 2020 Planning Commission Meeting as amended. **The motion carried unanimously with a roll call vote.**

### **Member Discussion**

### **Adjournment**

**Moved** by Commissioner Dhaenens, seconded by Commissioner McCreary, to adjourn the meeting at 10:47 pm. **The motion carried unanimously with a roll call vote.**

Respectfully Submitted,

Patty Thomas, Recording Secretary

This Meeting was Conducted Via Zoom Meeting

**GENOA CHARTER TOWNSHIP  
PLANNING COMMISSION  
PUBLIC HEARING  
JUNE 11, 2020  
6:30 P.M.  
MINUTES**

CALL TO ORDER: Chairman Grajek called the meeting of the Genoa Charter Township Planning Commission to order at 6:33 p.m. Present were Marianne McCreary, Chris Grajek, Eric Rauch, Jim Mortensen, Jeff Dhaenens, Jill Rickard and Glynis McBain. Also present was Kelly VanMarter, Community Development Director/Assistant Township Manager, Joseph Seward, Township Attorney, Shelby Scherdt and Gary Markstrom of Tetra Tech, and Brian Borden of Safebuilt Studio.

PLEDGE OF ALLEGIANCE: The pledge of allegiance was recited.

Chairman Grajek reviewed the process for this evening's Planning Commission meeting and how public comment can be given via Zoom Meeting.

APPROVAL OF AGENDA:

**Moved** by Commissioner Dhaenens, seconded by Commissioner Mortensen, to approve the agenda as presented. **The motion carried unanimously with a roll call vote.**

CALL TO THE PUBLIC: The call to the public was made at 6:38 pm with no response.

CONFLICT OF INTEREST

There were no members with a conflict of interest this evening.

**OPEN PUBLIC HEARING #1...** Review of a request of a rezoning application, Planned Unit Development application, PUD agreement, impact assessment and conceptual PUD plan. The rezoning request is from Country Estates (CE) to Interchange Campus Planned Unit Development (CAPUD) and Interchange Commercial Planned Unit Development (ICPUD) for approximately 195 acres along S. Latson Road south of I-96. The subject property includes 177 acres on the west side of S. Latson Road, 10 acres on the east side of S. Latson Road and 6 acres on Beck Road east of S. Latson Road. The properties include the following parcels requested to be rezoned to CAPUD: 4711-08-400-004, 006, 012, 013, 014, 015, 020, 4711-09-300-031 and 4711-17-200-008. Parcel 4711-09-300-001 is requested to be rezoned to ICPUD. The request is petitioned by Todd Wyett.

- A. Recommendation of Rezoning and PUD Application
- B. Recommendation of PUD Agreement
- C. Recommendation of Impact Assessment (6-19-19)
- D. Recommendation of Conceptual PUD Plan (5-20-20)



Mr. Todd Wyett, the property owner, Eric Lord, the engineer, Alan Greene, the developer's attorney, and Brad Strader, the landscape architect, were present.

Mr. Strader showed a map of the parcels proposed to be rezoned and what uses are anticipated to be developed on the sites. A concept plan video was shown.

He provided a review of the details of their plan, which included the open space concept, the Sweet Road intersection, commercial area layout, hotel setback study, permitted and prohibited uses, detailed design and architectural guidelines, and two separate options for the Latson Road design, one of which would include a boulevard, but narrower than the one that was originally proposed. He showed a site-line study of their proposed hotel and how what they are proposing would be compatible with the area.

Mr. Eric Lord reviewed the Impact Assessment. They focused on the impacts of the development on the topography and natural features of the site, the public utilities, and the traffic. He provided details of the impact of their development on these three areas and how they plan to address and ease these impacts. He noted that this project will take many years to complete so all of these improvements will be done when they are needed based on what is developed and at what time.

Mr. Alan Greene started by noting that the Township's Master Plan was updated to include this type of development in this area after the Latson Road / I-96 Interchange was installed. This was not planned to be residential neighborhoods. He reviewed the PUD Agreement stating that all of the details of the plan are included in the PUD. It is a legal and binding document that runs with the land, regardless of who owns or develops the property. The applicant has worked with Township staff and the Township attorney on the PUD and he believes it is mostly complete. There is one portion that needs to be addressed, which is regarding the construction of the utilities. The developer is going to finance all of the water and sewer upgrades, but it needs to be determined if they will reimburse the Township for the upgrades or pay up front to have them installed.

Mr. Borden reviewed his letter dated June 3, 2020.

