

**GENOA CHARTER TOWNSHIP  
PLANNING COMMISSION  
PUBLIC HEARING  
MAY 11, 2026  
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 a previously recommended ordinance amendment to Article 13 entitled “Environmental Protection Regulation” related to “Hazardous Materials and Fuel Storage and Wetland Protection Standards” due to Attorney review.

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

**OPEN PUBLIC HEARING #2...** Discussion of a preliminary draft ordinance amendment in regards to Data Centers.

**ADMINISTRATIVE BUSINESS:**

- Staff Report
- Approval of April 13, 2026 Planning Commission meeting minutes
- Member discussion
- Adjournment

<p>*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.</p>
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Sec. 13.02 WETLAND PROTECTION STANDARDS

The standards of this section are intended to protect the valuable wetlands in Genoa Township. ~~Under the authority of Part 303, Wetlands Protection of the Natural Resources and Environmental Protection Act, 1994 PA 451, Michigan Zoning Enabling Act, 2006 PA 110, 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 (EGLE)-Quality (MDEQ)-wetland protection and permit program. The standards of this section exceed the ~~MDEQ~~EGLE 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 ~~less than~~ five acres in size.

**Commented [JS1]:** Added reference to the MZEA because of the setbacks restrictions

**Commented [JS2]:** Mcl 324.30307 (4)(b) lets Twp regulate 2 acres to less than 5 acres

The standards of this section acknowledge the unique and valuable attributes of wetlands as a ~~stormwater retention areas~~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 following activities are specifically exempt from the standards of this Section, consistent with the exemptions provided under Part 303, MCL 324.303056. Wetlands altered or used pursuant to any exemption shall not be used for purposes other than those described in the applicable exemption without first obtaining all required permits from EGLE and the Township:

~~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, including fencing and post placement if the fence is designed to control livestock, does not exceed 11 feet in height, and utilizes an amount of material that does not exceed that of a woven wire fence utilizing 6 inch vertical spacing and posts.~~

**Commented [JS3]:** Directly from MCL 324.30305(2)(d)

**Commented [JS4R3]:** Maybe add the language of MCL 324.30305 (2) see my email of April 13

- ~~(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. Agricultural operations conducted in conformity with Generally Accepted Agricultural and Management Practices (GAAMPs) under the Michigan Right to Farm Act, MCL 286.471 et seq., are exempt from this Section to the extent required by MCL 286.474(6).~~

~~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.~~
- (1) Fishing, trapping, or hunting.
  - (2) Swimming or boating.
  - (3) Hiking.
  - (4) Grazing of animals, including fencing and post placement if the fence is designed to control livestock, does not exceed 11 feet in height, and utilizes an amount of material that does not exceed that of a woven wire fence utilizing 6-inch vertical spacing and posts.
  - (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. All of the following apply for the purposes of this subdivision:
    - a. Beginning October 1, 2013, to be allowed in a wetland without a permit, these activities shall be part of an established ongoing farming, ranching, horticultural, or silvicultural operation. Farming and silvicultural activities on areas lying fallow as part of a conventional rotational cycle are part of an established ongoing operation, unless modifications to the hydrological regime or mechanized land clearing are necessary to resume operation. Activities that bring into farming, ranching, horticultural, or silvicultural use an area not in any of these uses, or that convert an area from a forested or silvicultural use to a farming, ranching, or horticultural use, are not part of an established ongoing operation.

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- b. Minor drainage does not include drainage associated with the immediate or gradual conversion of a wetland to a non-wetland, or conversion from wetland use to another. Minor drainage does not include the construction of a canal, ditch, dike, or other waterway or structure that drains or otherwise significantly modifies a stream, lake, or wetland.
  - c. Wetland altered under this subdivision shall not be used for a purpose other than a purpose described in this section without a permit from the department.
- (6) Maintenance or operation of serviceable structures in existence on October 1, 1980 or constructed pursuant to this part or former 1979 PA 203.4.
- (7) Construction or maintenance of farm or stock ponds.
- (8) Maintenance of an agricultural drain, regardless of outlet, if all of the following requirements are met:
- a. The maintenance includes only activities that maintain the location, depth, and bottom width of the drain as constructed or modified at any time before July 1, 2014.
  - b. The maintenance is performed by the landowner or pursuant to the drain code of 1956, 1956 PA 40, MCL 280.1 to 280.630.
  - c. The maintenance does not include any modification that results in additional wetland drainage or conversion of a wetland to a use to which it was not previously subject.
- (9) Maintenance of a drain that was legally established and constructed pursuant to the drain code of 1956, 1956 PA 40, MCL 280.1 to 280.630, if the drain was constructed before January 1, 1973 or under a permit issued pursuant to this part. As used in this subdivision, “maintenance of a drain” means the physical preservation of the location, depth, and bottom width of a drain and appurtenant structures to restore the function and approximate capacity of the drain as constructed or modified at any time before July 1, 2014, including the placement of spoils removed from the drain in locations along that drain where spoils have been previously placed. Maintenance of a drain under this section does not include any modification that results in additional wetland drainage or conversion of a wetland to a use to which it was not previously subject.
- (10) 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 ensure that any adverse effect on the wetland will be minimized. Borrow material for road construction or maintenance shall be taken from upland sources if feasible. In determining whether an alternative will minimize any adverse effect on the wetland, the department shall consider cost, existing technology, and logistics in light of overall project purposes.

