

**GENOA CHARTER TOWNSHIP
PLANNING COMMISSION
PUBLIC HEARING
SEPTEMBER 8, 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...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 August 11, 2025 Planning Commission meeting minutes
- Member discussion
- Adjournment

<p><small>*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.</small></p>

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:** All of the contiguous neighboring or associated land, buildings, and machinery operated as a single unit on which the production of farm products is carried on directly by the owner operator, manager or tenant farmer, by his own labor or with the assistance of members of his household or hired employees; provided, however, that a farm operation shall follow generally accepted agricultural and management practices as defined by the Michigan Commission of Agriculture for farming activities which include: 1) tree fruit production, 2) small fruit production, 3) field crop production, 4) forage and sod production, 5) livestock and poultry production, 6) fiber crop production, 7) apiary production, 8) maple syrup production, 9) mushroom production and 10) greenhouse production; but unless otherwise permitted, the following shall not be considered a farm: establishments involved in industrial like processing of agricultural products, keeping fur bearing animals or game or operating as fish hatcheries, dog kennels, stockyards, slaughterhouses, stone quarries, gravel or sand pits or the removal and sale of topsoil, fertilizer works, boneyards or the reduction of animal matter, or for the disposal of garbage, sewage, rubbish, junk or offal.
- (2) **Caliper/Planting Size:** for deciduous trees 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. For coniferous/evergreen trees a planting size of height in feet shall be used.

- (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 six-inches 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, which has a DBH of 24-inches or more, except box elder, catalpa, poplar, silver maple, tree of heaven, Breford/Callery Pear, Black Locust, Autumn Olive, Ash, Mulberry, elm or willow, ~~which has a DBH of 24 inches or more~~
- (11) **Single-family lot:** means any ~~parcel~~^{piece} of land under single ownership and control and used for residential purposes.
- (12) **Tree:** means any woody perennial plant with ~~at least one~~ a single well-defined elongated stem (trunk), bearing lateral branches.
- (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~~ with a density of ~~at least~~ approximately fifty (50) 28 trees with a DBH of ~~eightsix~~ six inches or more per one-half acre. This definition excludes commercial orchards or tree farms.
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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. In order to prevent the disease known as Oak Wilt, the trimming or pruning of oak trees between April 1 and October 15 shall be prohibited. The following are exempt from the standards of this section:

- (1) Single-Family Lots.~~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%) ~~of 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, ~~of any size~~, shall first notify the Zoning Administrator of the intent of such clearing. The Zoning Administrator ~~shall~~ may require submittal of a proposed site plan for review. ~~for review and/or approval by the Planning Commission.~~ This shall not prevent tree removal for building envelopes including accessory buildings and structures, 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 professional 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, small than 8-inch DBH, 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 including 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 DBHdiameter at breast height (dbh), including off-site trees within 25' 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 in a proposed easement. 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. Location shall be recorded by a registered land surveyor. The identification of species, size, and other required characteristics must be verified by seal and signature of a professional, registered landscape architect, or certified arborist or certified forester.
- (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 13.01.06~~4~~ shall be designated.

13.01.04 Tree Removal and Protection.

- (a) Developments that are subject to the regulated tree or 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 (including drip-line) 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 regulated tree or woodland ~~having a four-inch or greater~~ 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 caliper~~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.

[COMMENTARY: Appreciate the provision to empower the Plan Commission to waive certain tree requirements – if none other for practical purposes. Another consideration is to also have the option in lieu or in combination with a payment in lieu of tree planting. This would be to address those situations where it becomes physically impossible to plant the trees required by ordinance but to still encourage the preservation of trees / woodlands

with a 'penalty' of sorts. The fee should be published, so as not to be construed as arbitrary, adjusted regularly as required (e.g. for inflation) and specifically designated – such as for parks and recreation and/or environmental restoration, environmental education, etc.]

- (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 regulated~~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 Standard for Nursery Stock – ANSIZ60.1 (Current Edition)~~Association of Nurserymen Standards~~ and the requirements of the state department of agriculture.
 - (2) Be nursery grown.
 - (3) Be installed staked, fertilized, mulched and watered until established per standards.
 - ~~(43)~~ Be guaranteed for two years, including labor to remove, replace 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 or a cultivated variety or hybrid, where suitable for the development conditions, and/or from the list in 13.01.06. Trees native to Michigan are encouraged and 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 shall be encouraged where feasible. ~~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.~~
 - (6) All planted trees shall be provided from landscape nurseries located in Michigan, northern Ohio, or northern Indiana.

