

**GENOA CHARTER TOWNSHIP
PLANNING COMMISSION
PUBLIC HEARING
JUNE 9, 2025
MONDAY
6:30 P.M.

AGENDA**

CALL TO ORDER:

PLEDGE OF ALLEGIANCE:

APPROVAL OF AGENDA:

DECLARATION OF CONFLICT OF INTEREST:

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

OPEN PUBLIC HEARING #1... (Staff is requesting the proposed amendment as a discussion item only)
Consideration of an ordinance amendment to Article 13 entitled "Environmental Protection Regulations."
A. Recommendation of Zoning Ordinance Amendments to Article 13 entitled "Environmental Protection Regulations".

ADMINISTRATIVE BUSINESS:

- Staff Report
- Approval of May 12, 2025 Planning Commission meeting minutes
- Member discussion
- Adjournment

*Citizen's Comments- In addition to providing the public with an opportunity to address the Township Board at the beginning of the meeting, opportunity to comment on individual agenda items may be offered by the Chairman as they are presented. Anyone speaking on an agenda item will be limited to 2 minutes.

**ARTICLE 13
ENVIRONMENTAL PROTECTION REGULATIONS**

Sec. 13.01 CLEARING OF WOODLANDS AND EARTH CHANGES

It is the intent to protect woodlands within the Township and preserve the economic, health, aesthetic and environmental values associated with woodlands. Regulation of the removal of tree resources will help protect and preserve an important natural feature of the Township for the benefit of present and future generations, and for the future well-being of the public health, the Township's character and the natural environment. The provisions of this section are also intended to prohibit clearcutting of woodland areas within the Township.

~~Any property owner or their representative proposing to clear more than twenty five percent (25%) of the trees of eight (8) inch caliper or larger on a site or any cut, fill or grading that would change the topography of the site by more than three (3) feet on average over the site shall first notify the Zoning Administrator of the intent of such clearing and/or earth change. The Zoning Administrator may require submittal of a proposed site plan for review and approval by the Planning Commission in accordance with the terms of this Ordinance. This section shall not prevent tree clearing or site grading for building envelopes, swimming pools, decks, utility lines or construction drives, provided necessary land use permits have been obtained; nor shall this ordinance prohibit site changes for farming purposes. This section shall not require Planning Commission approval for grading on an established residential lot; provided the area of disturbance is less than one (1) acre. The Zoning Administrator may waive this section for select clearing of lower quality species including Ash, Box Elder, Elms, Poplars, Willows and Cottonwoods. (as amended 12/31/06)~~

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

- (1) **Agriculture/farming:** means any land in which the principal use is to derive income from the growing of plants and trees, including but not limited to land used principally for fruit and timber production.
- (2) **Caliper:** means the diameter of a tree trunk measured six inches (15 cm) above ground level for trees up to four-inch caliper and 12 inches above the ground for larger sizes.
- (3) **Clear cutting:** means the complete clearing, cutting or removal of trees and vegetation.
- (4) **Commercial nursery/tree farm:** means any commercial establishment which is licensed by the state or federal government for the planting, growing and sale of live trees, shrubs, plants and plant materials for gardening and landscaping purposes.
- (5) **Developed property:** means any land which is either currently used for residential, commercial, industrial, or agricultural purposes or is under construction of a new building, reconstruction of an existing building or improvement of a structure on a parcel or lot, the relocation of an existing building to another lot, or the improvement of open land for a new use.

- (6) **Diameter at breast height (DBH):** means the diameter in inches of the tree measured at four feet above the existing grade.
- (7) **Dripline:** means an imaginary vertical line that extends downward from the outermost tips of the tree branches to the ground.
- (8) **Grade:** means the ground elevation.
- (9) **Grubbing:** means the effective removal of under-canopy vegetation from a site. This shall not include the removal of any trees.
- (10) **Landmark/historic tree:** means any tree which stands apart from neighboring trees by size, form or species, as specified in the landmark tree list in section 13.01.06, or any tree, except box elder, catalpa, poplar, silver maple, tree of heaven, elm or willow, which has a DBH of 24 inches or more.
- (11) **Single-family lot:** means any piece of land under single ownership and control that is two acres or more in size and used for residential purposes.
- (12) **Tree:** means any woody plant with at least one well-defined stem and having a minimum DBH of four inches.
- (13) **Undeveloped Property:** a piece of property that is devoid of any man-made buildings or structures.
- (14) **Understory:** means the underlying layer of vegetation in a forest or wooded area, especially the trees and shrubs growing between the forest canopy and the forest floor.
- (15) **Woodlands:** means any treed area of one-half acre or more, containing at least 28 trees with a DBH of six inches or more.

13.01.02 **Applicability.**

- (a) The standards of this section apply to land that is undeveloped and for land seeking site plan, site condominium, or land division approval. The following are exempt from the standards of this section:
 - (1) Residential parcels. Notwithstanding the provisions of this section, removal or transplantation of trees is permitted on residential parcels provided, the parcel supports a conforming residential principal building and accessory uses, and, provided that the parcel is not part of a site plan, plat or site condominium or land division being reviewed or anticipated for review. Such exemption shall not apply to occupied parcels proposing to clear more than twenty-five percent (25%) trees of 4-inch caliber or larger and landmark trees located on such parcels.
 - a. Applicant requesting to remove more than twenty-five percent (25%) of trees shall first notify the Zoning Administrator of the intent of such clearing. The Zoning Administrator may require submittal of a proposed site plan for review and/or approval by the Planning Commission in accordance with the terms of this ordinance. This shall not prevent tree removal for building envelopes, swimming pools, decks, utility lines or

construction drives, provided necessary land use permits has been obtained.