- (11) Maintenance of public streets, highways, or roads that meets all of the following requirements:
  - a. Does not include any modification that changes the original location or footprint.
  - b. Is done in a manner that minimizes any adverse effect on the wetland.
- (12) Maintenance or repair of utility lines and associated support structures that meets all of the following requirements:
  - a. Is done in a manner that minimizes any adverse effect on the wetland.
  - b. Does not include any modification to the character, scope, or size of the originally constructed design.
  - c. Does not convert a wetland area to a use to which it was not previously subject.

For the purposes of this section, “utility line” means any pipe or pipeline used for the transportation of any gaseous, liquid, liquescent, or slurry substance, for any purpose, and any cable, line, or wire for the transmission for any purpose of electrical energy, telephone or telegraph messages, or radio or television communication.

- (13) Installation of utility lines having a diameter of 6 inches or less using directional drilling or boring, or knifing-in, and the placement of poles with minimal (less than 1 cubic yard) structure support, if the utility lines and poles are installed in a manner that minimizes any adverse effect on the wetland. Directional drilling or boring under this subdivision shall meet all of the following requirements:
  - a. The top of the utility line is at least 4 feet below the soil surface of the wetland. However, if the presence of rock prevents the placement of the utility line at the depth otherwise required by this subparagraph, the bottom of the utility line is not placed higher than the top of the rock.
  - b. The entry and exit holes are located a sufficient distance from the wetland to ensure that disturbance of the wetland does not occur.
  - c. The operation does not result in the eruption or release of any drilling fluids up through the ground and into the wetland and there is an adequate plan to respond to any release of drilling mud or other fill material.
- (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 this part or former 1979 PA 203.
- (15) Placement of biological residuals from activities, including the cutting of woody vegetation or the in-place grinding of tree stumps, performed under this section within a wetland, if all the biological residuals originate within that wetland.

- (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 part.
  
- (17) A wetland that is incidentally created as a result of 1 or more of the following activities is not subject to regulation under this part:
  - a. Excavation as part of commercial sand, gravel, or mineral mining, if the area was not a wetland before excavation. This exemption from regulation applies until the property on which the wetland is located meets both of the following requirements:
    - 1. Is no longer used for excavation as part of commercial sand, gravel, or mineral mining.
    - 2. Is being used for another purpose unrelated to excavation as part of commercial sand, gravel, or mineral mining.
  - b. Construction and operation of a water treatment pond, lagoon, or storm water facility in compliance with the requirements of state or federal water pollution control laws.
  - c. A diked area associated with a landfill if the landfill complies with the terms of the landfill construction permit and if the diked area was not a wetland before diking.
  - d. Construction of drains in upland for the sole purpose of removing excess soil moisture from upland areas that are primarily in agricultural use.
  - e. Construction of roadside ditches in upland for the sole purpose of removing excess soil moisture from upland.
  - f. An agricultural soil and water conservation practice designed, constructed, and maintained for the purpose of enhancing water quality.
  
- (18) An area that becomes contiguous to a water body created as a result of commercial excavation for sand, gravel, or mineral mining is not subject to regulation under this part solely because it is contiguous to the created water body. This exemption from regulation applies until the property on which the wetland is located meets both of the following requirements:
  - a. Is no longer used for excavation as part of commercial sand, gravel, or mineral mining.
  - b. Is being used for another purpose unrelated to excavation as part of commercial sand, gravel, or mineral mining.
  
- (19) The following activities are not subject to regulation under this part:
  - a. Leveling of sand, removal of vegetation, grooming of soil, or removal of debris, in an area of unconsolidated material predominantly composed of

sand, rock, or pebbles, located between the ordinary high-water mark and the water's edge.

- b. Mowing of vegetation between the ordinary high-water mark and the water's edge.

(20) As used in this part, "agricultural drain" means a human-made conveyance of water that meets all of the following requirements:

- a. Does not have continuous flow.
- b. Flows primarily as a result of precipitation-induced surface runoff or groundwater drained through subsurface drainage systems.
- c. Serves agricultural production.
- d. Was constructed before January 1, 1973, or was constructed in compliance with this part or former 1979 PA 20

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,
  - ~~(5) depiction of the Township setback line as described in Section 13.02.04, and~~
  - (65) any proposed remedial or mitigating actions to be completed as part of the activity proposed in the land use request.

(7) For any alteration of 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 issuance of Land Use permit.

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

#### 13.02.03 Compliance with State and Federal Wetland Protection Acts

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

#### 13.02.04 Genoa Township Wetland Protection Standards

- (a) Limits on site activity: Any disturbance of soils, removal of stumps, trees or landmark trees (deciduous over eight (8) inch caliper or evergreens over six feet in height), grading, alteration of water flowing into or from an EGLEMDEQ regulated wetland, or any prohibited activity as listed in Part 303, Wetlands Protection ActSection 5 of Public Act 203 of 1979, without a permit from the EGLEMDEQ, will result in a stop work order issued by Genoa Township and/or require restoration of the wetland in accordance with EGLEMDEQ standards.
- (b) Buildable area calculations: Twenty five percent (25%) of wetland acreage shall be credited toward buildable acreage for purposes of determining maximum density for residential developments as a means of encouraging their preservation. The Planned Unit Development Districts are further intended to preserve large and small wetlands by offering flexibility in site design, such as open space/cluster housing developments.

