

NEGAUNEE TOWNSHIP

ZONING ORDINANCE

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NEGAUNEE TOWNSHIP ZONING ORDINANCE
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ARTICLE I PURPOSE OF ZONING

THE TOWNSHIP OF NEGAUNEE HEREBY ORDAINS:

An Ordinance to establish zoning districts and regulations governing the development and use of land within Negaunee Township, in accordance with the provisions of Act 110 of 2006, as amended; to provide for regulations governing nonconforming uses and structures; to provide for a Zoning Board of Appeals and for its powers and duties; to provide for permits, fees, penalties and other administrative provisions to enforce this Ordinance; and to provide for regulations regarding conflicts with other ordinances or regulations.

Section 101 Purpose

- A. Pursuant to the authority conferred by the Public Acts of the State of Michigan, this Ordinance has been established for the purpose of:
1. Promoting and protecting the public health, safety, and general welfare;
 2. Protecting and conserving the character and social and economic stability of the residential, commercial, industrial and other use areas;
 3. Securing the most appropriate use of land;
 4. Protecting the character and stability of the Township's valuable natural resources-its inland lakes and forests;
 5. Promoting the orderly and beneficial development of residential and non-residential areas within Negaunee Township;
 6. Regulating the intensity of use of land and lot areas and determining the area of open spaces surrounding buildings and structures necessary to provide adequate light, air, access and privacy to protect the public health;
 7. Lessening and avoiding congestion or other traffic related problems on the public highways and roads;
 8. Providing for the needs of forest resource production, housing, and commerce for future growth;
 9. Protecting the public and adjacent uses from fire, explosion, noxious fumes or odors, excessive heat, dust, smoke, glare, noise, vibration, radioactivity, and other health and safety hazards;
 10. Preventing the overcrowding of land and undue concentration of buildings and structures so far as possible and appropriate in each zoning district by regulating the use and bulk of buildings in relation to the land surrounding them;
 11. Enhancing social and economic stability in the Township;
 12. Conserving the taxable value of land, buildings and structures in the Township;
 13. Enhancing the aesthetic desirability of the environment throughout the Township;

14. Conserving the expenditure of funds for public improvements and services to conform with the most advantageous uses of land;
15. Facilitating adequate and economical provision of transportation, water, sewers, schools, recreation and other public requirements.

Section 102 Short Title

- A. This Ordinance shall be known and may be cited as the Negaunee Township Zoning Ordinance of the Township of Negaunee, County of Marquette, Michigan.

ARTICLE II DEFINITIONS

Section 201 Construction of Language

- A. The following rules of construction shall apply to the text of this Ordinance:
1. All words and phrases shall be construed and understood according to the common and approved usage of the language; but technical words and phrases that have a peculiar and appropriate meaning in the law, shall be construed and understood according to such peculiar and appropriate meaning.
 2. The particular shall control the general.
 3. In case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
 4. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
 5. The word "use" includes the words structures and buildings associated with such use.
 6. When not inconsistent with the context, words in the present tense shall include the future and words in the singular number shall include the plural.
 7. The word "building" includes the word "structure," and the word "dwelling" includes the word "residence." A "building" or "dwelling" includes any part thereof.
 8. The words "used" or "occupied" include the words "intended," "designed," or "arranged" to be used or occupied.
 9. The word "person" includes any firm, association, organization, partnership, trust, corporation, or similar entity, as well as an individual.
 10. The word "lot" includes the words "plot" and "parcel."
 11. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and," "or," "either . . . or," the conjunction shall be interpreted as follows:
 - a) "And" indicates that all connected items, conditions, provisions, or events shall apply.
 - b) "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
 - c) "Either . . . Or" indicates that the connected items, conditions, provisions, or events shall apply singly but not in combination.
 12. Words in the singular number shall include the plural number and words in the plural number shall include the singular number. The masculine gender shall include the feminine and the feminine gender shall include the masculine.
 13. Whenever a reference is made to several sections and the section numbers are connected by the word "to," the reference includes both sections whose numbers are given and all intervening sections.

Section 202 Definitions

- A. For the purpose of this Ordinance words pertaining to access, building, property, land use, building use, building measurement, and enforcement shall have the following meaning:
1. AASHTO: Abbreviation of the American Association of State Highway and Transportation Officials, which conducts research and publishes many national road and non-motorized standards.
 2. Acceleration Lane: A speed-changing lane, including taper, for the purpose of enabling a vehicle entering the roadway to increase its speed to a rate at which it can safely merge with through traffic.
 3. Access: A way or means of approach to provide vehicular or pedestrian entrance or exit to a property from an abutting property or a public roadway.
 4. Access Connection: Any driveway, street, road turnout or other means of providing for the movement of vehicles to or from the public road system or between abutting
 5. Access Management: The process of providing and managing reasonable access to land development while preserving the flow of traffic in terms of safety, capacity, and speed on the abutting roadway system.
 6. Access Management Plan: A plan establishing the preferred location and design of access for properties along a roadway or the roadways in a community.
 7. Access Point:
 - a) The connection of a driveway at the right-of-way line to a road.
 - b) A new road, driveway, shared access or service drive.
 8. Accessory Building: A building or structure customarily incidental and subordinate to the principal structure and located on the same lot as the principal building.
 9. Accessory Use: A use customarily incidental and subordinate to the principal use of the land or building and located on the same lot as the principal use.
 10. ADT: The annual average two-way daily traffic volume. It represents the total annual traffic for the year, divided by 365. (Where annual data is not available, data from a shorter period may sometimes be used).
 11. Adult Foster Care Small Group Home: A private home with the approved capacity to receive 12 or fewer adults who are provided supervision, personal care, and protection in addition to room and board, for 24 hours a day, five or more days a week, and for two or more consecutive weeks for compensation. (Adult Foster Care Licensing Act, P.A. 218 of 1979)
 12. Adult Foster Care Large Group Home: A private home with approved capacity to receive at least 13 but not more than 20 adults to be provided supervision, personal care, and protection in addition to room and board, for 24 hours a day, five or more days a week, and for two or more consecutive weeks for compensation. (Adult Foster Care Licensing Act, P.A. 218 of 1979)

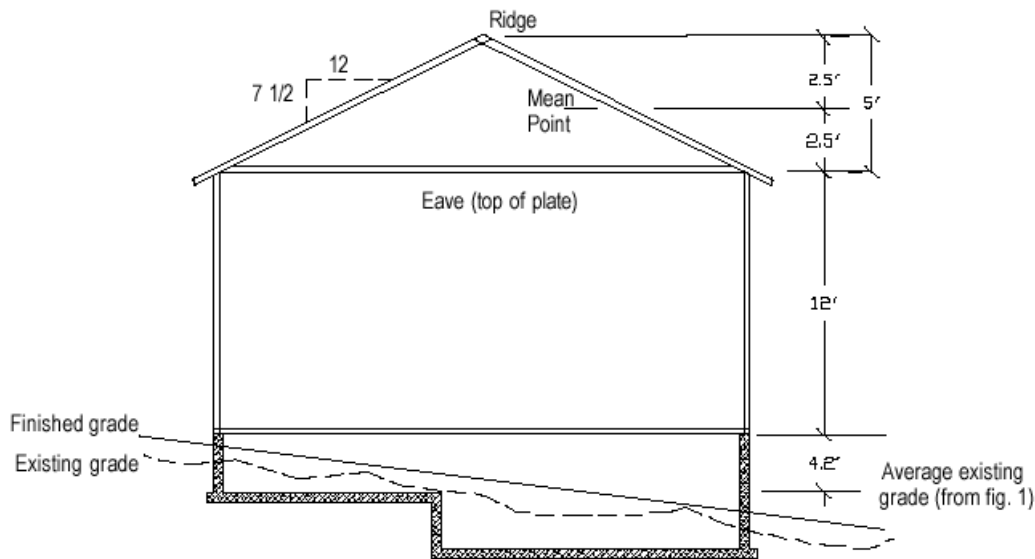
13. Adult Foster Care Family Home: A private home with the approved capacity to receive six or fewer adults to be provided with foster care for five or more days a week and for two or more consecutive weeks. The adult foster care family home licensee must be a member of the household and an occupant of the residence. (Adult Foster Care Licensing Act, P.A. 218 of 1979)
14. Agriculture: The art or science of cultivating the ground, including the harvesting of crops and by extension, the rearing, reproducing and managing of livestock and poultry or other animals upon the ground in fields or pastures or pens.
15. Agricultural Products Stand: A structure which is used seasonally for display and sale of agricultural produce, farm products, flowers, Christmas trees and wreaths and grave blankets.
16. Alley: A public or legally established thoroughfare, other than a street, affording a secondary means of vehicular access to abutting property and not intended for general traffic circulation.
17. Alterations: Any change, addition or modification to a structure or type of occupancy, any change in the structural members of a building, such as walls, or partitions, columns, beams or girders, the consummated act of which may be referred to herein as "altered" or "reconstructed."
18. Alternative Means of Access: A shared driveway, frontage road, rear service drive or connected parking lot.
19. Ambient Sound Level: The amount of background noise at a given location prior to the installation of a WES which may include, but not be limited to, traffic, machinery, lawnmowers, human activity, and the interaction of wind with the landscape. The ambient sound level is defined as the sound pressure level exceeded 90% of the time (L_{90}) and measured on the dB(A) weighted scale (as defined by ANSI).
20. Anemometer: A temporary wind speed indicator constructed for the purpose of analyzing the potential for utilizing a wind energy turbine at a given site. This includes the tower, base plate, anchors, cables and hardware, wind direction vanes, booms to hold equipment, data logger, instrument wiring, and any telemetry devices that are used to monitor or transmit wind speed and wind flow characteristics over a period of time for either instantaneous wind information or to characterize the wind resource at a given location.
21. ANSI: American National Standards Institute.
22. Apartment: A dwelling unit within an apartment building.
23. Apartment Building: A residential structure containing three (3) or more attached one (1) family dwellings.
24. Aquifer: A geological formation, group of formations or part of a formation composed of rock, sand, or gravel capable of storing and yielding groundwater to wells and springs.

25. Area, Sign: The entire area within a circle, triangle, parallelogram or other polygon enclosing the extreme limits of writing, representation, emblem, or any figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background on which it is placed; excluding the necessary support or uprights on which the sign is placed. Where a sign consists solely of lettering or other sign elements printed or mounted on a wall of a building without any distinguishing border, panel, or background, the area of such a sign shall be computed using the dimension of the rectangle which touches the outermost points of the sign. In the case of a two-sided identification sign where both sides are used, only one side shall be considered in calculating the total area.
26. Arterial: *See Road Classification*
27. ASTM: Formerly the American Society for Testing and Materials, it is now known simply as ASTM International.
28. Attached Wireless Facilities: Wireless communication facilities affixed to existing structures, including but not limited to existing buildings, towers, water tanks or utility poles.
29. Automotive Body Work Facility: A premises where the following services may be carried out in a completely enclosed building: collision services such as body, frame or fender straightening and repair; painting and undercoating of automobiles.
30. Automotive Repair Facility: A premises where the following services may be carried out in a completely enclosed building: general repairs, engine rebuilding, rebuilding or reconditioning of motor vehicles.
31. Avian Power Line Interaction Committee (APLIC): The APLIC works in partnership with utilities, resource agencies and the public to develop and provide educational resources, identify and fund research, develop and provide cost-effective management options, and serve as the focal point for avian interaction utility issues.
32. Basement: The portion of a building which is partly, or wholly below grade but so located that the vertical distance from an average grade to the floor is greater than the vertical distance from the average grade to the ceiling. If the vertical distance from an average grade to the ceiling is over five feet, such basement shall be rated as a first story.
33. Bed and Breakfast Establishment: A single family residence structure that meets all of the following criteria:
 - a) Has six or fewer sleeping rooms, including rooms occupied by the inn keeper, one or more of which are available for rent to transient tenants.
 - b) Serves breakfast at no extra cost to its transient tenants.
34. Berm: A man-made, formed, earth mound of definite height and width used for obscuring purposes; the intent of which is to provide a transition between uses of differing intensity.

35. Billboard: Any structure or portion thereof designated or intended to be used for posting, painting, or otherwise affixing any advertising sign, which advertising sign does not pertain to the premises or to the use of premises on which the billboard is located or to goods sold or services rendered or activities conducted on such premises.
36. Block: The property abutting one side of a street and lying between the two nearest intersecting streets (crossing or terminating) or between the nearest such street and railroad right-of-way, unsubdivided acreage, lake, river, stream, or other barrier to the continuity of development.
37. Bluff: An embankment rising sharply from the ground or water's edge.
38. Boathouse: A structure located in or adjacent to the water in which boats are kept.
39. Boat Launch: A facility designed to accommodate the launching of shallow draft watercraft via a ramp extending into a water body. A small courtesy pier for the loading and unloading of passengers, etc. may be located at the ramp. For the purposes of this definition, parking shall be a maximum of ten spaces.
40. Boat Livery: An establishment for the renting of boats, canoes and other similar vessels to the public and may include the sale of gasoline and oil.
41. Boatel: A combination of a motel and marina that is accessible to boats as well as automobiles and may include boat sales and serving facilities, overnight accommodations for transients, eating and drinking facilities.
42. Bottomland: The land area of an inland lake or stream that lies below the ordinary high water mark and that may or may not be covered by water.
43. Breezeway: A covered structure connecting an accessory building with the principal dwelling unit. For purposes of determining yard and area requirements, such buildings shall be considered as one integral unit.
44. Buffer: A strip of land, including any specified type and amount of planting or structures which may be required to protect one type of land use from another, or minimize or eliminate conflicts between them.
45. Building: Any structure, either temporary or permanent, having a roof supported by columns or walls, and intended for the shelter or enclosure of persons, animals, chattels, or property of any kind. (This shall include tents, awnings, or vehicles situated on private property and used for such purposes.)
46. Building Contractor Storage Yard: The storage of building construction material and supplies.
47. Building Height for Principal Building: The vertical distance measured from the established grade of the center of the front of the building to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and ridge for gable, hip and gambrel roofs (Fig. 2.1-1); and the average height between the lowest point and the highest point on a shed roof. Where a building is located on sloping terrain, the height shall be measured from the average ground level of the grade at the building corners (Fig. 2.1-2)

FIGURE 2.1-1

Determining Maximum and Average Allowable Building Height



48. Building Height for Accessory Structure: The vertical distance measured from the lowest ground elevation to the highest point of the structure.
49. Building Line: A line formed by the face of the building.
50. Building, Principal: A building in which is conducted the main or principal use of the lot on which said building is located.
51. Bulletin Board: A sign whose primary purpose is to announce events or other occurrences related to the premises.
52. Business: The occupation or means of a livelihood that occupies the time, attention and labor of persons for the purpose of profit or improvement outside the home.
53. Business Services: Establishments primarily engaged in rendering services to business establishments on a fee or contract basis, such as advertising and mailing; building maintenance; employment services; management and consulting services; protective services; equipment rental and leasing; commercial research; development and testing; photo finishing; and personal supply service.
54. Carport: A partially open structure, intended to shelter one or more vehicles. Such structure shall comply with all yard requirements applicable to private garages.
55. Cemetery: A place for the internment of the dead.
56. Channelized or Channelizing Island: An area within the roadway or a driveway not for vehicular movement; designed to control and direct specific movements of traffic to definite channels. The island may be defined by paint, raised bars, curbs, or other devices.

