

STATE OF MICHIGAN  
IN THE 44TH CIRCUIT COURT FOR LIVINGSTON COUNTY

GENOA CHARTER TOWNSHIP

Plaintiff,

Case No. 21-31255-CZ

v.

Hon. L. Suzanne Geddis

CATHOLIC HEALTHCARE  
INTERNATIONAL, INC.,

Defendant.

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**EMERGENCY MOTION TO DISSOLVE *EX PARTE*  
TRO ISSUED ON SEPTEMBER 20, 2021**

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Pursuant to Michigan Court Rule 3.310(B)(5), Defendant Catholic Healthcare International, Inc. (“CHI”), hereby moves this Court to *immediately* dissolve the temporary restraining order issued *ex parte* on September 20, 2021, in this case. This order has the adverse effect of depriving CHI of its fundamental rights under the Michigan Constitution.<sup>1</sup> For the reasons set forth in the accompanying brief, the Court should dissolve this TRO until the parties can be heard on September 28, 2021.

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<sup>1</sup> CHI hereby reserves the right to raise any and all federal claims and defenses in federal court pursuant to *England v. Louisiana Board of Medical Examiners*, 375 U.S. 411, 421-22 (1964).

AMERICAN FREEDOM LAW CENTER



Robert J. Muise, Esq. (P62849)

**CERTIFICATE OF SERVICE**

I hereby certify that on September 21, 2021, a copy of the foregoing motion and accompanying brief were submitted to, and thus filed with, the Court electronically via email to [wclerks@livgov.com](mailto:wclerks@livgov.com). Counsel for Plaintiff were copied on this email.

AMERICAN FREEDOM LAW CENTER



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**BRIEF IN SUPPORT OF EMERGENCY MOTION TO DISSOLVE  
EX PARTE TRO ISSUED ON SEPTEMBER 20, 2021**

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CHI filed a federal civil rights action against Plaintiff Genoa Charter Township (“Township”) on June 2, 2021, in the U.S. District Court for the Eastern District of Michigan, challenging, *inter alia*, the constitutionality of the Township’s Zoning Ordinance facially and as applied to restrict CHI’s use of its property for religious expression, worship, and assembly.<sup>2</sup> The

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<sup>2</sup> The district court is holding a hearing at noon on September 21, 2021, on CHI’s emergency motion for a temporary restraining order and preliminary injunction, which seeks to enjoin the enforcement of the Township’s Zoning Ordinance under federal law. The Township’s Zoning Ordinance, facially and as applied, violates the First and Fourteenth Amendments to the U.S. Constitution and the Religious Land Use and Institutionalized Persons Act, 42 U.S.C. § 2000cc *et seq.* (“RLUIPA”).

Township now seeks to use its Zoning Ordinance as a blunt instrument to violate CHI's fundamental rights under the Michigan Constitution to religious assembly, expression, and worship on its private property. As set forth below, the Court should dissolve the TRO until the parties can be heard on September 28, 2021.

### **STATEMENT OF FACTS<sup>3</sup>**

CHI is a nonprofit corporation that is formally recognized as a private association of the faithful by the Catholic Diocese of Lansing, Michigan. The activities and work of CHI, including its proposed development and use of its property located within Genoa Township (CHI Property) as a prayer campus, are religious exercise, religious assembly, and religious expression. (Palazzolo Decl. ¶¶ 2-4, 6-8, Ex. 1).

Jere Palazzolo is the Chairman, President, and Director of CHI. He engages in religious exercise, religious assembly, and religious expression through the activities and work of CHI. This includes praying, worshiping, and assembling on the CHI Property for religious purposes. As the head of CHI, Mr. Palazzolo has the authority to direct and control the use of the CHI Property. (Palazzolo Decl. ¶¶ 1, 5, 10, Ex. 1).

CHI acquired 40 acres of property (CHI Property) located within Genoa Township from the Catholic Diocese of Lansing. The diocese originally acquired the property with the reasonable expectation of building a church on it since places of religious worship are allowed on this property

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<sup>3</sup> CHI's statement of facts is taken from the attached sworn declarations (Exhibits 1 and 2) of Jere Palazzolo, the President of CHI, and Ann O'Reilly, the Community Outreach Coordinator for CHI, that were filed in federal court. Both Mr. Palazzolo and Ms. O'Reilly have been directly involved in this dispute with the Township and are thus qualified to testify as to the facts in this case. However, the Township submitted a "Verified Complaint" from the Township Manager who is not a percipient witness and who could not competently testify as to the majority of facts presented by the Township. That alone is reason to dissolve this TRO, which is based upon inadmissible evidence.

by the Zoning Ordinance.<sup>4</sup> When CHI acquired the property, it too had a reasonable expectation of developing it into a prayer campus, which would include an adoration chapel (St. Pio Chapel), prayer trails, a small outdoor altar, and the display of religious images, icons, and symbols, including Stations of the Cross, religious statues, and the display of the image of Santa Maria delle Grazie (“Our Lady of Grace”). (Palazzolo Decl. ¶¶ 9, 11-14, 16-27, Ex. 1).

The current entrance to the CHI Property is the same entrance that has been used by CHI since it acquired the property in October 2020, and it was the entrance used prior to that. CHI applied for a permit with the Livingston County Road Commission to make some changes or modifications to this entrance. However, CHI has not taken any action on this permit. That is, CHI has not constructed a field driveway. The entrance, which the Township has been aware of since well before CHI owned the property, has not changed nor has it been modified. Indeed, Township officials have used this entrance to enter the property to conduct inspections and have never complained. (Palazzolo Decl. ¶ 90, Ex. 1; O’Reilly Decl. ¶ 31, Ex. 2).

The Stations of the Cross, the image of Santa Maria delle Grazie, and a small altar have been displayed on the property since September 2020, and they are used for prayer and worship. Neither wind nor rain nor any other factors have caused any safety issues whatsoever since the displays were erected. Time and experience refute any claim that the displays are unsafe. Moreover, the displays are not erected along any public right of way or thoroughfare. They cannot be seen from the road; they are located in a wooded, isolated area. (Palazzolo Decl. ¶¶ 27, 78, Ex. 1; O’Reilly Decl. ¶¶ 14-15, Ex. 2).

The displays do not undermine any of the Township’s stated objectives for restricting

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<sup>4</sup> The property is zoned Country Estate (CE), and “[c]hurches, temples and similar places of worship” are allowed by the Zoning Ordinance on property zoned CE after special land use approval by the Township. (Palazzolo Decl. ¶ 15, Ex. 1).

signage. The displays are not “distracting to motorists and pedestrians.” They do not “create[] a traffic hazard” nor do they “reduce[] the effectiveness of signs needed to direct and warn the public.” They do not “overwhelm the senses, impair sightlines and vistas, create confusion, reduce desired uniform traffic flow, create potential for accidents, affect the tranquility of residential areas, impair aesthetics [or] degrade the quality of a community.” (Township Sign Standards, Ex. 4). As noted, the religious displays are not placed within the public street right-of-way—they are not even visible from the road—and thus create no visibility or public safety issues whatsoever. And they create no visual blight. (Palazzolo Decl. ¶¶ 81-84, Ex. 1).

In fact, the property is so wooded that the trees and their overhanging branches surrounding the image of Santa Maria delle Grazie create a “grotto” effect. Of course, there is no natural or manmade cave on the CHI Property. An actual “grotto” is a small cave or an artificial recess or structure made to resemble a natural cave, and they (“grottoes”) are often used as part of a Catholic shrine. In fact, the word “grotto” has become used almost exclusively to refer to Catholic shrines built into a rock formation. Consequently, the natural area created by the trees surrounding the image is often referred to as a “grotto” by CHI and Mr. Palazzolo. (Palazzolo Decl. ¶ 25, Ex. 1).

On or about October 9, 2020, the Township, through Ms. Sharon Stone, the Township Ordinance Officer, ordered CHI to remove the Stations of the Cross and the image of Santa Maria delle Grazie, claiming that by displaying these religious symbols and using them for religious worship, CHI has now miraculously converted the secluded, wooded area where they are displayed into a “church or temple” under § 25.02 of the Zoning Ordinance, which defines “church or temple” as “any structure wherein persons regularly assemble for religious activity.” To comply with the Township’s (unlawful) demand, CHI would have to undertake an extensive, costly (in

excess of \$20,000), and burdensome zoning process. The Township's determination was factually inaccurate. There is no "structure" on the CHI Property "wherein" regular religious assemblies take place. Nor are any of these religious symbols "accessory structures" requiring Township approval. Consequently, CHI rejected the demand on the factual inaccuracies and constitutional grounds. (Palazzolo Decl. ¶¶ 29-32, Ex. 1).

The CHI Property is compatible with and suitable for the development of a place of religious worship, specifically including the construction and development of the proposed St. Pio Chapel and prayer campus. The development of the St. Pio Chapel and prayer campus is harmonious and consistent with adjacent land uses. It is harmonious and consistent with maintaining the peaceful, rural nature of the property. The proposed adoration chapel will be a modest, 95 seat, 6,090 square foot chapel/church with an associated 39-space parking lot, site lighting, and building lighting. (Palazzolo Decl. ¶¶ 43, 44, Ex. 1).

The proposed St. Pio Chapel will be a place where people can come to pray, attend Mass, and adore Jesus Christ in the Eucharist. The prayer campus is not a high-volume site. It is a place where people can walk the trails and pray. One trail, for example, will allow visitors to pray the Stations of the Cross. The proposed development will retain the rural atmosphere of the area, and it will promote the quality of life. (Palazzolo Decl. ¶ 45, Ex. 1).

The proposed St. Pio Chapel will be approximately 600 feet off of Chilson Road. CHI is preserving most of the property to allow for trails on the property and to allow people to find peace in the natural surroundings. CHI is only planning to build on approximately 5 acres (out of 40), and this development is largely in the open area of the site, thereby maintaining the rural character of the property. (Palazzolo Decl. ¶ 46, Ex. 1).

The modest size of the chapel and the limited parking (39 spaces) will necessarily limit the number of people who visit the property on a regular basis. (Palazzolo Decl. ¶ 47, Ex. 1).

The St. Pio Chapel will contain a tabernacle, which is a liturgical furnishing used to house the Eucharist (the Body of Christ) outside of Mass. A tabernacle provides a safe location where the Eucharist can be kept for the adoration of the faithful and for later use. Canon Law requires a tabernacle to be in a secure location, such as the St. Pio Chapel, because it helps prevent the profanation of the Eucharist. Without the St. Pio Chapel, there could be no tabernacle on the CHI Property. And without the tabernacle, the Eucharist could not be kept on the property. Thus, the St. Pio Chapel is the central and critical element of CHI's proposed development. Without the St. Pio Chapel, CHI is unable to carry out a core function of their religious activities. (Palazzolo Decl. ¶¶ 35-40, Ex. 1).

In order to develop the prayer campus and construct the St. Pio Chapel, CHI submitted an application for special land use. The application met all of the Zoning Ordinance requirements. A traffic study was not required for the development of the CHI Property as the proposed use of the property did not meet the threshold traffic generated to require such a study. The negligible traffic caused by the proposed St. Pio Chapel and prayer campus will have little to no overall impact, and Chilson Road has been shown to handle much larger traffic volumes in the past. The Township's engineering consultants did not require a traffic impact study. The Livingston County Road Commission did not require a traffic impact study. And the Planning Commission did not require a traffic impact study. (Palazzolo Decl. ¶¶ 48-53, Ex. 1).

As the evidence shows, Chilson Road accommodated over 5,000 vehicles a day prior to the Latson Road interchange being constructed. After the Latson Road interchange construction, traffic on Chilson Road decreased significantly to approximately 2,500 vehicles a day. Thus,



Chilson Road is able to adequately accommodate the proposed development. (O'Reilly Decl. ¶¶ 26-27, Ex. 2).

CHI's application was ultimately approved by the Township Planning Commission. CHI went "above and beyond and addressed all of the concerns of the Planning Commission and the consultants." (Palazzolo Decl. ¶¶ 59-60, Ex. 1). Nonetheless, the Township unlawfully denied CHI's application.<sup>5</sup> (Palazzolo Decl. ¶¶ 61-67, Ex. 2).

As noted in CHI's application, there are only *two* events all year that CHI intends to hold on the CHI property that may require an increase in parking above and beyond the 39 permitted parking spaces. To accommodate this, CHI proposed using the greenspace on their property for overflow parking. (See Palazzolo Decl., ¶ 57, Ex. 1; Ltr. to Twp., Ex. 3). The Township denied this request even though (1) the Township permits private residences in the very same area of the Township to hold events that *far* exceed the number of people who will be visiting the CHI property for these two *special* events (one of them being the September 23, 2021, event) (2) the Township would permit a *secular* park on this property, which, given the property area and a comparable park property within the Township, could have over 200 parking spaces, and (3) the Township's own "Assembly Ordinance" permits assemblies up to 1,000 people, and once that threshold is met, the host could apply for a special permit.<sup>6</sup> CHI's religious assembly scheduled for September 23, 2021, will have far less people attending. (See O'Reilly Decl., ¶¶ 20-24, Ex. 2).

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<sup>5</sup> If the Township Board required a traffic impact study, it could have tabled the matter until one was conducted. But it didn't do that. Rather, it simply denied CHI's application.

<sup>6</sup> See <https://www.genoa.org/government/ordinances/ordinance-assembly> ("An ordinance to license, regulate and control, in the interest of the public health, safety and welfare, outdoor assemblies of persons in excess of 1,000 in number, to provide penalties for violations thereof and to repeal all ordinances or parts of ordinances inconsistent therewith.").

Finally, CHI went above and beyond the legal requirements by proposing least restrictive measures to address traffic for these two special events by offering to provide a shuttle service or “staged/multiple receptions.” (Palazzolo Decl., ¶ 57. Ex. 2; Ltr. to Twp., Ex. 3). The Township rejected these measures and denied the application. Indeed, it is again rejecting this least restrictive alternative, which will mitigate any traffic concerns.

Following the Township’s unlawful denial of CHI’s special land use application, the Township, via a letter, demanded once again that CHI remove the Stations of the Cross and the display of the image of Santa Maria delle Grazie from the CHI property by June 4, 2021, prompting CHI’s filing of its federal civil rights lawsuit on June 2, 2021. In other words, the Township demanded that CHI cleanse its private property of anything religious. In this letter, the Township, through Ms. Stone, stated, *inter alia*, that the display of the image of Santa Maria delle Grazie is a “structure/grotto sign [that] does not have a permit and will also need to be removed.” The Township considers this image to be an “accessory structure,” requiring special land use approval (a costly and burdensome process that CHI had just completed, resulting in the Township denying the application). (Palazzolo Decl. ¶¶ 72-76, Ex. 1).

In their filings in this Court, the Township affirms its position that the wooded area of the CHI property (the “grotto”) “is considered a ‘church or temple’ because a grotto is typically a structure that is erected where people worship.” (“Verified Complaint” ¶ 24). Therefore, according to the Township, the small altar, the Stations of the Cross, and the image of Santa Maria delle Grazie are “accessory structure[s] because they are usually incidental to a church.” (*Id.*). But of course, the wooded area, which the Township asserts is a “church or temple” because it is a place where people worship, is not physically a structure that is a “church or temple.” Thus, per the Township, these religious displays are now “accessory structures without a principal structure.”