[COMMENTARY: Add paragraph/subparagraph to clarify if replacement trees may or may not be included as part of the other landscape requirements in the landscape ordinance for new development – consider inclusion in the practical interest of not requiring an overabundance of trees that cannot fit on the site

- _____ (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 <u>dentata</u>	8"
Birch	Betula spp.	18"
Black Alder	Alnus glutinosa	12"
Black Tupelo/ <u>Black Gum</u>	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"
<u>American Elm</u>	<u>Ulmus Americana</u>	<u>18"</u>

13.01.07 Earth Changes. Any property owner orof their representative proposing to cut, file or grade thate 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 Commissioner 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. Under the authority from Section 30307(4) of Part 303, Wetlands Protection of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended MCL 324.30307(4) and ~~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 long-term health, safety, and general welfare of the people of Genoa Charter Township will be met. 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 f~~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 Township and EGLE MDEQ.
- (6) Maintenance or operation of serviceable structures in existence on October 1, 1980 or constructed pursuant to the Wetlands Protection Act or former Act No. 203 of the Public Acts of 1979~~, 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 the Wetlands Protection Act or former Act No. 203 of the Public Acts of 1979~~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. This does not include temporary construction access roads for developments that would otherwise require a permit through EGLE.

- (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 and the Wetlands Protection Act, wetland improved under this section after October 1, 1980 ~~the effective date of this amendment~~ shall not be used for non-farming 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 EGLE~~ 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 October 1, 1980, or constructed pursuant to the Wetlands protection Act or former Act no. 203 of Public Acts of 1979. ~~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.

(16) An activity in a wetland that was effectively drained for farming before October 1, 1980 and that on and after October 1, 1980 has continued to be effectively drained as part of an ongoing farming operation is not subject to regulation under this ordinance.

(17) A wetland that is incidentally created as a result of one or more of the following activities is not subject to regulation under this ordinance:

- (a) Excavation for mineral or sand mining, if the area was not a wetland before excavation. This exemption does not include a wetland on or adjacent to a water body of 1-acre or more in size.

(b) Construction and operation of a water treatment pond or lagoon in compliance with the requirements of state and federal water pollution control regulations.

(c) A diked area associated with a landfill if the landfill complies with the terms of the landfill construction permit and the diked area was not a wetland prior to diking.

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 identified wetlands ~~complete with boundary on an "Existing Conditions", "Wetland Boundary" or similar plan and including the following:~~

(1) Numbered or lettered field-surveyed wetland marker points.

(2) An accurate measurement of the individual wetland areas to the nearest hundredth acre.

(3) A statement from the investigator as to if the identified wetlands will most likely be determined to be Regulated or Not Regulated by EGLE.

(4) Depiction of the Township setback line as described in Section 13.02.04.

(1) — Depiction of the Township setback line as described in Section 13.02.04.

~~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 EGLEMDAQ shall review all wetlands found to be greater than five (5) acres or other regulated wetlands according to their wetland determination and permit procedures. EGLEMDAQ findings will be an integral part of the Township review.~~

13.02.03 Compliance with State and Federal Wetland Protection Acts

~~For any alteration or filling of, discharge into, or any other proposed activity impacting a regulated wetland that is proposed and that will require an EGLE permit, a copy of the EGLE required Wetland Delineation Report shall also be submitted to the Township as part of the Site Plan Review Process. The report and proof of permit application shall be submitted prior to Site Plan approval. EGLE permit approval shall become a condition of Site Plan approval and once the EGLE permit is secured, a copy of the executed permit shall also be submitted to the Township for Township records, prior to the issuance of the Land Use permit.~~

- ~~(a) Should available sources of wetland information, consultants report or the EGLEMDAQ 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 a EGLEMDAQ 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 EGLEMDAQ 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 MDAQ unless sufficient wetlands information is provided by the applicant.~~
- ~~(c) Should the MDAQ 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, regulated trees or landmark trees ~~(deciduous over eight (8) inch caliper or evergreens over six feet in height), or grading in a wetland, or~~ alteration of water flowing into or from an EGLEMDAQ regulated wetland, or any prohibited activity ~~as listed in Section 5 of Public Act 203 of 1979,~~ without a permit from the EGLEMDAQ, will result in a stop work order issued by Genoa Township and reporting of the violation to EGLE for enforcement actions. ~~and/or require restoration of the wetland in accordance with MDAQ 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) Required 25-foot Natural Buffer: 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.
- (d) 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 ~~EGL~~~~EM~~~~DEQ~~ regulations. Any land division or development that creates a parcel containing regulated wetlands, shall install demarcation signs located at the 25-foot undisturbed natural buffer setback line indicating that no encroachment is allowed into the setback.
- (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:
 - ~~(1) 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.
 - ~~(2) Culvert discharge pipes including associated flared end sections and rip-rap aprons discharging into a wetland shall be allowed only in association with permitted stormwater management~~
 - ~~(h) (3) Trails and recreational areas may be allowed in the undisturbed natural buffersetback. Trails shall be a maximum of 7 feet in width, with associated cut and filling grading minimized, 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) (4) 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 areas outside of the constructed elements within the wetland setback should be restored to its prior conditions to the extent possible.~~
 - ~~(g) (i) The use of chemical pesticides and phosphorous based fertilizers shall be prohibited within the 25-foot naturalwetland buffer.~~