- (2) Emergencies. This subsection shall not bar tree removal, transplantation or other prohibited activities where such actions were made necessary by a genuine emergency, such as a tornado, windstorm, flood, freeze, dangerous and infectious insect infestation or disease, or other natural or manmade disasters, in order to prevent injury or damage to persons or property, or to restore order.
- (3) Dead or damaged trees. This section shall not bar removal, transplantation or trimming of dead, diseased, infested or damaged trees, where the damage resulted from an accident or natural cause, and, provided that the removal or trimming is accomplished through the use of accepted standard forestry practices and techniques. Applicant shall provide information from a licensed arborists or landscape architect indicating the condition of the trees.
- (4) Public utilities. This subsection shall not bar the repair or maintenance work performed by public utilities which would necessarily require the trimming or cutting of trees. However, it is intended to encourage the preservation of trees by public utilities, wherever possible.
- (5) Agricultural uses. This subsection shall not bar removal or transplantation of trees occurring during the use of the land for agriculture, or the operation of a commercial nursery or certified tree farm, provided, the commercial nursery or certified tree farm has been licensed with the state and has received all other necessary licenses and permits.
- (6) Woodlands management. Thinning, selective clearing and trimming of trees shall be exempt from the permit requirements of this subsection, if such work is conducted in accordance with professional forest management and registered in the state. Woodlands management activities shall not, however, include clearcutting or the wholesale removal of significant vegetation from the site.

13.01.03 Tree inventory.

For all lands, parcels and projects to which this section applies, a tree inventory shall be required. The Planning Commission shall have the authority to waive the tree inventory requirements, if it is determined to be unreasonable, unnecessary or not applicable, provided, the Planning Commission shall not have the authority to waive the tree inventory requirements for woodlands within building envelopes and when pertaining to landmark trees. If the tree inventory is waived, the Planning Commission may still require compliance with some of the noted required information, and may also include an indication of tree massing and a statement indicating predominate species and the estimated number and size of trees on the site within each massing.

(a) The tree inventory shall include the following information:

- (1) An inventory indicating the location of all existing trees that are six inches or more in diameter at breast height (dbh), including off-site trees within 25 feet of the property lines, and all trees to be affected by the development, such as trees located within areas of right-of-way improvements or off-site utility work. All such trees proposed to remain, be relocated or be removed shall be so

designated. Clearing limits shall be clearly shown on the inventory. The inventory shall be accompanied by a separate key, identifying the numbered trees by size, common name and condition.

- (2) Tree location inventories are to be performed by an actual field survey by a registered land surveyor, registered landscape architect, or certified arborist or forester. Professionals must verify the contents by seal or signature, whichever is applicable.
- (3) If existing trees are to be relocated, the proposed location for such trees shall be shown, together with a statement as to how such trees are to be protected and/or stored during land clearance and construction, and how they are to be maintained after construction.
- (4) A statement showing how trees to remain are to be protected during land clearance, construction and on a permanent basis, including the proposed use of tree wells, protective barriers, tunneling or retaining walls.
- (5) A description of the soil types and characteristics.
- (6) Historic or landmark trees.
 - (a) A permit shall be required to remove any landmark or historic tree. Any historic tree shall be replaced on a one to one caliper inch basis. For example, a 48-inch landmark tree shall be replaced by 24 two-inch trees. Such replacement requirement may be waived if, in the opinion of the Planning Commission and after review by the Township's consultants, the health or condition of the tree is such that it should not be counted.
- (7) Landmark trees. All landmark trees as identified in Section 13.01.01 shall be designated.

13.01.04 Tree Removal and Protection.

- (a) Developments that are subject to the woodland preservation regulations set forth in this Section shall indicate all trees proposed to be removed and those to be preserved on the provided tree inventory. The trees designated for protection shall be properly protected from damage due to construction operations and development. Prior to commencement of development or construction operations, land clearing, filling or any land alteration, a developer must erect and maintain suitable protective barriers to protect trees designated to remain under the submitted plan. The protective barriers shall be required for all trees designated to remain in place by the submitted plan.
 - (1) Development of land parcels. Subject to the exemptions listed in Section 13.01.02 of this section, no person shall remove, cause to be removed, transplant or destroy, on any land in the Township slated for land development to which this article applies, any tree having a four-inch or greater dbh, without first obtaining approval subject to the provisions of this subsection.

13.01.05 Tree Mitigation and Replacement.

Requirements established. For each protected tree required to be preserved under the terms and standards set forth in this section, and which is permitted to be removed under this section, the applicant shall replace or relocate trees according to the replacement tree requirements set forth in this section.

- (a) Replacement Tree Requirements. Replacement trees shall have shade potential and/or other characteristics comparable to the removed trees, shall be state department of agriculture nursery grade No. 1 or better, and must be approved by the Township prior to planting. Replacement trees must be staked, fertilized, mulched and watered, and shall be guaranteed by the applicant for two years.
 - (1) Trees usable for replacement trees may be transplanted on-site, using appropriate and accepted procedures and precautions.
 - (2) For all regulated trees removed, replacement shall be on a one for one basis. For example, for each tree removed, a replacement tree shall be planted. All replacement trees shall have a dbh of at least two inches. All evergreen replacement trees shall be at least six feet tall.
 - (3) Landmark trees shall be replaced at a rate of one inch of replacement tree for each dbh inch of landmark tree removed.
 - (4) If more than 50 percent of the parcel of land is designated woodlands as defined in 13.01.01, an applicant shall not be required to replace more than 30 percent of all protected trees, excluding landmark trees.
 - (5) The Planning Commission shall be authorized to waive portions of the tree replacement requirements of this section when site factors, tree conditions or development requirements warrant special consideration, or if the applicant has adjusted the site design to save landmark trees.
- (b) Exemptions. All agricultural/farming operations, commercial nursery/tree farm operations and occupied residential lots shall not be required to replace or relocate removed trees if approval is obtained in accordance with Section 13.01.02 a.
- (c) Replacement tree standards. All replacement trees shall:
 - (1) Meet both the American Association of Nurserymen Standards and the requirements of the state department of agriculture.
 - (2) Be nursery grown.
 - (3) Be guaranteed for two years, including labor to remove and dispose of dead material.
 - (4) Be replaced immediately after the removal of the existing tree, in accordance with the American Association of Nurserymen standards.
 - (5) Be of the same species or plant community as the removed trees. When replacement trees of the same species are not available from Michigan nurseries, the applicant may substitute any species listed in section 5a.06 provided that shade trees are substituted with shade trees and evergreen trees

with evergreen species. Ornamental trees need not necessarily be replaced with ornamental trees, but this shall be encouraged where feasible.