(*Id.*, ¶ 70). And the Township advances this argument after it unlawfully denied CHI’s request to construct the modest “principal structure” (the St. Pio Chapel)—a denial that is a central aspect of CHI’s challenge in its federal.<sup>7</sup> The Township thus further asserts that CHI’s “proposed use of the Property for an organized gathering on September 23, 2021, is a violation of the Genoa Township Zoning Ordinance” (*id.*, ¶ 79), relying on false information that CHI has executed the Livingston County Road Commission permit. Consequently, the Township is seeking the immediate removal of the small altar, Stations of the Cross, and the image of Santa Maria delle Grazie, and it is seeking to prevent CHI from using its property for religious worship. And now, the Township, through the TRO, is preventing the religious gathering scheduled for September 23, 2021. (*See id.*). The TRO must be dissolved.

## ARGUMENT

Michigan Court Rules 3.310(B)(5) provides as follows:

(5) A motion to dissolve a temporary restraining order granted without notice *takes precedence over all matters* except older matters of the same character, and may be heard on 24 hours’ notice. For good cause shown, the court may order the motion heard on shorter notice. The court may set the time for the hearing at the time the restraining order is granted, without waiting for the filing of a motion to dissolve it, and may order that the hearing on a motion to dissolve a restraining order granted without notice be consolidated with the hearing on a motion for a preliminary injunction or an order to show cause why a preliminary injunction should not be issued. At a hearing on a motion to dissolve a restraining order granted without notice, **the burden of justifying continuation of the order is on the applicant for the restraining order** whether or not the hearing has been consolidated with a hearing on a motion for a preliminary injunction or an order to show cause.

MCR 3.310(B)(5) (emphasis added).

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<sup>7</sup> Thus, per the Township, the “necessary permits, including land use permits and building permits for the structures” (“Verified Complaint” ¶ A) necessarily require the approval of CHI’s special land use application to construct the St. Pio Chapel, which, of course, the Township unlawfully denied. Thus, because of this denial, the Township is seeking to strip the CHI Property of any religious symbols, and it is seeking to prevent CHI from using the CHI Property for religious worship.

Despite the fact that CHI has been litigating against the Township since June 2, 2020 (with the same counsel), the Township moved this Court for the TRO *ex parte*, and it did so specifically to halt a peaceful, religious assembly scheduled for September 23, 2021, on the CHI property—a religious assembly that the Township was aware of since at least February 2021. (Ltr. to Twp., Ex. 3). Moreover, the religious symbols that the Township seeks to remove (thus stripping this private property of anything religious) have been on display since September 2020 (a year ago) without any incident whatsoever. Based on the principle of laches alone this Court should dissolve the TRO as CHI has been planning this event for many months, having incurred costs to do so, and the Township waited until the eleventh hour to file its *ex parte* TRO motion.

“[P]rejudice occasioned by the delay is an essential element of laches.” *Rachmainoff v. Svm Dev. Corp.*, No. 257394, 2006 Mich. App. LEXIS 330, at \*21 (Ct. App. Feb. 9, 2006). As stated by the Michigan Court of Appeals, “[u]nlike the statute of limitations, which is concerned with the time of the delay, the concern of laches is the effect of or prejudice caused by the delay. A passage of time, prejudice to defendant, and lack of diligence by the plaintiff are essential prerequisites to invoking laches.” *Torakis v. Torakis*, 194 Mich. App. 201, 205, 486 N.W.2d 107, 110 (1992) (internal citation omitted). As noted, the religious displays (*i.e.*, they are not “structures” like a barn or a shed; they are religious symbols used as part of religious worship that is protected by the Michigan Constitution), have been on display for a year. To order them removed just three days before an event that has been scheduled and planned for many months will cause immeasurable prejudice and irreparable harm to CHI. Meanwhile, to maintain the *status quo* at least until CHI can be heard more fully on the preliminary injunction on September 28, 2021, will cause no harm to the Township. They will be in the same position they were in a year ago. And as the Township concedes, CHI has been using this property for religious worship for

nearly a year. Indeed, because neighbors have complained (falsely) to the Township about “60-80 cars” parked along Chilson Road during one event, CHI sought to avoid any such (false) claims in the future by shuttling people to the property. Now, however, the Township asserts that CHI is not permitted to do that either. And this latest assertion is based on a falsehood. The current entrance to the CHI property is the same entrance that has been used by CHI since it acquired the property in October 2020, and it was the entrance used prior to that. CHI applied for a permit with the Livingston County Road Commission to make some changes or modifications to this entrance. However, CHI has not taken any action on this permit. That is, CHI has not constructed a field driveway. The entrance, which the Township has been aware of since well before CHI owned the property, has not changed nor has it been modified. Indeed, Township officials have used this entrance to enter the property to conduct inspections and have never complained.

Michigan Court Rule 3.310(B)(1) provides:

- (1) A temporary restraining order may be granted without written or oral notice to the adverse party or the adverse party’s attorney only if
  - (a) it clearly appears from specific facts shown by affidavit or by a verified complaint that immediate and irreparable injury, loss, or damage *will result to the applicant from the delay required to effect notice* or from the risk that notice will itself precipitate adverse action before an order can be issued;
  - (b) the applicant’s attorney *certifies to the court in writing the efforts, if any, that have been made to give the notice and the reasons supporting the claim that notice should not be required; and*
  - (c) a permanent record or memorandum is made of any nonwritten evidence, argument, or other representations made in support of the application.

MCR 3.310(B)(1) (emphasis added). The provisions of this statute were clearly not met in this case. The Township has not made a clear showing “that immediate and irreparable injury, loss, or damage *will result to the applicant from the delay required to effect notice*.” The applicant’s attorney had no basis for claiming that he could not have provided adequate notice, particularly

when (1) the religious symbols have been in place for over a year and (2) the Township knew of the September 23, 2021, event since at least February 2021. The Court should dissolve the TRO.

Additionally, the TRO plainly violates the Michigan Constitution. The Michigan Constitution provides that “[e]very person may freely speak, write, express and publish his views on all subjects, being responsible for the abuse of such right; and no law shall be enacted to restrain or abridge the liberty of speech or of the press.” Const. 1963, art. 1, § 5. The rights of free speech under the Michigan and federal constitutions are coterminous. *Woodland v. Mich. Citizens Lobby*, 423 Mich. 188, 202, 378 N.W.2d 337 (1985). Therefore, federal authority construing the First Amendment may be considered in interpreting Michigan’s guarantee of free speech. *Mich. Up & Out of Poverty Now Coalition v. Mich.*, 210 Mich. App. 162, 168-169, 533 N.W.2d 339 (1995); *In re Contempt of Dudzinski*, 257 Mich. App. 96, 100, 667 N.W.2d 68, 71–72 (2003). Accordingly, CHI will rely on federal authority construing the First Amendment to advance its claims under Michigan’s guarantee of free speech, as CHI is expressly reserving its right to raise any and all federal claims and defenses in federal court pursuant to *England v. Louisiana Board of Medical Examiners*, 375 U.S. 411, 421-22 (1964).

“Religious worship” is a “form[] of speech and association protected by the First Amendment,” *Widmar v. Vincent*, 454 U.S. 263, 269 (1981), and thus Michigan’s guarantee of free speech. And so too is the display of religious symbols. *Capitol Square Review & Advisory Bd. v. Pinette*, 515 U.S. 753, 760 (1995) (“Respondents’ religious display in Capitol Square was private expression. Our precedent establishes that private religious speech, far from being a First Amendment orphan, is as fully protected under the Free Speech Clause as secular private expression.”); *Satawa v. Macomb Cty. Rd. Comm’n*, 689 F.3d 506, 529 (6th Cir. 2012) (observing

that “[t]he crèche . . . is private religious expression, ‘fully protected under the Free Speech Clause’”) (quoting *Pinette*, 515 U.S. at 760).

CHI’s prayer, worship, religious assembly for purposes of prayer and worship, and the use of religious symbols are all forms of expression protected by the Michigan Constitution. The Township seeks to restrict CHI’s right to freedom of speech through the enforcement of its Zoning Ordinance, including its Sign Ordinance, which is part of the zoning regulation.

The Township’s enforcement of its Zoning Ordinance to restrict CHI’s right to freedom of speech triggers constitutional protection. *Reed v. Town of Gilbert*, 576 U.S. 155 (2015). Moreover, the ordinance operates as a prior restraint on speech as it requires CHI to obtain a permit before being allowed to engage in its religious expression. *See Alexander v. United States*, 509 U.S. 544, 550 (1993) (“The term ‘prior restraint’ is used to describe administrative and judicial orders forbidding certain communications when issued in advance of the time that such communications are to occur.”) (internal quotations and citation omitted); *Int’l Outdoor, Inc. v. City of Troy*, 974 F.3d 690, 698 (6th Cir. 2020) (“The original City of Troy Sign Ordinance imposed a prior restraint because the right to display a sign that did not come within an exception as a flag or as a ‘temporary sign’ depended on obtaining either a permit from the Troy Zoning Administrator or a variance from the Troy Building Code Board of Appeals.”) (emphasis added). As stated by the Supreme Court, “[a]ny system of prior restraints of expression comes to this Court bearing a heavy presumption against its constitutional validity.” *Bantam Books, Inc. v. Sullivan*, 372 U.S. 58, 70 (1963) (collecting cases) (emphasis added). The Township cannot overcome this heavy presumption in this case.

Moreover, the Zoning Ordinance, facially and as applied to punish CHI’s religious expression, is content based, thereby triggering strict scrutiny. As stated by the Supreme Court,

“[c]ontent-based laws . . . are presumptively unconstitutional and may be justified only if the government proves that they are narrowly tailored to serve compelling state interests.” *Reed*, 576 U.S. at 163. And “[a] law that is content based on its face is subject to strict scrutiny regardless of the government’s benign motive, content-neutral justification, or lack of ‘animus toward the ideas contained’ in the regulated speech.” *Id.* at 165.

In *International Outdoor, Inc. v. City of Troy*, 974 F.3d 690, 707-08 (6th Cir. 2020), the Sixth Circuit concluded, in relevant part, as follows:

[T]he Sign Ordinance imposed a content-based restriction by exempting certain types of messages from the permitting requirements, such as flags and “temporary signs” that included on- and off-premises real-estate signs, “garage, estate or yard sale” signs, “non-commercial signs[,]” “[p]olitical signs[,]” “holiday or other seasonal signs[,]” and “constructions signs . . . .” Thus, the ordinance regulated both commercial and non-commercial speech but treated them differently, requiring the City of Troy to consider the content of the message before deciding which treatment it should be afforded. But for content-based restrictions on speech, strict and not intermediate scrutiny applies pursuant to *Reed* . . . .

The Township’s Sign Ordinance expressly *exempts* by way of its definition of a “sign” the following: “Legal notices,” “Decorative displays in connection with a recognized holiday, provided that the display doesn’t exceed 75 days” (an arbitrary number);<sup>8</sup> “Signs required by law”; and “Flags of any country, state, municipality, university, college or school.” (Sign Standards, § 16.02.20, Ex. 4). By its own terms, the Township’s Sign Ordinance exempts from its permit and fee requirement “Historical marker[s],” “Parking lot signs,” “Street address signs,” and “Temporary signs.” (*Id.* § 16.03.02); *see also City of Ladue v. Gilleo*, 512 U.S. 43, 52 (1994) (“Exemptions from an otherwise legitimate regulation of a medium of speech may be noteworthy

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<sup>8</sup> Under this exemption, CHI could assemble and disassemble the religious displays every 75 days. Why isn’t the St. Pio Feast Day Celebration a recognized holiday, thus permitting CHI’s displays under this exemption? (*See O’Reilly Decl.* ¶ 24, Ex. 2). This further illustrates the fact that the ordinance is content based and unconstitutional.



for a reason quite apart from the risks of viewpoint and content discrimination: They may diminish the credibility of the government’s rationale for restricting speech in the first place.”).

Moreover, because CHI’s “signs” are for the purpose of religious worship, the Township is imposing upon CHI the additional burden of having to go through an extensive, costly (in excess of \$20,000), and burdensome zoning process—treating the displays as a “church or temple” or an “accessory structure.” That is, because religious worship is involved, as opposed to the secular acts of viewing sculptures and reading poetry or reading about “Leopold the Lion” (*see* O’Reilly Decl. ¶¶ 5-6, Ex. 2), CHI’s religious displays have now converted the wooded area of the CHI property into a “church or temple,” thereby requiring special and costly approvals.

In the final analysis, the ordinance is content based on its face and as applied. *See Telescope Media Grp. v. Lucero*, 936 F.3d 740, 754 (8th Cir. 2019) (“In an as-applied challenge . . . , the focus of the strict-scrutiny test is on the *actual speech being regulated*, rather than how the law might affect others who are not before the court.”) (emphasis added). It cannot satisfy strict scrutiny. *See infra*.

As noted previously, CHI’s religious displays satisfy all of the “interests” asserted by the Township for regulating signage. Thus, the Township does not have a compelling interest in ordering the removal of these symbols from the CHI Property or imposing additional costs and burdens for displaying them. And even if the Zoning Ordinance and its application to CHI’s speech were content neutral, the restrictions “still must be narrowly tailored to serve a significant governmental interest.” *McCullen v. Coakley*, 573 U.S. 464, 486 (2014). And “[t]o meet the requirement of narrow tailoring, the government must demonstrate that alternative measures that burden substantially less speech would fail to achieve the government’s interests, not simply that the chosen route is easier.” *Id.* at 495 (emphasis added). Here, the Township does not have a

“substantial interest” in ordering the removal of CHI’s religious displays or imposing additional costs and burdens for displaying them. CHI’s religious displays satisfy all of the “interests” asserted by the Township. The Court should dissolve the TRO in order to protect CHI’s guarantee of free speech under the Michigan Constitution.

The TRO also violates CHI’s right to free exercise of religion under the Michigan Constitution. “The first sentence of article I, section 4 [of the Michigan Constitution] guarantees the free exercise of religion.” *Alexander v. Bartlett*, 14 Mich. App. 177, 181, 165 N.W.2d 445, 448 (1968). “The Michigan Constitution is at least as protective of religious liberty as the United States Constitution.” *People v. Dejonge*, 442 Mich. 266, 273 n.9, 501 N.W.2d 127, 131 (1993). As noted by the Michigan Court Appeals, courts “apply the compelling state interest test (strict scrutiny) to challenges under the free exercise language in Const. 1963, art. I, § 4, *regardless of whether the statute at issue is generally applicable and religion-neutral.*” *Champion v. Sec’y of State*, 281 Mich. App. 307, 314, 761 N.W.2d 747, 753 (2008) (emphasis added); *see id.* at 314 n.5 (noting also that “under Michigan and federal constitutional analysis, strict scrutiny is applicable in hybrid cases, *i.e.*, cases in which a free exercise claim is made in conjunction with other constitutional protections such as freedom of speech”).

Here, there can be no question that the enforcement of the Township’s Zoning Ordinance—the basis for the TRO—infringes CHI’s right to religious exercise, thereby requiring the application of strict scrutiny, the most demanding test known to constitutional law. For the reasons argued above and further below, the application of the Township’s Zoning Ordinance has restricted (indeed, it is prohibiting) CHI’s free exercise of religion *and* religious expression, and these restrictions cannot survive strict scrutiny. And the question is not whether the Township has a compelling interest in enforcing its Zoning Ordinance generally, but whether it has such an interest

in enforcing it against CHI under the circumstances of this case—circumstances where *secular* exemptions abound.

For example, many people within the Township have patio tables or picnic tables that are the same size or larger than the small altar that is located on the CHI Property. There is no permit requirement to have these patio or picnic tables on private property. Birdhouses larger than the Stations of the Cross are permitted in the Township without the need for a permit. At times, more people will attend a graduation party, a football party, or other permitted secular events in the Township, including such events held on property zoned CE, than will visit the CHI Property during the September 23, 2021 special event. Many large-scale events are held at private residences located near the CHI Property. For example, on September 18, 2021, a “Family Fun Day” was held on property located near the CHI Property. There were approximately 100 people or more that attended this event, and there were numerous picnic tables. The Township did not require any special permits for this event, which was held on private property. In fact, secular events with up to 1,000 people have been held at residences located near the CHI Property without any complaints from neighbors or the Township and without the Township requiring any permits or other official approvals for the events. (O’Reilly Decl. ¶¶ 8, 19-23, Ex. 2).