- The ordinance standards for the PUD are generally met, though utility extensions will be required as part of this project.
- The proposed zoning designations are consistent with the Master Plan and Future Land Use Map. He believes the rezoning is appropriate and necessary to implement the vision and goals of the I-96/Latson Road Subarea Plan. It cannot be accomplished under the current Country Estates Zoning.
- The applicant seeks deviations from the conventional use requirements, dimensional standards, lighting intensity, and building material standards of the Zoning Ordinance. He provided details of what deviations the applicant is proposing.
- Proposed building heights and internal setbacks are subject to approval by the Planning Commission.
- Easements are required to allow cross-access for vehicular and pedestrian traffic in each of the project areas.
- Aside from the highway sign, details (uses, dimensional standards, building and site design, etc.) will be needed prior to future development in the North Area.

Mr. Markstrom reviewed his letter dated June 3, 2020.

They do not have any objections to the Impact Assessment that has been developed from an engineering perspective. The site plan provided is very conceptual and all future developments within the PUD will need to have their own site plan review and approval.

The Impact Assessment notes that the PUD will be serviced by water and sewer services through MHOG and GO-SWATH. The extension of water and sanitary sewer to the south side of the CSX railroad is accurately described in the Impact Assessment and corresponds with the plans that have been created for the Township by Tetra Tech. Furthermore, the conceptual plan for the PUD is consistent with the assumptions made on the basis of design for the South Latson Road Water and Sewer improvements design.

The installation of a sanitary pump station will eventually be necessary to provide sanitary service to the PUD. The petitioner added language in the PUD Agreement to note that landscaping and existing trees will be used to screen the pump station site and that building materials may consist of block, metal siding, or other materials used on the nearby research and industrial structures. The Agreement also notes that all building and landscaping plans will be submitted to the Township for review and approval, and he finds these changes acceptable.

The Impact Assessment states that a storm water management plan will be prepared for the entire development. The master plan will have central detention facilities. The detention sizing should be determined based on the entire site to ensure that there will be proper storm management as the property develops rather than developing individual storm water management plans for each new building. The site naturally drains to the Marion Genoa Drain, which is maintained and operated by Livingston County. The Livingston County Drain Commissioner's office will need to be included in the storm water master plan development process.

The developer has prepared a traffic impact study and a traffic improvement timing analysis that have been provided in this submittal. The general layout of the on-site roadways and intersections with Latson Road appear to be well thought out and provide for circulation through the site. The final layout may vary from this concept once end users of the sites are determined.

Improvements to Latson Road are subject to Livingston County Road Commission approval and should be submitted for review and comment by the Township. Since this parcel is the first major development on the south side of Latson Road and, as such, is the gateway to Genoa Township, he recommends additional concepts be considered to promote the Township with either monument signage or landscaping details as part of the overall development plan.

Chairman Grajek asked the applicant if they have seen the Brighton Area Fire Authority's review letter. Mr. Lord stated they have reviewed the letter and will comply with their requirements.

Commissioner Mortensen questioned the change in The PUD regarding how the improvements to the water and sewer systems will be done. It was noted that different plans were discussed between the Township and the developer and it was decided that the developer would solely finance and manage the construction of the utilities. The details of this plan are being negotiated and will be available by the time this item is presented to the Township Board. Commissioner Rickard agrees as it is common for developers to handle the upgrades and installation of water and sewer. Ms. VanMarter noted that the Township's Utilities Director, Greg Tataro, is in support of this plan as well.

Commissioner Rickard asked the petitioner why they are not able to comply with the ordinance with regard to the lighting. She would like to stay within the ordinance with regard to the pole height and the brightness. Mr. Strader stated they will have the lower pole height and “night sky” provisions when the lights are next to the residential neighborhood. He noted their proposal is consistent with other communities who have updated their lighting ordinances. If they met the Township Ordinance, they would require more poles. He also suggested that this be addressed at each site plan review process. Commissioner Rickard would like to see a proposal where the ordinance is met. Mr. Borden stated that the pole heights meet the requirements on the east side, but they are asking for a deviation from the ordinance on the height on the west side, but they have proposed smaller poles close to the existing residential areas.

Commissioner Mortensen asked the Township Attorney to review the three changes he proposed in the recent version of the PUD. Mr. Seward reviewed the reasons for his proposed changes. The Commissioners, the petitioner’s attorney, Ms. VanMarter, and Mr. Seward discussed the items. All Commissioners agreed to have the attorneys and staff determine the best language to address these issues.