~~(c) Required 25-foot setback: An undisturbed natural setback shall be maintained twenty-five (25) feet from an EGLE determined/regulated wetland. Trails may be allowed in the natural setback in accordance with Section 13.02.04 (f) (1).~~

~~(1) Any proposed 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.~~

~~(de) 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. Land divisions or developments that create a parcel containing regulated wetlands, shall install demarcation signs to ensure that no encroachment is allowed into the natural features buffer.~~

~~No person shall remove, damage, deface, relocate, or destroy a wetland buffer demarcation sign without written authorization from the municipality. Demarcation signs shall be available for purchased directly from Genoa Charter Township to ensure consistency and conformity throughout the Township. Otherwise the signs shall be X be X (then put in standards for the signs)~~

(1) Wetland buffer demarcation signs shall be installed every 50 feet along the boundary of all protected wetland buffers where required by the Township. Signs shall be placed along the wetland buffer boundary at intervals not exceeding fifty (50) feet, or at such reduced spacing as determined necessary by Township.

(2) Signs shall face outward toward areas of potential public or private access.

(3) Demarcation signs shall be mounted on posts with a minimum overall height of four (4) feet above finished grade.

(4) Each sign panel shall measure approximately twelve (12) inches in width by nine (9) inches in height.

(5) Signs shall be constructed of durable, weather-resistant materials suitable for long-term outdoor exposure.

(6) Lettering shall be clearly legible and of sufficient size and contrast to be visible from a distance of at least twenty-five (25) feet.

(7) The sign shall contain language similar to Table 13.1:

**Protected Wetland Buffer** This area is protected by ordinance.
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(8) The Sign shall be installed on a metal post and maintained in legible condition at all times, including replacement if damaged, defaced, or

**Commented [JS5]:** I'm concerned that requiring the purchase of the signs may turn out to be a tax. Having them available is okay but the standards for the signs need to be specified

missing. If the sign is located within designated open space, the homeowners' association shall be responsible for maintenance and replacement. If the sign is located on private property, the property owner shall be responsible for maintenance and replacement.

- ~~(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) Buildings and structures shall be setback thirty-five (35) feet from a regulated wetland to ensure that there is no encroachment into the buffer during construction.~~
- ~~(f) Within an established natural setback there shall be no construction, deposit of any material, including structures; removal of any soils, minerals and or vegetation; dredging, filling and land balancing; constructing or undertaking seasonal or permanent operations except as authorized pursuant below:
  - ~~(1) Any proposed 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.~~
  - ~~(3) Trails may be allowed in the natural features buffer. Trails shall be a maximum of seven (7) feet in width, with associated cutting of vegetation minimized. No machinery is allowed. Hand held implements shall only be allowed during associated cutting of vegetation. Trail shall only contain natural organic material excluding any hardscape materials such as stone and brick pavers, concrete, pavers, wood or metal. A land use permit is required.~~
  - ~~(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 natural setback shall be restored to its prior conditions to the extent possible.~~~~
- ~~(g) The use of chemical pesticides and phosphorous based fertilizers shall be prohibited within the 25-foot natural buffer.~~
- ~~(he) Preservation of nonregulated wetlands: Judicious effort shall be made through site plan design to preserve non-EGLEMDEQ regulated wetlands which exceed two (2) acres in size. Use of non-EGLEMDEQ regulated wetlands as detention or retention ponds may be allowed, following review of such plans by the Township Engineer.~~

### 13.02.05 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) ~~EGL~~~~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, ~~Great Lakes and Energy (EGLE)-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~~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 EGLE/MDDEQ 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 EGLE/MDDEQ 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 Quality (EGLE), 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.
- 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.~~ 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: 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 and shall be designed to prevent discharge of hazardous substances to floor drains, rivers, lakes, wetlands, or storm drains.

13.07.01 **Above Ground Storage Tanks:** Above ground storage tanks shall be limited to ~~two (2) five hundred (500) three hundred (300)~~ gallon capacity, shall ~~not~~ be located ~~in the front yard and only allowed in the building envelope when located next to the same zoning district.~~ Tanks must be setback one hundred and fifty (150) feet from a residential zoned district and ~~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; 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 **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 with a valid land use permit 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. Tanks shall be completely emptied prior to removal by a licensed and insured contractor in accordance with all applicable federal, state and local regulations.~~

~~13.07.03 **Below Ground Fuel Storage Tanks:** Below ground fuel storage tanks shall be at least two thousand (2,000) feet from any drinking water well or shall adhere to State of Michigan requirements if required.~~

~~(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. Removal shall adhere to State of Michigan requirements.~~

~~(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.~~

~~**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.~~

**Commented [JS6]:** I think this should be deleted because it is inconsistent with the state statute

13.07.043 **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.

13.07.054 **Pollution Incident Prevention Plan:** A Pollution Incident Prevention Plan (PIPP) shall be submitted that provides documentation for the following, with appropriate correspondence

from the EGLEMDAQ, 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.

13.07.056 **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.

13.07.07 Performance Guarantee: To ensure compliance with the provisions of this Ordinance and any conditions imposed by the Township Board, Zoning Board of Appeals, Planning Commission or Zoning Administrator, the Township may require that a performance guarantee be deposited with the Township to ensure faithful completion of improvements in accordance with Article 21, Section 21.03 entitled "Performance Guarantee".

#### 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)

infrastructure, or for other projects as agreed by to by the local unit and the applicant.