The Township operates a park just 3 miles east of the CHI Property. This park is on a parcel of land that is smaller (38 acres) than the CHI Property (40 acres). It includes two playgrounds, a water misting feature, a sled hill, a .66-mile walking path, two regulation sized athletic fields, a swing set for all ages, picnic tables, and a pavilion with accessible heated bathrooms and warming area. It is supported by more than 200 parking spaces. (O’Reilly Decl. ¶ 4, Ex. 2). Consequently, this very park with its *200 plus parking spaces*—whether constructed by the Township or as a “private non-commercial park . . . owned and maintained by a home-owners

association”—could be constructed *on the CHI Property* without requiring any special land use approval as it is a permitted use under the Zoning Ordinance. (See Zoning Ordinance, § 3.03, Ex. 5). However, CHI’s religious “park” was denied by the Township, and because it was denied, the Township is now seeking to remove all of the religious symbols from the CHI Property (because, according to the Township, they are “being maintained on the Property without an accompanying principal structure”), and the Township is seeking to prevent the property from being used for religious gatherings and worship. As stated by the Supreme Court, “It is established in our strict scrutiny jurisprudence that a law cannot be regarded as protecting an interest ‘of the highest order’ . . . when it leaves appreciable damage to that supposedly vital interest unprohibited.” *Church of Lukumi Babalu Aye v. City of Hialeah*, 508 U.S. 520, 547 (1993) (internal quotations and citation omitted). The Township’s restrictions do not satisfy the most demanding test known to constitutional law. The TRO violates the Michigan Constitution and must be dissolved.

### CONCLUSION

The Court should immediately grant this motion, *ex parte* if necessary, and dissolve the TRO it issued on September 20, 2021, until the parties can be heard on September 28, 2021. Doing so will *avoid* irreparable harm<sup>9</sup> by permitting CHI to engage in religious assembly, expression, and worship on its private property in Genoa Township—rights guaranteed to CHI by the Michigan Constitution. The *status quo* will be maintained for the Township.

AMERICAN FREEDOM LAW CENTER



Robert J. Muise, Esq. (P62849)

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<sup>9</sup> It is well established that “[t]he loss of First Amendment freedoms [and thus the guarantee of free speech under the Michigan Constitution], for even minimal periods of time, unquestionably constitutes irreparable injury.” *Elrod v. Burns*, 427 U.S. 347, 373 (1976).

# EXHIBIT 1

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN

CATHOLIC HEALTHCARE  
INTERNATIONAL, INC. and  
JERE PALAZZOLO,

Plaintiffs,

v.

GENOA CHARTER TOWNSHIP,  
and SHARON STONE, Ordinance  
Officer for Genoa Charter Township,

Defendants.

No. 5:21-cv-11303-JEL-DRG

Hon. Judith E. Levy

Magistrate Judge David R. Grand

**DECLARATION OF JERE PALAZZOLO**

I, Jere Palazzolo, make this declaration pursuant to 28 U.S.C. § 1746 and based on my personal knowledge and upon information and belief where noted.

1. I am an adult citizen of the United States, the Chairman, President, and Director of Catholic Healthcare International, Inc., a Catholic, and a plaintiff in this case.

2. Catholic Healthcare International, Inc. (“CHI”) is a nonprofit corporation incorporated under the laws of the State of Missouri. It is a tax-exempt organization under § 501(c)(3) of the Internal Revenue Code.

3. CHI is formally recognized as a private association of the faithful by the Catholic Diocese of Lansing, Michigan.

4. The activities and work of CHI, particularly the activities at the property owned by CHI in Genoa Township, Michigan (“Township”), are religious exercise, religious assembly, and religious expression.

5. I engage in religious exercise, religious assembly, and religious expression through the activities and work of CHI.

6. CHI is formally recognized as a private association of the faithful through a decree issued on or about August 4, 2020, by the Most Reverend Earl Boyea, Bishop of the Roman Catholic Diocese of Lansing, Michigan (“Bishop Boyea”).

7. In the decree, Bishop Boyea stated: “Thus, after having reviewed their statutes (can. 299 § 3) and finding their efforts praiseworthy (cann. 298 § 2, 299 § 2), observing that their exercise of the apostolate is designed to promote the works of piety, to increase the exercise of charity, and to animate the temporal order with a Christian spirit (can. 298 § 1), upholding before their eyes the heroic virtues of Saint Pius of Pietrelcina [Saint Padre Pio] as their model and pattern, I give my consent for them to be designated ‘Catholic’ in accord with the norms of law (cann. 216, 300), and I recognize the organization called CATHOLIC HEALTHCARE INTERNATIONAL (CHI) as a private association of the faithful.”

8. The work of CHI is the work of the faithful, and it is religious exercise.

9. On or about October 20, 2020, the Diocese of Lansing (“Diocese”),

through Bishop Boyea as the grantor, conveyed to CHI via warranty deed approximately 40 acres of property located in the Township. The property is located at 3280 Chilson Road (“CHI Property”).

10. As the head of CHI, I have the authority to direct and control the use of the CHI Property.

11. Upon information and belief, the Diocese originally acquired the property with the expectation of building a church on it since the Zoning Ordinance allows places of religious worship on this property upon special land use approval.

12. The property is zoned Country Estate (CE), and “[c]hurches, temples and similar places of worship” are allowed by the Zoning Ordinance on property zoned CE after special land use approval by the Township.

13. Upon acquiring the CHI Property, CHI and I had a reasonable expectation of being able to use the property for religious purposes, including for the purpose of constructing and developing the St. Pio Chapel and prayer campus.

14. CHI intends to use this property to exercise its fundamental rights to the free exercise of religion, the freedom of speech, and religious assembly, including using this property for prayer, worship, Mass, and eucharistic adoration.

15. Upon information and belief, the CHI Property is zoned Country Estate (“CE”) by the Township.

16. In order to exercise our religion, which includes religious speech and



assembly, and to further the religious mission and vision of CHI as a private association of the faithful, CHI and I want to fully develop the CHI Property into a prayer campus, which would include an adoration chapel (the St. Pio Chapel), prayer trails, a small outdoor altar, and the display of religious images, icons, and symbols, including Stations of the Cross, religious statues, and the display of the image of Santa Maria delle Grazie (“Our Lady of Grace”).

17. A true and accurate photograph of a Station of the Cross that is currently located on the CHI Property appears below:



18. Located on the CHI Property were numerous (approximately 8 or more) tree stands that, upon information and belief, people in the local community erected

and used for hunting deer for many years. These tree stands are much taller “structures” than any of the religious symbols on the CHI Property. Upon information and belief, the Township has never complained about the presence of these tree stands on the property nor taken any action to remove them. Indeed, CHI and its volunteers had to remove them.

19. The Stations of the Cross displayed on the CHI Property are set into a sleeve in the ground so they can be easily moved for maintenance and repairs or for other reasons. They are not permanently affixed.

20. The Stations of the Cross are a fourteen-step Catholic devotion that commemorates the Passion of Jesus Christ. The fourteen devotions, or stations, focus on specific events of His last day, beginning with His condemnation.

21. The Stations of the Cross are commonly used as a mini pilgrimage as the individual moves from station to station. At each station, the individual recalls and meditates on a specific event from Christ’s last day. Specific prayers are recited, then the individual moves to the next station until all fourteen are complete.

22. True and accurate photographs of the display of the image of Santa Maria delle Grazie and the small altar, which are currently located on the CHI Property, appear below:



23. The altar, Stations of the Cross, and the image of Santa Maria delle Grazie are not viewable from a public street or sidewalk. The CHI Property is rural and wooded, and it will be maintained as a rural and wooded property by CHI.

24. The altar is where the Holy Sacrifice of the Mass takes place. It too is a religious symbol with strong religious meaning.

25. In fact, the property is so wooded that the trees and their overhanging branches surrounding the image of Santa Maria delle Grazie create a “grotto” effect. Of course, there is no natural or manmade cave on the CHI Property. An actual “grotto” is a small cave or an artificial recess or structure made to resemble a natural cave, and they (“grottoes”) are often used as part of a Catholic shrine. In

fact, the word “grotto” has become used almost exclusively to refer to Catholic shrines built into a rock formation. Consequently, the natural area created by the trees surrounding the image is often referred to as a “grotto” by CHI and me.

26. The CHI Property is posted with “no trespassing” signs. The property is intended for prayer. Any activity or intention that interferes with prayer is strictly forbidden and those in violation will be considered trespassers.

27. The Stations of the Cross, the image of Santa Maria delle Grazie, and the small altar have been displayed on the property since September 2020, and they are used for prayer and worship. CHI and I were responsible for their display, and I personally use these religious displays for prayer and worship.

28. The Township, through its officials, initially told me that the display of the image of Santa Maria delle Grazie was permissible as a temporary display and even suggested that we erect the display on a flatbed truck so that it remained mobile. However, displaying this image on a flatbed truck would not be safe. The display as currently configured has had no safety issues. Nonetheless, there was no basis for the Township to assert that the display on a truck parked on the property is fine, but that the same display on the property itself violated the Township Zoning Ordinance.

29. On or about October 9, 2020, the Township, through Sharon Stone, the Township’s ordinance officer, ordered the removal of the religious symbols from the

CHI Property by November 2020 unless CHI undertook an extensive, costly (in excess of \$20,000), and burdensome zoning process. The Township, through Ms. Stone, imposed this exceedingly burdensome process upon CHI because they considered these religious symbols to be the equivalent of a “church or temple” under § 25.02 of the Township Zoning Ordinance, which defines “church or temple” as “any structure wherein persons regularly assemble for religious activity.” This determination was factually inaccurate and demonstrates the arbitrary, capricious, discriminatory, irrational, and unreasonable manner in which Ms. Stone and the Township apply the Township Zoning Ordinance to CHI’s use of its property. There is no “structure” on the CHI Property “wherein” regular religious assemblies take place. Nor are any of these religious symbols “accessory structures” requiring Township approval.

30. The Township’ application of the Township Zoning Ordinance to the religious displays on the CHI property demonstrated that the Township was not acting in good faith toward CHI and me, and this lack of good faith was affirmed by the Township’s denial of CHI’s request to construct the St. Pio Chapel and prayer campus on the CHI Property.

31. CHI and I challenged this assault on our religious liberty because our right to religious freedom through prayer and the display of the religious symbols does not depend upon the Township granting us prior approval. To that end, CHI

and I, through counsel, responded to Ms. Stone's letter, pointing out the factual inaccuracies and the unlawful burden the Township was imposing upon our freedom of speech and religious exercise.

32. Upon information and belief, the Sign Ordinance, which is part of the Zoning Ordinance, that the Township sought to apply against CHI and its religious displays in October, 2020, expressly exempted certain permanent signs (§ 16.03.11), it exempted real estate signs (§ 16.03.15), it exempted all flags (§ 16.03.03), and it exempted all temporary political signs (§ 16.03.14) "provided such signs are not placed within the public street right-of-way line in a manner that obstructs visibility." CHI's religious displays are not placed within the public street right-of-way—they are not even visible from the road—and thus create no visibility issues whatsoever. Our counsel identified these exemptions in our objection to the Township's demand to remove the religious symbols, noting, *inter alia*, that by permitting unlimited, temporary political signs (subject to the "public street right-of-way line" limitation), but prohibiting our temporary religious display, the Township is engaging in a form of content-based discrimination. Shortly following this exchange, the Township amended its Sign Ordinance.

33. Following this exchange of correspondence, the Township took no further action and remained silent on the religious displays until May 7, 2021. During this lengthy silence, I assumed, appropriately so, that the Township

understood that their demands were unlawful.

34. The adoration chapel (“St. Pio Chapel”) planned for the CHI Property will be a modest, 95 seat, 6,090 square foot chapel/church with an associated parking lot, site lighting, and building lighting. The parking lot will have only 39 parking spaces.

35. The St. Pio Chapel will contain a tabernacle, which is a liturgical furnishing used to house the Eucharist outside of Mass.

36. A tabernacle provides a safe location where the Eucharist can be kept for the adoration of the faithful and for later use. Canon Law requires a tabernacle to be in a secure location, such as the St. Pio Chapel, because it helps prevent the profanation of the Eucharist.

37. As taught by the Catholic Church, the Eucharist is the Body, Blood, Soul, and Divinity of Our Lord Jesus Christ, that united in His one Divine Person is really, truly, and substantially present. The Catholic Church describes the Eucharist as the source and summit of the Christian life.

38. Without the St. Pio Chapel, there could be no tabernacle on the CHI Property. And without the tabernacle, the Eucharist could not be kept on the CHI Property.

39. The St. Pio Chapel is the central element of the proposed development.

40. Without the St. Pio Chapel, CHI and I (as well as other faithful



Catholics who are permitted to use the property) are unable to carry out a core function of our religious activities.

41. The St. Pio Chapel will also allow people to engage in religious worship on the CHI Property during inclement weather, including during the often harsh and cold winters of Michigan.

42. CHI does not own other properties close to the CHI Property (or anywhere else in Michigan) that would permit CHI to carry out its religious activities. CHI, a nonprofit organization, does not have the funds to purchase new property and to go through, yet again, the extensive and costly process of getting the proposed development approved by the Township and ultimately completed, nor should CHI have to undergo such a burden to engage in its right to religious exercise. Any suggestions by the Township that CHI should have to shoulder such a burden is more evidence of the Township's arbitrary, capricious, discriminatory, irrational, and unreasonable treatment of CHI.

43. As a matter of fact, the CHI Property is compatible with and suitable for the development of a place of religious worship, specifically including the construction and development of the proposed St. Pio Chapel and prayer campus.

44. The development of the St. Pio Chapel and prayer campus is harmonious and consistent with adjacent land uses. It is harmonious and consistent with maintaining the peaceful, rural nature of the property.



45. The St. Pio Chapel will be a place where people can come to pray, attend Mass, and adore Jesus Christ in the Eucharist. The prayer campus is not a high-volume site. It is a place where people can come and walk the trails and pray. One trail, for example, will allow visitors to pray the Stations of the Cross described above. The proposed development will retain the rural atmosphere of the area, and it will promote the quality of life.

46. The St. Pio Chapel will be approximately 600 feet off of Chilson Road. CHI is preserving most of the property to allow for trails on the property and to allow people to find peace in the natural surroundings. CHI is only building on approximately 5 acres of the 40-acre lot, and this development is largely in the open area of the site. In other words, CHI's proposed development will maintain the rural character of the property.

47. The modest size of the chapel and the limited parking will necessarily limit the number of people who visit the religious property, and CHI, like other property owners in the Township, will abide by the relevant laws when hosting events on the CHI Property. The Township cannot (nor should they be permitted to) discriminate against, nor treat disparately, CHI in this regard. Consequently, CHI should be permitted to host events on its property that are similar in scope and attendance to secular events permitted by the Township on nearby properties.

48. Upon information and belief, a traffic study was not required for the

proposed development of the CHI Property as the proposed use of the property did not meet the threshold traffic generated to require such a study. Indeed, the Township's engineering consultants did not require a traffic impact study. The Livingston County Road Commission did not require a traffic impact study. And the Planning Commission did not require a traffic impact study.

49. The negligible traffic caused by the proposed St. Pio Chapel and prayer campus will have little to no overall impact, and Chilson Road has been shown to handle much larger traffic volumes in the past.