- (d) Location of replacement trees. Wherever possible, replacement trees must be located on the same parcel of land on which the activity is to be conducted.

13.01.06 **List of Landmark Trees.** Landmark trees are as follows:

Common Name	Species	DBH
Arborvitae	Thuja occidentalis	18"
American Basswood	Tilia americana	24"
American Beech	Fagus grandifolia	18"
American Chestnut	Castanea	8"
Birch	Betula spp.	18"
Black Alder	Alnus glutinosa	12"
Black Tupelo	Nyssa sylvatica	12"
Black Walnut	Juglans nigra	20"
White Walnut	Juglans cinerea	20"
Buckeye (Horse Chestnut)	Aesculus spp.	18"
Cedar, Red	Juniperus spp.	12"
Crabapple (cultivar)	Malus spp.	12"
Douglas Fir	Pseudotsuga menziesii	18"
Eastern Hemlock	Tsuga canadensis	12"
Fir	Abies spp.	18"
Flowering Dogwood	Cornus florida	8"
Ginkgo	Ginkgo biloba	18"
Hackberry	Celtis occidentalis	18"
Hickory	Carya spp.	18"
Honey Locust	Gleditsia triacanthos	24"
Kentucky Coffeetree	Gymnocladus dioicus	18"
Larch/tamarack	Larix laricina (Eastern)	12"
Sycamore/London Planetree	Platanus spp.	18"
Maple	Acer spp.(except negundo and saccharinum)	18"
Oak	Quercus spp.	20"
Pine	Pinus spp.	18"
Sassafras	Sassafras albidum	15"
Spruce	Picea spp.	18"
Tuliptree	Liriodendron tulipifera	18"
Cherry	Prunus spp.	18"

13.01.07 **Earth Changes.** Any property owner or their representative proposing to cut, file or grade the would change the topography of a site by more than three (3) feet on average shall obtain approval per this Section from the Zoning Administrator.

- (a) Submittal requirements.
 - (1) Land use application
 - (2) Grading plan completed by a licensed professional engineer indicating the existing and proposed grading of the site.

(b) Livingston County Drain Commission approval is required.

13.01.08 **Interpretation; conflicts with other ordinances:** The provisions of this article shall be construed, if possible, in such a manner as to make such provisions compatible and consistent with the provisions of all existing and future zoning and other ordinances of the township and all amendments thereto. If there is believed to be a conflict between the stated intent and any specific provision of this article, the township board may, in accordance with established zoning ordinance procedures, permit modification of such specific provisions while retaining the intent in such appealed instance.

(a) **Notice of violation; issuance of appearance ticket:** If a violation of this article is noted, the ordinance inspector will notify the owner of record and the occupant of the property of the violation. Such notice shall specify the violation and the time within which corrective action must be completed. This notice may be served personally or by mail. If the property is not in compliance with this article at the end of the period specified in the notice of violation, an appearance ticket may be issued.

Sec. 13.02 WETLAND PROTECTION STANDARDS

The standards of this section are intended to protect the valuable wetlands in Genoa Township. The standards may also help ensure compliance with the Goemaere-Anderson Wetland Protection Act, Public Act 203 of 1979 through coordination with the Michigan Department of Environmental, ~~Great Lakes and Energy Quality (MDEQ)~~(EGLE) wetland protection and permit program. The standards of this section exceed the ~~EGLE~~~~MDEQ~~ regulations by requiring a setback from ~~EGLE~~~~MDEQ~~ regulated wetlands and encouraging the placement of buildings to protect non-~~EGLE~~~~MDEQ~~ regulated wetlands between two acres and five acres in size.

The standards of this section acknowledge the unique and valuable attributes of wetlands as a stormwater retention area to control runoff, improve groundwater quality and provide erosion control; for their visual assets as open space; and for their value as habitat for plants, fish and wildlife. The standards of this section strive to preserve these valuable resources while protecting the property owners' right to develop their property.

13.02.01 **Applicability**

(a) No permit shall be issued for any construction, reconstruction, erection, expansion and/or change in use requiring site plan or plat approval except in accordance with the standards of this Section. Any state or federal legislation, policies, standards or procedures which are more stringent than the standards of this section shall supersede the appropriate provisions of this Section.

(b) The standards of this Section apply to both new and existing development (including grading, parking, storage, building construction, etc.). The standards also apply to any drainage structure or basin within an ~~EGLE~~~~MDEQ~~ regulated wetland and/or use of an ~~EGLE~~ ~~MDEQ~~ regulated wetland as a retention or detention ponds/basin; which, if constructed below the Ordinary High-Water Mark of an inland lake or stream, will require an ~~EGLE~~~~MDEQ~~ permit under the Inland Lakes & Streams Act, PA 346 of

1972. The following activities are specifically exempt from the standards of this Section:

- (1) Fishing, trapping, hunting or bird watching.
- (2) Swimming, boating, or canoeing.
- (3) Hiking.
- (4) Grazing and/or watering of animals.
- (5) Farming, horticulture, silviculture, lumbering, and ranching activities, including plowing, irrigation, irrigation ditching, seeding, cultivating, minor drainage, harvesting for the production of food, fiber, and forest products, or upland soil and water conservation practices. Wetland altered under this subdivision shall not be used for a purpose other than a purpose described in this subsection without a permit obtained from the EGLEMDEQ.
- (6) Maintenance or operation of serviceable structures in existence on the effective date of this amendment or constructed pursuant to this ordinance.
- (7) Construction or maintenance of farm or stock ponds.
- (8) Maintenance, operation, or improvement which includes straightening, widening, or deepening of the following which is necessary for the production or harvesting of agricultural products:
 - a. An existing private agricultural drain.
 - b. That portion of a drain legally established pursuant to the drain code of 1956, Act. No. 40 of the Public Acts of 1956, as amended, being section 280.1 to 280.630 of the Michigan Compiled Laws, which has been constructed or improved for drainage purposes.
 - c. A drain constructed pursuant to other provisions of this Ordinance.
- (9) Construction or maintenance of farm roads, forest roads, or temporary roads for moving mining or forestry equipment, if the roads are constructed and maintained in a manner to assure that any adverse effect on the wetland will be otherwise minimized.
- (10) Drainage necessary for the production and harvesting of agricultural products if the wetland is owned by a person who is engaged in commercial farming and the land is to be used for the production and harvesting of agricultural products. Except as otherwise provided in this Ordinance, wetland improved under this section after the effective date of this amendment shall not be used for nonfarming purposes without a permit from the Township. This shall not apply to a wetland which is contiguous to a lake or stream, or to a tributary of a lake or stream, or to a wetland which the Township has determined by clear and convincing evidence to be a wetland which is necessary to be preserved for the public interest, in which case a permit shall be required.