11.08 Cryptocurrency Data Mining Facilities and Data Centers

Section 11.08.01 General

- (a) Intent and Purpose: The following provisions apply to Cryptocurrency Data Mining Facilities and Data Centers including all accessory uses as defined below and shall be allowed in the Industrial (IND) and Planned Industrial Park (PID) zoning districts by Special Land Use Permit.
- (b) Definitions:
- (1) Data Center: A facility used for the centralized storage, management, processing, and transmission of digital information, typically containing computer servers, data storage systems, telecommunications equipment, power distribution systems, cooling and ventilation systems, uninterruptible power supplies, backup generators, and associated support infrastructure. The term includes colocation centers, cloud-computing facilities, hyperscale computing facilities, and similar high-intensity information technology operations. The term does not include small server rooms, IT closets, or similar equipment rooms that are clearly accessory and subordinate to another lawful principal use.
  - (2) Data Processing Center: A building or portion of a building used primarily for the manipulation, analysis, computation, or transformation of digital information through computer hardware or specialized equipment. A Data Processing Center may include servers or digital processing equipment or cryptocurrency data mining facilities but is typically of smaller scale or lower intensity than a Data Center and may involve office or administrative functions associated with data manipulation. The term does not include general business offices or accessory server rooms subordinate to a principal use.
  - (3) Large-Scale Data Center and Data Processing Center: A center equal or greater than 40,000 sq. ft. gross floor area or located on a site greater than 10-acres.
  - (4) Small-Scale Data Center: A center less than 40,000 sq.ft. often serving local or regional networks.
  - (5) Accessory Data Center and Data Processing Center: A center that is clearly incidental and subordinate to a principal use. (e.g., hospital, university, large employer) less than 10, 000 sq. ft.
  - (6) Battery Energy Storage System (BESS): A Battery Energy Storage System that is an accessory use and that is designed and built to connect into the

distribution or transmission grid with a nameplate capacity less than 50 megawatts.

- (7) On-Site Substation/Switchyard: Electric utilities accessory use (e.g., transformers, breakers) necessary to serve a Data Center.
  - (8) Water Consumption: The portion of Water usage that is permanently removed from immediate availability for reuse within the same watershed. Water Consumption includes, but is not limited to, water lost through evaporation, drift, blowdown discharged to a different watershed, incorporation into products or waste streams, or other processes that prevent return of the water to the local hydrologic system in a usable form.
  - (9) Water Usage: The total volume of water withdrawn, diverted, or supplied to a Data Center from any source, including public water systems, private wells, surface water, reclaimed water, or other sources, over a specified period of time. Water Usage included all water delivered to the facility for cooling, humidification, fire suppression testing, domestic use, equipment maintenance, or other operational purposes, regardless of whether such water is later returned to the same watershed, reused on-site, or discharged as wastewater.
- (c) Location. Data Centers shall be permitted in Industrial (IND) and Planned Industrial District (PID) on 20-acres or more with special land use approval by Township Board in accordance with Article 19 and site plan approval by the Planning Commission and Township Board in accordance with Article 18.

Section 11.08.03 Dimensional Standards

- (a) Minimum Lot Area:
  - (1) Large-Scale: 10 acres
  - (2) Small-Scale and Accessory: 2 acres
- (b) Maximum Building Height, including all mechanical equipment and heating and cooling towers: 30 feet, 2-stories
- (c) Maximum Lot Coverage, including all mechanical equipment: 40%
- (d) The site shall be served by public sewer and public sewer.
- (e) Minimum Setbacks:
  - (1) Large-Scale: 200 feet from all property lines and private or public right-of-way
  - (2) Small-Scale and Accessory: 75 feet from all property lines and private or public right-of-way.

(f) Greenbelt:

- (1) A minimum 50-foot landscaped greenbelt shall be provided along all property lines.

(g) Siting:

- (1) Large Scale Data Center, shall not be located on any parcel that is within 500 feet of any residential zoned property.

Section 11.08.04 Design Standards

(a) Architectural design and building materials.

- (1) Transparency requirements. Transparent elements may include windows, glazed doors, clerestory windows, or architectural glazing.

(2) Ground floor transparency.

- a. A minimum of 20 percent of the length of each ground-floor street-facing facade shall include transparent elements.
- b. Minimum Window Spacing. No uninterrupted blank wall segment exceeding 50 feet in length shall be permitted along a street-facing facade.
- c. Height of Transparency. Required transparent elements shall be located between 3 feet and 15 feet above finished grade.

(3) Upper-Level Transparency

- a. Upper floors visible from a public or private right-of-way shall include architectural articulation and transparency equivalent to at least 10 percent of the facade length.
- b. Upper-level transparency may be achieved through Windows or glazed panels; Spandrel glass or fritted glazing; Architectural recesses, false window systems; or similar design features that simulate transparency while maintaining security.

(4) Facade variation.

- a. Wall designs must provide a minimum of three of the following elements, in addition to transparency requirements, occurring at intervals no greater than 25 feet horizontally and 10 feet vertically.