50. Upon information and belief, the Fire Marshall also confirmed that CHI's proposed development satisfies all of the requirements for emergency vehicle access.

51. CHI hired Boss Engineering, a local and reputable engineering firm, to prepare and submit the application for special land use and associated site plan and environmental impact statement to the Township for approval of the proposed construction of the St. Pio Chapel and prayer campus on the CHI Property. The application and supporting documents met or exceeded the requirements for special land use as set forth in the Township Zoning Ordinance.

52. On or about December 23, 2020, CHI, through Boss Engineering, submitted its special land use application and documentation for the St. Pio Chapel and prayer campus (hereinafter "Original Submittal") to the Township. This

submission included a special land use application, environmental impact assessment, and site plan. A true and correct copy of the Original Submittal is attached to the First Amended Complaint as Exhibit 1 (Doc. No. 14-2).

53. The Original Submittal met all of the requirements of the Township Zoning Ordinance and should have been approved without any revisions.

54. Upon information and belief, the Township, through its Planner and consultants, reviewed the Original Submittal and sent back comments to Boss Engineering for revisions.

55. CHI, through Boss Engineering, made the requested revisions, and the application was scheduled for review by the Township Planning Commission at a public meeting scheduled for on or about February 8, 2021. The Planning Commission meeting ended with the commissioners tabling the matter and offering additional comments regarding issues that they wanted CHI to address and include in a resubmittal.

56. The Original Submittal did not have curbs and gutters for the chapel parking lot because, upon information and belief, curbs and gutters were not necessary for proper management of stormwater, and adding them increased the cost of the proposal, and it created more of an environmental impact. Nonetheless, the Township demanded that CHI include curbs and gutters as part of the revisions, undermining the Township's concerns about environmental impact.

57. CHI, through Boss Engineering, made the requested changes and resubmitted for approval by the Planning Commission the application and supporting documents (hereinafter “Resubmittal”) on or about February 16, 2021. A true and correct copy of the Resubmittal is attached to the First Amended Complaint as Exhibit 2 (Doc. No. 14-3).

58. The February 16, 2021 cover letter from Boss Engineering that is included in the Resubmittal outlines the requested changes made to the proposed development. Also included with the Resubmittal was an “operations manual . . . to illustrate more clearly the vision for uses and activity on the site.”

59. On or about March 8, 2021, the Township Planning Commission held a public meeting to consider CHI’s special land use application (*i.e.*, the Resubmittal). The Township Planning Commission recommended approval to the Township Board of the site plan, environmental impact statement, and special land use application. The Planning Commission approved the application by a vote of 4 to 3. Additional changes were suggested by the Planning Commission as part of its motion to approve CHI’s application. A true and correct copy of the Approved Minutes of the March 8, 2021 Township Planning Commission Meeting is attached to the First Amended Complaint as Exhibit 3 (Doc. No. 14-4).

60. During the public hearing by the Township Planning Commission, Mr. Chris Grajek, the Chairman of the Planning Commission, noted, as set forth in the

Approved Minutes, that CHI “met all of the requests made by the Planning Commission.” The Chairman further noted that CHI and its consultants “have gone above and beyond and addressed all of the concerns of the Planning Commission and the consultants.”

61. CHI, through Boss Engineering, made the changes suggested by the Planning Commission during the March 8, 2021 meeting and finalized its application (“Final Submission”) for submission to the Township Board for final approval. A true and correct copy of the Final Submission is attached to the First Amended Complaint as Exhibit 4 (Doc. No. 14-5).

62. One of the changes was the removal of the “curb drop for parking access to the greenspace north of the chapel.” This change improperly limited the number of vehicles that could park on the greenspace for the few (typically two) annual religious events planned for the CHI Property. The greenspace can accommodate approximately 100 additional vehicles with no problem or adverse impact to the surrounding area. Upon information and belief, the Township has permitted private residences located near the CHI Property to host large events of up to 1,000 people, and the attendees for these events would park on the grassy areas of the residence. In other words, secular events that are significantly larger than any religious event planned by CHI for the CHI Property are permitted by the Township, but CHI is being unlawfully prohibited from holding similar, but significantly

smaller, religious events on the CHI Property.

63. CHI's application for special land use does not require a variance to the Township's zoning laws. CHI's application met or exceeded the requirements and standards set forth in the Zoning Ordinance. Indeed, CHI was willing to, and did, make all of the Planning Commission's suggested changes and modifications to its application. In fact, CHI was willing to reduce its proposed use of the St. Pio Chapel bell per the Township's request even though its proposed use did not violate any Township ordinance.

64. On or about May 3, 2021, the Township Board held a public hearing to consider the Final Submission.

65. During the meeting, CHI's special land use application, environmental impact statement, and site plan for CHI's proposed development of the St. Pio Chapel and prayer campus (collectively the Final Submission) were each denied by a 5 to 2 vote.

66. The Township's denial of the Final Submission was not based on any measurable, objective criteria. CHI's proposed development of the CHI Property met or exceeded all such criteria set forth in the Zoning Ordinance. Rather, the Township's denial was based upon amorphous, subjective considerations that were contrary to the facts.

67. The Township's rejection of the CHI's proposed development of the

CHI Property was arbitrary, capricious, discriminatory, irrational, unreasonable and contrary to the facts. The Township's rejection placed a substantial burden on CHI's and my religious exercise, and the Township did not have a legitimate, let alone compelling, interest for the rejection.

68. CHI does not have any alternative locations for the construction and development of the St. Pio Chapel and prayer campus. In other words, there is no feasible alternative location from which CHI and I can carry on our religious mission. Consequently, the Township's rejection prohibits CHI and me from engaging in our desired religious behaviors, thereby causing a substantial burden on our religious exercise.

69. In 2020, CHI paid approximately \$7,792 to the Township in property taxes for the CHI Property. CHI recently paid \$7,320.83 to the Township in summer property taxes for the CHI Property. CHI will have to continue paying property taxes to the Township even though the Township will not allow CHI to engage in its desired religious exercise on the CHI Property.

70. Upon completion of the St. Pio Chapel and prayer campus, CHI will be eligible for a property tax exemption.

71. The St. Pio Chapel would be a source of donations for CHI. Consequently, the Township's rejection of the proposed development will reduce the amount of donations that CHI will have to support its religious mission.

72. Following the Township's unlawful rejection of CHI's Final Submission, the Township continued its assault on our rights to religious exercise and freedom of speech. On or about May 7, 2021, the Township, via a letter signed and issued by Ms. Stone, demanded once again that CHI and I remove the Stations of the Cross and the display of the image of Santa Maria delle Grazie from the CHI Property. I didn't receive the letter until on or about May 19, 2021.

73. As stated in the Township's letter, "After denial of the proposed project at 3280 Chilson Road, the signs/temporary signs are in violation of the sign ordinance and will need to be removed." In this letter, Ms. Stone also states that the display of the image of Santa Maria delle Grazie is a "structure/grotto sign [that] does not have a permit and will also need to be removed." The Township considers this image to be an "accessory structure."

74. The Township included with the letter a copy of the Township's "sign standards and accessory structure ordinance," which are part of the Zoning Ordinance.

75. As set forth in the May 7, 2021 letter, the Township, including Ms. Stone, demand that CHI and I remove all religious symbols and icons from the CHI Property. In other words, the Township demands that we cleanse the CHI Property of anything religious.

76. Upon information and belief, the "sign standards" referenced in the



Township's May 7, 2021 letter are found in Article 16 of the Township Zoning Ordinance. Upon information and belief, Article 16 was amended, in relevant part, on November 11, 2020. A true and correct copy of Article 16 is attached to the First Amended Complaint as Exhibit 6 ("Sign Ordinance") (Doc. No. 14-7).

77. The image of Santa Maria delle Grazie, which is approximately 6' x 6' in size, is displayed within a frame. The top frame housing is built on cement board with stone veneer on the front of the frame. The back is exposed. The base is loose, stacked stone. There is no cement, and there are no footings. It is not a permanent structure. It can be easily modified. It is not an accessory building or structure, as the Township asserts; it is a religious symbol.

78. As noted previously, the image of Santa Maria delle Grazie, the Stations of the Cross, and the small altar have been on display on the CHI Property since September 2020. Neither wind nor rain nor any other factors have caused any safety issues whatsoever since any display was erected. Time itself refutes any claim that the displays are unsafe. Moreover, these displays are not erected along any public right of way or thoroughfare. The displays cannot be seen from the road. They are located in a wooded, isolated area.

79. To treat the image of Santa Maria delle Grazie (and the small altar and Stations of the Cross) as an accessory building or structure and thus demand its (their) removal, as the Township is doing here, is factually incorrect, and it is

burdening my and CHI's right to religious worship.

80. The Township permits many different types of signage, both temporary and permanent. The Township's stated interests for regulating signage within the Township is, in relevant part, as follows:

to protect public safety, health and welfare; minimize abundance and size of signs to reduce motorist distraction and loss of sight distance; promote public convenience; preserve property values; support and complement objectives of the Township Master Plan and this Zoning Ordinance; and enhance the aesthetic appearance within the Township.

Sign Ordinance § 16.01.

81. CHI's religious displays (small altar, Stations of the Cross, and image of Santa Maria delle Grazie), which are located within a wooded area on a 40-acre lot, do not undermine any of the Township's stated objectives for restricting signage.

82. CHI's religious displays are not "distracting to motorists and pedestrians." They do not "create[] a traffic hazard" nor do they "reduce[] the effectiveness of signs needed to direct and warn the public." CHI's religious displays do not "overwhelm the senses, impair sightlines and vistas, create confusion, reduce desired uniform traffic flow, create potential for accidents, affect the tranquility of residential areas, impair aesthetics [or] degrade the quality of a community." *See* Sign Ordinance § 16.01.01.

83. CHI's religious displays are not placed within the public street right-of-way—they are not even visible from the road—and thus create no visibility or public

safety issues whatsoever. And they create no visual blight. An individual who is offended by or objects to CHI's religious displays would have to enter the private property to see them—the person is plainly not entering the property for the purpose of prayer and is thus exceeding any permission he or she has to enter the property.

84. The Township has no legitimate interest, let alone a compelling interest, in ordering CHI and me to remove the private religious symbols displayed on the CHI Property.

85. The Sign Ordinance expressly exempts by way of its definition of a “sign” the following: “Legal notices,” “Decorative displays in connection with a recognized holiday, provided that the display doesn’t exceed 75 days”—an arbitrary number; “Signs required by law”; and “Flags of any country, state, municipality, university, college or school.” Sign Ordinance § 16.02.20.

86. By its own terms, the Township's Sign Ordinance exempts from its permit and fee requirement “Historical marker[s],” “Parking lot signs,” “Street address signs,” and “Temporary signs.” Sign Ordinance § 16.03.02.

87. By requiring prior approval and a permit, the Sign Ordinance operates as a prior restraint on my and CHI's speech and religious exercise.

88. As a direct and proximate result of the Township's actions, CHI and I have suffered and will continue to suffer substantial delay, uncertainty, and expense. The delay in the construction of the St. Pio Chapel and prayer campus has resulted

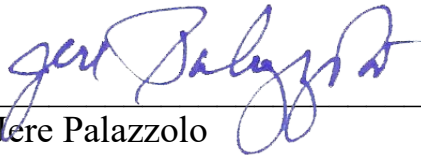
in the loss of our First Amendment rights, thereby causing irreparable harm, and the loss of donations. The cost of hiring an engineering firm to prepare the documents (and the many modifications to the Original Submittal) required by the Township for the special land use application cost CHI in excess of \$27,000.

89. The Township's actions, as set forth in this declaration and the First Amended Complaint, have caused, and will continue to cause, irreparable harm to CHI and me and a substantial burden on our fundamental rights, including our right to freely exercise their Catholic faith.

90. The current entrance to the CHI Property is the same entrance that has been used by CHI since it acquired the property in October 2020, and it was the entrance used prior to that. CHI applied for a permit with the Livingston County Road Commission to make changes or modifications to this entrance. However, CHI has not taken any action on this permit. That is, CHI has not constructed a field driveway. The entrance, which the Township has been aware of since well before CHI owned the property, has not changed nor has it been modified. Indeed, upon information and belief, Township officials used this entrance to enter the property to conduct inspections, and they have never raised any issues with CHI regarding this entrance.

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct.

Executed on the 19th day of September 2021.

  
\_\_\_\_\_  
Jere Palazzolo

# EXHIBIT 2

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN

CATHOLIC HEALTHCARE  
INTERNATIONAL, INC. and  
JERE PALAZZOLO,

Plaintiffs,

v.

GENOA CHARTER TOWNSHIP,  
and SHARON STONE, Ordinance  
Officer for Genoa Charter Township,

Defendants.

No. 5:21-cv-11303-JEL-DRG

Hon. Judith E. Levy

Magistrate Judge David R. Grand

**DECLARATION OF ANN O'REILLY**

I, Ann O'Reilly, make this declaration pursuant to 28 U.S.C. § 1746 and based on my personal knowledge and upon information and belief where noted.

1. I am an adult citizen of the United States, a Catholic, and the Community Outreach Coordinator for Catholic Healthcare International, Inc. ("CHI"). I have worked closely with Jere Palazzolo on the development and maintenance of the property owned by CHI that is located on Chilson Road within Genoa Township ("Township") (hereinafter "CHI Property").

2. I am a resident of the Township, and I have lived in the Township for nearly 30 years. Consequently, I have personal knowledge of the various locations and events within the Township that are set forth in this declaration.

3. As a Catholic, I participate in the religious worship that takes place on

the CHI Property, which is essentially a prayer “park” that exists on 40 acres of rural property within the Township.

4. The Township operates a secular park just 3 miles east of the CHI Property. This park is on a parcel of land that is smaller (38 acres) than the CHI Property (40 acres). It includes two playgrounds, a water misting feature, a sled hill, a .66-mile walking path, two regulation sized athletic fields, a swing set for all ages, picnic tables (which are larger than the altar that is on the CHI Property), and a pavilion with accessible heated bathrooms and warming area. The park is supported by more than 200 parking spaces.

5. Also located within the Township is a park (Fillmore County Park), where the Township has permitted a “Leopold the Lion Reading Trail.” This “Reading Trail” contained large signs installed along a trail, as depicted in the photograph below. Per the website, “This fifteen-part Reading Trail takes you through the entire story [of Leopold the Lion] with fun questions/activities to do along the way.” (<https://www.howellrecreation.org/events/readingtrail>).



Leopold the Lion Reading Trail - Available  
Now At Fillmore County Park!

6. The Township also permits a “Sculpture & Poetry Walk” on private



property located within the Township. This “sculpture and poetry walk” contains numerous and large sculptures and other secular displays, including signs displaying poetry. The Sculpture & Poetry Walk hosts regular events, from open houses to poetry readings to individual artist shows. Additionally, it holds poetry competitions and open submission periods for poetry for the art walk.

7. Located on the CHI Property are Stations of the Cross. A true and accurate photograph of a Station of the Cross appears below:



8. This Station of the Cross is smaller than some birdhouses that the Township allows on private property without any special permit requirements or fees. Below is a true and accurate photograph I took of a birdhouse located within the Township. This birdhouse is larger than any of the Stations of the Cross.



9. Located on the CHI Property were numerous (approximately 8 or more) tree stands that, upon information and belief, people in the local community erected and used for hunting deer for many years. These tree stands are much taller “structures” than any of the religious symbols on the CHI Property. Upon information and belief, the Township has never complained about the presence of these tree stands on the property nor taken any action to remove them. Indeed, we had to remove them.

10. The Stations of the Cross displayed on the CHI Property are set into a sleeve in the ground so they can be easily moved for maintenance and repairs or for other reasons. They are not permanently affixed.