- (11) Maintenance or improvement of public streets, highways, or roads, within the right of way and in such a manner as to assure that any adverse effect on the wetland will be otherwise minimized. Maintenance or improvement does not include adding extra lanes; increasing the right of way; or deviating from the existing location of the street, highway, or road.
- (12) Maintenance, repair, or operation of gas or oil pipelines and construction of gas or oil pipelines having a diameter of 6 inches or less, if the pipelines are constructed, maintained, or repaired in a manner to assure that any adverse effect on the wetland will be otherwise minimized.
- (13) Maintenance, repair, or operation of electric transmission and distribution power lines and construction of distribution power line if the distribution power lines are constructed, maintained, or repaired in a manner to assure that any adverse effect on the wetland will be otherwise minimized.
- (14) Operation or maintenance, including reconstruction of recently damaged parts, of serviceable dikes and levees in existence on the effective date of this amendment or constructed pursuant to this Ordinance.
- (15) Construction of iron and copper mining tailings basins and water storage areas.

13.02.02 Applicant Responsibility for Compliance/Definition of a Wetland

The applicant is responsible for the accurate delineation/determination of the wetland area, as defined. The petitioner or his/her agent shall supply the following information:

- (a) The name, address and telephone number of the petitioner.
- (b) The name, address and telephone number of the petitioner's agent or the individual responsible for making the wetland determination.
- (c) The owner of the property if different from the petitioner, and the petitioner's interest in the property.
- (d) A legal description of the property, including the total area, exclusive of public road right-of-way, accurate to the nearest hundredths of an acre.
- (e) An accurate graphic description of the wetlands complete with:
 - (1) a written summary of how and when the wetland was delineated,
 - (2) what major plant species and animal breeding habitat are present and an estimation of how the wetland functions or relates to its general environment,
 - (3) the presence of any hills or springs,
 - (4) an accurate measurement of the wetland area to the nearest hundredth of an acre, and

- (5) any proposed remedial or mitigating actions to be completed as part of the activity proposed in the land use request.

The study shall be prepared by an experienced consultant in the delineation and composition of wetlands. ~~The EGLEMDEQ~~ shall review all wetlands found to be greater than five (5) acres or other regulated wetlands according to their wetland determination and permit procedures. ~~EGLEMDEQ~~ findings will be an integral part of the Township review.

13.02.03 Compliance with State and Federal Wetland Protection Acts

- (a) Should available sources of wetland information, consultants report or the ~~EGLEMDEQ~~ determine potential or known presence of a wetland, the township may require a wetland determination by a recognized expert prior to approving a site plan. Upon finding site development is likely to disturb an ~~EGLEMDEQ~~ regulated wetland, includes a stormwater outfall structure or catch basin in a regulated wetland or includes use of a regulated wetland as a retention basin, the Planning Commission may condition approval on submittal of an ~~EGLEMDEQ~~ permit, including any attached conditions and mitigation plan, prior to the issuance of a land use permit.
- (b) Genoa Township may not issue a permit for activity (such as dredging or filling) or a land use permit where wetlands are believed to exist that may be regulated by the ~~EGLEMDEQ~~ unless sufficient wetlands information is provided by the applicant.
- (c) Should ~~the EGLEMDEQ~~ deny an application for permit which is necessary to develop the site plan, the site plan shall be resubmitted according to the standards of this Section. (as amended 12/31/06)

13.02.04 Genoa Township Wetland Protection Standards

- (a) Limits on site activity: Any disturbance of soils, removal of stumps or landmark trees (deciduous over eight (8) inch caliper or evergreens over six feet in height), grading, alteration of water flowing into or from an ~~EGLEMDEQ~~ regulated wetland, or any prohibited activity as listed in Section 5 of Public Act 203 of 1979, without a permit from the ~~EGLEMDEQ~~, will result in a stop work order issued by Genoa Township and/or require restoration of the wetland in accordance with ~~EGLEMDEQ~~ standards.
- (b) Buildable area calculations: Twenty five percent (25%) of wetland acreage shall be credited toward buildable acreage for purposes of determining maximum density for residential developments as a means of encouraging their preservation. The Planned Unit Development Districts are further intended to preserve large and small wetlands by offering flexibility in site design, such as open space/cluster housing developments.
- (c) Restrictions on land divisions: Article 20 stipulates land shall not be divided in a manner creating parcels or lots which cannot be used based on zoning district area, setback and dimensional requirements and in conformance with the requirements of this Section or the ~~EGLEMDEQ~~ regulations. **Any land division or development that creates a parcel containing regulated wetlands, shall install demarcation signs located at the 25-foot undisturbed natural setback line indicating that no encroachment is allowed into the setback.**