- (he) Preservation of nonregulated wetlands: Judicious effort shall be made through site plan design to preserve non-EGLEMD~~EQ~~ regulated wetlands which exceed two (2) acres in size. Use of non-EGLEMD~~EQ~~ regulated wetlands as detention or retention ponds may be allowed, following review of such plans by the Township Engineer.

13.02.05 Variances 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) EGLEMD~~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 regulations under the authority of Part 301, Inland Lakes and Streams, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended.~~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 dockominium.

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 EnergyQuality (EGLEMD~~EQ~~) under the authority of Part 301, Inland Lakes and Streams, of the Natural Resources and Environmental Protection Act 1994 PA 451, as amended.~~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 **EGLE**MDEQ in accordance with Part 301, Inland Lakes and Streams, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended. ~~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 **EGLE**MDEQ 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 Great Lakes and Energy (EGLE) 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 (EGLE) 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 and must comply with Section 13.07 Hazardous Materials and Fuel Storage.-
- 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 and must comply with Section 13.07 Hazardous Materials and Fuel Storage.-
- 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 following requirements:

- (a) Fire Department, County, State and Federal Requirements: At a minimum, Fire Department, 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) five~~~~three~~ hundred (~~5~~300) gallon or one (1) one-thousand (1,000) gallon tank capacity, shall be located not less than one-hundred and fifty (150)~~seventy five (75)~~ 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 and fifty (150) 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 ~~serving 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.
 - (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~~ ~~provided~~ 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 ~~EGL~~~~EM~~~~DE~~~~Q~~, 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 **EGLEMDAQ**, 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 **EGLEMDAQ**, 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)

**ARTICLE 13
ENVIRONMENTAL PROTECTION REGULATIONS**

Sec. 13.01 CLEARING OF WOODLANDS AND EARTH CHANGES PRIOR TO DEVELOPMENT

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)

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 Quality (MDEQ) wetland protection and permit program. The standards of this section exceed the MDEQ regulations by requiring a setback from MDEQ regulated wetlands and encouraging the placement of buildings to protect non-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 areas 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 MDEQ regulated wetland and/or use of a 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 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 MDEQ.
- (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 MDEQ shall review all wetlands found to be greater than five (5) acres or other regulated wetlands according to their wetland determination and permit procedures. MDEQ 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 MDEQ 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 a MDEQ 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 MDEQ 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 MDEQ unless sufficient wetlands information is provided by the applicant.
- (c) Should the MDEQ 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 MDEQ regulated wetland, or any prohibited activity as listed in Section 5 of Public Act 203 of 1979, without a permit from the MDEQ, will result in a stop work order issued by Genoa Township and/or require restoration of the wetland in accordance with MDEQ 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 MDEQ regulations.
- (d) Required 25-foot setback: An undisturbed natural setback shall be maintained twenty-five (25) feet from a MDEQ determined/regulated wetland. 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.

- (e) Preservation of nonregulated wetlands: Judicious effort shall be made through site plan design to preserve non-MDEQ regulated wetlands which exceed two (2) acres in size. Use of non-MDEQ regulated wetlands as detention or retention ponds may be allowed, following review of such plans by the Township Engineer.

13.02.05 **Variances 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) MDEQ 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 dockominium.

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 Quality (MDEQ) 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 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 for marina operation from the MDEQ 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 MDEQ 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 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 following requirements:

- 13.07.01 **Above Ground Storage Tanks:** Above ground storage tanks shall be limited to three hundred (300) gallon capacity, shall be located not less than seventy-five (75) feet from any occupied building or any lot line and shall be mounted on a solid concrete slab to prevent overturn and spilling;

- 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 serving two or more residential units.
- 13.07.03 **Secondary Containment:** Uses utilizing, storing or handling hazardous material have provided 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 MDEQ, 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 MDEQ, 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 MDEQ, 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
AUGUST 11, 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 Rauch, to approve the agenda as presented. **The motion carried unanimously.**

DECLARATION OF CONFLICT OF INTEREST: None

Commissioner McCreary stated that she does not have a conflict of interest; however, she has done business with Carolyn Riesterer in the past. Commissioner McBain stated she does not have a conflict of interest, but she has a relationship with Van Kennel.