11. True and accurate photographs of the display of the image of Santa Maria delle Grazie and the small altar, which are currently located on the CHI Property, appear below:





12. Neither the Stations of the Cross nor the image of Santa Maria delle Grazie are viewable from a public street or sidewalk. The CHI Property is rural and wooded, and the plan is to maintain it as a rural and wooded property.

13. The CHI Property is posted with “no trespassing” signs. The property is intended for prayer. Any activity or intention that interferes with prayer is strictly forbidden and those in violation will be considered trespassers.

14. The Stations of the Cross and the image of Santa Maria delle Grazie have been displayed on the property since September 2020, and they are used for prayer and worship. I personally use them for prayer and worship.

15. Neither wind nor rain nor any other factors have caused any safety issues whatsoever since the displays were erected. Time and experience refute any claim that the displays are unsafe. Moreover, the displays are not erected along any public right of way or thoroughfare. They cannot be seen from the road; they are located in a wooded, isolated area.

16. CHI's religious displays (Stations of the Cross and image of Santa Maria delle Grazie), which are located within a wooded area on a 40-acre lot, do not undermine any of the Township's stated objectives for restricting signage.

17. The displays are not distracting to motorists and pedestrians. They do not create a traffic hazard nor do they reduce the effectiveness of signs needed to direct and warn the public. They do not overwhelm the senses, impair sightlines and vistas, create confusion, reduce desired uniform traffic flow, create potential for accidents, affect the tranquility of residential areas, impair aesthetics or degrade the quality of a community. As noted, the religious displays are not placed within the public street right-of-way—they are not even visible from the road—and thus create no visibility or public safety issues whatsoever. And they create no visual blight.

18. There are accessory structures and buildings on property within the Township, including on property zoned CE, that are significantly larger than the religious symbols displayed on the CHI Property.

19. Many people within the Township, including me, have patio tables or picnic tables that are the same size or larger than the small altar that is located on the CHI Property. There is no permit requirement to have these patio or picnic tables.

20. At times, more people will attend a graduation party, a football party, or other permitted secular events in the Township, including such events held on property zoned CE, than will visit the CHI Property during the September 23, 2021

special event. I have observed many large-scale events that are held at private residences located near the CHI Property. For example, on September 18, 2021, the following event was held on property located near the CHI Property:



21. There were approximately 100 people or more that attended this event.

Pictures of this event were posted online and appear below.



22. Upon information and belief, the Township did not require any special permits for this event, which was held on private property.

23. In fact, upon information and belief, secular events with up to 1,000

people (such as Le Concourse De Livingston) have been held at residences located near the CHI Property without any complaints from neighbors or the Township and without the Township requiring any permits or other official approvals for the events. People attending Le Concourse De Livingston would park on the grass of the private property.








24. The special event scheduled for September 23, 2021, on the CHI Property is a religious event. It is the St. Pio Feast Day Celebration. It will include prayer, worship, and fellowship. Attendees must pre-register. We currently have approximately 113 registrants and 40 volunteers who will be attending. We are expecting 200 or less. We are having the attendees park at a local church, and we will shuttle them to the CHI Property. Because local residents and the Township have complained about traffic and vehicles parking on Chilson Road during special events, we decided to employ a shuttle service to mitigate and, indeed, eliminate these concerns.

25. The prayer “park” on the CHI Property is not a high-volume site. It is a place where people can come and walk the trails and pray. One trail, for example, will allow worshipers to pray the Stations of the Cross described above.

26. Upon information and belief, the Livingston County Road Commission routinely conducts traffic counts throughout the county. They have a traffic count station located on Chilson Road between Latson Road and Crooked Lake Road



intersections (the same stretch of road where the CHI Property is located). A snapshot below shows the traffic counts for the dates in which a count was conducted. As the table below shows, the total daily counts between 2002-2012 were averaging approximately 5,055 cars per day, while between 2014-2019, the counts were averaging approximately 2,542 cars per day. It should be noted that the construction of the Latson Road interchange to I-96 began in the Fall of 2012 and was completed by the end of 2013. The daily car count over these two spans of years shows that the average daily traffic was nearly cut in half after the construction of the Latson Road interchange was completed. My personal experience coincides with these counts.

| VOLUME COUNT  |               |     |       |
|---|---------------|-----|-------|
|   | Date          | Int | Total |
|  | Tue 5/28/2019 | 60  | 2,635 |
|  | Wed 7/13/2016 | 60  | 2,422 |
|  | Wed 5/28/2014 | 60  | 2,569 |
|  | Tue 4/24/2012 | 60  | 4,505 |
|  | Mon 6/29/2009 | 60  | 5,027 |
|  | Thu 5/11/2006 | 60  | 5,361 |
|  | Mon 4/29/2002 | 60  | 5,330 |

27. Based on my personal experience and observations, the negligible traffic caused by the current prayer “park” has little to no overall impact, and Chilson Road has been shown to handle much larger traffic volumes in the past. Moreover, the event scheduled for September 23, 2021, will not cause any negative impact.

28. The image of Santa Maria delle Grazie, which is approximately 6’ x 6’ in size, is displayed within a frame. The top frame housing is built on cement board

with stone veneer on the front of the frame. The back is exposed. The base is loose, stacked stone. There is no cement, and there are no footings. It is not a permanent structure. It is not an accessory building or structure, as the Township asserts. It can be easily modified.

29. The image of Santa Maria delle Grazie has been on display on the CHI Property since September 2020. Neither wind nor rain nor any other factors have caused any safety issues whatsoever since the display was erected. Time itself refutes any claim that this display is unsafe. Moreover, this display is not erected along any public right of way or thoroughfare. As noted previously, the display cannot be seen from the road. It is located in a wooded, isolated area. The same is true of the Stations of the Cross and the small altar.

30. To treat the image of Santa Maria delle Grazie, the Stations of the Cross, and the small altar as an accessory building or structure and thus demand their removal, as the Township is doing here, is factually incorrect. These displays are similar to art or lawn decorations.

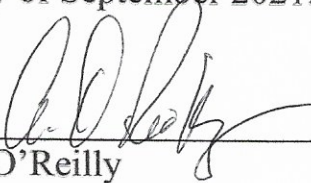
31. The current entrance to the CHI Property is the same entrance that has been used by CHI since it acquired the property in October 2020, and it was the entrance used prior to that. CHI applied for a permit with the Livingston County Road Commission to make some changes or modifications to this entrance. However, CHI has not taken any action on this permit. That is, CHI has not



constructed a field driveway. The entrance, which the Township has been aware of since well before CHI owned the property, has not changed nor has it been modified. Indeed, upon information and belief, Township officials used this entrance to enter the property to conduct inspections, and they have never raised any issues with CHI regarding this entrance.

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct.

Executed on the 19th day of September 2021.

  
\_\_\_\_\_  
Ann O'Reilly

# EXHIBIT 3



3121 E. Grand River Howell, MI 48843  
517.546.4836 fax 517.548.1670  
www.bosseng.com

February 16<sup>th</sup>, 2021

Ms. Kelly Van Marter, AICP  
Genoa Township Planning Commission  
2911 Dorr Road  
Brighton, Michigan 48116

Re: Catholic Healthcare International Church-Special Land Use and Site Plan Review

Dear Ms. Van Marter,

The plans for the Catholic Healthcare International site plan on Chilson Road is being resubmitted for consideration by the Township Planning Commission at the March 8<sup>th</sup> meeting. Per the February 7<sup>th</sup> Planning Commission meeting, there were a number of items that the Planning Commission desired the applicant to address prior to consideration by the Commission. In short, curb and gutter was to be added, trees along the south property line were to be added, the fire truck turning template and entrance geometrics re-evaluated, as well as an operations document provided to illustrate to the Township the intended uses of the site.

First, curb and gutter has been added to the plans. We have two low spots in the parking lot areas that will drain through a trench drain opening to the opposite side of the sidewalk where the stormwater will continue in greenspace to the bioswales. This was the desired route of stormwater to increase the stormwater's contact with greenspace areas to encourage treatment and infiltration even prior to the bio-swale areas.

Second, additional trees have been added to the site. A double-staggered row of evergreen trees have been added along the south property line near the front parking lot as well as towards the back of the site near the chapel. Also, a second row of trees have been added along the open space portion fronting Chilson Road. Again, there is a lot of existing vegetation along Chilson Road that will remain and should count towards the overall tree count. This layout maximizes the street frontage trees without unnecessarily removing more trees to plant more trees.

Third, the truck turning template has been re-evaluated at the sites entrance. The truck turning template is updated to show that the site entrance has 'soft' enough curves to allow for maneuvering of the fire truck without extremes of utilizing opposite direction lanes.

Lastly, an operations manual has been provided to illustrate more clearly the vision for uses and activity on the site. The publics awareness of this site, and the rate of growth of visitors will ultimately determine the frequency and times that Mass is held at this Chapel. With this being said, a range of times for use of the Chapel have been provided in this document. Peak hour traffic times will be avoided as much as feasible. In general, site activity is limited to dawn to dusk use, with the exception of occasional events or a late Mass. Site lighting will only be on as needed to facilitate safe entry and exit on the site around dawn and dusk and any late Mass. The use of the Chapel bell has been greatly reduced to simply manual use during events and Mass as well as the Angelus hours of Noon and 6pm.

In closing, we believe the site plan changes meets the expectations as set forth by the Planning Commission at the February 7<sup>th</sup> meeting and that the Operations document provides additional insight as to the use of the site.

Sincerely,

BOSS ENGINEERING COMPANY

A handwritten signature in black ink, reading "Scott Tousignant". The signature is written in a cursive style with a large, stylized "S" at the beginning.

---

Scott Tousignant, PE  
Project Manager

**IMPACT ASSESSMENT  
FOR  
SITE PLAN PETITION  
"CATHOLIC HEALTHCARE INTERNATIONAL"  
GENOA TOWNSHIP, LIVINGSTON COUNTY  
MICHIGAN**

Prepared for:

**CATHOLIC HEALTHCARE INTERNATIONAL  
2464 TAYLOR ROAD, SUITE 317  
WILDWOOD, MISSOURI 63040  
(636) 220-6550**

Prepared by:

**BOSS ENGINEERING COMPANY  
3121 E. GRAND RIVER  
HOWELL, MI 48843  
(517) 546-4836**

December 18<sup>th</sup> , 2020  
Revised: January 20<sup>th</sup> , 2021  
Revised: February 16<sup>th</sup> , 2021

**20-477 EIA**

## INTRODUCTION

The purpose of this Impact Assessment (IA) report is to show the effect that this proposed development may have on various factors in the general vicinity of the project. The format used for presentation of this report conforms to the *Submittal Requirements For Impact Assessment* guidelines in accordance with Section 18.07 of the published Zoning Ordinance for Genoa Township, Livingston County, Michigan.

## DISCUSSION ITEMS

### **A. Name(s) and address(es) of person(s) responsible for preparation of the impact assessment and a brief statement of their qualifications.**

Prepared By :

Scott Tousignant, P.E. & Paul Grisdela, EIT

BOSS ENGINEERING COMPANY

Civil Engineers, Land Surveyors, Landscape Architects and Planners

3121 E. Grand River

Howell, MI 48843

(517) 546-4836

Prepared For :

Catholic Healthcare International

Jere Palazzolo

2464 Taylor Road, Suite 317

Wildwood, MO 63040

(636) 220-6550

### **B. Map(s) and written description / analysis of the project site including all existing structures, manmade facilities, and natural features. The analysis shall also include information for areas within 10 feet of the property. An aerial photograph or drawing may be used to delineate these areas.**

The 40.01-acre site is located on the west side of Chilson Road, just south of Crooked Lake Road. The subject property is currently empty of any buildings or structures. The western and northern portion of the property is wooded with meadow in the southeast & central portion of the site. There are wetlands along the western edge of the property. There are residential properties and farmland bordering the north and south property lines, as well as a railroad just off the western property line. The site is within the Country Estate zoning area.

### **C. Impact on natural features: A written description of the environmental characteristics of the site prior to development and following development, i.e., topography, soils, wildlife, woodlands, mature trees (eight inch caliper or greater), wetlands, drainage, lakes, streams, creeks or ponds. Documentation by a qualified wetland specialist shall be required wherever the Township determines that there is a potential regulated wetland. Reduced copies of the Existing Conditions Map(s) or aerial photographs may accompany written material.**

Resources utilized to study the natural features of the site included an on-site visit, aerial photos from Google Earth, a web soil survey prepared by the USDA, Wetlands Inventory Maps prepared by the MDEGLE as well as resources prepared by the Huron River Watershed Council and other Livingston County Natural resources agencies.

The eastern half of the site primarily slopes to a low point on the southeastern corner of the property. The western half of the site sheet flows to the wooded areas and wetland areas in the rear of the site. The soils on site consist of loam, loamy sands, sandy loams, and complex soils.

The Livingston County Drain Commissioner's "Procedures and Design Criteria for Stormwater Management Systems and Soil Erosion Sedimentation Control Program" was followed throughout the design process. The reading states preservation of the natural environment and use of vegetated swales as the first and third most preferred best management practices, respectively. Thus, careful consideration was taken to ensure a site with minimal earth disturbance and drainage patterns that followed the pre-developed site. As a result, only three tagged trees will need to be removed on the site. Bioswales will be implemented on site to provide a natural filtration method of any additional runoff. The bioswales are located at a current low spot as well as on the downslope prior to the wetland on site. These locations allow the site to maintain its current drainage pattern.

**D. Impact on storm water management: Description of measures to control soil erosion and sedimentation during grading and construction operations and until a permanent ground cover is established. Recommendations for such measures may be obtained from County Soil Conservation Service.**

The site will utilize two bioswales to control stormwater runoff. Curb and gutter is being utilized around the parking lots and drives to direct stormwater to its proper location. Trench drains are being utilized to get the stormwater to the opposite side of the sidewalk behind the curb. The benefit of utilizing the trench drain in this situation is that it maximizes the amount of stormwater contact with the swales and vegetation thereby increasing infiltration and treatment potential prior to entering into the bioswale areas. Additionally, proper sedimentation control devices such as tracking mats, silt fence, and seeding with mulch will be utilized during construction to control erosion and sedimentation. Additional topsoil will be stored next to the proposed chapel. Given the small building footprint and amount of proposed impervious area compared to the overall site area, there will be minimal impact on the storm runoff. In addition to sedimentation control devices being used, there will also be weekly inspections from a certified stormwater operator to ensure it is properly maintained and functioning throughout construction.

**E. Impact on surrounding land use: Description of the types of proposed uses and other man-made facilities, including any project phasing, and an indication of how the proposed use conforms or conflicts with existing and potential development patterns. A description shall be provided of any increases of light, noise or air pollution which could negatively impact adjacent properties.**

The site will see an increase in use regardless of the facility, due to it being a vacant site. Services at this chapel are expected to occur at a minimum of once a month, but primarily weekly. The Mass frequency will increase based on the demand. The proposed chapel is also set back approximately 620 feet off Chilson Road. There is currently a line of trees along the southern property. This will help to reduce any disturbances to the home adjacent to the southern property

line. In addition to these existing trees, an entire double-staggered row of evergreen trees is being proposed along the south property line near the chapel and near the front parking lot in order to ensure an adequate buffer is obtained along the entire property line. Although the chapel anticipates some services after dusk which will require lighting, the lighting will be off as often as possible to reduce and minimize any light pollution from this site. Refer to the lighting plan in the Site Plan package for proposed photometrics. Additional information on the site uses and times is included in an Operations document separate this Environmental Impact Assessment.