57. Child Care Facility: A group home, family home or center licensed by the State to provide child care services. A family day-care home with six or less children is considered an accessory use.
58. Church: A building whose primary purpose is the regular assembly for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary purpose.
59. Classification of Roads: *See Road Classification.*
60. Clinic: A place where medical or dental care is furnished to persons on an outpatient basis by two or more licensed health care professionals.
61. Club: An organization of persons for special purposes or for the promulgation of sports, arts, science, literature, politics or similar activities, but not operated for profit and open only to members and not the general public.
62. Collector: *See Road Classification.*
63. Co-Location: The location of two or more wireless communication providers of wireless communication facilities on a common structure, tower, or building, to reduce the overall number of structures required to support wireless communication antennas within the township.
64. Commercial Vehicle: A vehicle licensed as a commercial vehicle registered to do business in the State of Michigan.
65. Conditional Use Permit: A permit issued by the Planning Commission to a person or persons intending to undertake the operation of a use upon land or within a structure or building specifically identified in the affected Zoning District under Conditional Uses Authorized by Permit. These Conditional Uses possess unique characteristics and are found to be not injurious to the health, safety, convenience, and general welfare of the Township's inhabitants.
66. Conflict: A traffic event that causes evasive action by a driver to avoid collision with another vehicle, bicycle or pedestrian.
67. Conflict Point: An area where intersecting traffic either merges, diverges, or crosses.
68. Connected Parking Lot: Two or more parking lots that are connected by cross access.
69. Contamination: An impairment of water quality by chemicals, radionuclides, biologic organisms or other extraneous matter whether or not it affects the potential or intended beneficial use of water.
70. Contiguous Property: Any portion of an individual's lot or property which can be identified as one parcel, including those properties in the same ownership which would otherwise be touching except for a public right- of-way or easement running through them. Property which is joined at a common point is not considered contiguous property.

71. Contractor Yard: An area intended for the storage of materials and equipment used for construction, road building, and forestry operations.
72. Convenience Store: A retail establishment offering for sale prepackaged food products, household items, newspapers and magazines, and sandwiches and other freshly prepared foods, such as salads, for off-site consumption.
73. Corner Clearance: The distance from an intersection of a public or private road or street to the nearest access connection, measured from the center of the driveway pavement to the closest edge of the road pavement.
74. Corridor Overlay Zone: A zoning district that provides special requirements that apply to property in addition to those of the underlying district regulations along portions of a public roadway.
75. County Board: Marquette County Board of Commissioners.
76. Cross Access: A service road or driveway providing vehicular access between two or more contiguous sites so the driver need not enter the public road system.
77. Cross Street: The adjacent intersecting street or road.
78. Deceleration Lane: A speed-change lane, including taper, for the purpose of enabling a vehicle to leave the through traffic lane at a speed equal to or slightly less than the speed of traffic in the through lane and to decelerate to a stop or to execute a slow speed turn.
79. Decibel (dB): The unit of measure used to express the magnitude of sound pressure and sound intensity. Decibels shall be measured on the dB(A) weighted scale as defined by ANSI.
80. Decommissioning: The process of terminating operation and completely removing a WES or WCF and all related buildings, structures, foundations, access roads, and equipment.
81. Designated Consumption Establishment: Means a commercial space that is licensed by the agency and authorized to permit adults 21 years of age and older to consume marihuana products at the location indicated on the state license.
82. Development: The carrying out of any construction, reconstruction, alteration of surface or structure or change of land use or intensity of use.
83. Directional Sign: A sign which gives a name, location, and general nature of a specific establishment or attraction and is intended to give directions to that place.
84. Discharge: Defined as, but not limited to, any spilling, leaking, seeping, pouring, misapplying, emitting, emptying or dumping of any pollutants prohibited by lawful statute or regulation which occurs and which affects surface and ground waters.
85. Divided Driveway: A driveway with a raised median between ingress and egress lanes.
86. Double-faced Sign: An off-premises sign with two adjacent faces oriented in the same direction and not more than 10 feet apart at the nearest point between the two faces.
87. Drainfield: That part of the on-site sewage disposal system that distributes the overflow

of effluent from a septic tank or other sewage treatment facility in an arrangement of absorption trenches, dry wells, or seepage beds below the ground surface, so as to allow the effluent to be absorbed by the surrounding soil.

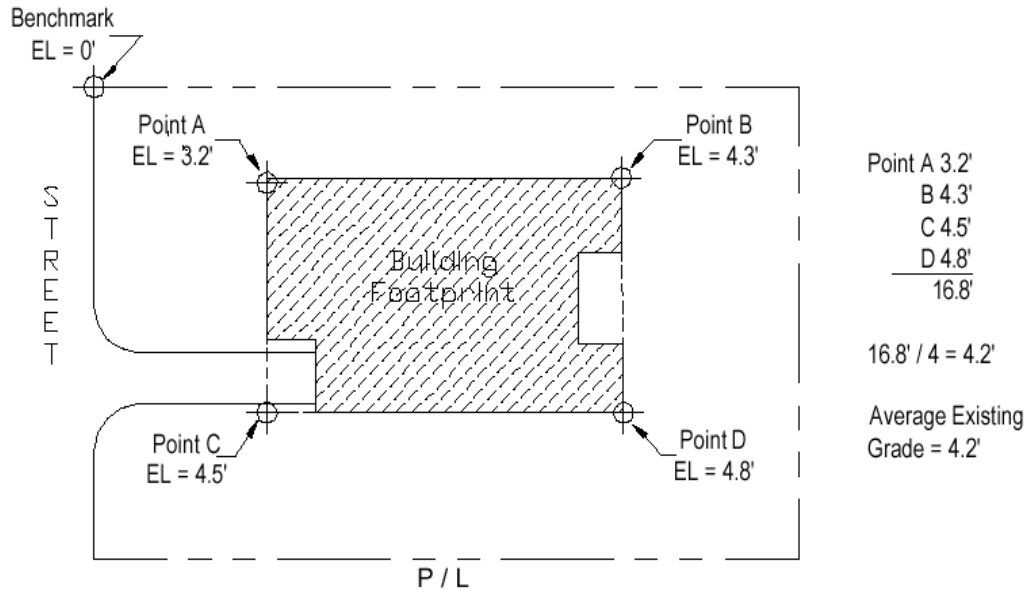
88. Drive-In/ Drive-Thru Restaurant: A business establishment, for the serving of food and/or beverages, with driveways and approaches so developed and designed so as to serve patrons while in the motor vehicle, or permit patron self-service so that consumption within motor vehicles may be facilitated.
89. Driveway: Any entrance or exit used by vehicular traffic to or from land or buildings abutting a road.
90. Driveway Flare: A triangular pavement surface at the intersection of a driveway with a public street or road that facilitates turning movements and is used to replicate the turning radius in areas with curb and gutter construction.
91. Driveway Offset: The distance between measured from the centerline on opposite sides of an undivided roadway.
92. Driveway Return Radius: A circular pavement transition at the intersection of a driveway with a street or road that facilitates turning movements to and from the driveway.
93. Driveway, Shared: A driveway connecting two or more contiguous properties to the public road system.
94. Driveway Spacing: The distance between driveways as measured from the centerline of one driveway to the centerline of the second driveway along the same side of the street or road.
95. Driveway Width: Narrowest width of driveway measured perpendicular to the centerline of the driveway.
96. Dwelling Unit: One or more rooms with bathroom, bedroom, and kitchen facilities designed as a self-contained unit for occupancy by one family for living, cooking and sleeping purposes.
97. Dwelling Unit, Multi-Family: A single structure containing more than two dwelling units each designed for residential occupancy by one family, including condominiums.
98. Dwelling, One-Family: A building designed exclusively for and occupied exclusively by one (1) family.
99. Dwelling, Two Family: A building designed exclusively for occupancy by two (2) families, living independently of each other (also called "duplex").
100. Earth Sheltered Home: A building which is partially or entirely below grade and is designed and intended to be used as a single-family dwelling.
101. Egress: The exit of vehicular traffic from abutting properties to a street or road.
102. Erected: Any physical operations on the premises required for the construction or moving on and includes construction, reconstruction, alteration, building, excavation, fill, drainage, installation of utilities and the like.

103. Essential Services: The erection, construction, alteration, or maintenance by public utilities or municipal departments of underground, surface or overhead gas, communication, telephone, electrical, steam, fuel or water transmission or distribution systems, collections, supply or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar accessories in connection therewith which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general public health, safety, convenience, or welfare, but not including office buildings, substations, or structures which are enclosures or shelters for service equipment or maintenance depots.
104. FAA: Federal Aviation Administration
105. Facility: Something that is built, installed or established for a particular purpose.
106. Family: An individual, or two or more persons related by blood, marriage or adoption, or parents along with their direct lineal descendants, and adopted or foster children, or a group not to exceed three persons not related by blood or marriage, occupying a premises and living as a single cooking, sleeping, and bathroom housekeeping unit. Every additional group of three or less persons living in such housekeeping unit shall be considered a separate family for the purpose of this Ordinance. Said definition shall not apply in instances of group care centers, or state licensed residential facilities as established under P.A. 395 of 1976, as amended.
107. Family Daycare Home: A private home in which one (1) but fewer than seven (7) minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Family day care home includes a home in which care is given to an unrelated minor child for more than four (4) weeks during a calendar year.
108. Farm: A tract of land devoted to agriculture for the purpose of raising crops or animals as a source of income.
109. Farmstead: Farm buildings and the adjacent service areas of a farm, including feedlot, and manure pit.
110. Feasibility of Co-Location: That the wireless communication provider or property owner where co-location is proposed will accept market rent or other market compensation for co-location and the wireless communication provider seeking the facility will pay such rates; the site on which co-location is being considered is able to provide structural support; and the co-location is considered technically reasonable.
111. Feed Lot: The place of confined or concentrated feeding of farm animals which are being fattened for market.
112. Fence: An artificially constructed barrier of wood, metal, stone or any manufactured materials erected for the separation of yard areas.
113. Fence, Obscuring: A structure of definite height and location to serve as an obscuring screen in carrying out the requirements of this Ordinance.

114. Filling: The depositing or dumping of any matter into or onto the ground except common household gardening and general maintenance.
115. Floor Area, Gross: The sum of all gross horizontal areas of the several floors of a building or buildings, measured from the outside dimensions of the structure. Unenclosed porches, courtyards, or patios (whether covered or uncovered), basements, and breezeways shall not be considered as a part of the gross floor area unless used for commercial purposes, such as nursery beds or sales of outdoor equipment.
116. Floor Area, Usable: All ground and non-ground floor area used for, or intended to be used for, the sale of merchandise or services or for use to serve patrons, clients or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, or for utilities, shall be excluded from this computation of "Usable Floor Area." For the purposes of computing parking for the sale of merchandise, display of merchandise, and/or area used to serve patrons or clients shall be measured to determine necessary parking spaces.
117. Floor Area Ratio: An intensity measured as a ratio, derived by dividing the gross floor area of a building(s) by the lot area.
118. Foster Family Group Home: A private home in which more than four but less than seven children, who are not related to an adult member of the household by blood, marriage, or adoption, are provided care for 24 hours a day, for four or more days a week, for two or more consecutive weeks, unattended by a parent or legal guardian. (Child Care Organizations Act, P.A. 116 of 1973)
119. Frontage Road or Front Service Drive: A local street/road or private road typically located in front of principal buildings and parallel to an arterial for service to abutting properties for the purpose of controlling access to the arterial.
120. Functional Classification: A system used to group public roads into classes according to their purpose in moving vehicles and providing access to abutting properties. See Road Classification.
121. Fur Farm: The place of confined keeping, raising, or breeding of animals for the purpose of producing fur or pelts.
122. Garage, Residential: An accessory building, or portion of a principal building, designed or used solely for the noncommercial storage of motor vehicles, boats, and similar items.
123. Garage Sale: The sale of used household items, clothing, crafts and assorted secondhand objects held at a residence. The sale may take place in residential garage, yard, or residence.
124. Gasoline Service Stations: A structure used for the retail sale or supply of fuels, lubricants, air, water and other operating commodities for motor vehicles, and including the customary space and facilities for the installation of such commodities on or in such vehicles, and including space for storage, minor motor repair, or servicing, but not including bumping, painting, refinishing, or conveyor-type car wash operations.

125. Grade: A ground elevation established for the purpose of controlling the number of stories and the height of any structure. The building grade shall be determined by the level of the ground adjacent to the walls of any structure if the finished grade is level. If the ground is not level, the grade shall be determined by averaging the elevation of the ground for each corner of the structure. The average of all corners shall be used to determine the height of a structure (Fig. 2.1-2).

FIGURE 2.1-2 Determining Average Existing Grade



126. Gravel Pit: An open land area where sand, gravel and rock fragments are mined or excavated for sale or off-tract use.
127. Gray Water: All domestic wastewater except toilet discharge water.
128. Greenbelt: A strip of land of definite width and location reserved for the planting of shrubs and/or trees to serve as an obscuring screen or buffer strip in carrying out the requirements of this Ordinance.
129. Greenhouse: A building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale or for personal enjoyment.
130. Group Daycare Home: A private home in which more than six (6) but not more than twelve (12) minor children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Group day care home includes a home in which care is given to an unrelated child for more than four (4) weeks during a calendar year.
131. Grower: A licensee that is a commercial entity located in the state that cultivates, dries, trims, or cures and packages marihuana for sale to a processor or provisioning center.