- b. Expression of structural system and infill panels through change in plane not less than three inches.
  - c. System of horizontal and vertical scaling elements, such as belt course, string courses, cornice, pilasters.
  - d. System of horizontal and vertical reveals not less than one inch in width/depth.
  - e. Variations in material module, pattern, and/or color.
  - f. System of integrated architectural ornamentation.
  - g. Green screen or planter walls.
  - h. Translucent, fritted, patterned, or colored glazing
- (5) Architectural style shall not be restricted. Rather, evaluation of the appearance of a project shall be based upon quality of its design and compatibility with surroundings.
  - (6) Buildings within the same development should be designed to provide a unified and easily identifiable image. Methods to achieve this include using similar architectural styles and materials, complementary roof forms and colors.
  - (7) Minimize monotony of expansive exterior walls by incorporating the following elements: staggering of vertical walls; recessing openings; providing upper-level roof overhangs; using deep score lines at construction joints; contrasting compatible building materials; use of variety and rhythm of window and door openings; use of horizontal and vertical architectural elements, use of horizontal bands of compatible colors; and providing changes in roof shape or roofline.
  - (8) Facades shall provide visual interest from both vehicular and pedestrian viewpoints.
  - (9) Entrances to individual buildings shall be readily identifiable to visitors through the use of recesses or pop-outs, roof elements, columns, or other architectural elements.
- (b) Material standards.
    - (1) Durable building materials, simple configurations, and solid craftsmanship are required. At least 75% of walls visible from public or private rights-of-way, exclusive of wall areas devoted to meeting transparency requirements, shall be constructed of brick, glass, metal (beams, lintels, trim elements, and ornamentation only), wood lap, stucco, split-faced block, or stone. Vinyl or aluminum siding shall

- only be used for accents. Exterior Insulation Finishing Systems (E.I.F.S.) or similar material is not permitted as a primary building material.
- (2) Materials shall be selected for suitability to the type of buildings and the architectural design in which they are used.
  - (3) Material selection shall be consistent with architectural style in terms of color, shades, and texture; however, monotony shall be avoided.
  - (4) Materials shall be consistent with adjoining buildings.
  - (5) Buildings shall have the same materials, or those that are architecturally compatible, for construction of all building walls and other exterior building components wholly or partly visible from public or private rights-of-way and public parking lots.
  - (6) In any design in which the structural frame is exposed to view, the structural materials shall be compatible within themselves and harmonious with their surroundings.
- (c) Transitional features.
- (1) Transitional features are architectural elements, site features, or alterations to building massing that are used to provide a transition between higher-intensity uses and residential areas. These features assist in mitigating potential conflicts between those uses. Transitional features are intended to be used in combination with landscape buffers or large setbacks.
- (d) Height and mass. Building height and mass in the form of building step-backs, recess lines or other techniques shall be graduated so that structures with higher-intensity uses are comparable in scale with adjacent structures of lower-intensity uses.
- (e) Architectural features. Similarly sized and patterned architectural features, such as windows, doors, arcades, pilasters, cornices, wall offsets, building materials, and other building articulations included on the lower-intensity use shall be incorporated in the transitional features.
- (f) Mechanical, Loading, and Rooftop Equipment
- (1) Mechanical equipment shall be fully enclosed unless where mechanically unfeasible based on manufacturers' specifications.
  - (2) If located outside of a building, all mechanical equipment (HVAC, generators, cooling towers, transformers) shall be fully screened by architecturally compatible walls/panels.
  - (3) Rooftop equipment shall be screened to full height from public or private rights-of-way.
  - (4) Service/loading areas shall be oriented away from residential districts where feasible and screened.
- (g) Lighting

- (1) Security and area lighting shall comply with Section 38-364: full cut-off fixtures, down-directed, and shielded to prevent glare and light trespass beyond property lines.
- (2) Maximum maintained illuminance at the property line shall not exceed 0.5 foot-candles adjacent to residential and 1.0 foot-candle elsewhere.
- (3) Color temperature shall not exceed 3,500 Kelvin.
- (h) Landscaping & Buffers
  - (1) Provide required greenbelt of 50 feet.
  - (2) Parking lots shall meet interior landscaping ratios; heat-island mitigation via shade trees is required.
- (i) Storm water and Wastewater
  - (1) Stormwater.
    - (a) On-site detention and water-quality treatment are required per the Livingston County Drain Commission. Designs shall address potential impacts from large roof/pavement areas and condenser discharge.
  - (2) Withdrawals/Discharge.
    - (a) Used water may not be discharged into any Waters of the State as defined by Michigan's Natural Resources and Environmental Protection Act (NREPA).
    - (b) Any water withdrawal or discharge shall comply with applicable state and county permits.
- (j) Traffic and Construction Management
  - (1) A Construction Logistics and Traffic Management Plan shall be required identifying haul routes, delivery windows, worker parking, and dust/mud control.
  - (2) Construction hours shall be limited to 7:00 a.m.-7:00 p.m. Monday-Saturday unless otherwise approved.

Section 11.08.05 Performance Standards

- (a) Noise and Vibration
  - (1) Noise Limit. Routine operations (including cooling equipment and generators) shall not exceed 50 dBA Leq of continuous noise and 60 dBA Leq of impulse noise at the property line. Nighttime (10 p.m.-7 a.m.) limits shall not exceed 40 dBA Leq of continuous noise and 30 dBA of impulse noise. Noise limits shall be measured at all frequencies from sub-sonic to hyper sonic.