The chapel contains an operational bell tower. The bell is proposed to be automated with the ability for manual ringing. Manual ringing will occur for Mass and other special events. Automated ringing is proposed on the Angelus hours of Noon and 6:00 P.M. Additional information on the Chapel bell use is included in the Operations document.

In addition to the proposed use being a Chapel, there are a few more elements to this site that include: The Mural Wall, Stations of the Cross, and Magnificent Tree of Padre Pio. The Mural Wall includes an Altar in front and is located within the looped drive on site. This will serve as an area for visitors to reflect and meditate and for special functions to be held outside. Occasional outdoor Mass will be held at this Mural Wall and altar. The Magnificent Tree of Padre Pio is a large tree located on the site that will be featured with a Statue of Padre Pio sitting underneath it. Part of Padre Pio's story involves a tree so the purpose is to utilize the site's natural environment and features to show Padre Pio's story. There is also a Stations of the Cross Trail between the two proposed parking lots. The purpose of this is for visitors to park in the first parking lot and walk the Stations of the Cross Trail on the way towards the Chapel. An existing large stand of trees is being used as the setting for the Stations of the Cross trail. Along the trail will be wood posts with housing with pictures depicting the route Jesus took to the Cross. This setting offers a natural environment for meditation and reflection for visitors.

**F. Impact on public facilities and services: Description of number of expected residents, employees, visitors, or patrons, and the anticipated impact on public schools, police protection and fire protection. Letters from the appropriate agencies may be provided, as appropriate.**

The proposed chapel contains seating for 80 visitors, with an additional 15 seats provided in an adoration Chapel room. Public schools will not be impacted by the chapel. The impact on police protection will be negligible. The Brighton Area Fire Authority's needs are being accommodated in the road layout of the site, allowing for adequate access to the building. It is important to note this facility will have periodic visitors throughout the day with occasional field trips and chapel services periodically.

**G. Impact on public utilities: Description of the method to be used to service the development with water and sanitary sewer facilities, the method to be used to control drainage on the site and from the site, including runoff control during periods of construction. For sites service with sanitary sewer, calculations for pre- and post-development flows shall be provided in equivalents to a single-family home. Where septic systems are proposed, documentation or permits from the Livingston County Health Department shall be provided.**

There will be no public water or sanitary sewer facilities on this site. A Well and septic system will be used for the chapel. There are no public water or sanitary sewer facilities within the area. Using the Livingston County Environmental Health Well & Septic Records, it may be seen that surrounding properties also contain septic systems. Soil characteristics obtained from the USDA Web Soil Survey show promising soil types for installation of a septic tank. Livingston County



Health Department standards were followed in the sizing and isolation distance of the septic tank and well.

**H. Storage or handling of any hazardous materials: Description of any hazardous substances expected to be used, stored or disposed of on the site. The information shall describe the type of materials, location within the site and method of containment. Documentation of compliance with federal and state requirements, and a Pollution Incident Prevention Plan (PIPP) shall be submitted, as appropriate.**

There will be no hazardous materials used or disposed of on this site.

**I. Impact on traffic and pedestrians: A description of the traffic volumes to be generated based on national reference documents, such as the most recent edition of the Institute of Transportation Engineers Trip Generation Manual, other published studies or actual counts of similar uses in Michigan.**

The Institute of Transportation Engineers Trip Generation Manual 10<sup>th</sup> Edition Volume 2 Part 2 was used to calculate the number of trips generated by the proposed chapel. The scenario on sheet 187 using gross floor area and the peak hour on a Sunday produced 56 trips. The traffic counts section on Livingston County Road Commission's website was used to analyze Chilson Road annual average daily traffic. The most recent data shows Chilson Road has an AADT of 2,500 between E Coon Lake Road and Beck Road. Chilson Road did experience an annual growth of -26% in 2014 due to the I-96 ramp on Latson Road being constructed. Chilson Road had an AADT of 4,505 prior to the construction of the ramp. The increased traffic caused by the proposed chapel will have little overall impact, and Chilson Road has been shown to handle much larger AADT volumes in the past. It is important to note that the anticipated mass times for this site generally do not line up with peak hour traffic times.

**J. A detailed traffic impact study shall be submitted for any site over ten (10) acres in size which would be expected to generate 100 directional vehicle trips (i.e. 100 inbound or 100 outbound trips) during the peak hour of traffic of the generator or on the adjacent streets.**

A traffic study is not required for this site.

**K. Special Provisions: General description of any deed restrictions, protective covenants, master deed or association bylaws.**

N/A

**L. A list of all sources shall be provided.**

Genoa Township's *Submittal Requirements For Impact Assessment*

Genoa Township Zoning Ordinances

Soil Survey of Livingston County, Michigan, U.S.D.A. Soil Conservation Service

National Wetland Inventory Plan, United States Department of the Interior, Fish and Wildlife Service

## **Catholic Healthcare International General Operations**

3280 Chilson Road, Howell, MI 48116

The purpose of this document is to provide guidance as to the operations of the Chapel, site features and miscellaneous Chapel/site components. Given the preliminary nature of this site, it is difficult to determine exact times and person counts for Masses and other events. Site awareness and public interest & use will help determine the extent of Chapel/site use and Mass times.

### **Chapel**

During typical weekdays and weekends (not during events or scheduled Mass) the Chapel will be unlocked and available from dawn to dusk.

The vision for regularly scheduled Mass times can be broken down into three parts: The immediate future, short term, long term/max use.

**Immediate Future:** Shortly after site construction and through the first year or so, the intent is to hold a Mass 1 day per week. The Mass is anticipated to be held on a weekday/weekend between the hours of 7:00 A.M. to 1:00 P.M., avoiding peak traffic hours when possible.

**Short Term:** After the site has been open and has gained traction/awareness, the intent is to hold a Mass 3 days per week. The Mass is anticipated to be held on a weekday/weekend between the hours of 7:00 A.M. to 1:00 P.M.

**Long Term/Maximum Use:** The hope is that the site provides opportunities for enough people that additional Mass times would need to be scheduled. The maximum frequency of scheduled Mass in the long-term is 7 days per week. The Mass is anticipated to be held between the hours of 7:00 A.M. and 6:00 P.M.

It is anticipated that when there is a lower frequency of Mass' being held, attendance would be near or approaching the capacity of the Chapel (50-80 persons). When additional Masses are held, the person count in each Mass is anticipated to lower.

In the Long-Term Vision with additional Masses being held, a full-time Priest/resident will be on the site. A residence would need to be constructed. Appropriate approvals and permits will be sought at that time.

### **Chapel Bell**

- The Chapel Bell is intended to ring daily following the Angelus hours, 12-noon and 6:00 P.M.
- The Chapel Bell will ring 3 times for each of these hours.
- The Chapel Bell will be operated manually at scheduled Mass times and/or special events on the site. In the event of a morning Mass before 9 am, the Chapel bell should not be used. The bell shall not be used manually between 9:00 P.M. and 9:00 A.M.

## Security

The property will not have a full-time keeper on-site at this time. Security cameras will be located on the exterior of the Chapel and be accessible remotely for Catholic Healthcare International staff to view. An emergency contact name and number is provided below:

Site Contact: \_\_\_\_\_ Ann O'Reilly \_\_\_\_\_ Phone: \_\_\_\_\_ (517) 282-5924 \_\_\_\_\_

- In the event that the Mass frequency increases, a full-time Priest may be designated for this property, thus requiring a residence on the site and a new full-time site contact.
- The Chapel will be open to the public on weekdays and weekends from Dawn to Dusk.
- The outdoor site features (Stations of the Cross, Mural Wall, St. Padre Pio Statue, trails) will be open to the public on weekdays and weekends from dawn to dusk.

## Events

At this time, there are two special events planned for the site and are listed below:

Both of these events will be outdoor Masses and receptions.

- 1) **Event:** St. Padre Pio Birthday Mass & Reception  
**Date:** May 25, 2021 **Time:** Noon until dark
- 2) **Event:** St. Padre Pio Feast Day Mass & Reception  
**Date:** September 23, 2021 **Time:** Noon until dark

The number of anticipated attendees is not known. Approaching each event, interest levels will be gauged. Should excessive interest in an event warrant, staged/multiple receptions may occur to accommodate these additional people. It would be anticipated that on special event days, some overflow parking in the grass area north of the Chapel may be needed.

Overflow parking will be available for these special events in the greenspace north of the Chapel.

Events may be held on weekdays and/or weekends.

## Lighting

On-site lighting is anticipated to be used as minimally as possible. In the event a Mass is held after dusk, site lighting will be utilized for safety. The only site lighting at this time is for the monument sign along Chilson Road, mural wall lighting, parking lot/driveway lighting poles, and building mounted lighting. Site lighting is provided as per Township requirements.

During typical site use (non-Mass/special event hours), lighting will be used 30 minutes before sunrise and 1 hour after dusk.

Unless Mass or special events are being held, lighting is to be off 1- hour after dusk.

Minimal exterior Chapel wall-mounted lighting may be used at additional hours for security purposes. All site lighting levels are to meet Township Ordinance requirements.

# EXHIBIT 4

GENOA TOWNSHIP ZONING ORDINANCE

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**ARTICLE 16**  
**SIGN STANDARDS****Sec. 16.01 STATEMENT OF PURPOSE**

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

- 16.01.01 Recognize that the proliferation of signs is unduly distracting to motorists and pedestrians, creates a traffic hazard, and reduces the effectiveness of signs needed to direct and warn the public. Too many signs can overwhelm the senses, impair sightlines and vistas, create confusion, reduce desired uniform traffic flow, create potential for accidents, affect the tranquility of residential areas, impair aesthetics and degrade the quality of a community. (as amended 11/02/20)
- 16.01.02 Prevent signs that are potentially dangerous to the public due to structural deficiencies or disrepair.
- 16.01.03 Eliminate potential conflicts with traffic control signs, which could create confusion and hazardous consequences. (as amended 11/02/20)
- 16.01.04 Enable the public to locate goods, services and facilities without excessive difficulty and confusion by restricting the number and placement of signs.
- 16.01.05 Prevent placement of signs which will conceal or obscure signs of adjacent uses.
- 16.01.06 Protect the public right to receive messages such as religious, political, economic, social, philosophical and other types of information protected by the First Amendment of the U.S. Constitution. (as amended 11/02/20)
- 16.01.07 Protect the individual user's rights to convey a message balanced against the public's right to be free of signs which unreasonably compete with one another, distract drivers and pedestrians, and create safety concerns and confusion. This ordinance is intended to balance the individual user's desire to attract attention with the citizen's right to be free of unreasonable distractions. (as amended 11/02/20)
- 16.01.08 Prevent signs which unduly distract motorists and residents because of the periodic changing of the message on such signs pose a greater risk to the Township's interest in traffic safety and aesthetics. (as amended 11/02/20)
- 16.01.09 Maintain and improve the image of the Township by encouraging signs of consistent size which are compatible with and complementary to related buildings and uses, and harmonious with their surroundings.

## GENOA TOWNSHIP ZONING ORDINANCE

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- 16.01.10 Prohibit portable signs in recognition of their significant negative impact on traffic safety and community aesthetics. (as amended 11/02/08)
- 16.01.11 Regulate the light emitted by signs to protect the Township's natural, existing, and desired dark skies. (as amended 11/02/20)

Sec. 16.02 **DEFINITIONS**

- 16.02.01 **Awning Sign:** a sign that is mounted, painted, or otherwise applied on or attached to an awning or other fabric, plastic, or protective cover that projects no more than six (6) feet over a door, entrance, or window of a building that is wholly supported by the building to which it is attached. A canopy is not an awning. (as amended 11/02/20)
- 16.02.02 **Business center:** a grouping of two or more establishments on one or more parcels of property which may share parking and access and are linked architecturally or otherwise present the appearance of a unified grouping of establishments. A business center shall be considered one use for the purposes of determining the maximum number of monument signs. A vehicle dealership shall be considered a business center regardless of the number or type of models or makes available, however, used vehicle sales shall be considered a separate use in determining the maximum number of signs, provided that the used sales section of the lot includes at least twenty-five percent (25%) of the available sales area. (as amended 11/02/20)
- 16.02.03 **Banner:** a temporary sign made of fabric, plastic or other non-rigid material sign without enclosing structural framework. (as amended 11/02/20)
- 16.02.04 **Establishment affiliation signs:** signs not exceeding a total of two (2) square feet per establishment indicating acceptance of credit cards or describing affiliations and are attached to a permitted sign, exterior wall, building entrance or window. (as amended 11/02/20)
- 16.02.05 **Canopy sign:** a wall sign that is mounted, painted, attached to or otherwise applied on the roof, fascia, soffit or ceiling of a rigid metal or similar structural protective cover which is permanently attached to and projects from the building. Awnings and shelters above a fuel service island are not a canopy. (as amended 11/02/20)
- 16.02.06 **Changeable message sign, manual:** a reader board attached to a sign or the exterior of a wall where copy is changed manually.
- 16.02.07 **Directional sign:** a sign that which assists motorists in determining the flow of pedestrian or vehicular traffic such as enter, exit, crosswalk and one-way signs. (as amended 11/02/20)
- 16.02.08 **Electronic Message Sign (EMS):** a sign or portion of a sign, that displays an electronic image or video, which may or may not include text, including any sign or portion of a sign that uses changing lights or similar forms of electronic display such as LED to form a sign message with text and or images wherein the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes. This definition includes without limitation television screens, plasma screens, digital screens, flat screens, LED displays, video boards, and holographic displays. (as amended 11/02/20)
- 16.02.09 **Gas station pump island signs:** A sign affixed to or mounted on a fuel pump. (as amended 11/02/20)

GENOA TOWNSHIP ZONING ORDINANCE

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- 16.02.10 **Menu board:** a sign located at a drive-through food service order lane. (as amended 12/17/10)
- 16.02.11 **Incidental sign:** a sign which is incidental, accessory and subordinate to a permitted use which is located upon the building site on which said sign is erected or maintained. Examples include but are not limited to a building entrance/exit sign, open/closed sign, days/hours of operation sign, restroom sign, establishment affiliation signs, and gas station pump island signs. (as amended 11/02/20)
- 16.02.12 **Monument sign:** a three-dimensional, self-supporting, solid base-mounted freestanding sign placed in the ground surface such that the entire bottom of the sign is affixed to the ground and is not supported by poles, columns or uprights, consisting of sides extending up from the base, and upon which a message, business, establishment, group of businesses or center name is affixed. (as amended 11/02/20)
- 16.02.13 **Moving Sign:** a sign in which the sign itself or any portion of the sign moves or revolves. A “rotating sign” is a type of moving sign. Such motion does not refer to the method of changing the message on the sign.
- 16.02.14 **Nit:** a unit of illuminative brightness equal to one (1) candela per square meter ( $\text{cd/m}^2$ ), measured perpendicular to the rays of the source. (as amended 12/17/10)
- 16.02.15 **Parking lot signs:** A sign which regulates vehicle traffic within a permitted parking lot and includes information of a general directive or informational nature such as no parking, handicapped parking, and loading area. (as amended 11/02/20)
- 16.02.16 **Pole sign:** a sign supported on the ground by a pole or poles, the sole purpose of which pole or poles is to hold the sign. (as amended 11/02/20)
- 16.02.17 **Portable sign:** a freestanding sign designed to be moved from place to place, whether or not it is permanently attached to the ground or structure. This includes hot-air and gas filled balloons, pennants, streamers, festoons, ribbons, tinsel, pinwheels, flags and searchlights. (as amended 11/02/20)
- 16.02.18 **Projecting sign:** a sign, other than a wall sign, that is affixed to any building or wall and whose leading edge extends more than twelve (12) inches beyond such building or wall.
- 16.02.19 **Roof sign:** a sign that is located above the top of the wall of a flat roof building, above the eave on a pitched roof building or above the deck line of a mansard roofed building.
- 16.02.20 **Sign:** any device, structure, fixture, figure, banner, pennant, flag, balloon, poster, handbill, flyer, painting, streamer, placard, or similar object consisting of written copy, symbols, logos and/or graphics, designed for the purpose of identifying or bringing attention to an establishment, product, goods, services or other message to the general public. This definition of sign shall not include:
- (a) Legal notices, including but not limited to signs required for proposed zoning changes or variance requests.
  - (b) Decorative displays in connection with a recognized holiday, provided that the display doesn’t exceed 75 days.