CALL TO THE PUBLIC:

The call to the public was made at 6:32 pm with no response.

OPEN PUBLIC HEARING #1...Consideration for a PUD agreement, environmental impact assessment, final PUD plan to construct a 55-unit single-family site condominium development located at the northwest corner of Challis Road and Bauer Road. The project includes the following parcels: 4711-23-400-008, 4711-23-400-007, 4711-23-400-001 and 4711-23-300-003. The request is submitted by Pulte Homes of Michigan.

- A. Recommendation of Planned Unit Development Agreement
- B. Recommendation of Environmental Impact Assessment (3-5-25)
- C. Recommendation of Final PUD Site Plan (7-22-25)

Mr. Mike Noles of The Umlor Group, the engineering firm representing Pulte Homes, stated they are requesting approval of the final PUD site plan. This is their fifth meeting at the Township regarding this project. He understands that approval can be made with conditions, including approval from EGLE, the attorneys, and final comments from the Township's consultants.

He reviewed the items discussed at the prior meetings. He noted that the Planning Commission and the Township Board unanimously approved the preliminary site plan, and they have not made any changes to that plan. He provided a review of the site plan, wetland protection, tree

preservation, and the installation of an off-site walking path to connect to the existing path on Brighton Road.

Mr. Borden reviewed his letter dated August 5, 2025

Private Road Review:

1. There are conditions present that warrant consideration of private roads and the PUD Agreement identifies the roads as private. It was always presented as having private roads and there is verbiage in place in the agreement regarding this.
2. The applicant must provide a Private Road Maintenance Agreement.
3. The design and construction requirements are subject to review and comment by the Township Engineer and Brighton Area Fire Authority.
4. The applicant must maintain 15 feet of overhead tree clearance. The revised plan notes the clearance as 13.5 feet.

Final PUD/Condominium Plan:

1. The applicant must address any comments provided by Township staff and the Township Attorney on the condominium documents.
2. The road connection to Units #13-16 requires EGLE approval for encroachment into a wetland.
3. There are minor inconsistencies on the landscape plan that need to be corrected.
4. The Township may require the applicant to provide "mechanisms for the long-term funding of open space preservation". Commissioner Rauch does not believe this is necessary since the preservation area is going to remain untouched and natural. Mr. Noles noted that there are open spaces that will need to be maintained, such as the property lots, the private roads, storm systems, and access to detention basins and those maintenance agreements are in the agreement.

Commissioner Reiber questioned the possibility of flooding from the open spaces so he would like to know how it will be maintained. Mr. Noles stated that they will develop this site meeting the requirements of the Township's ordinance and the Livingston County Drain Commissioner, but there is nothing to maintain within the preservation area.

5. The applicant must address any comments provided by staff, the Township's engineering consultant, and/or Brighton Area Fire Authority.

Ms. Byrne reviewed her letter dated August 5, 2025.

General

1. The site plan includes stormwater and private road improvements within regulated wetland limits. An EGLE wetland permit will be required for this work and should be obtained prior to a land use permit being issued.

2. The proposed pathway along Challis Road is bituminous tying into an existing bituminous pathway. The Genoa Township Ordinance states that paths should be concrete but can be asphalt based on the recommendation of the Township Planner and Engineer. She supports the proposed bike path material, as it meets Township standards for bituminous sidewalk and is tying into an existing pathway of the same material.

Drainage and Grading

1. The proposed detention basin design includes upstream infiltration within storm pipes around the site with a rate of six inches per hour used. Infiltration testing should be completed to determine the actual infiltration rate for the infiltration locations, and this should be provided prior to final site plan approval so that the proposed storm systems can be reviewed. Infiltration testing should follow the requirements of LCDC standards, Appendix E. Mr. Noles stated this test is being done tomorrow.
2. There are multiple inverts and rim elevations that are given in the storm calculations that do not match what is given in the profile view. Update elevations accordingly.
3. The profile provided for structure 350-352 is titled incorrectly and should be updated. Additionally, there is a double label at structure 352 for the invert elevation that should be corrected.
4. On sheet 21, a tributary area for Structure 344 seems to be missing. This area should be included on the plans and other tributary areas adjusted accordingly.
5. The easement given for storm sewer from Structures 308-309 should be upsized to a 40-foot-wide easement based on the burial depth.
6. There is an unlabeled retaining wall on lot 31 that needs to be identified on the plans and details should be provided. Retaining walls over three feet tall shall be designed by a licensed professional engineer per Section 11.04.03.j of the Genoa Township Zoning Ordinance.
7. Structures 306-309 and 320-321 are in open areas. Per detail R-1 on Sheet 32 the type of cover would be a beehive grate. The drainage areas to these structures exceed the maximum drainage area for that cover type. Additional structures, alternative catch basin covers, or calculations should be provided to ensure no flooding while draining during a weather event.
8. The tributary area for Structure 331 differs from what is given in the plan view versus the chart. The area should be verified and updated accordingly.
9. The slope given for the outlet pipe of the detention basin outlet structure is 0.5% in the detail and 0.55% in the calculations. The slope should be verified and updated accordingly.

