

GENOA CHARTER TOWNSHIP

**ORDINANCE NO. Z-26-01
AN ORDINANCE TO AMEND ZONING ORDINANCE ARTICLE 13 ENTITLED
“ENVIRONMENTAL PROTECTION REGULATIONS”**

The Charter Township of Genoa hereby ordains:

SECTION 1. SHORT TITLE: This ordinance shall be known as the “Section 13.02 Wetland Protection Standards, Section 13.05 Performance Standards and Section 13.07 Hazardous Materials and Fuel Storage Amendment”.

An amendment to Section 13.02, 13.05 and 13.07 to Article 13 of the Zoning Ordinance and reads in its entirety as follows:

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 through coordination with the Michigan Department of Environmental, Great Lakes and Energy (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 regulations by requiring a setback from EGLE regulated wetlands and encouraging the placement of buildings to protect non-EGLE regulated wetlands between two acres and five acres in size.

13.02.01 Applicability

(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.

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 or grading in a wetland, or alteration of water flowing into or from an EGLE regulated wetland, or any prohibited activity without a permit from the EGLE, will result in a stop work order issued by Genoa Township and reporting of the violation to EGLE for enforcement actions.

(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 EGLE regulations. Any land division or development that creates a parcel containing regulated wetlands, shall install demarcation signs to ensure that no encroachment is allowed into the setback.

(1) Demarcation signs shall be purchased directly from Genoa Charter Township to ensure consistency and conformity throughout the Township.

- (a) The sign shall be installed on a metal post and maintained in a legible condition at all times, including replacement if damaged, defaced, or 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.
- (b) Sign location must ensure that sign is fully visible and shall be installed every fifty-feet (50) along the 25-foot undisturbed natural buffer setback line.
- (c) The location of the sign(s) shall be approved by the Township prior to installation.

(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 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.

(1) 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

(3) A trail may be allowed in the undisturbed natural buffer. Trails shall be a maximum of seven -feet (7) in width, with associated cutting of vegetation minimized. No tilling or heavy machinery is allowed. Trail shall only contain natural organic porous materials excluding any hardscape materials such as stone or 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 wetland 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.

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

Sec. 13.05. PERFORMANCE STANDARDS

13.05.10 Above Ground Storage of Toxic and Hazardous Material: The above ground storage of toxic and hazardous material must comply with Section 13.07 Hazardous Materials and Fuel Storage.

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:

(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) gallon tank capacity, shall be not be located in the front yard and not less than one-hundred and fifty (150) feet from any occupied building or any side or rear 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 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 adhere to State of Michigan requirements.

- (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.

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 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".

SECTION 2. VALIDITY AND SEVERABILITY. If any portion of this Ordinance is found invalid for any reason, such holding will not affect the validity of the remaining portions of this Ordinance.

SECTION 3. REPEALER. Any ordinances or parts of ordinances that conflict with this Ordinance are repealed only to the extent necessary to give this Ordinance full force and effect.

SECTION 4: SAVINGS: This amendatory ordinance shall not affect violations of the Zoning Ordinance or any other ordinance existing prior to the effective date of this Ordinance and such violation shall be governed and shall continue to be separate punishable to the full extent of the law under the provisions of such ordinance at the time the violation was committed.

SECTION 5: EFFECTIVE DATE: These ordinance amendments were adopted by the Genoa Charter Township Board of Trustees at the regular meeting held April 20, 2026 and ordered to be given publication in the manner required by law. This ordinance shall be effective seven days after publication.

On the question: "SHALL THIS ORDINANCE NOW PASS" the following vote was recorded:

Ayes:

Nays:

Absent:

I hereby approve the adoption of the foregoing Ordinance this day of April, 2026.

Rick Soucy
Township Clerk

Kevin Spicher
Township Supervisor

Township Board First Reading:
Date of Posting of Ordinance:
Date of Publication of Ordinance:
Township Board Second Reading and Adoption:
Date of Publication of Ordinance Adoption:
Effective Date:

April 6, 2026
Proposed April 7, 2026
Proposed April 10, 2026
Proposed April 20, 2026
Proposed April 24, 2026
Proposed May 1, 2026

DRAFT