GENOA TOWNSHIP ZONING ORDINANCE

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

(d) Flags of any country, state, municipality, university, college or school.  
(as amended 11/02/20)

16.02.21 **Temporary sign:** A sign that refers to an occurrence, happening, activity or series of activities, specific to an identifiable time and place or appears to be intended to be displayed for a limited period of time which is not intended to be lasting and is not constructed from an enduring material such as masonry and metal which remains unchanged in position, character, and condition (beyond normal wear), and is not permanently affixed to the ground, wall or building. Examples include but are not limited to posters, banners, a-frame/sandwich board and corrugated plastic/yard type signs. (as amended 11/02/20)

16.02.22 **Vehicle Sign:** A sign consisting of written copy, symbols, logos and/or graphics measuring more than ten (10) square feet in size attached to, mounted, pasted, painted, or drawn on any vehicle, whether motorized or drawn, that is placed, parked, or maintained on a parcel and is visible from the public right of way. (as amended 11/02/20)

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

16.02.24 **Window sign:** signs which are affixed to an inside surface of a window or are positioned within two (2) feet of the inside of a window so that they are visible from the outside. (as amended 11/02/20)

### Sec. 16.03 APPLICATION OF STANDARDS

16.03.01 **Requirement for Permit.** Except as expressly provided herein, it is unlawful for any person to erect, re-erect, alter or relocate any sign without obtaining a permit from the Zoning Administrator and paying the applicable permit fee. (as amended 11/02/20)

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

(a) **Historical marker:** plaques or signs describing state or national designation as an historic site or structure and/or containing narrative, not exceeding twelve (12) square feet in area.

(b) **Integral signs:** names of buildings, dates of erection, monumental citations, commemorative tablets when carved into stone, concrete or similar material or made of bronze, aluminum or other noncombustible material and made an integral part of the structure and not exceeding twenty-five (25) square feet in area.

(c) **Parking lot signs:** A sign which regulates vehicle traffic within a permitted parking lot and includes information of a general directive or informational nature such as no parking, handicapped parking, and loading area; and does not exceed a maximum of six (6) feet in height and four (4) square feet in area. (as amended 11/02/20)



## GENOA TOWNSHIP ZONING ORDINANCE

- (d) **Regulatory, directional and street signs:** erected and maintained by a public agency with the purpose of directing, managing or regulating traffic in compliance with Michigan Manual of Uniform Traffic Control Devices Manual. Such signs include, but are not limited to, street signs, traffic signals, traffic safety signs, speed limit signs, Township gateway/entry signs, neighborhood identification signs and directional signs. Regulatory, directional and street signs shall be allowed within the public street right-of-way provided such signs are not placed in a manner that obstructs visibility. (as amended 3/5/10 and 11/02/20)
- (e) **Street address signs (street numbers).** Street address signs shall be allowed within the public street right-of-way provided such signs are not placed in a manner that obstructs visibility. (as amended 3/5/10 and 11/02/20)
- (f) **Temporary signs:** Temporary signs shall be allowed subject to the following:
- (1) All temporary signs shall be setback a minimum of ten (10) feet from the back of curb for curbed roadways and ten (10) feet from the edge or gravel or gravel shoulder for uncurbed or gravel roadways;
  - (2) Temporary signs shall not be located within the twenty-five (25) feet clear vision area as provided in Section 16.06.03(b);
  - (3) Prior to the erection or placement of a temporary sign, the permission of the property owner where the sign is to be located must be secured;
  - (4) Temporary signs shall not be illuminated.
  - (5) All temporary signs must be made of durable water resistant materials and shall be well maintained. Frayed, torn, broken or illegible signs will be deemed unmaintained and required to be removed.
  - (6) The dimensional standards and regulations applicable to temporary signs are as follows:

| <b>Within Agricultural Districts, Residential Districts, RPUD, Residential in MUPUD and Neighborhood Street Frontage in TCOB:</b> |   |             |               |                                   |
|---|---|-------------|---------------|-----------------------------------|
| <b>Type</b>   | <b>Number</b>   | <b>Area</b> | <b>Height</b> | <b>Duration</b>                   |
| Temporary Sign(s)   | Not more than five (5) per lot provided there is a minimum separation distance of ten (10) feet between any other temporary sign. | 6 sq. ft.   | 4 ft.         | No more than 45 consecutive days. |
| Extra Temp. Sign(s)   | Not more than two (2) per lot provided there is a minimum separation distance of ten (10) feet between any other temporary sign.  | 32 sq. ft.  | 6 ft.         | No more than 45 consecutive days. |

## GENOA TOWNSHIP ZONING ORDINANCE

| <b>Within Nonresidential Districts, NRPUD, RDPUD, ICPUD, CAPUD, Nonresidential in MUPUD and Grand River, Dorr Road, and Town Center Street Frontage in TCOD:</b> |  |             |               |  |
|--|--|-------------|---------------|--|
| <b>Type</b>  | <b>Number</b>  | <b>Area</b> | <b>Height</b> | <b>Duration</b>                            |
| Temporary Sign(s)  | One (1) sign per lot with one (1) additional sign allowed for each one-hundred (100) linear feet of frontage in excess of the minimum lot width required in the zoning district subject to a minimum separation distance of one hundred (100) feet between any other temporary sign. | 6 sq. ft.   | 4 ft.         | No more than 45 consecutive days per year. |
| Extra Temp. Sign(s)  | Not more than two (2) per lot provided there is a minimum separation distance of one-hundred (100) feet between any other temporary sign.  | 32 sq. ft.  | 6 ft.         | No more than 45 consecutive days per year. |

(as amended 11/02/20)

- (g) **Warning signs:** such as no trespassing, warning of electrical currents or animals provided that such signs do not exceed six (6) square feet. Warning signs shall be allowed within the required setback area provided such signs are not placed within the public street right-of-way and do not obstruct visibility. (as amended 3/5/10 and 11/02/20)
- (h) **Incidental signs:** Incidental signs are permitted within the non-residential districts, but are subject to the setbacks applicable to principal buildings for the zoning district and shall not exceed two (2) square feet in size. (as amended 11/02/20)

**Sec. 16.04 PROHIBITED SIGNS**

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

- 16.04.01 **Vehicle signs.** A vehicle sign may only be parked or placed when located in compliance with the setbacks applicable to principle buildings only when it is determined that there are no other options for placement on the premises and that the vehicle is located in the least visible location as seen from the public road right of way. (as amended 11/02/20)
- 16.04.02 **String/Rope lights.** Exterior string and/or rope lights shall be prohibited, other than holiday decorations which comply with Section 16.02.20(b). (as amended 11/02/20)
- 16.04.03 **Signs in right-of-way.** With the exception of signs placed by the Michigan Department of Transportation or Livingston County Road Commission, non-regulatory signs placed in any public right-of-way, including those attached to a utility pole or affixed to a tree shall be prohibited. No sign in any zoning district shall be erected or placed in the public right-of-way except for the regulatory, directional, and street signs erected by a public agency, street address signs, and temporary signs as expressly authorized by Section 16.03.02(d), 16.03.02(e) and 16.03.02(f) of this Ordinance. The Township retains the right to remove any signs found to be in violation of this section. (as amended 12/17/10 and 11/02/20)
- 16.04.04 **Pole signs.** Pole signs shall be prohibited.

GENOA TOWNSHIP ZONING ORDINANCE

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- 16.04.05 **Portable signs.** Portable signs shall be prohibited except a permit may be issued to allow an establishment to use a portable sign only one time and after it has opened at the location or have new owners for a period not to exceed fourteen (14) days subject to the setbacks in Section 16.06.03. (as amended 11/02/20)
- 16.04.06 **Roof signs.** Roof signs shall be prohibited.
- 16.04.07 **Moving.** Signs having moving members, or parts or emitting a sound shall be prohibited.
- 16.04.08 **Lights.** Signs using high intensity lights or flashing lights, spinners or animated devices; neon signs in agricultural or residential districts shall be prohibited.
- 16.04.09 **Obstruct vision.** Signs that obstruct vision or impair the vision of motorists or non-motorized travelers at any intersection, driveway, within a parking lot or loading area shall be prohibited. No sign in any zoning district shall be erected or placed in the public right-of-way except as may otherwise be expressly authorized by this Ordinance. The Township retains the right to remove any signs found to be in violation of this section. (as amended 12/17/10)
- 16.04.10 **Emergency or traffic.** Signs that simulate or could in any way be confused with the lighting of emergency vehicles or traffic signals shall be prohibited.
- 16.04.11 **On Towers.** Any type of signage including logos shall not be permitted on a public or private radio, television, cellular phone, or water towers with the exception of the name of the municipality, or the name of the person or entity that conveyed the property or granted an easement to the Township or the Utility Authority upon which the tower is located. (as amended 11/02/20)
- 16.04.12 **Costumed people.** Any person dressed with a business logo or as a representation of a business or establishment logo/mascot for the purpose of drawing attention and advertising that business or establishment. (as amended 12/31/06 and 11/02/20)
- 16.04.13 **Exceeding size limits.** Any sign that exceeds the height or area limits of this article shall be prohibited. (as amended 3/5/10)
- 16.04.14 **Vacant land.** Signs on vacant land shall be prohibited except for temporary signs as provided in Section 6.02.03(f). (as amended 11/02/20)

**Sec. 16.05 REQUIRED ADDRESS SIGN**

All residences and non-residential buildings shall have an address sign which is clearly visible from the adjacent street and shall comply with the requirements of the Fire Authority if applicable. (as amended 11/02/20)

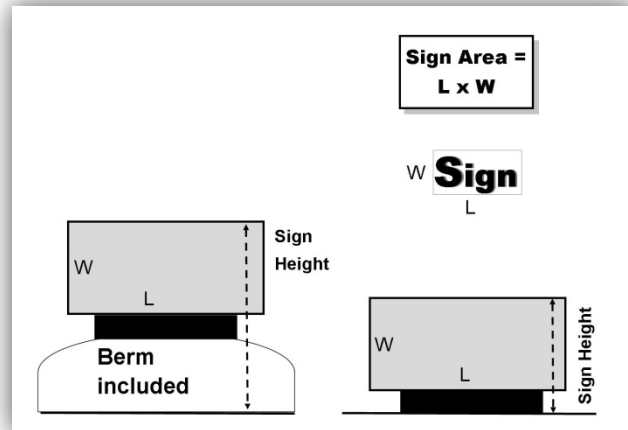
**Sec. 16.06 GENERAL STANDARDS FOR PERMITTED SIGNS**

Signs may be permitted subject to the requirements of this section; provided that no such sign shall be erected or altered until a permit has been issued unless otherwise provided for in section 16.03.02.

## GENOA TOWNSHIP ZONING ORDINANCE

16.06.01 **Measurement of sign area:**

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



- (b) Where a sign has two or more faces, the area of only the larger face shall be considered when calculating maximum size, provided all faces are part of the same structure, back-to-back, contain the same message and are separated by no more than two (2) feet.
- (c) The wall sign area square footage shall be determined by enclosing the portion of the wall which contains a message, lettering, symbol and/or logo within a parallelogram or rectangle. Signs placed on awnings and canopies shall also be counted towards the allowable wall sign area. (as amended 11/02/20)

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

16.06.03 **Sign setbacks:**

- (a) All signs, unless otherwise provided for, shall be setback a minimum of ten (10) feet from any public street right-of-way or property line. This distance shall be measured from the nearest edge of the sign, measured at a vertical line perpendicular to the ground to the right-of-way.
- (b) In order to ensure adequate sight distance for motorists, bicyclists and pedestrians, a minimum clear vision area shall be maintained within a triangular area measured twenty-five (25) feet back from intersections of public and/or private road right-of-way lines. Greater clear vision areas may be required by the Michigan Department of Transportation or the Livingston County Road Commission in particular areas. Furthermore, signs shall not be permitted where they obstruct motorist vision of regulatory signs, traffic control devices or street signs. (as amended 11/02/20)

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

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

- (a) Signs shall be illuminated only by steady, stationary shielded light sources directed solely at the sign, or internal to it.
- (b) Use of glaring undiffused lights or bulbs shall be prohibited. Lights shall be shaded so as not to project onto adjoining properties or thoroughfares.
- (c) Sign illumination that could distract motorists or otherwise create a traffic hazard shall be prohibited.
- (d) Illumination by bare bulbs or flames is prohibited.
- (e) Underground wiring shall be required for all illuminated signs not attached to a building.
- (f) Electronic message signs may be permitted subject to Section 16.07.03. (as amended 12/17/10 and 11/02/20)

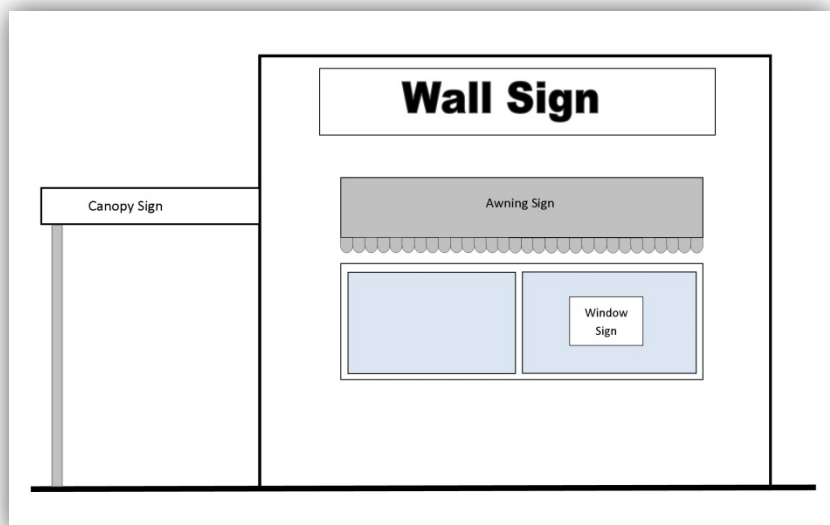
16.06.06 **Construction and maintenance:** Every sign shall be constructed and maintained in a manner consistent with the building code provisions and maintained in good structural condition at all times. All signs shall be kept neatly painted, stained, sealed or preserved including all metal parts and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

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

#### Sec. 16.07 SPECIFIC SIGN STANDARDS

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

16.07.01 **Awning signs:** Awning signs shall be fully adhered to the face of the