Commissioner Dhaenens asked the applicant to provide details of how the residential neighborhood in the middle of this development will be protected. Mr. Strader advised they will meet the ordinance standards when industrial developments abut residential properties.

Commissioner McBain wants to ensure that all of the plants and green areas will be maintained after the development is complete. Mr. Greene stated this maintenance agreement is put in the PUD Agreement and all of the users will pay towards the maintenance of the common areas. Mr. Seward stated the maintenance of the landscaping is not defined in this PUD Agreement. Commissioner McBain would like it to be included. Mr. Borden advised that there is a section of the ordinance that requires the owners to maintain the site after it is developed; however, it can also be included in the PUD Agreement. The petitioner agreed that they will have the maintenance obligation for plantings in the right of way, but they do not want to maintain the sidewalk that is being required to be installed by the Township. Commissioner Rickard would like the developer to include the maintenance of the sidewalk in the Agreement as well. All Commissioners agreed to have the attorneys and staff to discuss and determine the best way to address the maintenance of the sidewalk.

The call to the public was made at 8:38 pm.

Ms. VanMarter stated she received an email from Alan Rankin of 3876 Clover Bend Court. He is concerned with the format of tonight’s meeting, his home being placed in the middle of a commercial area, the credibility of the developer, and his property values decreasing. He asked the Planning Commission to delay making a decision until an in-person meeting can be held.

Ms. Brenda Daniels of 1947 S. Latson Road stated that the property adjacent to -031 was not mentioned this evening. There are four properties that are not in the subject area. How are these properties going to fit into the plan? How are these residential properties going to be accommodated? She has not been approached about having her property purchased and included in this plan. Mr. Wyett advised Ms. Daniels that she could contact him as he may be interested in purchasing her property. She wants to understand what is being developed, how it will impact them, and when the development will occur. Mr. Wyett advised Ms. Daniels that the future land use map shows her property as Interchange Campus so it will increase the value of her property.

Mr. Roy Hibbs of 20919 Greenbriar Circle, South Lyon is concerned with the situation around his brother- and sister-in-law's house, who are Mr. and Mrs. Rankin of 3875 Clover Bend Court. They have their dream home in a Country Estates zoned property and will now be surrounded on three sides by light industrial uses. He knows that development happens but it doesn't make any sense that they were not made an offer to have their property purchased by the developer.

Chairman Grajek asked if Mr. Rankin was ever able to attend any meetings during the development of the I-96 Interchange and the changes in land use were discussed. This was all part of this process. Mr. Hibbs advised Mr. Rankin is with him, but he was never made aware of any meetings until this meeting this evening.

Ms. VanMarter recalls discussions with Mr. Rankin during the Master Plan process and he spoke out in opposition to the change in Campus. She noted that the interchange has been planned since the late 1990's and was in former versions of the Master Plan. Initially commercial development was supposed to stop at the railroad tracks, and when the amendment was proposed, many residents in the area were opposed to converting it to something other than Country Estates zoning.

Mr. Alan Rankin of 3875 Clover Bend Ct. is very upset because Mr. Wyett's contractor tore up Clover Bend Ct. and never repaired it. Mr. Wyett never contacted him about purchasing his property as part of this development and now he will be surrounded by industrial on three sides. He does not want to live with the construction for ten years.

Chairman Grajek advised Mr. Rankin that this did not happen overnight and Mr. Rankin lived in the area during the time the Master Plan was being revised. Mr. Rankin said he never knew about the industrial zoning until he received the letter regarding tonight's meeting. Chairman Grajek understands Mr. Rankin's concerns, but the Township staff conducted many public meetings advising the planned changes. These meeting notices are always published in the newspaper and on WHMI.

Mr. Rankin is asking the Township for consideration and help with his and his neighbors' property. He doesn't believe that he will be able to even sell his home now.

Chairman Grajek called for a five minute break at 9:10 pm to allow members of the public to call in to speak to the Commission.

The meeting resumed at 9:15 pm.

The call to the public was closed at 9:16 pm.

Commissioner Dhaenens asked the Commissioners and staff if they have reviewed the use table provided by the petitioner. Mr. Borden stated the list has been updated after the previous joint meetings held between the Planning Commission and the Township Board and has been vetted thoroughly.