Private Road

1. The Petitioner is proposing 6-7.85% percent road grades at various locations throughout the site, which exceed the maximum 6 percent grade noted in the Genoa Township Engineering Standards. Due to the natural topography of the site, it would require a large amount of grading to reduce the slope of the private road, and we support this deviation subject to the input from the Brighton Area Fire Authority.
2. Dimensions for private road ROW are not centered on the road and should be adjusted.

The Brighton Area Fire Authority Fire Marshal's letter dated August 4, 2025 stated the following:

1. Fire protection water supply will be discussed further once the final site plan has been completed. The final design of the 15,000-gallon tanks was received after this submittal was submitted. The tank design meets BAFA standards; however, suction point orientation has not been finalized. A 12"x18" durable white reflective sign with red border and red lettering shall be installed at each tank, indicating the volume of water within. The sign shall include the universal draft suction symbol. Tanks shall be installed, filled, and usable before the arrival of combustible construction materials on site.
2. Provide additional details on the secondary access. Initial conversations stated that the access would be gated on both ends. The details shall be submitted and approved. The gates shall be secured with a Knox padlock in conjunction with the maintenance lock, so the access is maintained year-round. Additional details regarding the gates have not been provided.

Commissioner McCreary stated the BAFA letter stated 58 residential units, but there are 55.

Commissioner McCreary questioned what will be done to ensure trees that are to remain will be saved and an owner will not remove them. Mr. Noles stated this information is in the Master Deed and By-laws and in the disclosure document, including the penalties. He is not in favor of placing signs along the buffers to advise residents they cannot enter the preserved area. She asked how residents will know what fertilizers are not allowed. Mr. Noles stated this is also in the Deed and By-laws and in the disclosure document. She questioned how the radon testing will occur, and Mr. Noles provided her with the steps that will be taken for the testing and any remediation that is needed.

Commissioner Rauch asked how the seven low areas that will be used for managing the stormwater will be maintained. Mr. Noles explained how these areas are used and maintained. Commissioner Rauch would like it to be within an easement and the buyer be made aware of it. Ms. Byrne agrees and that will be required by the Drain Commissioner.

The call to the public was opened at 7:28 pm.

Ms. Debra Beattie of 3109 Pineview Trail likes the plan. She hopes the 100 foot buffer on Bauer will be natural and that trees will not be removed and new ones planted. She thinks the signs advising residents that they are not to encroach onto the preserved area should be installed.

The call to the public was closed at 7:30 pm.

Mr. Noles showed where trees will remain and where they will be cleared and replanted. They need to be removed to install the entrance drive, properly grade the site, install the stormwater management system, etc.

Chairman Grajek asked if any of the septic systems would need to be engineered. Mr. Noles stated they do not anticipate needing any engineered septic fields.

Commissioner Rauch commended the petitioner and the public. This is a good example of the process working well. The result of the conversations over the last year is a sign that preserves almost 70 acres of wetlands and many trees in the community and installs a walking path for the public.

Moved by Commissioner Rauch, supported by Commission Rassel, to recommend to the Township Board approval of the Planned United Development Agreement to construct a 55-unit single-family site condominium development located at the northwest corner of Challis Road and Bauer Road, including parcels 4711-23-400-008, 4711-23-400-007, 4711-23-400-001 and 4711-23-300-003, with the following conditions:

- The private road maintenance agreement shall be added to the Agreement.
- Easements for the low areas as part of the storm water management system shall be added to the Agreement.
- The applicant shall update the plans to show 15 feet of overhead tree clearance
- The applicant shall comply with all pertinent comments from the Township engineer, planner, BAFA, Livingston County Drain Commission, and EGLE
- Township staff and attorney comments must be incorporated in the PUD Agreement.

The motion carried unanimously.