- (d) Required 25-foot Natural Buffer setback: Within the 25-foot required setback from a regulated wetland, a natural vegetation strip shall be maintained in its natural vegetative state. This restriction will help maintain a root and vegetative barrier to keep soil particles and nutrients from entering the wetlands, while also helping to minimize water runoff. ~~An undisturbed natural setback shall be maintained twenty-five (25) feet from a MDEQ determined/regulated wetland.~~
- (e) Accessory structures or buildings shall be setback thirty-five (35) feet from a regulated wetland to ensure that there is no encroachment into the buffer.
- (f) Within an established natural feature setback there shall be no: construction; deposit of any material, including structures; removal of any soils, minerals and/or vegetation; dredging, filling or land balancing; constructing or undertaking seasonal or permanent operations except as authorized pursuant to section (g) below:
- ~~(g) Trails and recreational areas may be allowed in the wetland setback.~~ Any site grading or storage within the wetland protection setback area shall require a Special Land Use Permit according to Article 19; provided that no such activity shall be allowed within ten (10) feet of a regulated wetland unless specifically approved by the Planning Commission.
- (h) Trails and recreational areas may be allowed in the undisturbed natural setback. Trails shall be a maximum of 7 feet in width and shall only contain natural organic material excluding any hardscape materials such as stone or brick pavers. Recreation areas shall not be allowed any structures or hardscapes. A land use permit is required.
- (i) After obtaining approval, best management practices shall be employed so as to minimize disturbance of the natural terrain and vegetation during construction and/or grading. After construction, the area within the wetland setback should be restored to its prior conditions to the extent possible.
- (j) The use of chemical pesticides and phosphorous based fertilizers shall be prohibited within the 25-foot wetland buffer.
- (je) Preservation of nonregulated wetlands: Judicious effort shall be made through site plan design to preserve non-~~EGLEMDEQ~~ regulated wetlands which exceed two (2) acres in size. Use of non-~~EGLEMDEQ~~ regulated wetlands as detention or retention ponds may be allowed, following review of such plans by the Township Engineer.

13.02.05 **Variations from the Wetland Setback Requirement**

In considering a variance for the wetland setback, the applicant must demonstrate to the Board of Appeals:

- (a) the setback is not necessary to preserve the wetland's ecological and aesthetic value.
- (b) the natural drainage pattern to the wetland will not be significantly affected;
- (c) the variance will not increase the potential for erosion, either during or after construction;

- (d) no feasible or prudent alternative exists and the variance distance is the minimum necessary to allow the project to proceed; or
- (e) ~~EGLE~~~~MD~~~~EQ~~ permit requirements have been met and all possible avoidable impacts to wetlands have been addressed.

Sec. 13.03 **RIPARIAN LOT COMMON USE (KEYHOLE)**

13.03.01 **Intent:** The purpose of these regulations is to protect the public health safety and welfare which could be threatened by the over usage of inland lakes, and avoid situations which may create a nuisance, impair important irreparable natural resources and destroy property values. These regulations are intended to reinforce the implementation of the Michigan Inland Lakes and Streams Act (Public Act 346 of 1972).

13.03.02 **Applicability:** The regulations shall apply to the following lots, parcels, sites and easements to be held in common by a subdivision, condominium, association, similar agency, or group of individuals (i.e. more than one individual or family):

- (a) Lots created after the effective date of this section (4/15/95).
- (b) Lots of record existing prior to the effective date of this section (4/15/95) that did not provide common use access to a water body (riparian rights to non-riparian land owners) prior to the effective date of this ordinance.
- (c) These regulations shall apply to the establishment of a dockminium.

13.03.03 **Existing Keyholes:** Lots of record which existed prior to the effective date of this section (4/15/95) that provided common use access to a water body may continue to provide riparian rights subject to the marina operating permit requirements of the Michigan Department of Environmental, ~~Great Lakes and Energy~~Quality (~~EGLE~~~~MD~~~~EQ~~) under the Michigan Inland Lakes and Streams Act (Public Act 346 of 1972).

13.03.04 **Easements:** An easement over a residential riparian lot shall not be utilized to provide boat access or docking for an individual who is not a resident of such residential riparian lot.

13.03.05 **Special Land Use Approval:** Boat launching sites and boat docks within a common use riparian lot shall be permitted in any district as a Special Land Use upon review and approval in accordance with the general standards of Article 19.

13.03.06 **Standards:** Waterfront sites dedicated to common use for boat launching and docking shall conform in all respects to the area and bulk requirements of the districts which they are located. In addition, common use riparian lots shall have the following minimum lot dimensions:

- (a) Such riparian lot shall have a minimum of fifty (50) feet of riparian frontage for each non-riparian lot served. Riparian frontage shall be measured by a straight line which intersects each side lot line at the water's edge. Artificially created shoreline may not be used to increase the calculated riparian frontage.
- (b) Such riparian lot or parcel shall have a minimum lot depth of 100 feet, measured as the minimum distance between the water's edge and the lot line which is opposite the water's edge.

- (c) The deed to such lot or parcel shall specify the ~~non-riparian~~ ~~non-riparian~~ lots or parcels which shall have rights to its use.
- (d) All structures and appurtenances shall comply with the requirements of Section 11.04.05.

13.03.07 **Developments:** For condominiums, site condominiums, multiple family residential or Planned Unit Developments where there are common areas with riparian frontage, there shall be a minimum of fifty (50) feet of riparian frontage for each boat docked within the common area. The Planning Commission has the discretion to modify this standard within Planned Unit Developments provided that the overall number of boats from the PUD accessing the lake remains constant. This shall be determined based upon the total number of boats with access to the lake from both private and common use sites, and the Planned Unit Development's overall riparian frontage.

13.03.08 **Marina Operating Permit:** Any boat dock facility within a common use riparian lot must obtain ~~a permit approval~~ for marina operation from the ~~EGLEMDEQ~~ in accordance with Administrative Rules of the Michigan Inland Lakes and Streams Act (P.A. 346 of 1972, as amended). Design for a boat dock facility shall meet all of the ~~EGLEMDEQ~~ standards for marinas. Public access sites owned and operated by the State of Michigan are exempt from Township Common Use/Keyhole regulations.

13.03.09 **Dockominiums:** The establishment of a dockominium shall comply with the standards of this section and the condominium requirements of Section 12.07.

Sec. 13.04 SEWER AND SEPTIC SYSTEMS

13.04.01 **Requirement for Water and Sanitary Facilities:** No permit shall be issued for the construction of a building that is to have drinking water and sanitary facilities unless such facility is connected to a public sanitary sewer system approved by the Township, a septic system approved by the County Health Department or a common community sanitary drainfield approved under this section.