**Moved** by Commissioner Dhaenens, seconded by Commissioner Rickard, to recommend to the Township Board approval of the Rezoning and PUD Application from County Estates (CE) to Interchange Campus Planned Unit Development (CAPUD) and Interchange Commercial Planned Unit Development (ICPUD) for approximately 175 acres. The properties include the following parcels requested to be rezoned to CAPUD: 4711-08-400-004, 006, 012, 013, 014,

015, 020, 4711-09-300-031, 4711-17-200-008 and Parcel 4711-09-300-001 is requested to be rezoned to ICPUD, for the following reasons:

- The rezoning criteria for Section 22.04 of the Zoning Ordinance have been met.
- The proposed zoning is consistent with the goals, policies and future land use map of the Genoa Township Master Plan, including any subarea or corridor studies. If conditions have changed since the Master Plan was adopted, the consistency with recent development trends in the area.
- The rezoning is compatible with the site's physical, geological, hydrological and other environmental features with the host of uses permitted in the proposed zoning district.
- The site is able to be reasonably developed with one of the uses permitted under the current zoning.
- All of the potential uses allowed in the proposed zoning district are compatible with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values.
- The Township's infrastructure and services are sufficient to accommodate the uses permitted in the requested district without compromising the "health, safety and welfare" of the Township.
- The apparent demand for the types of uses permitted in the requested zoning district in the Township in relation to the amount of land in the Township currently zoned is able to accommodate the demand.
- The rezoning is reasonable given the above criteria, a determination the requested zoning district is more appropriate than another district or amending the list of permitted or Special Land Uses within a district.
- The request has not previously been submitted within the past one year and there is a conceptual PUD Plan.

**The motion carried unanimously with a roll call vote.**

**Moved** by Commissioner Mortensen, seconded by Commissioner Dhaenens, to recommend to the Township Board approval of the PUD Agreement dated May 18, 2020 and as amended by the Township Attorney on June 11, 2020, subject to the following:

- The Township Attorney will work with the developer's attorney to clarify expiration dates of site plans.
- The Township Attorney will coordinate with the developer's attorney to develop language regarding the maintenance of the plantings in the right-of-way and the sidewalk on S. Latson Road to assure that the maintenance continues over time.
- Planning Commission shall review the requested lighting deviation at the time of the first site plan submittal where additional information and detail can be provided to the Planning Commission to see more clearly the deviation between what is being proposed and the ordinance requirements.
- The utility construction arrangements will be coordinated between the Township Attorney, the petitioner's attorney, and Township Staff prior to submission to the Township Board.

**The motion carried unanimously with a roll call vote.**

**Moved** by Commissioner Mortensen, seconded by Commissioner McBain, to recommend to the Township Board approval of the Impact Assessment dated June 19, 2019 for the following properties: 4711-08-400-004, 006, 012, 013, 014, 015, 020, 4711-09-300-031, 4711-17-200-008, and 4711-09-300-001. **The motion carried unanimously with a roll call vote.**

**Moved** by Commissioner Mortensen, seconded by Commissioner Dhaenens, to recommend to the Township Board approval of the Conceptual PUD dated May 20, 2020 for the following properties: 4711-08-400-004, 006, 012, 013, 014, 015, 020, 4711-09-300-031, 4711-17-200-008, and 4711-09-300-001, with the following conditions:

- The requirements of the Township Engineer in his letter dated June 3, 2020 shall be met.
- The requirements of the Brighton Area Fire Authority's letter dated March 26 , 2020 shall be met
- Easements will be required to allow cross access where vehicular and pedestrian traffic in each of the project areas.
- Details will be required for the highway sign, uses, dimensional standards, building and site design, etc. prior to development of the north area.

**The motion carried unanimously with a roll call vote.**

### ADMINISTRATIVE BUSINESS

#### **Staff Report**

Ms. VanMarter stated there may be an item for the July Planning Commission Meeting.

The minutes from this meeting and last week's meeting will be on the next meeting's agenda.

#### **Member Discussion**

Commissioner Rauch is excited that vacant properties are being developed; however, he would like to focus on existing buildings in the Township. He would like the Planning Commission to think about the Township becoming proactive and creative with regard to redevelopment opportunities. The Township could promote redevelopment, especially along the Grand River Corridor.

Commissioner Mortensen noted that the Master Plan is going to be updated shortly and this can be addressed during that time.

Ms. VanMarter agrees. There are organizations and associations in the area that she can reach out to for assistance.

Commissioner McBain agreed that young adults are not interested in large, expensive homes. They want to have smaller homes and be close to cities.

#### **Adjournment**

**Moved** by Commissioner Rickard, seconded by Commissioner Dhaenens, to adjourn the meeting at 9:54 pm. **The motion carried unanimously with a roll call vote.**

Respectfully Submitted,

Patty Thomas, Recording Secretary