Moved by Commissioner Rauch, supported by Commission Rassel, to recommend to the Township Board approval of the Environmental Impact Assessment dated March 5, 2025 to construct a 55-unit single-family site condominium development located at the northwest corner of Challis Road and Bauer Road, including parcels 4711-23-400-008, 4711-23-400-007, 4711-23-400-001 and 4711-23-300-003. **The motion carried unanimously.**

Moved by Commissioner Rauch, supported by Commission Rassel, to recommend to the Township Board approval of the Final PUD Site Plan dated July 22, 2025 to construct a 55-unit single-family site condominium development located at the northwest corner of Challis Road and Bauer Road, including parcels 4711-23-400-008, 4711-23-400-007, 4711-23-400-001 and 4711-23-300-003, with the following conditions:

- The applicant shall comply with all pertinent comments from the Township engineer, planner, BAFA, Livingston County Drain Commission, and EGLE
- All stormwater easements shall be depicted on these plans.
- The parcels will need to be combined prior to the issuance of the Land Use Permit.

The motion carried unanimously.

OPEN PUBLIC HEARING #2...Consideration for a Special Land Use application, site plan and impact assessment for a drive through restaurant within a multi-tenant commercial building. The property is located at 1111 S. Latson Road (4711- 09-100-043), east side of Latson Road, south

of Grand River Avenue. The request is submitted by Kevin Bahnam A. Recommendation of Special Use Application.

B. Recommendation of Environmental Impact Assessment (5-27-25)

C. Recommendation of Site Plan (5-27-25)

Mr. Scott Tousignant and Ms. Catherine Riesterer, the applicant's attorney, was present. Mr. Tousignant provided a review of the project and the changes that have been made since the previous submittal, specifically the user being a fast food restaurant and not a coffee shop, and a reduction in square footage of the building. They have received approvals from all of the necessary outside agencies.

He addressed Mr. Borden's review letter comments. They have received ZBA approval for not meeting the 500-foot spacing requirement between drive-throughs. He provided the reasons for the deficiency in their landscape plantings, the length of the wall on the rear of the site, the signage, and the escape lane.

Mr. Borden reviewed his letter dated July 31, 2025

1. Special Land Uses (Section 19.03):
 - A. The Special Land Use standards of Section 19.03 are generally met.
 - B. In order to make favorable findings related to compatibility and impacts, the use conditions of Section 7.02.02(j) must be met to the Commission's satisfaction.
 - C. The applicant must address any comments provided by the Township Engineer or Brighton Area Fire Authority regarding public facilities and services.
2. Drive-Through Use Conditions (Section 7.02.02(j)):
 - A. The Planning Commission has the authority to waive or modify the 500-foot spacing requirement between drive-throughs. Mr. Tousignant stated they have received approval from the ZBA.
 - B. The rear yard buffer zone provides the required plantings but is deficient in width and a full length screen wall or fence, which is what was in the previously approved plan.
 - C. In his opinion, the plan may benefit from some additional directional signage or pavement markings to help patrons properly navigate the site.
 - D. The plan provides a partial escape lane. The Planning Commission has the authority to waive or modify the escape lane requirement. He noted that the new use of a fast food restaurant is less of an impact than the originally proposed coffee shop.
3. Site Plan Review:
 - A. Building materials and color scheme are subject to review and approval by the Planning Commission.
 - B. The rear yard Buffer Zone B is deficient in width and screen wall or fence length; however, the Planning Commission has the discretion to modify these requirements, similar to the previously approved plans.

Ms. Byrne stated there have been no significant changes to the original plans, so she has no concerns.

The Brighton Area Fire Authority Fire Marshal's letter dated June 4, 2025, stated the following: "All previous concerns cited for the project have been addressed. The fire authority has no further concerns regarding the amended Special Land Use Change based on the recently submitted documents."

Commissioner Rauch addressed the deficiency in the buffer to the rear of the site, noting that the noise study shows it is below the Township ordinance.

Commissioner McBain is concerned with the safety of the outdoor seating. Mr. Tousignant stated that they can add signage and pavement markings in this area. There is also fencing delineating the seating area.

Commissioner McCreary is concerned with the safety of the traffic flow in, out, and within this site and the site to the north. Mr. Tousignant stated this was discussed when the adjacent site was developed, noting that it is a one-way in and out. Commissioner Rauch stated that the change in user from what was previously approved has decreased the amount of traffic, possibly in half. There are pavement markings at the entrance and exit as well as within the site.

The call to the public was opened at 8:13 pm with no response.