132. Habitable Buildings: A structure designed and intended as a dwelling unit or a structure used as a commercial establishment for permanent retail sales and/or manufacturing operations.
133. Hazardous Material: Any waste or material which because of its quantity, concentration or physical, chemical or infectious characteristics may:
- a) Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or
 - b) Pose a substantial present or potential hazard to human health or to the environment when improperly treated, stored, transported, disposed of or otherwise managed.
134. Home Occupation: A use or occupation conducted within the main residential dwelling by members of the immediate family residing on the premises and which is clearly incidental and secondary to residential occupancy.
135. Hotel: A structure designed, used, or offered for residential occupancy for any period less than one month, including tourist homes, resorts, lodges, motels and youth camps, but does not include hospitals and nursing homes.
136. Hydrogeologic Study: A study or report generated to determine the groundwater flow conditions beneath the site. The groundwater study shall conform to the current requirements of the Michigan Department of Environmental Quality and to the specific requirements of Negaunee Township.
137. Identification Sign: A sign which pertains to the use of a premises and contains any or all of the following information:
- a) The occupant of the use.
 - b) The address of the use.
 - c) The kind of business and/or the principal commodity sold on the premises.
138. IEC: International Electrotechnical Commission. The IEC is the leading global organization that prepares and publishes international standards for all electrical, electronic and related technologies.
139. Industrial Park: A tract of land 20 acres or more that is planned, developed and operated as an integrated facility for a number of individual industrial uses.
140. Industry: Those fields of economic activity including forestry; fishing; hunting; trapping; mining; construction; manufacturing; transportation; communication; electric, gas, and sanitary services; and wholesale trade.
141. Ingress: The entrance of vehicular traffic to abutting properties from a roadway.
142. ISO: International Organization of Standardization. ISO is a network of the national standards institutes of 156 countries.
143. Intensive Agricultural Activity: The keeping of animal or poultry species, either in pens or buildings where the number of animal or poultry species, equivalent to one (1) animal unit, exceeds one (1) animal unit per acre, and where the following conditions exist:

- a) Animals have been, are, or will be, stabled or confined and fed or maintained for a total of forty-five (45) days, or more, in any twelve (12) month period.
- b) Crops, vegetation forage growth or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility.

An animal unit is a unit of measurement for determining the number of domestic animals or poultry permitted in a district and calculated by multiplying the actual number of animals or poultry by their applicable animal equivalent unit(s) as shown in the table below. Generally, animal units shall not exceed 1.0 per acre of land directly devoted to the raising and keeping of the animals. For purposes of this ordinance, the following equivalent animal units shall be used:

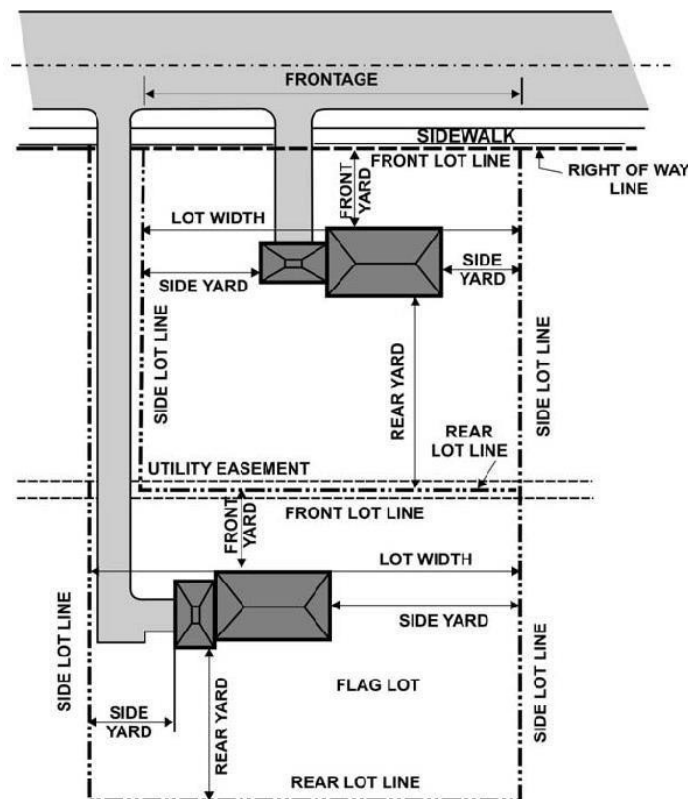
Animal or Poultry Type	No = to 1 Animal Unit (A.U.)
Slaughter and Feed Cattle	1.00
Mature Dairy Cattle	1.40
Swine Weighing > 55 lb.	0.60
Horses	1.00
Sheep or Goats	0.10
Turkeys	0.02
Chickens w/Overflow Watering	0.01
Chickens w/Liquid Manure System	0.03
Ducks	0.20

- 144. Interchange: A facility that grade separates intersecting roadways and provides directional ramps for access movements between the roadways. The structure, ramps and right-of-way are considered part of the interchange.
- 145. Intersection: The location where two or more roadways cross at grade without a bridge.
- 146. Intersection Sight Distance: The sight distance provided at intersections to allow the drivers of stopped vehicles a sufficient view of the intersecting roadways to decide when to enter the intersecting roadway or to cross it. The time required is the sum of the perception reaction time plus the time to accelerate and cross or enter the major roadway traffic stream.
- 147. ITE: Abbreviation of the Institute of Transportation Engineers, which conducts research and publishes many national road standards.
- 148. Junkyard: An open area where waste, used or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled, or handled including, but not limited to: scrap iron and other metals, paper, rags, rubber tires and bottles. A "Junkyard" includes automobile wrecking yards and includes any area of more than two hundred (200) square feet for storage, keeping or abandonment of junk, but does not include uses established entirely within enclosed buildings.

149. Kennel: The permanent or temporary keeping, of more than three dogs or other animals that are more than six months of age. This specifically excludes dogs kept and raised for a person's personal enjoyment or hobby or recreational purposes.
150. Lane: The portion of a roadway for the movement of a single line of vehicles which does not include the gutter or shoulder of the roadway.
151. Licensee: A person holding a state operating license issued under the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq.
152. Livestock: Horses, stallions, geldings, mares, sheep, rams, lambs, bulls, bullocks, steers, heifers, cows, calves, mules, jacks, jennets, burros, goats, kids and swine and any fur bearing animals or other wild animals being raised in captivity.
153. Loading Space: An off-street space on the same lot with a building, or group of buildings, for temporary parking of a commercial vehicle while loading and unloading merchandise or materials.
154. Local Road: *See Road Classification.*
155. Lodge: A building or group of buildings under single management containing both rooms and dwelling units available for temporary rental to transient individuals or families.
156. Lot: A parcel of land, excluding any portion in a street or road right-of-way, of at least sufficient size to meet minimum requirements for use, coverage and lot area, and to provide such setback area and other open space as required by this Ordinance. Such lot shall have access to a public or private street, and may consist of:
- a) A single lot of record;
 - b) A condominium unit in a condominium subdivision;
 - c) A portion of a lot of record;
 - d) Any combination of complete and/or portions of lots of record; or
 - e) A parcel of land described by metes and bounds in a recorded deed or by number in a recorded plat, provided that in no case of division or combination shall the area of any lot or parcel created, including residuals, be less than that required by this Ordinance.
157. Lot Area: The area of land within the boundary of a lot which is bounded by any front lot lines, the right-of-way line of the highway on which it fronts, and the side lot lines intersecting the front lot line at its ends extended to the rear property (lot) lines, excluding any part beyond the ordinary high water mark.
158. Lot, Corner: A lot which has at least two contiguous sides abutting upon a street for their full length.
159. Lot Coverage: The part of percent of the lot occupied by buildings, including accessory buildings.
160. Lot, Depth of: The average distance from the front lot line of the lot to its opposite rear line measured in the general direction of the side lines of the lot.

161. Lot, Double Frontage: Any interior lot having frontages on two more or less parallel streets as distinguished from a corner lot. In the case of a row of double frontage lots, all sides of said lots adjacent to streets shall be considered frontage, and front yards shall be provided as required.
162. Lot, Interior: Any lot other than a corner lot.
163. Lot Lines: The lines bounding a lot as defined herein:
- a) Front Lot Line: In the case of an interior lot, the line separating said lot at the street right-of-way. In the case of a corner lot, the front lot line is that line separating said lot at the street right-of-way which is designated as the front street in the plat and/or in the application for a building permit or zoning occupancy permit. In the case of a double frontage lot, both lot lines abutting the street right-of-way shall be treated as front lot lines. In the case of waterfront properties, the front lot line is the ordinary high water mark (see Section 401).
 - b) Rear Lot Line: The lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10) feet long lying farthest from the front lot line and wholly within the lot.
 - c) Side Lot Line: Any lot lines other than the front lot line or rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

FIGURE 2.1-3 Lot Lines



164. Lot of Record: A lot on a map or a deed recorded with the County Register of Deeds prior to the effective date of this Ordinance, and which actually exists as shown or described.
165. Lot, Through: A double frontage lot, not a corner lot, having a street for both front and rear lot lines.
166. Lot, Width: The straight line horizontal distance between the side lot lines, measured at the front lot line.
167. Lumber Yard: An establishment where dimensional lumber is sold
168. Manufacturing: Establishments engaged in the mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the creation of products, and the blending of materials, such as lubricating oils, plastics, resins or liquor.
169. Manufactured Home Park: A parcel or tract of land under the control of a person upon which three or more mobile (manufactured) homes are located on a continual non- recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a manufactured home.
170. Manufacturing, Light: Establishments where the finished product generally consists of small machine parts, small electronic equipment or similar items. Motors used in light manufacturing operations shall not be in excess of ten horsepower. Light manufacturing operations shall be located within the principal building. Noise emanating from a light manufacturing building shall be less than 90 decibels.
171. Marijuana or Marihuana: That term as defined in the Public Health Code, MCL 333.1101 et seq.; the Michigan Medical Marihuana Act, MCL 333.26421 et seq.; the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq.; and the Marihuana Tracking Act, MCL 333.27901 et seq.
172. Marihuana Event Organizer: Means a person licensed to apply for a temporary marihuana event license under these rules.
173. Marijuana Facility or Establishment: An enterprise at a specific location at which a licensee is licensed to operate under the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq., including a marijuana grower, marijuana processor, marijuana provisioning center, marijuana secure transporter, or marijuana safety compliance facility. The term does not include or apply to a “primary caregiver” or “caregiver” as the term is defined the Michigan Medical Marihuana Act, MCL 333.26421 et seq.
174. Marihuana Retailer: Means a person licensed to obtain marihuana establishments and to sell or otherwise transfer marihuana to establishments and to individuals who are 21 years of age or older.
175. Marihuana Temporary Event License: Means a state license held by a marihuana event organizer for an event where the onsite sale or consumption of marihuana products, or both, are authorized at the location indicated on the state license during

the dates indicated on the state license.

176. Marina: A facility for the storing, serving, fueling, berthing and securing of boats that may include eating, sleeping, and retail facilities for owners, crews, and guests.
177. Marquee: A roof-like structure of a permanent nature projecting from the wall of a building.
178. Median: The portion of a divided roadway or divided entrance separating the traveled ways from opposing traffic. Medians may be depressed, painted or raised with a physical barrier or may be landscaped.
179. Median Opening: A gap in a median provided for crossing and turning traffic.
180. Mineral: An organic or inorganic substance in the earth having a consistent and distinctive set of physical properties and composition that can be expressed by a chemical formula and includes, but not limited to, iron ore, copper, sand, gravel, stone, gypsum, peat, silver, gold, diamonds and other precious and semiprecious stones, and uranium.
181. Mining: The extraction of minerals including the actual removal, processing and transportation of minerals and attendant by-products.
182. Mobile Home: A structure, transportable in one or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, and electrical systems contained in the structure. A mobile home does not include a recreational vehicle.
183. Modular (Pre-Manufactured) Housing Unit: A dwelling unit constructed solely within a factory, as a single unit, or in various sized modules or components, which are then transported by truck or other means to a site where they are assembled on a permanent foundation to form a single-family dwelling unit, and meeting all codes and regulations applicable to conventional single-family home construction.
184. Monitor Well: A 2" diameter schedule 80 PVC well with a minimum of three feet well screen that are used to monitor ground water elevations and to collect ground water samples for water quality analyses.
185. Motel: A series of attached, semi-attached, or detached rental units containing bedroom, bathroom, and closet space. Units provide overnight lodging and are offered to the public for compensation and cater primarily to the traveling public as a facility for temporary residence.
186. Multi-Family Dwelling Complex: Two or more structures on the same parcel, each containing more than two dwelling units. Each dwelling unit is designed for residential occupancy by one family.
187. Multi-Use Recreation Area: A recreation facility where two or more separate recreational uses occupy or utilize the same parcel.
188. Nacelle: The encasement which houses all of the generating components, gear box, drive train, and other equipment.
189. Natural Resource Extraction: The removal and/or processing of iron ore, copper,

gravel, sand, dirt, stone, frac sand, gypsum, peat, topsoil, (but not including sod production and/or removal) silver, gold, uranium, and other minerals for extraction activities with are not regulated by Part 632 of Michigan's Nonferrous Metallic Mining Regulations.

190. Nonconforming Access: Features of the access system of a property that existed prior to the effective date of this Ordinance and that do not conform with the requirements of this Ordinance; or in some cases, elements of approved access are allowed by means of a temporary permit or on a conditional basis, until alternative access meeting the terms of this ordinance becomes available.
191. Nonconforming Building (Nonconforming Structure): A building or structure (or portion thereof) lawfully existing at the time of adoption of this Ordinance or a subsequent amendment thereto that does not conform to the provisions of this Ordinance relative to height, bulk, area, placement or yards for the zoning district in which it is located. (Refer to *Article XI Non-Conforming Uses and Structures*)
192. Nonconforming Use: A use of a building or structure or of a parcel or tract of land, lawfully existing at the time of adoption of this Ordinance or subsequent amendment thereto, that does not conform to the regulations of the zoning district in which it is situated. (Refer to *Article XI Non-Conforming Uses and Structures*)
193. Nursery: Land or greenhouses used to raise flowers, shrubs, and plants for sale.
194. Nursing Home: An installation other than a hospital, having as its primary function the rendering of nursing care for extended periods of time to persons afflicted with illness, injury, or an infirmity.
195. Occupied: Includes the meaning of intent, design or arranged for occupancy.
196. Off-Street Parking Lot: A facility providing vehicular parking spaces along with adequate drives and aisles, for maneuvering so as to provide access for entrance and exit for the parking of automobiles.
197. Off-Premises Outdoor Advertising Sign: A sign, including the supporting sign structure, which is visible from a street or highway and advertises goods or services not usually located on the premises and/or property upon which the sign is located; also called a "billboard." The following shall not be considered an off-premises sign for the purposes of this ordinance:
 - a) Directional or official signs authorized by law;
 - b) Real estate signs;
 - c) On-Premises signs.
198. On-Premises Outdoor Advertising Sign: A sign which advertises the primary goods or services sold or taking place upon the premises on which the sign is located.
199. On-Site Sewage Disposal System: The sanitary sewage treatment and/or disposal device installed to service an individual home, business, or industrial establishment in areas not served by municipal sanitary sewers.
200. On-Site Use Wind Energy System (OSUWES): An On-Site Use Wind Energy System (OSUWES) is intended to primarily serve the needs of the consumer.