- (2) Generator Testing. Routine testing shall occur between 8:00 a.m.-6:00 p.m. weekdays. Noise limits for generator testing and use of back-up generators during power outages shall not exceed 60 dBA Leq of continuous noise and 100 dBA Leq of impulse noise at the property line.
- (3) Measurement Protocol. Compliance shall be demonstrated via pre- and post-occupancy noise studies by a qualified acoustical engineer. The study shall include all proposed development on a lot or site plan and shall be measured at five (5) feet above grade along the property lines. The noise study shall address the following circumstances:
  - a. Expected maximum noise output with all cooling and any other noise-generating equipment operating simultaneously at full operational load.
  - b. The use of back-up generators during power outages.
  - c. The routine testing of generators.
- (b) Vibration. Operations shall not cause perceptible vibration at the property line per ANSI/ISO criteria.
- (c) Air Quality and Emissions
  - (1) All stationary engines, cooling towers, and emission sources shall comply with the federal Clean Air Act and EGLE rules. Required Air Use Permits to Install (PTI) must be obtained and kept current.
  - (d) Generators. Generators shall meet EPA Tier 4 Final standards. Dispersion modeling may be required where within 500 feet of residential, schools, parks, or hospitals.
  - (e) Cooling Towers. Cooling towers shall include drift eliminators and be managed to prevent particulate emissions or microbial contamination

Section 11.08.06 Energy and Sustainability

- (a) Efficiency Target. Design for Power Usage Effectiveness (PUE) of 1.3 or lower, or demonstrate the highest efficiency reasonably achievable given site constraints; provide documentation at Site Plan and post-occupancy.
- (b) Renewable Energy. Demonstrate that greater than 25% of projected annual energy demand will be met via on-site generation, power-purchase agreements, renewable energy credits, or utility green-power programs.
- (c) Heat Reuse. Provide a feasibility analysis for waste-heat recovery or district-energy interconnection.
- (d) Water Conservation.
  - (1) Cooling systems shall be designed to minimize potable water consumption, with preference for air-cooled, hybrid, or closed-loop water systems.

- (2) Facilities using water-based cooling must demonstrate the use of recycled, reclaimed, or non-potable water sources to the maximum extent feasible.
- (e) Security and Emergency Access
  - (1) Perimeter Security.
    - a. Sites shall be fully enclosed with a perimeter security system, which may include fencing, walls, or equivalent barriers not less than eight (8) feet in height.
    - b. Security barriers shall be designed to balance safety with community character; opaque fencing must be screened with landscaping where visible from a public or private right-of-way or residential areas.
  - (2) Access Control.
    - a. All site entrances shall include controlled access gates, guard stations, or equivalent security technology to prevent unauthorized entry.
    - b. Visitor and delivery access points must be separated from employee access points wherever feasible.
  - (3) Emergency Access.
    - a. A minimum of two (2) points of emergency vehicle access shall be provided, with clear signage and unobstructed pathways around the building.
    - b. Access drives shall be constructed to fire department standards, with sufficient load-bearing capacity for emergency apparatus.
    - c. Fire lanes shall be maintained free of obstructions at all times.
  - (4) Fire Protection.
    - a. Before any construction begins, the Township's fire department (or the fire department with which the Township contacts for fire service) will review the fire protection plan submitted with the application. The fire chief will determine whether the fire protection plan adequately protects the Township's residents and property and whether there is sufficient water supply to comply with the fire protection plan and to respond to fire or explosion incidents. If the fire chief determines that the plan is adequate, then the fire chief will notify the Township of that determination. If the fire chief determines that the plan is inadequate, then the fire chief may propose modifications to the plan, which the applicant must implement. The fire chief's decision may be appealed to the Township Board, and the Township will hear the appeal at an open meeting. The Township Board may affirm, reverse, or modify the fire chief's determination. The Township Board's decision is final, subject to any appellate right available under applicable law.

- b. The applicant or operator may amend the fire protection from time-to-time in light of changing technology or other factors. Any proposed amendment must be submitted to the fire department for review and approval under subsection (a).
  - c. The applicant must comply with the fire protection plan as approved by the fire chief (or as approved by the Township Board in the event of an appeal).
  - d. The data center must contain an internal fire suppression system that shall be reviewed and tested once every twelve (12) months by a third-party contractor approved by the fire chief.
  - e. Applicant must provide all Township Fire Departments with the appropriate equipment and training to address fires in the data center.
- (5) Emergency Response Plan. Applicants shall submit an Emergency Response Plan to the Township at the time of Site Plan review, which must include:
- a. Site layout for emergency responders.
  - b. Fire suppression and alarm systems description.
  - c. Backup generator location and fuel storage details.
  - d. Contact information for on-site security and facility management.
  - e. Operators shall provide annual training opportunities or site orientations to local fire, police, and emergency medical services.
- (6) Hazardous Materials.
- a. Any use of hazardous materials (including fuels for backup generators, batteries, and chemicals for cooling systems) shall comply with federal, state, and local storage, reporting, and disposal requirements.
  - b. Applicants shall provide a Hazardous Materials Management Plan identifying on-site materials, storage methods, spill prevention measures, and emergency response procedures.
  - c. Applicant shall provide a fire protection plan to be reviewed and approved by the Township Fire Marshall.
- (7) Battery Energy Storage Systems (if provided)
- a. Battery Energy Storage Systems (BESS) shall be an accessory component to the principal use of the property.