Moved by Commissioner Chouinard, supported by Commissioner Rassel, to recommend to the Township Board approval of the Special Land Use Application for a drive through restaurant within a multi-tenant commercial building. **The motion carried unanimously.**

Moved by Commissioner Chouinard, supported by Commissioner Rassel, to recommend to the Township Board approval of the Environmental Impact Assessment dated 5/27/25 for a drive through restaurant within a multi-tenant commercial building. **The motion carried unanimously.**

Moved by Commissioner Chouinard, supported by Commissioner Rassel, to recommend to the Township Board approval of the Site Plan dated 5/27/25 for a drive through restaurant within a multi-tenant commercial building. **The motion carried unanimously.**

OPEN PUBLIC HEARING #3... Consideration for a Special Land Use application, impact assessment, private road with a shared driveway for 7 new homes on 20.39 acres located at 6025 Brighton Road. Special Land Use is required for shared driveway crossing regulated wetland and 25-foot natural features buffer. The proposed development is for the following parcels: 4711-26-300-011 and 4711-27-400-012. The request is submitted by Boss engineering.

- A. Recommendation of Special Use Application
- B. Recommendation of Environmental Impact Assessment (5-20-25)
- C. Recommendation of Site Plan (7-22-25)

Mr. Brent Lavanway of Boss Engineering and Mr. Kevin VanKannel, the property owner and developer, were present. Mr. Lavanway provided a review of the property and the proposed project. He stated they are requesting a Special Land Use for the crossing of the regulated wetland. They are working with the health department and the State of Michigan for the wetland crossing approval.

Mr. Borden reviewed his letter dated July 31, 2025.

Shared Residential Driveway (Section 15.04):

1. Construction is subject to review and comment by the Township Engineer and Brighton Area Fire Authority.
2. If necessary, the applicant must obtain a permit from the County.
3. The applicant must obtain a permit from EGLE for the wetland crossing.

Private Road Review (Section 15.05):

1. The Private Road Easement and Maintenance Agreement has been provided and is subject to review and comment by the Township Attorney.
2. The design and construction requirements are subject to review and comment by the Township Engineer and Brighton Area Fire Authority.
3. If favorable action is considered by the Township, it should be conditioned upon approval by the Livingston County Road Commission.

Special Land Use Review (Section 19.03):

1. As long as impacts to the wetland are minimized and properly mitigated to the Commission's satisfaction, the Township may find that the request is consistent with the Master Plan.
2. The applicant must address any comments provided by Township staff, the Township Engineer, and the Brighton Area Fire Authority.
3. The wetland crossing requires approval by the Planning Commission for activity within 10 feet of the wetland itself. He recommends that if this item is approved, this should be a condition of approval.

Ms. Byrne reviewed her letter dated August 4, 2025.

1. Section 15.05.03.d of Genoa Township's Ordinance states that for any single means of access serving more than five lots, it shall include a turn-around with a center landscaped island or continuous loop. A hammerhead turnaround is provided in the plan set. This ordinance requirement may be adjusted by the Planning Commission in particular cases. The BAFA has approved this, and she agrees.
2. Brighton Area Fire Authority has required that the width of the private road be increased to 26 feet wide from the 22-foot road width required in the Genoa Township Zoning Ordinance. Due to this, the gravel shoulder has been reduced from five feet to three feet wide and she has no engineering related concern to this reduced shoulder width.

The Brighton Area Fire Authority Fire Marshal's letter dated August 5, 2025, stated that all previous comments have been addressed in the recent submittal.

Commissioner McCreary is concerned about the wetland crossing. She asked if it would affect Baetcke Lake. Mr. LaVanway stated the disturbance is 1/100 of an acre. The application for the wetland crossing has been prepared and submitted to EGLE by Boss Engineering's wetland specialist. This is a very low impact project, and they do have a detention basin and forebay and will not affect that lake.

Commissioner Reiber asked why the road will be paved and not gravel. Mr. LaVanway stated that was considered, but because it comes off a paved road and the types and costs of the homes and the clientele it will attract, a paved road would be preferred.

Commissioner Rauch asked if the parcels utilize the hammerhead turnarounds as the beginning of their driveways. Mr. Lavanway stated they do not plan to use them as driveways. The Commission, Mr. Lavanway and Mr. VanKannel discussed the hammerhead turnarounds. Mr. VanKannel can revisit the turnaround design and the placement of the homes on the site, but he would not like to be limited at this time. Commissioner Rauch stated he would like to see the turnarounds used as driveways. Mr. Lavanway stated that due to the topography of the site, those locations may not be the best for installing the driveways.

The call to the public was opened at 8:43 pm.