201. Open Space Ratio: The ratio between open space on the lot, whether required or not, and the total lot area.
202. Open Space, required: The yard space of a lot which is established by and between the street, or the lot lines and required setback line and which shall be open, unoccupied and unobstructed by any structure or any part thereof, except as otherwise provided in this Ordinance.
203. Outdoor Production: Growing marijuana in an expanse of open or cleared ground or in a greenhouse, hoop house, or similar non-rigid structure that does not utilize any artificial lighting, including but not limited to electrical lighting sources.
204. Ordinary High Water Mark: The line between upland and bottomland which persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is markedly distinct from the upland and is apparent in the soil itself, the configuration of the surface of the soil and the vegetation. Where water returns to its natural level as the result of the permanent removal or abandonment of a dam, it means the natural ordinary high water mark.
205. Parking Lot: A use containing one or more parking spaces located at, above or below grade accessible for the storage or parking of permitted vehicles, including drives and entrance giving access thereto.
206. Parking Space: An area of definite length and width and shall be exclusive of drives, driveways, aisles or entrances giving access and shall be fully accessible for the storage or parking of permitted vehicles.
207. Passing Sight Distance: The length of roadway ahead necessary for one vehicle to pass another before meeting an opposing vehicle which might appear after the passing maneuver began.
208. Peak Hour Trips (PHT)L The highest number of vehicles found to be passing over a section of a lane or roadway during any 60 consecutive minutes.
209. Personal Services: A type of business providing services for personal atonement and exercise, such as health clubs, spas, chiropractic services, etc.
210. Pet: An animal kept for amusement or companionship.
211. Planning Commission: The Planning Commission of the Township of Negaunee. (Refer to *Article XIII*)
212. Poultry: Any domestic or wild fowl, ornamental birds and game birds being penned or confined, except that this term shall not include small cage birds kept solely as pets.
213. Premises: A lot as otherwise used in this Ordinance.
214. Primary Containment Facility: A tank, pit, container, pipe or vessel of first containment of a liquid or chemical.
215. Principal Floor Area: The total of all floor areas of a structure, excluding stairwells, elevator shafts, unfinished basements, garages, porches, decks, breezeways, unfinished attics, that could be used for human occupation.

216. Principal Structure: The main structure or building to which the premises are devoted.
217. Principal Use: The main use to which the premises are devoted.
218. Private Club: A building and related facilities owned or operated by a corporation, association, or group of individuals established for the fraternal, social, educational, recreational, or cultural enrichment of its members and not primarily for profit and whose members pay dues and meet certain prescribed qualifications for membership.
219. Processor: A licensee that is a commercial entity located in this state that purchases marihuana from a grower and that extracts resin from the marihuana or creates a marihuana-infused product for sale and transfer in packaged form to a provisioning center.
220. Provisioning Center: A licensee that is a commercial entity located in this state that purchases marihuana from a grower or processor and sells, supplies, or provides marihuana to register qualifying patients, directly or through the patients' registered primary caregivers. Provisioning center includes any commercial property where marihuana is sold at retail to registered qualifying patients or registered primary caregivers. A noncommercial location used by a primary caregiver to assist qualifying patient connected to the caregiver in accordance with the Michigan Medical Marihuana Act, MCL 333.26421 et seq., is not a provisioning center for purposes of this article.
221. Public Utility: Any person, firm, corporation, municipal department, board or commission duly authorized to furnish and furnishing under federal, state, or municipal regulations to the public; gas, steam, electricity, sewage disposal, refuse removal, transportation, water or communications (including, radio, telephone, telegraph, television, cable, or fiber optics).
222. Rear Service Drive: A local street/road or private road typically located behind principal buildings and parallel to an arterial for service to abutting properties for the purpose of controlling access to the arterial.
223. Reasonable Access: The minimum number of access connections, direct or indirect, necessary to provide safe access to and from a public road consistent with the purpose and intent of this Ordinance, with any other applicable plans of the Township of Negaunee, with Act 200 of 1969, or with other applicable law of the State of Michigan. Reasonable access does not necessarily mean direct access.
224. Reclamation Plan: A plan for reconditioning or rehabilitating of a mining area or portions thereof for useful purposes, and the protection of natural resources, including, but not limited to the control of erosion, visual blight and the prevention of land or rock slides and air and water pollution.
225. Recreation Facility: A place designed and equipped for the conduct of sports and leisure-time activities.
226. Recreational and Residential Storage Facility: A structure or group of structures for the storage of customers' residential goods and wares, recreational vehicles and related equipment.
227. Recreational Structure: A cabin, cottage, camp, hunting camp, mobile home or other

similar structure used intermittently for recreational or vacation purposes and which is not a permanent place of domicile or residency of the owner, his or her agents, lessees, heirs or assigns.

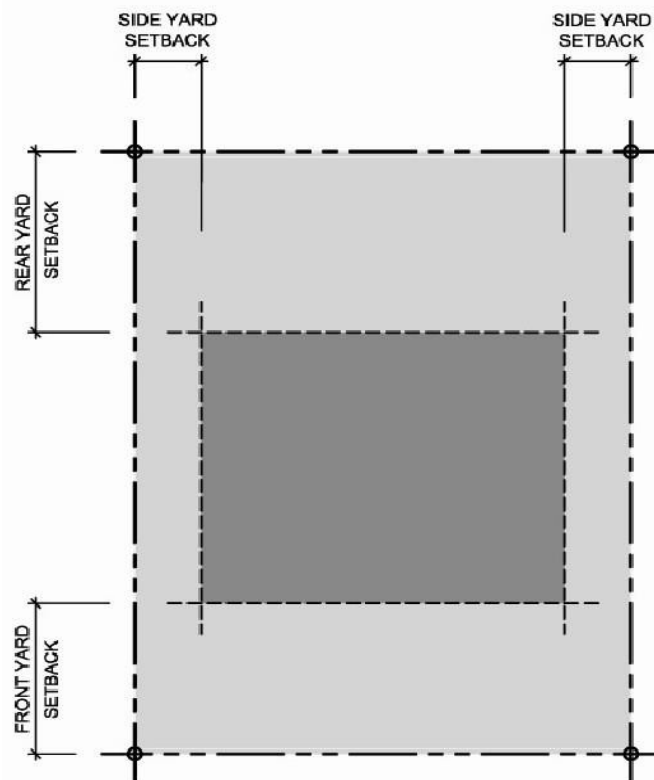
228. Recreational Vehicle: A vehicle or a unit that is mounted on or drawn by another vehicle primarily designed for temporary living. Recreational vehicles include travel trailers, camping trailers, truck campers, and motor homes.
229. Regional Arterial - A major arterial. See *Road Classification*.
230. Release: Any unplanned or improper discharge, leak, or spill of a potential contaminant including a hazardous material.
231. Resort: A facility for transient guests where there are a number of recreational features or activities including but not limited to such facilities as swimming pools, tennis courts, golf courses, restaurants, camping, hotel/motel accommodations, skiing, trails, horseback riding, boating.
232. Resource Professional: A person or agency having expertise in soil, forestry, or wildlife habitat and qualified to provide recommendations on plant materials suitable for use as a greenbelt.
233. Restaurant: An establishment where food or beverages are cooked or prepared and offered for sale and where consumption is permitted on the premises whether or not entertainment is offered, and includes establishments commonly known as bars, grills, cafes, taverns, nightclubs, and any fast food establishments permitting consumption on the premises.
234. Retail Sales: Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods. Retail sales establishments are: (1) the establishment is usually a place of business and is engaged in activity to attract the general public to buy; (2) the establishment buys and receives as well as sells merchandise; (3) it may process or manufacture some of the products, such as a jeweler or bakery, but such processing or manufacturing usually is incidental or subordinate to the selling activities; and (4) retail establishments sell to customers for their own personal or household use.
235. Right-of-Way: A street, alley, or other thoroughfare or easement permanently established for passage of persons, vehicles, or the location of utilities. The right-of-way is delineated by legally established lines or boundaries.
236. Road: A way for vehicular traffic, whether designated as a "street", "highway", "thoroughfare", "parkway", "through-way", "avenue", "boulevard", "lane", "cul-de-sac", "place", or otherwise designated, and includes the entire area within the right-of-way.
237. Road Classification: Roadways are classified by the following categories:
- a) *Arterial*: Arterials are roadways of regional importance intended to serve moderate to high volumes of traffic traveling relatively long distances. A major arterial is intended primarily to serve through traffic where access is carefully controlled. Some major arterials are referred to as "regional arterials".
 - b) *Collector*: A roadway that provides for traffic movement between arterials and local streets and carries moderate traffic volumes over moderate

distances. Collectors may also provide direct access to abutting properties.

- c) *Private Road*: A road serving two or more abutting parcels and which is constructed and maintained by the owner or owners and is not dedicated for general public use.
 - d) *Road*: A road intended to provide access to abutting properties, which tends to accommodate lower traffic volumes and serves to provide mobility within that neighborhood.
 - e) *Single Access Drive*: A road greater than three-hundred feet (300') in length serving a single parcel.
238. Road Grade: The rate or percent of change in slope, in either ascending or descending, from or along the roadway. It is to be measured along the centerline of the roadway or access.
239. Roadway: That portion of a street, road or highway improved, designed or ordinarily used for vehicular travel exclusive of the berm or shoulder. In the event a highway includes two or more separate roadways, "roadway" refers to any such roadway separately, but not to all such roadways collectively.
240. Safety Compliance Facility: A licensee that is a commercial entity that receives marihuana from a marihuana facility or registered primary caregiver, tests it for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the marihuana to the marihuana facility.
241. Salvage Yard: An establishment that disassembles and/or dismantles parts from motor vehicles for either direct sale to the general public or for use as inventory in the repair, rebuilding or reconditioning of motor vehicles.
242. Sawmill: The machinery and appurtenant structures used for the manufacture of wood products, not limited to but including circular or band saws, planers, debarkers, chippers, and kilns.
243. Screen: A structure providing separation, such as a fence, and a visual barrier between the area enclosed and the adjacent property. A screen may also be non-structured, consisting of shrubs or other living vegetation.
244. Secondary Containment Facility: A second tank, catchment pit, pipe or vessel that limits and contains liquid or chemical leaking or leaching from a primary containment area; monitoring and recovery are required.
245. Secondary Street or Side Street: A street or road with a lower functional classification than the intersecting street or road (e.g. a local street is a side or secondary street when intersecting with a collector or arterial).
246. Secure Transporter: A licensee that is a commercial entity located in this state that stores marihuana and transports marihuana between marihuana facilities for a fee.
247. Septic Tank: A watertight covered receptacle designed and constructed to receive the discharge of sewage, separate solids from the liquid, digest organic matter and store digested solids through a period of detention, and allow the clarified liquids to discharge for final disposal.

248. Service Drive: See *Frontage Road* or *Rear Service Drive*.
249. Setback: The minimum unoccupied distance between the front, side and rear lot line and the principal and accessory buildings, as required.
250. Setback, Front: The minimum unoccupied distance, extending the full lot width, between any building or structure and the front lot line (Fig. 2.1-4). The front setback is measured from the edge of the road right-of-way or in the case of a lot along a river or lake, from the ordinary high water mark.
251. Setback, Rear: The minimum required unoccupied distance, extending the full lot width, between the principal and accessory buildings and the lot line opposite the front lot line (Fig. 2.1-4).
252. Setback, Side: The minimum required unoccupied distance, extending from the front setback to the rear setback, between the principal and accessory buildings and the side lot line (Fig. 2.1-4).

FIGURE 2.1-4 Front, Side, and Rear Setbacks



253. Sexually Oriented Business: Any adult arcade, adult body painting studio, adult bookstore, adult cabaret, adult carwash, adult hotel or motel, adult motion-picture theater, adult mini-motion picture theater, adult massage parlor, adult health/sport club, adult sauna/steam room/bathhouse, adult companionship establishment, adult novelty business, adult modeling studio, sexual encounter center and other premises, establishments, businesses, or places open to some or all members of the public in which there is an emphasis on the presentation or display, depiction or description of “specified anatomical areas” or “specified sexual activities” which the public could see.

This definition does not apply to the practice of medicine, surgery, osteopathy, chiropractic, physical therapy, or podiatry by state-licensed or –registered persons. Activities defined as obscene by Michigan 1984 PA 343 are not lawful and are not included in the definitions of adult uses.

254. Shadow Flicker: Alternating changes in light intensity caused by the moving blade of a Wind Energy System casting shadows on the ground and stationary objects, such as a window at a dwelling.
255. Shallow/Surficial Aquifer: An aquifer in which the permeable medial (sand and gravel) starts at the land surface or immediately below the soil profile.
256. Shared Driveway or Common Driveway: See *Driveway, Shared*.
257. Shopping Center: A group of businesses providing a variety of merchandise and/or services located on the same lot.
258. Shoreline: That area of the shorelands where land and water meet.
259. Shoulder: The portion of a public road contiguous to the traveled way for the accommodation of disabled vehicles and for emergency use.
260. Sight Distance: The distance of unobstructed view for the driver of a vehicle, as measured along the normal travel path of a roadway to a specified height above the roadway.
261. Sign: A name, identification, image, description, display, or illustration which is affixed to, painted, or represented directly or indirectly upon a building, structure, or piece of land, and which directs attention to an object, product, place, activity, structure, facility, service, event, attraction, person, institution, organization, or business and which is visible from any street, right-of-way, sidewalk, alley, park, or other public property. Customary displays of merchandise or objects and material without lettering placed behind a store window are not signs or parts of signs.
262. Sign, Free Standing: A sign having its own support mechanism placed in or upon the ground.
263. Site Plan: A plan showing all salient features of a proposed development, so that it may be evaluated in order to determine whether it meets the provisions of this Ordinance.
264. Sound Pressure: Average rate at which sound energy is transmitted through a unit area in a specified direction. The pressure of the sound measured at a receiver.
265. Spill Response Plans: Detailed plans for control, containment, recovery and cleanup of hazardous material releases, such as during fires or equipment failures.
266. Stable, Riding or Boarding: A facility where horses are kept for hire, sale or boarding.
267. Standard: A definite rule or measure establishing a minimum level of quantity or quality that must be complied with or satisfied in order to obtain development approval, such as (but not limited to) a height, setback, bulk, lot area, location or spacing requirement.
268. State Licensed Residential Facility: A structure constructed for residential purposes that is licensed by the state under the adult foster care facility licensing act, 1979 PA

218, MCL 400.701 to 400.737, or 1973 PA 116, MCL 722.111 to 722.128, and provides residential services for 6 or fewer persons under 24-hour supervision or care.

