



Zoning Ordinance changes/revisions being considered at the January 10, 2017 Public Hearing

The following are references to the Sections of the Negaunee Township Zoning Ordinance that are being reviewed.

- Section 402 C. Parcels located in R-1, R-2, R-3, RB and F zones greater than 5 acres **The following standards set forth in Table 4.2-4 apply to accessory buildings that serve single-family dwellings and duplexes which are on parcels larger than 5 acres:**
 - Table 4.2-4 should allow for up to five (5) detached accessory buildings, not two (2). This is an error in adopting accessory structure regulations based on information and supporting documents from the Public Hearing at which these regulations were formally adopted dated April 7th, 2015.

Table 4.2-4	Accessory building
Maximum combined principal structure AND accessory storage size/area	Total square footage not to exceed 10% of parcel size.
Number allowed	2 detached accessory buildings
Maximum height	30 feet
Minimum front yard building setback	25 feet; 50 feet in Access Management areas
Minimum side yard building setback	
Rear	10 feet
Interior side	10 feet
Corner side	Behind established building line of principal structure
Minimum setback from any other building or structure on the lot	10 feet

- Section 606 Application Review, Approval or Rejection and Right to Appeal A. The private road shall be reviewed as part of the review of the development proposal served by the proposed road. Said review may be conducted as part of a site plan review process,

or at the applicant's discretion, separately if no other development approvals from the Township are needed. B. If the private road plans are approved by the Planning Commission, the Zoning Administrator will issue construction authorization. One copy of the approved plan shall be returned to the applicant. If the application is rejected, the reasons for the rejection and any requirements for approval shall be given in writing to the applicant. C. If any of the applicable conditions as outlined in this Ordinance are not met or there is information missing from the application, the Township Zoning Administrator may deny the Private Road Permit application. D. If the applicant feels that the Township Zoning Administrator has erred in his or her interpretation of this Ordinance, the applicant may file an administrative appeal with the Negaunee Township Board within thirty (30) days of the denial. If the applicant feels that the denial of the Private Road permit creates an undue hardship, the applicant may request a variance from the Negaunee Township Planning Commission pursuant to standards for a variance as set forth in the Negaunee Township Zoning Ordinance.

- In the case of appealing an administrative decision, the appeal would be filed with the Zoning Board of Appeals, not the Planning Commission.
- Section 703 Application and Modification Powers A. The applicant shall submit an application to the Planning Commission in accordance with the procedures in Section 604 through Section 607.
 - This reference should direct the reader to Section 704 through Section 707. These sections outline the procedure for PUD Applications.
- Section 1005 G5 a): The impact on other identifiable health, safety, and welfare interests in Negaunee Township including, but not limited to: a) Hours of Operation i. Hours of Operation: Natural resource extraction facilities shall operate only between the hours of 7:00 a.m. and 5:30 p.m., Monday through Friday. No weekend or holiday operations will be allowed. Holidays are New Year's Day, Good Friday, Easter, Memorial Day, July 4th, Labor Day, Thanksgiving and Christmas. When New Year's Day, July 4 th , Easter or Christmas fall on a Sunday the following Monday shall be considered the holiday. When New Year's Day, July 4 th or Christmas fall on a Saturday the preceding Friday shall be considered the holiday; ii. Operators are allowed extensions to the hours of operation for emergencies only. Operators must notify the Township Zoning Administrator or the Township Supervisor in advance of the proposed exception; iii. The Township Board must approve other exceptions to the hours of operation, such as weekend operation, government agency contracts and other evening work.
 - The Zoning Board of Appeals would review cases for exceptions to hours of operations, not the Township Board.
- Section 1005 G5 c) Air Quality/Dust Control i. Owner/operators will be responsible for dust control on all gravel roads utilized by trucks hauling within the permitted mineral extraction facility. Dust control will be required when conditions warrant it and the number of one-way truck trips from the natural resource extraction facility exceed three (3) per hour. The Township reserves the right to require dust control on any haul route within the Township or those bordering the Township; ii. An owner/operator shall sufficiently prevent or cleanup carryout and trackout on paved public roads or the paved

shoulders of a paved public road. The use of blower devices, or dry rotary brushes or brooms for removal of carryout and trackout on public roads is expressly prohibited. Flushing with water may be utilized if curbs or gutters are not present and where the use of water will not result as a source of trackout material or result in adverse impacts on storm water drainage systems or violate any National Pollutant Discharge Elimination System permit program. Trackout-control devices are highly encouraged. iii. The Township shall require dust control in a facility when it is determined that airborne dust from extraction areas, processing activities, stockpiles or internal roadways exceeds opacity of 15% and/or creates a public nuisance or otherwise adversely impacts surrounding lands. Remedies to dust control may include watering, berming, landscaping and enclosures for processing equipment, and any other means deemed necessary by the Township Board;

- The Planning Commission would be the decision making body for any other means to control dust, not the Township Board.
- Section 1102 Class A Nonconforming Uses and Structures A. Class A nonconforming uses and structures are those which have been designated by the Planning Commission, after application by any interested person or the Zoning Administrator. The Planning Commission shall find that the continuance would not be contrary to the public health, safety, and general welfare, or to the spirit of this Ordinance; that the use or structure does not and is not likely to significantly depress the value of nearby properties; that the use or structure was lawful at the time of its inception; that it meets the standards set out in Section 1004 of this Ordinance; and that no useful purpose would be served by strict application of the provisions or requirements of this Ordinance with which the use or structure does not conform.
 - This reference should direct the reader to Section 1104 Provisions for Class A Nonconforming Uses and Structures.