- b. BESS shall comply with NFPA 855, the Michigan Building/Fire Codes, and manufacturer's specifications.
  - c. Setbacks. Outdoor BESS containers shall be set back a minimum of 100 feet from property lines and 300 feet from residential districts/uses, unless a greater distance is required by NFPA 855 based on technology and aggregate capacity.
  - d. Protection. Provide vehicle impact protection, fire-rated separation where required, gas detection, ventilation, and emergency shut-offs. Include a BESS-specific emergency response plan and data sheet package.
- (8) On-Site Substation/Switchyard (if provided)
- a. Locate to minimize visual and noise impacts; provide evergreen screening and security fencing consistent with utility standards.
  - b. Transformers shall include integral secondary containment sized per state rules.
- (9) Extraordinary Events
- a. If the data center facility experiences a failure, fire, leakage of hazardous materials, personal injury, or other extraordinary or catastrophic event, the applicant or operator must notify the Township within 24 hours.
- (f) Use of Consultants and Cost Recovery
- (1) The Township may retain qualified consultants to review energy efficiency, water consumption and use, air quality, BESS safety, renewable energy, stormwater, noise, and related matters.
  - (2) All reasonable costs shall be escrowed by the applicant.
- (g) Monitoring and Reporting
- (1) Commissioning Documentation: Prior to Certificate of Occupancy, applicant must submit commissioning results for mechanical/electrical systems and acoustical compliance.
  - (2) Annual Report. The applicant or operator must submit a report on or before January 1 of each year that includes all of the following):
    - (a) Actual annual energy consumption (MWh) and calculated PUE;
    - (b) Renewable energy procurement and percentage of total load;
    - (c) Water consumption (gallons) and cooling method;

- (d) Generator testing/operating hours and emissions compliance statement with current EGLE permits;
  - (e) Noise level monitoring summary; and
  - (f) Summary of efficiency/cooling/security upgrades implemented.
  - (g) A summary of all complaints, complaint resolutions, and extraordinary events.
  - (h) Current proof of insurance;
- (3) Failure to monitor and report may be grounds to revoke any Township approvals.
- (h) Decommissioning
- (1) Plan Required. As a condition of Special Approval Use and Site Plan approval, the applicant shall submit a Decommissioning and Site Restoration Plan that address:
    - (a) Triggers for decommissioning.
    - (b) Methods for removal of structures, equipment, utilities, and impervious surfaces.
    - (c) Recycling and disposal of equipment and hazardous materials.
    - (d) Final grading, soil stabilization, and revegetation.
    - (e) Restoration of the site to a condition compatible with sun-ounding uses.
  - (2) Triggers for Decommissioning
    - (a) A center shall be considered abandoned if it ceases operations for a period of 12 consecutive months, unless the owner provides evidence of intent to resume operations.
    - (b) Decommissioning must begin within 6 months of abandonment and be completed within 12 months.
  - (3) Performance Guarantee/ Financial Assurance
    - (a) Prior to issuance of a building permit, the applicant shall post a financial guarantee in the form of a letter of credit, bond, or escrow account acceptable to the Township.
    - (b) To ensure proper decommissioning of a data center facility upon abandonment, the applicant must post financial security in the form of a security bond or escrow payment in an amount equal to 125% of the total estimated cost of decommissing, code enforcement, and reclamation,

which cost estimate must be approved by the Township. This financial security must be posted within fifteen (15) days after approval of the special use application.

- (c) The operator and the Township will review the amount of the financial security every two (2) years to ensure that the amount remains adequate.

(4) Removal Standards

- (a) All above-ground structures, including buildings, mechanical equipment, cooling towers, security fencing, and pavement not otherwise serving a reuse, shall be removed.
- (b) Below-ground infrastructure, such as foundations and utilities, shall be removed to a minimum depth of 36 inches below grade unless otherwise approved.
- (c) Materials shall be recycled to the maximum extent practicable.

(5) Site Restoration

- (a) The site shall be restored with topsoil, seeded or planted with native vegetation, and stabilized to prevent erosion.
- (b) The Township may approve alternate restoration plans if the site is proposed for redevelopment consistent with the Master Plan and zoning ordinance.

(6) Failure to Decommission

- (a) If the owner fails to complete decommissioning in accordance with the approved plan, the Township may draw upon the financial guarantee to complete the work and assess/lien subject parcel(s) for any cost in excess of the amount of the submitted bond.
- (b) Any costs exceeding the financial guarantee shall remain the responsibility of the property owner.

- (i) Transferability. A conditional land use permit for a data center facility is transferable to a new owner. The new owner must register their name and business address with the Township and comply with this Ordinance and all approvals and conditions issued by the Township.
- (k) Remedies. If an applicant or operator fails to comply with this Ordinance, the Township, may pursue any remedy or enforcement, including but not limited to the removal of any data center facility pursuant to the Zoning Ordinance or as otherwise authorized by law. Additionally, the Township may pursue any legal or equitable action to abate a violation and recover any and all costs, including the Township's actual attorney fees and costs.

**GENOA CHARTER TOWNSHIP  
PLANNING COMMISSION  
PUBLIC HEARING  
April 13, 2026**

**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, and Bill Reiber. Absent was Eric Rauch. Also present was Planning Director Amy Ruthig.

PLEDGE OF ALLEGIANCE: The pledge of allegiance was recited.

APPROVAL OF AGENDA:

It was stated that there is an error on the agenda. Item A. Recommendation of Environmental Impact Assessment for Open Public Hearing #1 should be removed.

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

DECLARATION OF CONFLICT OF INTEREST: Commissioner McBain stated her property abuts the property being discussed in Item #1. She stated she can make an unbiased decision on this item and she would not benefit monetarily if the request is approved. All commissioners agreed there is no conflict of interest.

CALL TO THE PUBLIC:

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

**OPEN PUBLIC HEARING # 1...**Consideration of a sketch plan for a minor amendment to an approved special land use to allow for a basketball/pickleball court, playground and sand volleyball court for Bible Baptist Church. The property is located at 3900 Golf Club Road, southwest corner of Golf Club and Latson Roads. The request is petitioned by Bible Baptist Church.