269. Stopping Sight Distance: The available sight distance should be sufficiently long to enable a vehicle traveling at or near the design speed to stop before reaching a stationary object in its path. Stopping sight distance is the sum of brake reaction distance and braking distance.
270. Stormwater Treatment Practices (STPs): Measures, either structural or nonstructural, that are determined to be the most effective, practical means of preventing or reducing point source or non-point source pollution inputs to stormwater runoff and water bodies.
271. Story: That part of a building included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the ceiling next above.
272. Street: A public dedicated right-of-way which affords traffic circulation and principal means of access to abutting property.
273. Structure: Any constructed, erected, or placed material or combination of materials in or upon the ground, including, but not limited to buildings, porches, decks, mobile homes, sheds, free standing signs, storage bins, and satellite dishes, but not including sidewalks, driveways, patios, parking lots, utility poles and fences. Building areas separated by fire walls or bearing walls shall not be considered separate structures under this Ordinance.
274. Structure-Mounted Wind Energy System (SMWES): A Structure-Mounted Wind Energy System (SMWES) converts wind energy through the use of equipment which includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries, or other components used in the system. A SMWES is attached to a structures roof, walls, or other elevated surface. The SMWES has a nameplate capacity that does not exceed ten (10) kilowatts. The total height does not exceed fifteen (15) feet as measured from the highest point of the roof, excluding chimneys, antennae, and other similar perturbances.
275. Subdivision: The partitioning or dividing of a parcel or tract of land by the property owner for the purpose of sale, lease or building development.
276. Taper: A triangular pavement surface that transitions the roadway pavement to accommodate an auxiliary lane.
277. Temporary Access: Provision of direct access to a road until that time when adjacent properties develop in accordance with a joint access agreement, service road, or other shared access arrangement.
278. Temporary Building or Use: A structure or use permitted to exist during a period of construction of the main building or use, or for special events.
279. Thoroughfares:
- a) *Major*: An arterial street which is intended to serve as a large volume trafficway for both the immediate Township area and the region beyond, and may be designated as a major thoroughfare, parkway, freeway, expressway, or equivalent term. For purposes of this Ordinance, major thoroughfares shall be

considered to be those streets so designated on the Future Land Use Plan of Negaunee Township.

- b) *Secondary*: An arterial street which is intended to serve as a trafficway serving primarily the immediate Township area and serving to connect with major thoroughfares. For the purpose of this Ordinance, secondary thoroughfares shall be considered to be those streets so designated on the Future Land Use Plan of Negaunee Township.
- 280. Throat Length: The distance parallel to the centerline of a driveway to the first on-site location at which a driver can make a right-turn or a left-turn. On roadways with curb and gutter, the throat length shall be measured from the face of the curb. On roadways without a curb and gutter, the throat length shall be measured from the edge of the paved shoulder.
 - 281. Throat Width: The distance edge-to-edge of a driveway measured at the right-of-way line.
 - 282. Tier: A subdivision of the Wellhead Protection Overlay Zone that is used to separate and describe allowable land uses within the Wellhead Protection Zone.
 - 283. Time-Of-Travel Distance: The distance that groundwater will travel in a specified time. This distance is generally a function of the permeability and slope of the aquifer.
 - 284. Township Board: The elected governing body of the Township of Negaunee.
 - 285. Tourist Cabins: An establishment that has separate, individual dwelling units with at least one room and has complete bathroom facilities and may or may not have kitchen facilities that are rented on a temporary basis by the day, week or season.
 - 286. Tourist Home: Any dwelling used or designed in such a manner that certain rooms in excess of those used by the family, and occupied as a dwelling unit are rented to the public for compensation and shall cater primarily to the public traveling by motor vehicle.
 - 287. Travel Trailer: A vehicle designed as a travel unit for occupancy as a temporary or seasonal vacation living unit.
 - 288. Traveled Way: The portion of the roadway for the movement of vehicles, exclusive of shoulders and auxiliary lanes.
 - 289. TRB: Abbreviation of the Transportation Research Board, which conducts research and publishes transportation research, findings and policy.
 - 290. Trip Generation: The estimated total number of vehicle trip ends produced by a specific land use or activity. A trip end is the total number of trips entering or leaving a specific land use or site over a designated period of time. Trip generation is estimated through the use of trip rates that are based upon the type and intensity of development.
 - 291. Undivided Roadway: A roadway having access on both sides of the direction of travel, including roadways having center two-way left-turn lanes.
 - 292. Upland: The land area that lies above the ordinary high water mark.
 - 293. Use: The purpose for which land or a building is designed, arranged, or intended to be used, or for which land or a building is or may be occupied.

294. Use, Accessory: A use subordinate to the main use of a lot and used for purposes clearly incidental to those of the main use.
295. Utility Grid Wind Energy System (UGWES): A Utility Grid Wind Energy System is designed and built to provide electricity to the electric utility grid.
296. V Type Sign: An off-premises sign structure which consists of multiple sign facings placed at angles to each other, oriented in different directions and not exceeding 10 feet apart at the nearest point to each other.
297. Variance: A modification of the literal provisions of the Zoning Ordinance granted in specific cases when strict enforcement of the Zoning Ordinance would cause practical difficulty or unnecessary hardship owing to circumstances unique to the individual property on which the variance is granted.
298. Vehicle: A self-propelled device used for transporting people and/or goods over land surfaces and is licensable as a motor vehicle by the Michigan Department of State.
299. Wellhead: The upper terminal of a well, including adapters, ports, seals, valves and other attachments.
300. Wellhead Protection Area: The surface and subsurface area surrounding a public water supply well through which contaminants, if spilled or deposited, will most likely pass and eventually reach the well or well field. The area is known as the "zone of contribution."
301. Wellhead Protection Overlay Zone: The area within the Wellhead Protection Area boundary lines as indicated on the Negaunee Township Zoning Map.
302. Wellhead/Groundwater Protection District: The zoning district defined to overlay other zoning districts as illustrated on the Negaunee Township Zoning Map. This district may include specifically designated recharge areas that collect precipitation or surface water and carry it to aquifers.
303. Wind Energy System (WES): A Wind Energy System (WES) converts wind energy into electricity through the use of a wind turbine generator and includes the turbine, blades, and tower as well as related electrical equipment. This does not include wiring to connect the wind energy system to the grid.
304. Wireless Communication Facilities (WCF): All structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals. This may include, but shall not be limited to, radio and television broadcasting or relay towers, wireless communication facility, wireless or cellular telephone communication receivers and transmitters, telephone devices, and exchanges, microwave relay facilities and towers, telephone transmission equipment buildings and public and private and commercial mobile radio service facilities. Not included in this definition are: citizen band radio facilities, short wave facilities, ham, amateur radio facilities, satellite dishes and government facilities which are subject to state or federal laws or regulations which preempt township regulatory authority.
305. Wireless Communication Support Structure: Structure erected or modified to support wireless communication antennas. Support structures within this definition include, but shall not be limited to monopole, lattice towers, light poles, wood poles, and guyed

towers or other structure which appear to be something other than a mere support structure.

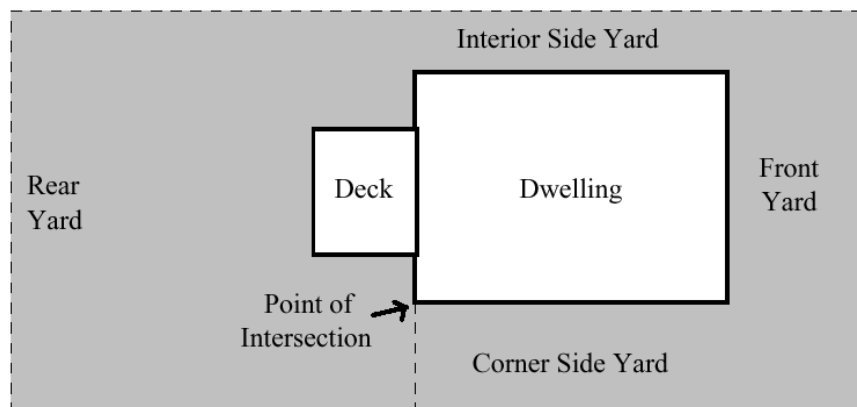
306. Wood Products Industries: Establishments engaged in sawmills, lath mills, shingle mills, cooperage stock mills, planing mills, plywood mills and veneer mills engaged in producing lumber and wood basic materials; and establishments engaged in manufacturing finished articles made entirely or mainly of wood or related materials, except mobile homes.

307. Wood Yard: A parcel of land where pulp wood and other logs are gathered from various locations and stored for commercial sale.

308. Yards:

- a) Yard, Front: An open space extending the full width of the lot and lying between the front line of the lot and the nearest line of the main building.
- b) Yard, Rear: An open space extending the full width of the lot and lying between the rear line of the lot and the nearest line of the main building.
- c) Yard, Side: An open space between the side line of the lot and the nearest line of the main building and extending from the front yard to the rear yard.

FIGURE 2.1-5 Yards



309. Zoning Administrator: The Township Board's authorized representative charged with the responsibility of administering this Ordinance.

310. Zoning Board of Appeals: The Zoning Board of Appeals of the Township of Negaunee. *See Article XIII.*

311. Zoning Compliance Permit: A certification issued by the Zoning Administrator to a party intending to initiate any work or change any use of property or build or construct any building or structures in the Township.

ARTICLE III ZONING DISTRICTS AND MAPS

Section 301 Establishment of Districts

- A. For the purpose of this Ordinance, Negaunee Township is divided into the following zoning districts, which shall be known by the following respective symbols and names:

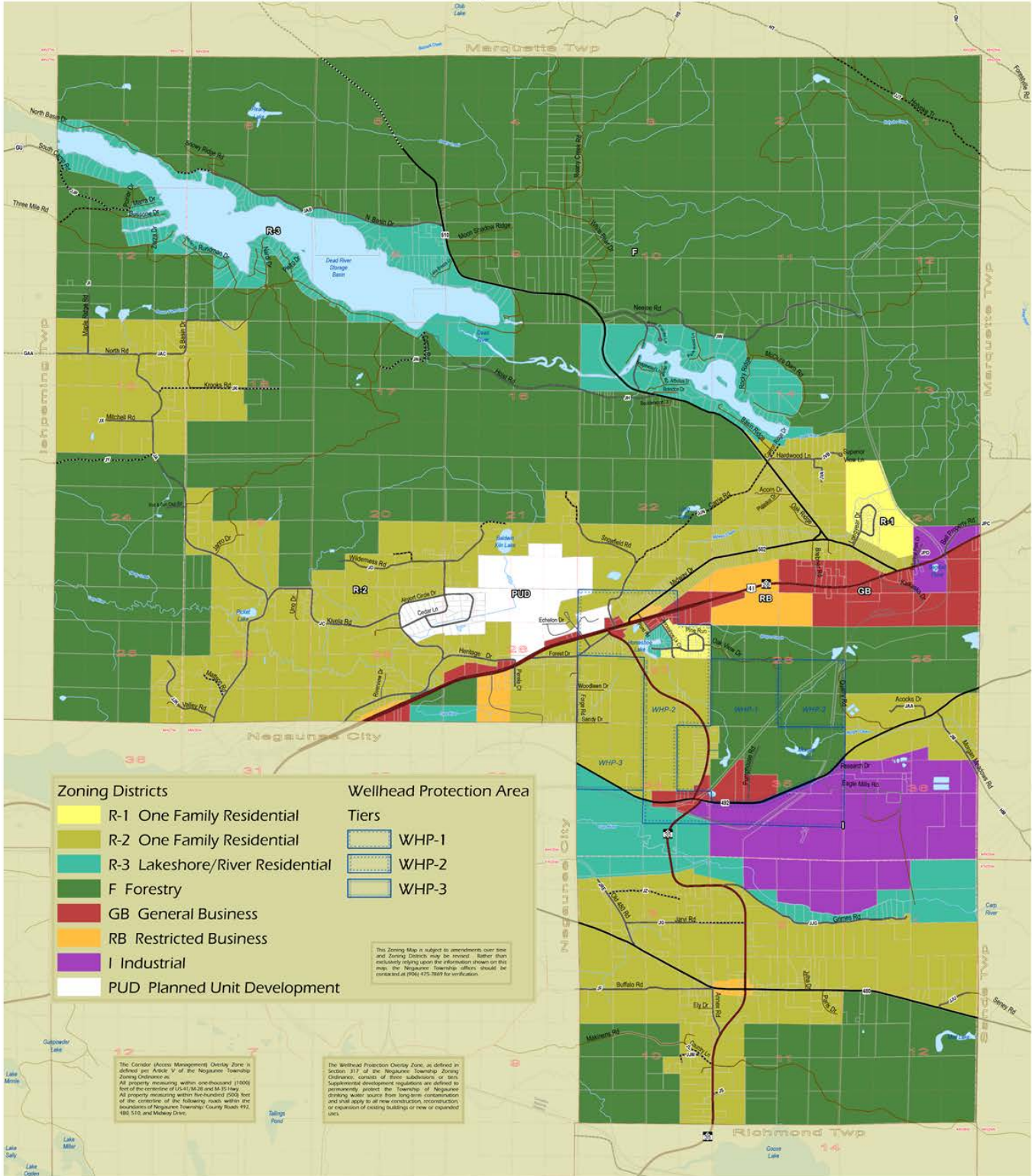
R-1	One Family Residential
R-2	One Family Residential
R-3	Lakeshore/River Residential
RB	Restricted Business
GB	General Business
I	Industrial
F	Forestry

Section 302 Zoning District Maps

- A. The boundaries of the respective districts enumerated in Section 301 are established as depicted on the map entitled "Negaunee Township Official Zoning Map," which is an integral part of this Ordinance. The map, along with all notations and explanatory matter thereon, shall become as much a part of this Ordinance as if fully described herein.
- B. The Negaunee Township Official Zoning Map shall be identified by the signature of the Township Supervisor, attested by the Township Clerk. If, in accordance with the provisions of this Ordinance, changes are made in district boundaries, such changes shall be incorporated on the Negaunee Township Official Zoning Map and approved by the Township Board together with an entry on the Negaunee Township Official Zoning Map showing the date and official action taken.
- C. One copy of the Negaunee Township Official Zoning Map is to be maintained and kept up-to-date by the Zoning Administrator, accessible to the public and shall be the final authority as to the current zoning status of properties in Negaunee Township.

Negaunee Township Official Zoning Map

Marquette County, Michigan



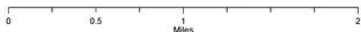
- Zoning Districts**
- R-1 One Family Residential
 - R-2 One Family Residential
 - R-3 Lakeshore/River Residential
 - F Forestry
 - GB General Business
 - RB Restricted Business
 - I Industrial
 - PUD Planned Unit Development

- Wellhead Protection Area Tiers**
- WHP-1
 - WHP-2
 - WHP-3

This Zoning Map is subject to amendments over time and Zoning Districts may be revised. Rather than exclusively relying upon the information shown on this map, the Negaunee Township officers should be contacted at (906) 475-3889 for verification.