13.04.02 **Community Sanitary Drainfield:** Any form of common community sanitary drainfield or similar common system that serves more than two (2) dwelling units shall be granted final approval by the Township Board, following the approval of the County Health Department and/or the Michigan Department of Environmental Quality, as applicable prior to any land use permits being issued for any building. Any common community sanitary drainfield or similar commons system shall meet the following minimum requirements:

- (a) The system shall be designed to meet all requirements of the County Health Department, the Michigan Department of Environmental, ~~Great Lakes and Energy Quality~~ and Township Engineering Standards.
- (b) Common sanitary treatment systems shall only be allowed where connection to a public sanitary sewer system is not possible and soil conditions preclude the use of individual sewage treatment systems.
- (c) All systems shall be located and installed so that the systems function in a sanitary manner, are capable of accommodating the wastewater flow, and contaminant load, do

not create sanitary nuisances, or health hazards and do not endanger the safety of any water supply, ground water, or surface waters.

- (d) A maintenance agreement shall be prepared assigning responsibility of maintaining the private system with the owners of the development. The following requirements shall apply:
- (1) The petitioner shall submit a recordable private system maintenance agreement as part of the site plan. The private system maintenance agreement shall detail the operating requirements, maintenance procedures, a schedule for routine maintenance and monitoring requirements. The private system maintenance agreement shall meet the requirements of the Township engineer.
 - (2) The owners shall have a written contract with a licensed maintenance provider to inspect and maintain the treatment system. The wastewater system shall be maintained in accordance with the approved management plan and permits, with periodic inspections of the system.
 - (3) The private system maintenance agreement shall be in the form approved by the Township Board and shall be recorded at the office of the County Register of Deeds after approval by the Township. The maintenance agreement shall not be changed without Township approval and shall contain language to that effect.
 - (4) The agreement shall provide that expenses incurred for inspection and maintenance shall be paid by the petitioner or the homeowner's association, as applicable and that the petitioner or association shall be responsible to pay for any damages or losses occurring to neighboring properties resulting from a failure of the private system.
 - (5) The provisions of the maintenance agreement shall be included in a separate disclosure document and shall be delivered to the prospective purchaser of a unit or lot served by a private system prior to the execution of a purchase agreement.
- (e) A perpetual fund shall be established with sufficient cash for the long-term maintenance and replacement of the system. The fund shall be provided in a form approved by the Township Board in an amount sufficient to replace the system.
- (f) The Township may require the applicant to petition the Township Board to establish a special assessment district for the development prior to granting final approval. The purpose of the special assessment district would be to provide for assessment of the units or lots for the costs of inspection, maintenance or repair of the private system in the event the developer or homeowner's association, as applicable fails to properly perform such work or the cost of connection to a public system should the private system fail. However, the responsibility for maintaining the system shall be the responsibility of the developer or homeowner's association, as applicable and nothing therein shall obligate the Township to conduct any inspection, monitoring, maintenance, repair, operation or replacement of the private system.
- (g) The Township may require that the community system be dedicated to the County or other public agency for operation and maintenance. (as amended 3/5/10)

13.04.03 **Reservation of Alternative Drainfield:** For sites with individual septic systems or community sanitary drainfields, an area of land shall be designated on the site plan as

reserved as an alternate location for a septic disposal system to provide for the possible failure of a septic disposal system.

Sec. 13.05. PERFORMANCE STANDARDS

No use otherwise allowed within any use district shall be permitted which does not conform to the following standards of use, occupancy, and operation.

- 13.05.01 **Smoke:** It shall be unlawful for any person, firm or corporation to permit the emission of smoke from any source in an amount which shall be injurious or substantially annoying to persons in the affected area.
- 13.05.02 **Airborne Solids:** It shall be unlawful for any person, firm or corporation to operate and maintain, or cause to be operated and maintained, any process or activity which shall be productive of dust, dirt, fly ash or other airborne matter which shall be injurious or substantially annoying to persons in the vicinity of such activity or process, or which shall cause injury to neighboring business or property.
- 13.05.03 **Odor:** The emission of odors which shall be found to be obnoxious to any considerable number of persons in the area shall be prohibited.
- 13.05.04 **Gases:** The emission or release of corrosive or toxic gases, in amounts which are injurious or substantially annoying to persons living or working in the affected area, shall be prohibited.
- 13.05.05 **Vibration:** Machines or operations which cause vibration shall be permitted in Industrial Districts, provided vibrations emanating there from shall not be discernable and substantially annoying or injurious to property beyond the lot lines of the affected premises.
- 13.05.06 **Noise:** The noise permitted under any use of land shall be no greater than the normal level of traffic noise existing in the area at the time of such emission, when determined at the boundary of the property. Industrial districts may have higher levels of noise within their industrial premises, provided berms, walls or other sound barriers of equal effect shall prevent their being substantially annoying to adjacent areas.
- 13.05.07 **Glare and Radioactive Materials:** Glare from any process or operation shall be shielded to be invisible beyond the property lines of the premises on which the process is performed. Radiation, including radioactive materials and electro-magnetic radiation such as that emitted by the x-ray process or diathermy, shall not be emitted to exceed quantities established as safe by the U.S. Bureau of Standards when measured at the property line.
- 13.05.08 **Fire and Safety Hazards:** The storage and handling of flammable liquids, liquefied petroleum gases and explosives shall comply with all regulations of the Township and with all state rules and regulations. Further, all storage tanks for flammable liquid materials above ground shall be located at least one hundred and fifty (150) feet from all property lines, and shall be completely surrounded by earth embankments, dikes or other types of retaining wall which will contain the total capacity of all tanks so enclosed.
- 13.05.09 **Underground Storage Tanks:** Storage of flammable liquids below ground shall be located not closer to a lot line than the greater depth to the bottom of the buried tank, and shall be enclosed by an impervious envelope adequate to prevent a liquid from contaminating the groundwater in an event of a rupture of the tank.

- 13.05.10 **Above Ground Storage of Toxic and Hazardous Material:** The above ground storage of toxic and hazardous material shall be located on an impervious and containing surface which will prevent a leak of the tank from flowing onto the soil in order to protect against groundwater contamination. The area of the impervious surface shall be of sufficient size to contain the total capacity of the tank.
- 13.05.11 **Violations:** The violation of any of these standards constitutes a public nuisance, and as such, may be abated by court action to be undertaken by the injured party or parties and/or by the Township.