**A. Disposition of Sketch Plan.**

Mr. Tim Christoson, the Lead Pastor for Bible Baptist Church, stated sports and recreation is a common avenue to minister to teens and children and many churches have recreational facilities. They would like to install a playground, basketball/pickleball court, and sand volleyball court. He stated they started the work by installing the basketball court as they were not aware they needed approval. He showed the site plan which indicates where these three elements would be placed. There will be no negative visual impact to the community as none of this will be seen from Golf Club or Latson Road. The children currently gather and play in this area of the property so adding these elements will not cause an increase in noise.

Mr. Borden reviewed his letter dated April 13, 2026.

He stated sketch plans do not require an environmental impact assessment; however, he and township staff recommend that if the changes that are being proposed this evening are approved, the Planning Commission may wish to include the addendum to the Impact Assessment as part of its approval.

1. He requests the applicant provide a specification sheet for the proposed basketball pole/hoop demonstrating that the top of the backboard is no more than 12' in height, which is the maximum allowed by ordinance.
2. ZBA granted a variance for the proposed fencing associated with the project.
3. He suggests township staff visit the site to ensure that the landscaping required as part of the 2022 approval has been fully installed and remains in good, healthy condition.
5. The Commission should consider any comments provided by the Township's engineering consultant.

Ms. Byrne reviewed her letter dated April 7, 2026.

1. The material of the proposed basketball court should be shown on the sketch plan.
2. She noted that the impact assessment is not being approved this evening, but it does state that there are no additional impacts on stormwater management. The proposed work provides additional impervious area to the site which could have an impact on stormwater management. The impact on storm management for the site should be addressed on the sketch plan and impact assessment.
3. The grading around the basketball court should be reviewed to ensure there won't be a drainage issue. Currently the court is shown with 1:3 slopes on the south and east sides, with less than 1 percent slope across the court. This may cause an issue with a large area draining across the court without enough slope to provide positive drainage. Additionally, the 1:3 slope could make mowing next to the court and proposed fence difficult.

Commissioner McCreary asked Ms. Byrne how she would address the drainage issue. Ms. Byrne is not concerned with the drainage because of the small amount of impervious surface being added. Mr. Christoson stated that the impervious surface was installed last fall and since that time, and after the recent rain we have had, there is no standing water on the court. There was a discussion regarding the slope around the court and stormwater flow. It was determined that the impervious surface and the slope are not a concern.

Commissioner McCreary asked if these elements are structures or accessory uses and are they allowed in a front yard. Mr. Borden stated they are both. He cited Section 11.04.03 of the ordinance that is being applied to this plan that allows for them to be in the front yard.

The call to the public was made at 6:55 pm.

Ms. Deborah Beattie of 3109 Pineview Trail is concerned that the Impact Assessment has two man-made ditches that are contained in the wetland. Ms. Ruthig stated the Impact Assessment that is in tonight's packet was approved when the original site plan was approved.

Mr. Josh Barrett of 1843 S. Hughes stated he and his family are members of the church. They currently use these grounds all the time. Allowing these elements on the site will have a positive impact on the children and the church.

The call to the public was closed at 7:00 pm.

Mr. Christoson addressed Mr. Borden's comment regarding the height of the basketball hoops. He submitted the specs to the township this afternoon. The hoops were donated to the church and their maximum height is 12 feet, 9 inches. They are able to be lowered. Ms. Ruthig stated they should be kept at 12 feet and raised higher when in use and put back down when not being used. It was determined that a variance would not be needed for the hoops because they are adjustable.

**Moved** by Commissioner McCreary, supported by Commissioner Rassel, to approve a sketch plan for a minor amendment to an approved special land use to allow for a basketball/pickleball court, playground and sand volleyball for Bible Baptist Church, with on the following conditions:

- Make sure that the sketch plan addendum be added to the impact assessment that was submitted initially.
- Make sure that staff place the sketch plan in the property file for future reference.
- The basketball hoops are adjustable and shall be 12 feet when not in use.
- Staff to check landscaping as submitted on the initial plan to make sure it matches what was submitted.

**The motion carried unanimously.**

#### ADMINISTRATIVE BUSINESS:

#### **Staff Report**

Ms. Ruthig stated that staff is working on the data center ordinance. It might be on the May agenda. There will be one other item.

#### **Approval of the February 9, February 23, and March 9, 2026 Planning Commission meeting minutes.**

Needed changes were discussed.

**Moved** by Commissioner McCreary, supported by Commissioner Rassel, to approve the February 9, 2026 Planning Commission meeting minutes as amended. **The motion carried unanimously.**

Genoa Township Planning Commission

April 13, 2026

Unapproved Minutes

**Moved** by Commissioner McCreary, supported by Commissioner Rassel, to approve the February 23, 2026 Planning Commission meeting minutes as amended. **The motion carried unanimously.**

**Moved** by Commissioner McCreary, supported by Commissioner Rassel, to approve the March 9, 2026 Planning Commission meeting minutes as submitted. **The motion carried unanimously.**

#### **Member Discussion**

Ms. Ruthig asked Commissioner Reiber if the township board agreed to have a second call to the public. Mr. Reiber stated it will not be an agenda item but it will be allowed on a case-by-case basis.

**Moved** by Rassel, seconded by Chouinard, to not add a second call to the public at Planning Commission meetings. **The motion carried with Commissioner Reiber and Chairman Grajek voting “no”.**

#### **Adjournment**

**Moved** by Commissioner Rassel, seconded by Commissioner Reiber, to adjourn the meeting at 7:29 pm. **The motion carried unanimously.**

Respectfully Submitted,

Patty Thomas, Recording Secretary