The Corridor (Access Management) Overlay Zone is defined per Article V of the Negaunee Township Zoning Ordinance.
All property measuring within one-thousand (1000) feet of the centerline of US-101 shall be Z-10.
All property measuring within five-hundred (500) feet of the centerline of the following roads within the boundaries of Negaunee Township: County Roads 492, 488, 510 and McKinley Drive.

The Wellhead Protection Overlay Zone, as defined in Section 317 of the Negaunee Township Zoning Ordinance, consists of three sub-zones or tiers. Supplemental development regulations are defined to permanently protect the Township of Negaunee drinking water source from long-term contamination and shall apply to all new construction, reconstruction or expansion of existing buildings or new or expanded uses.



The information and data presented herein has been compiled from various sources and is intended for general information only. The County does not warrant the accuracy or completeness of the information and data presented herein. The County does not assume any liability for any errors or omissions in this information and data.

Date of print: 5/13/15, Map Co. Printing



ZONING MAP AMENDMENTS

NO.	DATE OF ADOPTION	ZONING DISTRICT	PREVIOUSLY REVISED	LOCATION	UPDATED BY
1					
2					
3					
4					

Officially adopted by the Negaunee Township Board of Trustees, Marquette County, Michigan, on the 15th day of June, 2015.
Revised through: June 22, 2015
William Carlson, Supervisor
Meredith Sertola, Clerk

Section 303 Interpretation of the Zoning Map

- A. Where due to the scale, lack of detail or illegibility of the zoning map, there is any uncertainty, contradiction or conflict as to the intended location of any zoning district boundary as shown thereon, the Zoning Board of Appeals shall make an interpretation of said map upon request of any person. The Zoning Board of Appeals shall apply the following standards in interpreting the zoning map:
1. Zoning district boundary lines are intended to follow lot lines, or be parallel or perpendicular to, or along the center lines of alleys, streets, rights-of-way or water courses, unless such boundary lines are fixed by dimensions shown on the zoning map.
 2. Where zoning district boundary lines are indicated that they approximately follow lot lines, such lot lines shall be construed to be such boundary lines.
 3. Where a zoning district boundary line divides a lot, the location of any such zoning district boundary lines, unless indicated by dimensions shown on the zoning map, shall be determined by the use of the map scale shown thereon.
 4. If, after the application of the foregoing rules, uncertainty still exists as to the exact location of a zoning district boundary line, the boundary line shall be determined in a reasonable manner, considering the history of uses of property and the history of zoning ordinances and amendments in Negaunee Township, as well as all other relevant facts.

Section 304 Replacement of Official Zoning Map

- A. In the event the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes made thereto, the Township Board may adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The Official Zoning Map shall bear the current township officers' signatures and certification as required in Section 302. Unless the Official Zoning Map has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining, shall be preserved together with all available records pertaining to its adoption or amendment.

Section 305 Application of District Regulations

- A. The regulations established for each Zoning District shall be the minimum regulations for promoting and protecting the public health, safety and general welfare, and shall be uniform for each class of land or buildings and structures throughout each district. Where there are practical difficulties in the way of carrying out the strict letter of this Ordinance, the Zoning Board of Appeals shall have power in passing upon appeals, in accordance with Article XIII, to vary or modify regulations and provisions of this Ordinance so that the intent and purposes of this Ordinance shall be observed, public safety secured and substantial justice done.

Section 306 Scope of Provisions

- A. Except as may otherwise be provided in this Ordinance, every building and structure erected, every use of any lot, building or structure established, every structural alteration or relocation of an existing building or structure occurring, and every enlargement of or addition to an existing

use, building or structure occurring after the effective date of this Ordinance shall be subject to all regulations of this Ordinance which are applicable in the Zoning District in which such use, building, or structure shall be located.

- B. Uses are permitted by right only if specifically listed as uses permitted by right in the various Zoning Districts. Where not specifically permitted, either by right or conditionally, uses are thereby prohibited unless construed to be similar to an expressly permitted use. The Zoning Board of Appeals shall determine if a use is similar to a use specifically permitted by right or by conditions.
- C. Accessory uses are permitted as indicated for the various Zoning Districts and if such uses are clearly incidental to the permitted principal uses.
- D. The uses permitted subject to special conditions are recognized as possessing characteristics of such unique and special nature (relative to location, design, size, etc.) as necessitating individual standards and conditions in order to safeguard the general health, safety and welfare of the community.
- E. Any structure, use of a structure or land use and any lot, the size, width, or other characteristic of which fails to meet the requirements of the land use district in which it is located and which was lawfully established in accordance with state and local statutes ("of record") prior to the effective date of this amendment shall be considered a legal nonconforming use.

Section 307 Conflicting Regulations

- A. Wherever any provision of this Ordinance imposes more stringent requirements, regulations, restrictions or limitations than those imposed or required by the provisions of any other law or ordinance, then the provisions of this Ordinance shall govern. Whenever the provisions of any other law or ordinance impose more stringent requirements than are imposed or required by this Ordinance, then the provisions of such law or ordinance shall govern. No vested right shall arise to the property owner for any parcel or use created in violation of any preceding Negaunee Township Zoning Ordinance.

Section 308 Exemptions

- A. The location of pipes, wires, poles, and generating and transmission equipment of public utilities or railroad tracks regulated by the State of Michigan or by the United States are exempt from regulation under this Ordinance.
- B. The provisions of this Ordinance shall not be so construed as to interfere with the temporary use of any property as a voting place in connection with a municipal or other public election.

Section 309 R-1 One-Family Residential District

- A. Intent: The R-1 One-Family Residential District is designed primarily for one-family residential use with accessory structures and other uses that normally are found within a residential setting. The uses in the district are intended to keep the neighborhoods relatively quiet and free of unrelated traffic influences. The uses in the district may require spacious lots to insure a safe, potable water supply and treatment of wastewater on the same lot.
- B. Permitted Principal Uses:

1. Family daycare home - less than seven children
 2. Single family dwelling
 3. State licensed residential facility - small group home
- C. Permitted Accessory Uses: The following are permitted accessory uses:
1. Accessory structures normally associated with residential dwellings, such as a private garage, shed for yard tools, playhouse, pens, swimming pools, woodshed and sauna.
 2. Accessory uses and structures normally associated with permitted uses.
- D. Conditional Uses Authorized by Permit: The following uses of land and structures may be permitted in this District by application for and issuance of a Conditional Use Permit as provided in Article X:
1. Cemetery
 2. Group child care facility
 3. Home occupation
 4. Library
 5. Natural resource extraction (not including timber or ore mining/excavation)
 6. Public Building
 7. State licensed residential facility - large group home
 8. Wind Energy System

Section 310 R-2 One-Family Residential District

- A. Intent: The R-2 One-Family Residential District is designed primarily for single-family residential home use found in areas rural in character. The R-2 District is designed to accommodate residential opportunities as well as limited farm and agricultural uses. The uses in the district may require spacious lots to insure a safe, potable water supply and treatment of wastewater on the same lot.
- B. Permitted Principal Uses:
1. Church
 2. Elementary, intermediate and high school
 3. Family daycare home - less than seven children
 4. Mobile home
 5. Stabling of personal horses
 6. State licensed residential facility - small group home
 7. Single family dwelling
- C. Permitted Accessory Uses: The following are permitted accessory uses:
1. Accessory structures normally associated with residential dwellings, such as a private garage, shed for yard tools, playhouse, pens, swimming pools, woodshed and sauna.

2. Accessory uses and structures normally associated with permitted uses.

D. Conditional Uses Authorized by Permit: The following uses of land and structures may be permitted in this District by application for and issuance of a Conditional Use Permit as provided in Article X:

1. Attached wireless communication facility
2. Bed and breakfast establishment
3. Boarding stable and riding academy
4. Cemetery
5. Commercial greenhouse
6. Farming and agriculture, except intensive agricultural activity
7. Group child care facility
8. Home occupation
9. Hospital, nursing home, convalescent home, assisted living facility
10. Library
11. Marijuana Growing A, B, C
12. Mobile home park
13. Multi-family dwelling
14. Multi-family dwelling complex
15. Natural resource extraction (not including timber or ore mining/excavation)
16. Planned unit development (PUD)
17. Public building
18. State licensed residential facility - large group home
19. Special Events Venue
20. Two-family dwelling
21. Wireless communication facility
22. Wind Energy System

Section 311 R-3 Lakeshore/River Residential District

A. Intent: The R-3 Lakeshore/River Residential District is intended to establish and maintain for residential and recreational use those areas with frontage on or in proximity to inland lakes and rivers which because of their natural characteristics and accessibility, are suitable for development. The district will permit development along the shoreline but takes into consideration the visual appearance and accessibility to the water resource. The lot requirements are intended among other things to provide adequate conditions for safety in water supplies and in sewage disposal, and to reduce the spread of fire in the event of a conflagration.

B. Permitted Principal Uses:

1. Family daycare home - less than seven children
 2. Single family dwelling
 3. State licensed residential facility - small group home
- C. Permitted Accessory Uses: The following are permitted accessory uses:
1. Accessory structures normally associated with residential dwellings, such as a private garage, shed for yard tools, playhouse, pens, boat houses, swimming pools, woodshed and sauna.
 2. Accessory uses and structures normally associated with permitted uses.
- D. Conditional Uses Authorized by Permit: The following uses of land and structures may be permitted in this District by application for and issuance of a Conditional Use Permit as provided in Article X:
1. State licensed residential facility - large group home
 2. Bed and breakfast establishment
 3. Cemetery
 4. Group child care facility
 5. Home occupation
 6. Library
 7. Natural resource extraction (not including timber or ore mining/excavation)
 8. Public building
 9. Special Events Venue
 10. Wind Energy System
- E. Property Not Abutting a body of water
1. When a property in the (R-3) Lake and River Residential has no property abutting a body of water, the front set back shall be from the easement or the road right-of-way line.

Section 312 RB Restricted Business District

- A. Intent: The RB Restricted Business District is designed to give Negaunee Township a business district that is somewhat more selective in uses than the General Business District. The uses within the District include the establishment of neighborhood shopping areas, personal service establishments and professional service/office spaces that are compatible with residential uses.
- B. Permitted Principal Uses:
1. Bed and breakfast establishment
 2. Banks and financial institution
 3. Business office
 4. Church
 5. Commercial greenhouse

6. Elementary, intermediate and high school
7. Family day care home - less than seven children
8. Funeral home
9. Hospital, nursing home, convalescent home, and assisted living facility
10. Library
11. Laundromat
12. Medical and dental office
13. Public building
14. Personal service establishment
15. Retail business
16. Restaurant without alcohol consumption
17. State licensed residential facility - small group home
18. Single family dwelling
19. Stabling of horses for personal use
20. Two-family dwelling
21. Wholesale and storage facility

C. Permitted Accessory Uses: The following are permitted accessory uses:

1. Accessory uses and structures normally associated with permitted uses.

D. Conditional Uses Authorized by Permit: The following uses of land and structures may be permitted in this District by application for and issuance of a Conditional Use Permit as provided in Article X:

1. Airports and landing field
2. Attached wireless communication facility
3. Automobile repair facility
4. Automobile and recreational vehicle sales and service
5. Boarding stable and riding academy
6. Building contractor storage yard
7. Building material sales and storage
8. Cemetery
9. College and university
10. Commercial printing facility
11. Convenience store
12. Drive-In/Drive-thru restaurant

13. Gasoline service station
14. Group child care facility
15. Home occupation
16. Kennel
17. Light manufacturing
18. Lodge hall
19. Mechanical car washing facility
20. Mobile home park
21. Multi-family dwelling
22. Multi-family dwelling complex
23. Mini-storage facility
24. Motel and hotel
25. Natural resource extraction (not including timber or ore mining/excavation)
26. Planned unit development (PUD)
27. Plumbing and electrical sales and service establishment
28. Restaurant serving alcohol
29. State licensed residential facility - large group home
30. Theaters and assembly hall
31. Tavern
32. Utility and public service
33. Wind Energy System
34. Wireless communication facility

Section 313 GB General Business District

A. Intent: The GB General Business District is designed to provide an area within the township for general commercial business for the convenience of the township residents, the traveling public and persons from the surrounding area. The district is intended to be free from residential uses.

B. Permitted Principal Uses:

1. Automobile repair facility
2. Automobile and recreational vehicle sales and service
3. Bank and financial institution
4. Building material sales and storage
5. Business office

6. Church
7. Commercial greenhouse
8. College and university
9. Convenience store
10. Commercial printing facility
11. Drive -In/Drive-Thru restaurant
12. Funeral home
13. Gasoline service station
14. Hospital, nursing home and convalescent home and assisted living facility
15. Kennel
16. Library
17. Lodge hall
18. Laundromat
19. Light manufacturing
20. Medical and dental office
21. Mechanical car washing facility
22. Mini-storage facility
23. Motel and hotel
24. Plumbing and electrical sales and service establishment
25. Public building
26. Personal service establishment
27. Retail business
28. Restaurant (with and without on-premises alcohol consumption)
29. Theaters and assembly hall
30. Tavern
31. Utility and public service
32. Wholesale and storage facility

C. Permitted Accessory Uses: The following are permitted accessory uses:

1. Accessory uses and structures normally associated with permitted uses.

D. Conditional Uses Authorized by Permit: The following uses of land and structures may be permitted in this District by application for and issuance of a Conditional Use Permit as provided in Article X:

1. State licensed residential facility- large group home
2. Airports and landing field

3. Attached wireless communication facility
4. Automotive, tractor, trucking facility
5. Automotive body work facility
6. Building contractor storage yard
7. Cemetery
8. Elementary, intermediate and high school
9. Group child care facility
10. Marijuana Processing
11. Marijuana Provisioning Center
12. Marijuana Safety Compliance Facility
13. Marijuana Secure Transporter
14. Multi-family dwelling
15. Natural resource extraction (not including timber or ore mining/excavation)
16. Painting, varnishing and undercoating facility
17. Planned unit development (PUD)
18. Trade or business school
19. Salvage yard
20. Wind Energy System
21. Wireless communication facility

Section 314 I Industrial District

- A. Intent: The I- Industrial District is designed to accommodate wholesale activities, warehouses, major repair operations, manufacturing operations and other industrial uses whose external and physical effects are such that require them to be separated from residential uses. Industrial uses may be located on individual lots or as part of an industrial park.
- B. Permitted Principal Uses:
 1. Airports and landing field
 2. Attached wireless communication facility
 3. Automobile, tractor, trucking facility
 4. Automotive body work facility
 5. Automobile repair facility
 6. Automobile and recreational vehicle sale and service
 7. Building contractor storage yard