Sec. 13.06 FLOOR DRAINS

General purpose floor drains in work and storage areas of commercial or industrial facilities are prohibited except in facilities which do not store or use flammable or combustible materials and under one of the following conditions:

- 13.06.01 **Holding Tank.** The drain(s) are connected to a holding tank or sump which is pump out and hauled away for proper disposal.
- 13.06.02 **Permit from Township.** A permit is obtained from the Township to permit the drain(s) to be connected to the sanitary sewer system.
- 13.06.03 **Permit from State.** A state ground water discharge permit is obtained.

Sec. 13.07 HAZARDOUS MATERIALS AND FUEL STORAGE

Any use that involves fuel services and use or storage of large quantities of hazardous materials shall comply with ~~the~~ the following requirements:

- (a) **County, State and Federal Requirements:** At a minimum, State and Federal requirements for storage, leak detection, recordkeeping, spill prevention, emergency responses, transport and disposal of hazardous substances must be met. It is the responsibility of the business facility owner to obtain any applicable County, State, or Federal permits or approvals which shall be submitted to the Township.
- (b) **Loading/Unloading Areas:** Areas used for the loading and/or unloading of hazardous substances shall be designed and constructed to trap hazardous materials spilled or leaked and designed to prevent discharge of hazardous substances to floor drains, rivers, or storm drains.

- 13.07.01 **Above Ground Storage Tanks:** Above ground storage tanks shall be limited to ~~two (2) fivethree~~ **two (2) five** hundred (~~53~~**500**) gallon capacity, shall be located not less than ~~one-hundred (100)seventy five (75)~~ **two hundred (200)** feet from any occupied building or any lot line, ~~two hundred (200) feet from any body of water or wetland~~ and shall be mounted on a solid concrete slab to prevent overturn and spilling;
- 13.07.02 **Temporary Above Ground Storage Tanks:** Above ground storage tanks for temporary use may only be used in conjunction with an approved construction project on the same lot, for a period not to exceed twelve (12) months in conjunction with a project subject to the restrictions in this section.

- (a) Tanks must be located one-hundred (100) feet from any property line and two-hundred (200) feet from any body of water and wetland.
- (b) A land use permit for such temporary above ground fuel storage is required prior to installation.
- (c) Tanks shall be removed from the lot within fifteen (15) days after an occupancy permit is issued by the Building Department for the permanent structure on such lot, or within fifteen (15) days after the expiration of a land use permit issued for construction on such lot.

13.07.02 **Below Ground Fuel Storage Tanks:** Below ground fuel storage tanks shall be at least two thousand (2,000) feet from any drinking water well ~~servicing two or more residential units.~~

~~(a) Storage tanks shall be removed from the premises if the use has been terminated or abandoned for a period of more than 1 year. servicing unit ~~two or more residential units.~~~~

~~(b) A new storage tank shall require the lot to be separated a minimum of five-hundred (500) feet from any other lot containing an existing below ground fuel storage tank.~~

13.07.03 **Secondary Containment:** Uses utilizing, storing or handling hazardous material ~~shall have~~ ~~provide~~ secondary containment facilities and provide documentation of compliance with state and federal regulations, as required.

13.07.04 **Pollution Incident Prevention Plan:** A Pollution Incident Prevention Plan (PIPP) shall be submitted that provides documentation for the following, with appropriate correspondence from the ~~EGLE~~MD~~EQ~~, Michigan State Police Fire Marshall, local fire department, and Livingston County Health Department:

- (a) Description of any discharge of any type of wastewater to a storm sewer, drain, lake, stream, wetland, other surface water body or into the groundwater;
- (b) Description of storage of any salt, oil or other potentially hazardous materials including common name, name of chemical components, location, maximum quantity expected on hand at any time, type of storage containers or base material, and anticipated procedure for use and handling;
- (c) Description of any transportation, on-site treatment, storage or disposal of hazardous waste generated in quantities of 250 gallons or 2200 pounds per month;
- (d) Description of any secondary containment measures proposed including design, construction materials and specifications, volume and security measures;
- (e) Name and phone number(s) of person(s) responsible for materials and available 24 hours, in case of detected spill.

13.07.05 **Permits:** Any discharge of wastewater to a storm sewer, drain, lake, stream or other surface water shall be documented and appropriate permits obtained from the ~~EGLE~~MD~~EQ~~, Surface Water Quality Division. Any discharge of liquids, sludge, wastewater and/or wastewater residuals into or onto the ground shall be documented and appropriate permits obtained from the ~~EGLE~~MD~~EQ~~, Waste Management Division. If flammable or combustible liquids are to

be stored in fixed aboveground storage containers with a capacity greater than 1,100 gallons, this shall be documented and appropriate permits obtained from the State Police Fire Marshal Division. Storage of pesticide or fertilizer in quantities greater than 55 gallons or 100 pounds shall be documented and appropriate permits obtained from the Michigan Department of Agriculture, Pesticide and Plant Pest Division.

Sec. 13.08 STORMWATER MANAGEMENT

13.08.01 **Engineering Standards.** All site plans shall provide for stormwater management meeting the requirement of the Genoa Township Engineering Standards. Where possible, and upon recommendation by the Township Engineer and approval by the Planning Commission, the Township encourages the implementation of Low Impact Development (LID) tools and techniques. (as amended 3/5/10)

13.08.02 **Underground Stormwater Detention.** The Planning Commission may permit underground stormwater detention systems as an alternative to surface detention for stormwater control, based upon the recommendation of the Township engineer, in the Town Center District or for space-limited sites where there is not adequate land for surface detention areas, such as infill development or redevelopment of existing developed lots.