## GENOA TOWNSHIP ZONING ORDINANCE

- awning which may project a maximum of six (6) feet from the edge of the building, measured horizontally parallel to the ground. Any sign area on the awning shall be included in calculations of maximum wall sign square footage. (as amended 11/02/20)
- 16.07.02 **Canopy signs:** Canopy signs shall not project vertically above or below the front fascia of the canopy by more than eighteen (18) inches and shall not project beyond or overhang the fascia horizontally by more than one (1) foot. Canopy signs shall not project above the roof or parapet of the building and conduit, raceways and wiring shall not be exposed. Any sign area on the canopy shall be included in calculations of maximum wall sign square footage. (as amended 12/31/06 and 11/02/20)
- 16.07.03 **Changeable message signs:** Changeable message signs shall be permitted on any non-residential sign, subject to the following regulations:
- (a) Only one changeable message sign shall be permitted per establishment. Changeable message signs shall only be part of one of the following types of conforming signs and shall be subject to the area, height, and placement requirements for that sign:
    - (1) A monument sign; or
    - (2) A window sign.
  - (b) Changeable message signs may not be added to a nonconforming sign.
  - (c) The changeable message portion of a monument sign shall not exceed one-third (1/3) of the sign area and the remainder of the sign shall be of a permanent character.
  - (d) Changeable message signs affixed or hung in a window shall be limited to one (1) per establishment or two (2) for establishments in corner units or lots and shall be a maximum of two (2) square feet in area. (as amended 11/02/20)  
(as amended 11/02/20)
- 16.07.04 **Electronic Message Sign (EMS):** Electronic message signs shall meet all of the requirements for changeable message signs in Section 16.07.02 above, in addition to following requirements below:
- (a) Electronic message signs shall not exceed the following illuminative brightness:

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

- (b) The message on an electronic message sign may change a maximum of four (4) times per hour, except for time or temperature displays. At all other times the sign message and background must remain constant. If the sign is within 300 feet of a residential use or zoning district, the message shall remain static from dusk until dawn.
- (c) The lettering and/or message components being displayed at any given time shall not change, flash or fade to another color. The electronic message sign shall have a default

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design that will freeze the sign in a dark or blank position if a malfunction occurs. (as amended 11/02/20)

- (d) Electronic message signs shall not contain any moving, blinking, flashing, scrolling or animated parts nor have the appearance of having any movement or animation. Only static messages shall be displayed.
- (e) Electronic message signs shall be located with a minimum separation distance of one hundred fifty (150) feet from any other electronic message sign.
- (f) Electronic message signs shall only be permitted in non-residential zoning districts. (as amended 12/17/10)
- (g) A non-glare panel or equivalent to substantially reduce glare shall be installed to cover the electronic message sign display. (as amended 11/02/20)
- (h) All permitted electronic message signs shall be equipped with a sensor or other device that automatically determines the ambient illumination and is programmed to automatically dim according to ambient light conditions. (as amended 11/02/20)
- (i) A written certification from a sign manufacturer or other approved testing agency that the light intensity has been preset to conform to the brightness and display standards established herein and that the preset levels are protected from end user manipulation by password protected software or other method. (as amended 11/02/20)
- (j) The owner or controller of any electronic message sign must adjust the sign to meet the brightness standards established herein and that any necessary adjustments must be made immediately upon notice of non-compliance from the Township. (as amended 11/02/20)

- 16.07.05 **Directional signs:** No more than one (1) directional sign shall be permitted per approved driveway, with a maximum sign area of four (4) square feet per sign, and a maximum height of three (3) feet. Any area of a directional sign that includes an establishments name, symbol or logo shall be calculated as part of the allowable monument sign square footage, as specified in table 16.1. (as amended 11/02/20)
- 16.07.06 **Menu board:** Up to two (2) menu board signs shall be permitted per drive-through order lane. Each menu board shall be a maximum of twenty (20) square feet. Menu board sign(s) shall not be located in the front yard. (as amended 12/17/10 and 11/02/20)
- 16.07.07 **Monument signs:** A minimum setback of ten (10) feet shall be provided from the right-of-way, when located to ensure adequate sight distance for motorists. Dimensional standards for monument signs are given in table 16.1.
- 16.07.08 **Municipal and non-profit organization signs:** Local government, church, school, museum, library, public park or other non-profit institution permanent signs shall comply with the standards provided for the Neighborhood Services District in table 16.1 (as amended 12/17/10 and 11/02/20)
- 16.07.09 **Rental office directional signs:** Up to two (2) signs identifying or directing motorists to a rental or management office in a multiple family development, provided that such signs are a maximum of four (4) feet in height, are setback a minimum of fifteen (15) feet from any



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- property line or public right-of-way, and do not exceed three (3) square feet in area. (as amended 11/02/20)
- 16.07.10 **Residential community or development identification signs:** One permanent sign per driveway which does not exceed thirty-six (36) square feet in area and a maximum height of six (6) feet identifying developments such as a college, a subdivision, an apartment complex, condominium communities, senior housing complexes, mobile home parks and similar uses. (as amended 11/02/20)
- 16.07.11 **Wall signs:** Signs shall not project beyond or overhang the wall or any permanent architectural feature by more than one (1) foot and shall not project above the roof or parapet. (as amended 12/17/10)
- 16.07.12 **Window signs:** Window signs shall be permitted to occupy no more than twenty five (25%) of the window area on which they are displayed except as provided for in 16.07.02(d). The window area is calculated as the glazing area of the surface of the window, including windowpane dividers such as grilles, muntins, grids, mullions or similar. In no case shall any individual window sign be more than two hundred (200) square feet and the combined area of all window signs shall not exceed five hundred (500) square feet. (as amended 12/17/10 and 11/02/20)

**Table 16.1 Sign Dimensional Standards and Regulations**

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

(as amended 11/02/20)

**Footnotes to Table 16.1:**

- (1) One wall sign shall be allowed per establishment with its own public entrance. The sign may be attached to the façade that faces the street or on another façade where the establishment provides a public entrance; in either case, however, the sign may only be attached to a portion of the



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- building that is occupied by the establishment. For a multi-tenant office building with common entrances, one (1) building identification sign shall be allowed. (as amended 11/02/20)
- (2) The maximum wall sign shall not exceed ten percent (10%) of the facade of the building that the sign is attached to and is occupied by the establishment or one-hundred (100) square feet, per use or establishment whichever is less. The maximum allowable wall sign area may be utilized in the following manner:
    - a. Two wall signs may be permitted for establishments located on a corner or through-lot. One sign, meeting the maximum allowable sign area, shall be permitted on each side of the building that fronts along the public right-of-way, including I-96.
    - b. The Planning Commission shall permit two wall signs for establishments located on a lot which under certain circumstances, where obstructed views and building orientation, require additional visibility. The total collective sign area of the two signs may not exceed one-hundred (100) square feet. (as amended 11/02/20)
    - c. Buildings containing one use or establishment use, as determined by the Planning Commission, the size of the wall sign may be increased up to the maximum square footage given in the following table.
      1. 201 - 400 linear feet of building frontage facing a public street and having a public entrance = 150 square foot maximum wall sign area.
      2. Over 400 linear feet of building frontage facing a public street and having a public entrance = 200 square foot maximum wall sign area.
      3. The maximum wall sign can be increased by up to twenty percent (20%) if required number or size of landscape materials is exceeded by at least twenty percent (20%).  
(as amended 11/02/20)
  - (3) For buildings or lots having frontage and vehicular access along a second public street, frontage along I-96, or for a business/retail shopping center, office center, or industrial park with a combined gross floor area over 60,000 square feet, a second sign or a larger sign shall be permitted by the Planning Commission provided that the total sign area does not increase the maximum signs square footage listed for that district in the table above by more than fifty percent (50%). The Planning commission shall also approve one (1) additional monument sign for each outlot with at least one hundred (100) feet of public street frontage provided the site provides shared access. (as amended 11/02/20)
  - (4) Any logo or business/establishment identification on any directional sign or any logo or business/establishment identification area on a second sign at any driveway shall be included when calculating maximum sign area. (as amended 11/02/20)
  - (5) A ten (10) percent increase in the maximum permitted monument sign area is permitted if extensive landscaping and a decorative brick base consistent with the materials of the principal building are provided.
  - (6) Refer to Section 16.07.09 for residential identification signs.
  - (7) PUD District development agreements may provide for specific sign standards.

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Sec. 16.08 **VALIDITY AND SEVERABILITY CLAUSE**

This Article and the various components, sections, subsections, sentences and phrases are hereby declared to be severable. If any court of competent jurisdiction shall declare any part of this Ordinance to be unconstitutional or invalid, such ruling shall not affect any other provisions of this Ordinance not specifically included in said ruling. Further, if any court of competent jurisdiction shall declare unconstitutional or invalid the application of any provision of this Article to a particular parcel, lot, use, building or structure, such ruling shall not affect the application of said provision to any other parcel, lot, use, building or structure not specifically included in said ruling. (as amended 11/02/20)

(as amended 12/31/06, 08/24/07, 03/05/10, and 11/02/20)

# EXHIBIT 5

**Sec. 3.03 PERMITTED AND SPECIAL LAND USES**

**3.03.01 List of Uses:** In the residential districts, land, buildings and structures shall be used only for one or more of the following uses. Land and/or buildings in the districts indicated at the top of Table 3.03 may be used for the purposes denoted by a “P” in the column below by right. Land and/or buildings in the districts indicated at the top of Table 3.03 may be used for the purposes denoted by “S” after special land use approval in accordance with the general and specific standards of Article 19 Special Land Uses. A notation of “- -” indicates that the use is not permitted within the district. The “Req.” column indicates additional requirements or conditions applicable to the use.

| <b>Table 3.03<br/>Schedule of Residential Uses</b>   |           |           |           |            |           |           |            |            |            |             |
|--|-----------|-----------|-----------|------------|-----------|-----------|------------|------------|------------|-------------|
|  | <b>AG</b> | <b>CE</b> | <b>RR</b> | <b>LDR</b> | <b>SR</b> | <b>UR</b> | <b>LRR</b> | <b>MDR</b> | <b>HDR</b> | <b>Req.</b> |
| <b>Residential Dwellings</b>   |           |           |           |            |           |           |            |            |            |             |
| Single family detached dwellings   | P         | P         | P         | P          | P         | P         | P          | P          | P          | 11.03       |
| Two family duplex dwellings  | - -       | - -       | - -       | - -        | - -       | P         | - -        | P          | P          | 11.03       |
| Townhouses, row houses, and similar attached dwellings with individual entrances and garages   | - -       | - -       | - -       | - -        | - -       | - -       | - -        | P          | P          |             |
| Multiple-family dwellings, including apartments with up to 24 units in a building, terrace residences and other types of multiple family uses                      | - -       | - -       | - -       | - -        | - -       | - -       | - -        | - -        | P          |             |
| Housing for the elderly, including interim care units, extended care units, congregate care and nursing care   | - -       | - -       | - -       | - -        | - -       | - -       | - -        | P          | P          |             |
| A second single family home or dwelling unit on a site of at least forty (40) acres for use by members of the immediate family or employees of the farm operation  | S         | - -       | - -       | - -        | - -       | - -       | - -        | - -        | - -        |             |
| <b>Accessory Uses</b>  |           |           |           |            |           |           |            |            |            |             |
| Accessory home occupations   | P         | P         | P         | P          | P         | P         | P          | P          | P          | 3.03.02(a)  |
| Accessory uses, buildings and structures customarily incidental to any permitted use   | P         | P         | P         | P          | P         | P         | P          | P          | P          | 11.04       |
| Bed and breakfast inns   | S         | S         | S         | S          | S         | S         | - -        | - -        | - -        | 3.03.02(b)  |
| Keeping of pets  | P         | P         | P         | P          | P         | P         | P          | P          | P          | 3.03.02(g)  |
| <b>Agricultural Uses</b>   |           |           |           |            |           |           |            |            |            |             |
| Farms  | P         | P         | - -       | - -        | - -       | - -       | - -        | - -        | - -        | 3.03.02(c)  |
| Tree and sod farms, greenhouses, nurseries, and similar horticultural enterprises without sales on the premises, however, Christmas tree sales shall be permitted. | P         | P         | - -       | - -        | - -       | - -       | - -        | - -        | - -        |             |
| Storing, packaging and processing of farm produce  | P         | P         | - -       | - -        | - -       | - -       | - -        | - -        | - -        | 3.03.02(d)  |
| Accessory farm labor housing   | P         | - -       | - -       | - -        | - -       | - -       | - -        | - -        | - -        | 3.03.02(e)  |
| Accessory roadside stands and commercial cider mills selling only produce grown on the premises  | P         | P         | - -       | - -        | - -       | - -       | - -        | - -        | - -        | 3.03.02(f)  |
| Accessory roadside stands and commercial cider mills selling produce not grown on the premises   | S         | S         | - -       | - -        | - -       | - -       | - -        | - -        | - -        | 3.03.02(f)  |

**Table 3.03**  
**Schedule of Residential Uses**

|  | AG | CE | RR | LDR | SR | UR | LRR | MDR | HDR | Req.       |
|--|----|----|----|-----|----|----|-----|-----|-----|------------|
| Pet cemetery   | P  | -- | -- | --  | -- | -- | --  | --  | --  |            |
| Accessory keeping of horses, ponies, and other equine and livestock  | P  | P  | P  | --  | -- | -- | --  | --  | --  | 3.03.02(g) |
| Commercial stables   | S  | S  | -- | --  | -- | -- | --  | --  | --  | 3.03.02(h) |
| Commercial kennels   | S  | S  | -- | --  | -- | -- | --  | --  | --  | 3.03.02(i) |
| Composting operations and centers  | S  | -- | -- | --  | -- | -- | --  | --  | --  |            |
| Intensive livestock operation  | S  | -- | -- | --  | -- | -- | --  | --  | --  |            |
| <b>Residential Care</b>  |    |    |    |     |    |    |     |     |     |            |
| Adult foster care family home (6 or fewer adults)  | P  | P  | P  | P   | P  | P  | P   | P   | P   |            |
| Adult foster care small group home (12 or fewer adults)  | S  | S  | S  | S   | S  | S  | S   | S   | S   | 3.03.02(j) |
| Adult foster care large group home (13 to 20 adults)   | -- | -- | -- | --  | -- | -- | --  | S   | S   | 3.03.02(j) |
| Foster family home (6 or fewer children 24 hours per day)  | P  | P  | P  | P   | P  | P  | P   | P   | P   |            |
| Family day care home (6 or fewer children less than 24 hours per day)  | P  | P  | P  | P   | P  | P  | P   | P   | P   |            |
| Group day care home (7 to 12 children less than 24 hours per day)  | S  | S  | S  | S   | S  | S  | S   | P   | P   | 3.03.02(k) |
| Child care centers, preschools and commercial day care   | -- | -- | -- | --  | -- | -- | --  | S   | S   | 3.03.02(k) |
| <b>Institutional Uses</b>  |    |    |    |     |    |    |     |     |     |            |
| Churches, temples and similar places of worship  | S  | S  | S  | S   | S  | S  | S   | S   | S   | 3.03.02(l) |
| Elementary schools, public, private or parochial, including latch-key and other accessory programs   | S  | S  | S  | S   | S  | S  | S   | S   | S   |            |
| Essential public services  | P  | P  | P  | P   | P  | P  | P   | P   | P   |            |
| Essential public service/utility buildings, telephone exchange buildings, electric transformer stations and substations and gas regulator stations when operational requirements necessitate their being located in the district to serve the immediate vicinity | S  | S  | S  | S   | S  | S  | S   | S   | S   |            |
| Public buildings and uses such as fire stations and libraries, but not including publicly owned and operated warehouses, garages or storage yards  | -- | -- | S  | S   | S  | S  | S   | S   | S   |            |
| Underground pipeline storage   | S  | S  | -- | --  | -- | -- | --  | --  | --  | 3.03.02(m) |
| <b>Recreational Uses</b>   |    |    |    |     |    |    |     |     |     |            |
| Golf courses without driving ranges  | S  | S  | S  | S   | S  | S  | S   | S   | S   | 3.03.02(n) |
| Publicly owned parks, parkways, scenic and recreational areas, and other public open space   | P  | P  | P  | P   | P  | P  | P   | P   | P   |            |
| Private non-commercial parks, nature preserves and recreational areas owned and maintained by home-owners association  | P  | P  | P  | P   | P  | P  | P   | P   | P   |            |