8. Building material sales and storage
9. Bottling works facility
10. Business office
11. Commercial printing facility
12. Contractor Yard
13. Food packaging operation
14. Gasoline service station
15. Light manufacturing
16. Mini storage facility
17. Mechanical car washing facility
18. Manufacturing
19. Metal plating, buffing and polishing facility
20. Painting, varnishing and undercoating facility
21. Petroleum, natural gas and propane storage tanks
22. Plumbing and electrical sales and service establishment
23. Sawmill and planing mill
24. Trade or business school
25. Utility and public service
26. Wireless communication facility
27. Wholesale and storage facility

C. Permitted Accessory Uses: The following are permitted accessory uses:

1. Accessory uses and structures normally associated with permitted uses.

D. Conditional Uses Authorized by Permit: The following uses of land and structures may be permitted in this District by application for and issuance of a Conditional Use Permit as provided in Article X:

1. College and university
2. Industrial park (minimum of 20 acres)
3. Junkyard
4. Laboratory
5. Marijuana Grower A, B, C
6. Marijuana Processing
7. Marijuana Provisioning Center
8. Marijuana Safety Compliance Facility

9. Marijuana Secure Transporter
10. Natural resource extraction (not including timber or ore mining/excavation)
11. Planned unit development (PUD)
12. Salvage yard
13. Sexually Oriented Business (South of County Road 492)
14. Wind Energy System

Section 315 F Forestry District

- A. Intent: The F- Forestry District is designed to promote the use of wooded and rural areas of the township in a manner that will retain the basic attractiveness of natural resources and provide enjoyment for both visitors and the community at large. Municipal services, including but not limited to snow plowing, school bus pick-up, and garbage removal, may be provided on a limited basis or not at all within this district, depending upon the exact location.
- B. Permitted Principal Uses:
1. State licensed residential facility- small group home.
 2. Airports and landing field
 3. Attached communication facility
 4. Bed and breakfast establishment
 5. Boarding stable and riding academy
 6. Commercial greenhouse
 7. Commercial harvesting of timber
 8. Family daycare home- less than seven children
 9. Farming and agriculture
 10. Kennel
 11. Public building
 12. Single family dwelling
 13. Stabling of horses for personal use
 14. Utility and public service
 15. Wireless communication facility
- C. Permitted Accessory Uses: The following are permitted accessory uses:
1. Accessory structures normally associated with residential dwellings, such as a private garage, shed for yard tools, playhouse, pens, swimming pools, woodshed and sauna.
 2. Accessory uses and structures normally associated with permitted uses.
- D. Conditional Uses Authorized by Permit: The following uses of land and structures may be permitted in this District by application for and issuance of a Conditional Use Permit as provided in Article X:

1. Automobile, tractor, trucking facility
2. Building material sales and storage
3. Cemetery
4. Home occupation
5. Intensive agricultural activity
6. Marijuana Grower A, B, C
7. Marijuana Processor
8. Natural resource extraction (not including timber or ore mining/excavation)
9. Planned unit development (PUD)
10. Petroleum, natural gas and propane storage tank
11. Sawmill and planing mill
12. Tourist cabins
13. Special Events Venue
14. Sportsmen's club and association, hunting preserve.
15. Wind Energy System

Section 316 Recreational Uses

- A. The following recreational uses are Permitted Principal Use (P), or require a Conditional Use Permit (C) in the districts indicated below.

TABLE 3.2-1 Recreational Land Uses in Zoning Districts

Land Use\District	R-1	R-2	R-3	RB	GB	I	F
Community Playgrounds	P	P	P	P			P
Picnic Area			C				P
Multi Use Recreation Area		C	C	C	P		C
Passive Park (nature areas, non-motorized trails, walkways)	P	P	P	P	P	P	P
Fields: soccer, ice hockey, field hockey, ball fields, ice rinks		C	C	P	P		C
Cross-Country Ski Trail	C	C	C	P			P
Horseback Riding (equestrian) Trail		C	C	P			P
Indoor Recreation: handball, badminton, basketball, tennis, archery, golf, bowling alley				C	P		C
Golf- Driving Range				C	C		P
Golf Course (9 or 18 hole)	C	C	C	C	P		P
Mini-Golf Course				C	P		C
Tracks: ORV, bicycle, BMX, motor cross, go-carts, snowmobile, car, midget racing				C	C	P	C
Archery Range (outdoor)				C	C		C
Rifle and Shotgun Range, Skeet and Trap, Sporting Clay Fields				C	C		C
Swimming Beach			C				C
Campgrounds			C	C	P		C
Zoos			C	C	C		P
Snowmobile Trails	C	C	C	C	C	C	C
Private Hunting Area							C
Fishing Piers and Boat Launch			P				P
P-Permitted C-Conditional							

Section 317 Wellhead Protection Area

- A. It is the purpose of Section 317 to enhance and preserve the public health, safety, and welfare of the persons and property of Negaunee Township from degradation resulting from the improper use, storage, or disposal of hazardous and toxic substances.

In the past, most groundwater protection efforts have focused on wellhead protection protecting the area immediately surrounding the wellhead, where new contaminants can reach the wellhead quickly and with little time for detection. Although wellhead protection is important, we also know that pathogens and soluble pollutants, such as nitrate, can travel long distances in groundwater (in some cases very rapidly) and may even reach deep aquifers. Once water flows underground and settles in an aquifer it may remain there for hundreds of years. If pollutants reach an aquifer, particularly a deep aquifer, contamination may be essentially permanent. Protecting deep or confined aquifers from contamination requires protecting land in the aquifer recharge zone. Protecting the wellhead may not be sufficient to protect the aquifer from contamination.

Shallow groundwater sources and unconfined aquifers under the influence of surface water are very susceptible to contamination from non-point source pollutants. Since water and pollutants travel easily between surface waters and shallow aquifers, pollutants originating in the headwaters of a watershed can make their way to wells further downstream. Therefore, shallow groundwater sources and unconfined aquifers need to be protected in a similar manner to surface water sources.

The intent of the Wellhead Protection Overlay Zone, including the subdivisions or tiers within the Zone, is to provide supplemental development regulation in the designated area so as to permanently protect the Township of Negaunee drinking water source from long-term contamination originating from land use activities on the Earth's surface. Due to the vulnerability of groundwater to contamination, the need for public health protection and the significant public investment in the municipal water supply system, these regulations contain protective measures that do not apply to other areas of the community.

The Wellhead/Groundwater Protection District is superimposed on current zoning districts and shall apply to all new construction, reconstruction or expansion of existing buildings and new or expanded uses. Land uses allowed in the underlying zoning districts that fall within the Wellhead/Groundwater Protection District must additionally comply with the requirements of this district. Uses prohibited in either the underlying zoning districts or this overlay zone shall not be permitted.

- B. The requirements of this section apply to any person, firm, or corporation within the wellhead protection overlay zone when new or expanded land uses are proposed.
- C. Allowable land use activities within the Wellhead Protection Overlay Zone are limited to those activities listed by tier in the land use tables provided herein. Several allowable activities require the preparation of a hydrogeologic study, the installation of monitoring wells and the submission of Material Safety Data Sheets for materials that may be used or stored on the site as a condition of Planning Commission approval.

No land uses within the wellhead protection overlay zone subject to regulation under this ordinance shall be constructed or expanded unless Planning Commission approval has been received and a **Wellhead Protection Permit** has been granted by the Negaunee Township Board.

- D. The Wellhead Protection Overlay Zone shall be mapped and the land area where water infiltrates into the soils and reaches groundwater used by the public water supply wells shall be delineated. The Wellhead Protection Overlay Zone map shall indicate the criteria and methods used to prepare

the map and shall be periodically reviewed. The Wellhead Protection Overlay Zone map is incorporated into this zoning district regulation.

The Wellhead Protection Management Area is divided into three tiers with each tier providing a different level of protection representing the relative risk to the aquifer. The following land use table (Table 3.2) describes the recommended uses within the Tier 1, Tier 2 and Tier 3 Zones.

1. **TIER 1 ZONE – DRINKING WATER CRITICAL IMPACT ZONE**

The Tier 1 Zone is defined as the area that has the highest potential for impact on the drinking water supply. The 10-year time of travel (TOT) boundary is within the Tier 1 Zone. Recommended uses in the Tier 1 Zone are limited because of the high potential for contaminants to enter the aquifer. The Tier 1 area includes:

- The Southwest ¼ of Section 26, T48N, R26W
- The North ½ of Section 35, T48N, R26W lying North of County Road 492
- The East ½ of the Northeast ¼ of Section 34, T48N, R26W

2. **TIER 2 ZONE – DRINKING WATER POTENTIAL THREAT ZONE**

Development and construction in the Tier 2 area is subject to fewer restrictions because of the reduced threat to the aquifer. However, some types of uses are subject to monitoring and surveillance requirements. The Tier 2 area includes the following:

- The Southeast ¼ of Section 26, T48N, R26W
- The East ½ of Section 27, T48N, R26W, except the Northeast ¼ of the Northeast ¼
- The Northwest ¼ of Section 27, T48N, R26W
- The West ½ of the Northeast ¼ of Section 34, T48N, R26W
- The North ½ of the Southeast ¼ of Section 34, T48N, R26W
- The North ½ of the South ½ of Section 35, T48N, R26W
- The North ½ of Section 35, T48N, R26W lying South of County Road 492

3. **TIER 3 ZONE – DRINKING WATER POTENTIAL IMPACT ZONE**

The Tier 3 Zone is established as the remainder of the Wellhead/Groundwater Protection District not included in the Tier 1 Zone or the Tier 2 Zone but deemed necessary to ensure adequate protection of the public drinking water supplies.

Development and construction in the Tier 3 area is subject to the least restrictions because of a lower threat to the aquifer. The Tier 3 area includes the following:

- The Southwest ¼ of Section 27, T48N, R26W
- The Northwest ¼ of Section 34, T48N, R26W

- E. All land uses within the Wellhead Protection Management Area shall be connected to available public wastewater treatment facilities after these systems become available. No new permits for septic disposal system will be issued in the Wellhead Protection Area after sewers are available. Individuals, businesses and others currently on septic systems will be required to connect to the sanitary sewer system as their systems fail.

- F. Any land use, proposed or expanded, that is listed on the Land Use Table (Table 3.2) within the Wellhead Protection Area shall meet the site plan review standards specified in Section 904 of this Zoning Ordinance.
- G. Data requested for **Conditional Use** review purposes includes the following:
1. Listing of types of quantities of hazardous substances that will be used or stored on-site at the facility in quantities greater than **twenty-five (25) gallons** per month.
 2. Completion of the “Hazardous Substances Reporting Form”, as provided by the Zoning Administrator.
 3. Location of existing and proposed service facilities and structures, above and below ground, on a map drawn at a scale of at least one inch equals fifty feet (1:600), including:
 - a. Septic systems, drainfields and other wastewater treatment systems to be used by the facility.
 - b. Areas to be used for the storage, use, loading/unloading, recycling, or disposal of hazardous substances, including interior and exterior areas.
 - c. Underground storage tank (UST) locations.
 - d. Location of exterior drains, dry wells, catch basins, retention/detention areas, sumps and other facilities designed to collect, store or transport storm water or wastewater. The point of discharge for all drains and pipes shall be specified on the site plan.
 4. Location of the site within the Wellhead Protection Area on a map or drawing at a scale no smaller than one inch equals five hundred feet (1:6000).
 5. Location of existing wetlands and watercourses, including lakes, ponds, rivers and streams on or within a quarter (1/4) mile of the site.
 6. Soil characteristics of the site, at least to the detail provided by the U.S. Soil Conservation Service.
 7. Existing topography, with a maximum contour interval of two (2) feet indicated.
 8. Delineation of areas on the site which are known or suspected to be contaminated, together, with a report on the status of site cleanup.
 9. An affidavit stating that any existing facility is in compliance with County, State and Federal regulations.
 10. A County/State environmental permits checklist, indicating the types of environmental permits and approvals that may be needed for the proposed project.
 11. A Hydrogeologic Report, if required for the specific land use contemplated as indicated in the Land Use Table. The hydrogeologic report shall conform to Part 22, Groundwater Quality Rules promulgated by the Michigan Department of Environmental Quality under Act No. 451 of the Public Acts of 1994 as amended.
- H. All projects proposed for **Conditional Use** approval within the Wellhead Protection Area shall meet the following minimum standards:
1. Sites at which hazardous substances are stored, used or generated shall be designed to prevent spills and discharges to the air, surface of the ground, groundwater, lakes, streams, rivers or wetlands.

2. Secondary containment of hazardous substances shall be provided for areas where such substances are stored or used. Secondary containment shall be sufficient to store the substance for the maximum anticipated period of time necessary for the recovery of any release substance.
 3. General purpose floor drains shall be approved for connection to a public sewer system, an on-site holding tank, or a system authorized through a state groundwater discharge permit.
 4. State and Federal agency requirements for storage, spill prevention, record keeping, emergency response, transport and disposal of hazardous substances shall be met, including but not limited to the following:
 - a. A Michigan Groundwater Discharge Permit shall be required for any discharge to groundwater.
 - b. A Pollution Incident Prevention Plan shall be prepared by facilities that store any quantity of materials listed on the Michigan Critical Materials list.
 5. Commercial or industrial land uses shall have specially-designed storm water facilities in areas where hazardous substance spills may occur. Such facilities shall be designed to:
 - a. Prevent the commingling of storm water runoff and hazardous substances.
 - b. Enhance spill cleanup procedures.
 - c. Meet all County, State and Federal agency guidelines.
 6. All guidelines and requirements of Federal, State, County and local agencies specified in the State-approved Wellhead Protection Plan for Negaunee Township shall be met.
- I. All **Conditional Uses**, limited to those uses listed in the Land Use Table (Table 3.2) by tier, proposed for the Wellhead Protection Area shall have an approved maintenance plan recorded with the County Register of Deeds.
- The maintenance plan may include standards and operational requirements related to:
1. The application rate and timing of lawn fertilizers.
 2. The pump-out and operation of on-site septic systems.
 3. The repair and reconstruction of secondary containment dikes and other spill protection measures.
 4. The application of de-icing chemicals to road surfaces and parking lots.
 5. Maintenance of storm water management facilities located on-site.
 6. Other topics identified in the Negaunee Township Wellhead Protection Plan.
- J. All applicants for **Wellhead Protection Permits** shall pay an administrative fee sufficient to cover the expense of reviewing and approving the proposal, including, but not limited to, the cost of planning and engineering site reviews.
- K. Land use activities within the Wellhead Protection Overlay Zone are limited to only those uses specifically listed on the Land Use Tables included in this Section.
- L. Nothing in this Section shall be construed to imply that the County or Township has accepted any of an owner/developer's liability if a permitted facility or use contaminates ground water in any aquifer.