Ms. Linda Rally of 5117 Forest View Court is concerned with drivers wanting to make left turns onto and off of Brighton Road. There are already concerns with the existing roads.

Ms. Debra Beattie of 3109 Pineview Trail is concerned with the small wetland. It appears to be a drain into the larger wetland. All of these new properties will be sending more water into the wetland. She does not believe the 10 foot encroachment into the wetland should be approved. She is not in favor of the types of turnarounds proposed.

The call to the public was closed at 8:46 pm.

Mr. VanKannel stated he understands the concerns with the left hand turns. He lives off of Old Hickory and does not experience problems. The wetland is just a four-foot wide flat piece of land that is mostly dry. Photos of the wetland were shown. Mr. Lavanway stated that this is Wetland A. Wetland B is the larger wetland. Commissioner Rauch stated that the Township has a responsibility to protect wetlands.

Moved by Commissioner Rauch, supported by Commissioner Rassel, to recommend to the Township Board approval of the Special Land Use for a shared driveway crossing regulated wetland and 25-foot natural features buffer for seven new homes on 20.39 acres located at 6025 Brighton Road for Parcels 4711-26-300-011 and 4711-27-400-012 as the Planning

Commission finds that the encroachment within the 25 foot natural features setback and crossing meet the intent of the Township Zoning Ordinance. **The motion carried unanimously.**

Moved by Commissioner Rauch, supported by Commissioner McCreary, to recommend to the Township Board approval of the Environmental Impact Assessment dated 5/20/25 for a private road with a shared driveway for seven new homes on 20.39 acres located at 6025 Brighton Road for Parcels 4711-26-300-011 and 4711-27-400-012. **The motion carried unanimously.**

Moved by Commissioner Rauch, supported by Commissioner McCreary, to recommend to the Township Board approval of the Site Plan dated 7/22/25 for a private road with a shared driveway for seven new homes on 20.39 acres located at 6025 Brighton Road for Parcels 4711-26-300-011 and 4711-27-400-012, with the following conditions:

- All conditions stated in the township engineer and township planner's review letters shall be met.
- The petitioner shall have receipt of a permit from EGLE for the wetland crossing prior to the issuance of Land Use Permit.
- The hammerheads for Parcels 3 and 4 shall be identified as being utilized for the driveways for their concurrent parcel.
- Delineation signs for the wetlands shall be added to the site plan prior to presentation to the Township Board.

The motion carried unanimously.

The Planning Commission took a break from 9:04 to 9:14 pm.

OPEN PUBLIC HEARING #4... Consideration of an ordinance amendment to Article 13 entitled "Environmental Protection Regulations" and Article 21 entitled "Administration and Enforcement". STAFF REQUESTS ARTICLE 13 **"ENVIRONMENTAL PROTECTION REGULATIONS" TO BE POSTED TO THE SEPTEMBER 8, 2025 PLANNING COMMISSION MEETING.**

A. Recommendation of Zoning Ordinance Amendment to Article 21 entitled "Administration and Enforcement".

Ms. Ruthig stated that she is still working on Article 13, so she is requesting that it be postponed until the September meeting. She reviewed the changes proposed for Article 21. The Board, Ms. Ruthig and Mr. Borden discussed the amendments and additional changes that are needed.

The call to the public was opened at 9:26 pm with no response.

Moved by Commissioner Rassel, supported by Commissioner McCreary, to postpone Article 13 "Environmental Protection Regulations" until the September 8, 2025 Planning Commission meeting. **The motion carried unanimously.**

Moved by Commissioner Rassel, supported by Commissioner McCreary, to approve the changes to Article 21 "Administration and Enforcement", with the changes discussed this evening. **The motion carried unanimously.**

ADMINISTRATIVE BUSINESS:

Staff Report

Ms. Ruthig stated the only item on September's meeting will be the review of Article 13 "Environmental Protection Regulations" .

Approval of the June 9, 2025 Planning Commission meeting minutes.

Moved by Commissioner McCreary, seconded by Commissioner Rauch, to approve the minutes of the June 9, 2025 Planning Commission Meeting as presented. **The motion carried unanimously.**

Member Discussion

Commissioner Rauch stated that one of the objectives and goals of the previous Master Plan revision was to promote affordable housing. The revised tree ordinance adds costs to developers. When changes are made or additional requirements are added, they should not prohibit the Township from reaching this goal.

Adjournment

Moved by Commissioner McCreary, seconded by Commissioner Rassel, to adjourn the meeting at 9:38 pm. **The motion carried unanimously.**

Respectfully Submitted,

Patty Thomas, Recording Secretary