- (a) Underground stormwater detention systems must be used in conjunction with other water quality control structures as required by the Township Engineering Standards.
- (b) The petitioner shall be responsible for removal of any trash/debris and sediment buildup in the underground vaults or tanks on no less than an annual basis and perform structural repairs to inlet and outlets as needed based on inspection. The petitioner shall submit an annual maintenance plan for the Township engineer's approval during the site plan review process.
- (c) The petitioner shall be required to submit a recordable development agreement as part of the site plan that outlines requirements for periodic inspection and maintenance. The development agreement shall meet the requirements of the Township engineer.
- (d) The agreement shall provide that expenses incurred for inspection and maintenance shall be paid by the petitioner and that the petitioner shall be responsible to pay for any damages or losses occurring to neighboring properties resulting from a failure of the underground stormwater detention system. (as amended 12/31/06 and 3/5/10)

**GENOA CHARTER TOWNSHIP
PLANNING COMMISSION
PUBLIC HEARING
May 12, 2025**

MINUTES

CALL TO ORDER: Chairman Grajek called the meeting of the Genoa Charter Township Planning Commission to order at 6:30 p.m. Present were Chris Grajek, Tim Chouinard, Glynis McBain, Marianne McCreary, Greg Rassel, Eric Rauch, and Bill Reiber. Also present were Planning Director Amy Ruthig, Brian Borden of Safebuilt, and Shelby Byrne of Tetra Tech.

PLEDGE OF ALLEGIANCE: The pledge of allegiance was recited.

APPROVAL OF AGENDA:

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

DECLARATION OF CONFLICT OF INTEREST: None

CALL TO THE PUBLIC:

The call to the public was made at 6:31 pm with no response.

OPEN PUBLIC HEARING #1...Consideration of a sketch plan for an accessory building for food (ice cream) service at the existing Tap-In's located at 4444 E. Grand River Avenue, south side of Grand River, west of Parkway Drive. The request is petitioned by Mr. Cade Martin
A. Disposition of Sketch Plan (4-11-25)

Mr. Scott Tousignant from Boss Engineering and Mr. Cade Martin of Tap-In's were present. Mr. Tousignant stated they are proposing to make the existing temporary trailer permanent. They will remove the wheels, put it up on block foundation, and put skirting around it. It sells ice cream and is where putt-putt users check in and out.

Mr. Borden reviewed his letter dated May 6, 2025.

1. The proposal is intended to mitigate an ordinance violation by using a portable trailer as an accessory building.
2. The proposal complies with the applicable standards for accessory buildings.
3. The Township may require any necessary improvements to keep the site in compliance with previously approved site plans; most notably any landscaping in poor condition or that has been removed.
4. The Commission should consider any comments provided by the Township's engineering consultant.

He noted that the building will need to be approved by the Livingston County Building Department.

Ms. Byrne reviewed her letter dated May 6, 2025.

1. The proposed ice cream stand and stone paver and gravel landscape area result in a small increase in impervious surface from the previously approved site plan for the site. The Planning Commission may wish to require that the petitioner provide stormwater calculations for the site to support the increase in impervious surface. She added this is a small building and she does not have any concerns.

The Brighton Area Fire Authority Fire Marshal's letter dated May 1, 2025 states that there are no objections to this existing temporary use being revised to a permanent accessory structure. It does appear that the project will require permitting through the Livingston County Building Department for structural, electrical, and plumbing.

Commissioner McCreary questioned how it would be made permanent. She wants to ensure that heavy winds do not cause accidents if it is not secure. Mr. Tousignant stated this will need to be approved by the Livingston County Building Department and they will comply with their requirements.

Commissioner Rauch asked how long the building is used during the year. Mr. Martin stated it is open from April through October. Commissioner Rauch stated that this proposal meets the Township's current Master Plan. He does not have any issues.

Commissioner Reiber questioned the increase in impervious surface. Mr. Tousignant stated that there is 750 square feet, 40 percent of which is hard surface. The gravel area is impervious.

Ms. Ruthig asked Mr. Martin if he would be expanding the parking lot. He stated he is working with the property owner on this.

The call to the public was opened at 6:50 pm.

Mr. Jeff Dhaenens of 5494 Sharp Drive is in support of this, and he hopes that there will be food trucks allowed in Genoa Township.

The call to the public was closed at 6:52 pm.

Moved by Commissioner Chouinard, supported by Commissioner Rassel, to approve the Sketch Plan dated April 11, 2025 for an accessory building for food service at the existing Tap-In's located at 4444 E. Grand River Avenue. **The motion carried unanimously.**

OPEN PUBLIC HEARING #2... (REQUEST TO WITHDRAW FROM AGENDA)...

Consideration of a Zoning Ordinance text amendment to Article 13 entitled "Environmental Protection Regulations".

- A. Recommendation of Zoning Ordinance Amendments to Article 13 entitled "Environmental Protection Regulations".

Moved by Commissioner Chouinard, supported by Commissioner Rassel, to withdraw Item #2 Consideration of a Zoning Ordinance text amendment to Article 13 entitled "Environmental Protection Regulations". **The motion carried unanimously.**

OPEN PUBLIC HEARING #3...Request for approval to distribute "Notice of Intent to Plan" for Proposed Master Plan update as required per Section 125.3839 (2) of the Michigan Planning Enabling Act.

- A. Approval of distribution of "Notice of Intent to Plan".

Ms. Ruthig is requesting the Planning Commission approve the letter she has drafted to be sent to neighboring communities, the surrounding school districts, etc. It will not be sent to Township residents at this time.

The call to the public was made at 7:00 pm with no response.

Moved by Commissioner McCreary, supported by Commissioner Chouinard, to approve to distribute the "Notice of Intent to Plan" for Proposed Master Plan update as required per Section 125.3839 (2) of the Michigan Planning Enabling Act. **The motion carried unanimously.**

ADMINISTRATIVE BUSINESS:

Staff Report

Ms. Ruthig stated there are no items scheduled for the June meeting at this time.

Approval of the April 14, 2025 Planning Commission meeting minutes

Needed changes were noted.

Moved by Commissioner McCreary, seconded by Commissioner Rassel, to approve the minutes of the April 14, 2025 Planning Commission Meeting as amended. **The motion carried unanimously.**

Member Discussion

Commissioner Reiber asked if the joint meeting regarding the Master Plan has been scheduled. Ms. Ruthig stated staff is waiting for the survey questions from Giffels Webster.

Adjournment

Moved by Commissioner Rassel, seconded by Commissioner Chouinard, to adjourn the meeting at 7:07 pm. **The motion carried unanimously.**

Respectfully Submitted,

Patty Thomas, Recording Secretary

DRAFT