- M. Where disputes arise as to the location of the Wellhead/Groundwater Protection District, or the limits of Zone 1 or Zone 2, the Zoning Board of Appeals shall resolve the dispute and establish the boundary location. In all cases, the decision of the Zoning Board of Appeals shall be based upon the most current Wellhead Protection Study. Where a detailed inventory is not available, the best available information shall be utilized. The burden of proof shall be upon the owner(s) of the land to demonstrate where the boundaries of the district are located with respect to their individual parcel(s). If the owner(s) request that the local government agency determine more accurately the boundaries of the district with respect to individual parcels of land, the agency may engage a professional engineer, hydrologist, geologist or soil scientist and charge the owner(s) for the cost of the investigation.
- N. The Zoning Administrator shall maintain a log of all Zoning Permits issued for areas within the Wellhead/Groundwater Protection Zone. In addition, the duties of the Zoning Administrator shall include, but are not limited to:
1. Notification of adjacent communities and the Department of Environmental Quality of the proposed location of any land use not permitted within the overlay zone.
 2. Recording of written notification to all applicants to whom variances are granted within the overlay zone indicating the terms of the variance. A record of all variance notifications and variance actions shall be maintained together with the justification for each variance.
 3. All records and maps pertaining to the National Flood Insurance Programs shall be maintained in the office of the Zoning Administrator and shall be open for public inspection.

**TABLE 3.2-2
LAND USE TABLE**

Land Uses	Tier 1	Tier 2	Tier 3	Hydro-Geo Study	Monitoring Wells
Accessory structures normally associated with residential dwellings, such as a private garage, shed for yard tools, playhouse, pens, swimming pools, woodshed and sauna.	P	P	P		
Adult foster care facility - large group home	P	P	P		
Adult Foster Care - small group home	P	P	P		
Airports and landing facility			C	Y	Y
Attached communication facility			C		
Attached wireless communication facility			C		
Automobile body work facility			C	Y	Y
Automobile repair facility			C	Y	Y
Automobile and recreational vehicle sales and services			C	Y	Y
Automobile, tractor, trucking facility			C	Y	Y
Bed and breakfast establishment	P	P	P		
Banks and financial institution	P	P	P		
Boarding stable and riding academy		C	C		
Building contractor storage yard			C	Y	Y
Building material sales and storage			C	Y	Y
Business office	P	P	P		
Cemetery		C	C		
Church	P	P	P		
College and university	P	P	P		
Commercial greenhouse			C	Y	Y
Commercial printing facility			C	Y	Y
Contractor Yard		C	C	Y	Y
Convenience store/without fuel	P	P	P		
Drive-In/Drive-Thru restaurant	P	P	P		
Elementary, intermediate and high school	P	P	P		
Family Day Care - less than 7 children	P	P	P		
Farming and agriculture	C	C	C		
Food packaging operation		C	C		
Funeral home	P	P	P		
Gasoline service station			C	Y	Y
Harvesting of timber (commercial)	P	P	P		
Home occupation - Section 407	C	C	C		
Harvesting of timber (commercial)	P	P	P		
Home occupation - Section 407	C	C	C		

**TABLE 3.2-2
LAND USE TABLE (Continued)**

Land Uses	Tier 1	Tier 2	Tier 3	Hydro-Geo Study	Monitoring Wells
Hospital, nursing home, convalescent home and assisted living facility			C	Y	Y
Intensive Agricultural Activity			C		
Kennel		P	P		
Laundromat		C	C		
Library	P	P	P		
Light manufacturing			C		
Livestock for personal use	C	P	P		
Lodge hall	P	P	P		
Mechanical car washing facility			C	Y	Y
Medical and dental office	P	P	P		
Mini-storage facility	P	C	P		
Mobile home park	C	C	C		
Motel and hotel	C	C	C		
Multi-family dwelling	C	C	C		
Multi-family dwelling complex	C	C	C		
Natural Resource Extraction			C	Y	Y
Personal service establishment	P	P	P		
Planned unit development	C	C	C		
Plumbing & Electric Sales & Service Establishment	C	C	C		
Poultry for personal use	P	P	P		
Public building	C	C	C		
Retail business	P	P	P		
Restaurant (with and without on-premises alcohol consumption)	P	P	P		
Salvage yard			C	Y	Y
Single Family dwelling	P	P	P		
Sportsmen's club and association, hunting preserve	C	C	C		
Tavern	P	P	P		
Theaters and assembly hall	P	P	P		
Tourist cabins	C	C	C		
Two family dwelling	P	P	P		
Utility and public service			C	Y	Y
Wholesale and storage facility	C	C	C	Y	Y
Wireless communication facility	C	C	C		

P – Permitted Use
C – Conditional Use

Section 318 Open Space Preservation:

- A. In order to comply with Section 16(h), as added to the Township Zoning Act by Public Act 177 of 2001, notwithstanding the generally applicable minimum lot frontage/lot width and minimum lot area per dwelling unit requirements of this Ordinance, land zoned for residential development may be developed, at the option of the landowner, with the same number of dwelling units that could otherwise be developed on the land under existing ordinances, laws, and rules, on not more than 50% of the land, if all of the following apply:
1. The land is zoned at a density equivalent to 2 or fewer dwelling units per acre; or, if the land is served by a public sewer system, 3 or fewer dwelling units per acre;
 2. Not less than 50% of the land area will remain perpetually in an undeveloped state by means of a conservation easement, plat dedication, restrictive covenant, or other legal means that runs with the land;
 3. The development does not depend upon the extension of a public sewer or public water supply system, unless development of the land without the exercise of the development option provided by this provision would also depend upon such as extension; and
 4. The development option provided pursuant to this section has not previously been exercised with respect to the subject property.
- B. The development of land under this section is subject to all other applicable ordinances, laws and rules, including but not limited to:
1. The provisions of the Zoning Ordinance that are not in conflict with and preempted by Section 16th of the Township Zoning Act as added by 2001 Public Act 177 (MCL 125.286h).
 2. The Land Division Act (formerly the Subdivision Control Act, MCL 560.101, et seq.).
 3. Any ordinance regulating the division of land, the platting of land into subdivisions, or the creation of a site condominium.
 4. Rules relating to suitability of groundwater for on-site water supply for land not served by public water.
 5. Rules relating to suitability of soils for on-site sewage disposal for land not served by public sewers.
- C. As used in this section, the term "undeveloped state" means a natural state preserving natural resources, natural features, or scenic or wooded conditions, agricultural use; open space; or a similar use or condition. This term does not include a golf course, but may include a recreational trail, picnic area, children's play area, greenway, or linear park.

Section 319 Prohibited Uses

- A. Uses, activities, enterprises or purposes that are contrary to, or violate federal, state or county laws or regulations, this Ordinance, or other Township ordinances are prohibited.
- B. Undesignated Uses: Any use, use of land, activity, structure, or development activity not expressly defined or listed in this Ordinance is prohibited, unless the Zoning Administrator finds that the use is substantially similar in character to a use or item listed in this Ordinance. An individual may apply to the Planning Commission for consideration of an amendment to this Ordinance to include a proposed use in one or more of the zoning districts of this Ordinance, either as a permitted use or a special land use.

ARTICLE IV GENERAL REGULATIONS

Section 401 Height, Bulk and Placement Regulations

- A. Except as otherwise provided in this Ordinance, no lot or parcel shall be created and no structure shall be erected or maintained except in compliance with the Schedule of Regulations specified below. Any sale of land in violation of this Section shall be voidable at the option of the purchaser and shall subject the seller to the forfeiture of any and all consideration received or pledged for the land. The purchaser may take additional action to recover any damages sustained. These remedies shall not preclude enforcement by the Zoning Administrator.

TABLE 4.2-1 Schedule of Regulations						
District	Minimum Lot Size (square feet or acreage)^F	Minimum Lot Width (feet)^A	Setback (feet)^C for principal building			Maximum Height of the Principal Building (feet)^{D, E}
			Front^B	Side	Rear	
R-1	43,560	125	25	10	25	30
R-2	43,560	125	25	10	25	30
R-3	43,560	125	25	10	25	30
RB	11,000	75	25	10	25	30
GB	11,000	75	25	10	25	30
I	5 acres	250	50	20	50	40
F	10 acres	350	25	25	25	30

Footnotes to the Table:

- A. Lot width shall be measured at front setback line and shall not include any encumbrances, such as easements or other such restrictions.
- B. Where a parcel abuts a water body, the front lot line setback shall be 50 feet from the ordinary high water mark.
- C. An accessory building may be located 10 feet from the side or rear lot line.
- D. Within a 4,000 foot radius of the National Weather Service radar the top of a structure can be no higher than 1,509 feet above Mean Sea Level. For example, if the ground elevation is 1,411 feet above Mean Sea level, then the total height of the building or structure is limited to a total overall height of 98 feet.
- E. The maximum height of a multi-family dwelling is 40 feet.
- F. Septic system consideration may require a larger lot size; the Health Department should be consulted.

- B. The determination of lot size when adjoining a road shall be made as if the road was a part of the lot in question. For example, a 20-acre parcel fronting on a road will lose approximately one-half acre in the road right-of-way. This will then make the parcel size 19.5 acres; however, it will still conform to a 20-acre minimum lot size requirement.

Section 402 Accessory Buildings and Uses

- A. Parcels located in R-1, R-2, R-3, RB and F zones less than 1 acre
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 1 acre or smaller:

Table 4.2-2	Accessory Building
Maximum combined accessory storage size/area	1200 square feet
Number allowed	2 detached accessory buildings
Maximum height	20 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

- B. Parcels located in R-1, R-2, R-3, RB and F zones greater than 1 acre
 The following standards set forth in Table 4.2-3 apply to accessory buildings that serve single-family dwellings and duplexes which are on parcels larger than 1 acre:

Table 4.2-3	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

- 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	Accessory Building
Maximum combined principal structure AND accessory storage size/area	Total square footage not to exceed 10% of parcel size.
Number allowed	5 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

- D. Parcels located in GB and Industrial districts:
The following standards set forth in Table 4.2-5 apply to accessory buildings that serve commercial and industrial developments

Table 4.2-5	Accessory Building
Maximum combined principal structure AND accessory storage size/area	Total square footage not to exceed 40% of parcel size.
Number allowed	3 in GB district; 5 in Industrial district
Maximum height	30 feet
Minimum front yard building setback	25 feet in GB district; 50 feet in Industrial district
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

- E. Multi-Family Dwelling and Multi-Family Dwelling Complex:

Attached and multi-family buildings are allowed one storage or maintenance structure and one garden shed per complex, plus detached garage structures as needed. Accessory buildings and sheds shall be located in front or side yards behind the rear building line of the principal structure. Accessory buildings and sheds shall be set back a minimum of 10 feet from rear or side lot lines and from principal buildings.

- F. Waterfront Properties:

Boathouses and saunas are permitted as accessory uses in the front yard. ALL waterfront properties must abide by the regulations set forth in Table 4.2-2.

- G. Home Occupation:

If a home occupation is located in a detached accessory building, the space allocated to the home occupation shall not exceed four hundred (400) square feet.

- H. Detached Residential Garage:

For the purposes of this Ordinance, a single detached residential garage shall not be counted as an accessory building provided there is not a residential garage attached to the principal structure.

I. Construction Timing:

Accessory buildings larger than 720 square feet shall not be constructed prior to the construction of the principal structure on the same site.

J. Permit Required:

Permits are required for all detached accessory buildings greater than 100 square feet prior to construction.

Section 403 Waterfront Development

A. Setbacks from Inland Waters and Rivers- All structures on lots abutting any body of water, as defined in Act No. 346 of the Public Acts of 1972, including, but not limited to, inland lakes, rivers, streams, and impoundments, shall maintain a minimum setback of 50 feet as measured from the ordinary high water mark.

B. The ordinary high water marks set for the Hoist Basin and the McClure Basin shall be based on set elevations. These elevations are as follows:

1. Dead River Hoist Storage Basin ordinary high water mark is set at 1346.

NOTE: The State uses the 100-year flood elevation of 1348 N.G.V. Datum for regulation on the Dead River Hoist Storage Basin. This is very different from the Ordinary High Water Mark and is based on a flood that has a 1 percent chance of occurring in any given year or on a long-term average, once in one hundred years.

2. Dead River McClure Storage Basin ordinary high water mark is set at 1196.05 (Normal Level) Waters edge

NOTE: The 100-year flood elevation of the McClure basin is estimated to be 1210 N.G.V. Datum based on stages at the McClure Dam.

3. The 100-year flood elevation of the Carp River is estimated to be five (5) feet above the normal summer water levels.

4. All other bodies of waters will have approval from the Geological and Land Management Division (GLMD) of the Department of Environmental Quality. This approval will show they will build structures a minimum of 50 feet from any the ordinary high water mark as established by Act No. 346 of the Public Acts of 1972.

C. Any construction, filling, or grading within the 100-year flood plain requires a permit from the Geological and Land Management Division (GLMD) under the State's Floodplain Regulatory Authority found in Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA).

- D. An elevation survey shall be required to determine whether a site is flood prone. You shall have a site survey by a registered surveyor on any proposed construction on the Carp and Dead Rivers and Morgan Creek Watershed. Elevations shall be shown on this survey so proper distance will be maintained. The property owner would be responsible for that information.
- E. In general, construction and fill may be permitted in portions of the floodplain that are not floodway, provided local ordinances and building standards are met. Floodways are the channel of the stream and those portions of the floodplain adjoining the channel that are reasonably required to carry and discharge the 100 year flood. These are generally the areas of moving water during a flood. Residential construction is prohibited in the floodway portion of the floodplain.
- F. The Michigan Residential Building Code requires that the lowest floor of new residential construction within the flood plain be elevated at least one (1) foot above the design flood level. Basement floors that are below grade on all four sides shall be elevated to or above the design flood level (normally the 100 year elevation). Non-residential structures may be elevated or dry flood proofed. Enclosed space below the 100-year floodplain elevation, such as a crawl space, must be designed to automatically equalize hydrostatic forces on exterior walls (allowed to flood).
- G. Before a Zoning Compliance Permit will be issued for properties described in Section 403 A., soil erosion and DEQ permits will be required. These permits shall be submitted with the zoning compliance permit for approval. These permits will show that structures are a minimum of 50 feet from ordinary high water marks as described in this Section under B: 1, 2 and 3. A.

Section 404 Right-of-Way

- A. Where the right-of-way is established under the McKnitt Act (P.A. 130 of 1931 as amended) and varies from the standard 66 feet of width, the setback shall be not less than 58 feet from the centerline of the roadway.

Section 405 Minimum Building Floor Area

- A. The minimum principal floor area, exclusive of unfinished basements, garages, porches and breezeways for structures used for residential use shall be:

TABLE 4.2-6 Minimum Building Floor Area

Structure Type	Minimum square feet
Single-family dwelling R-1	1,000 square feet
Single-family dwelling R-2	850 square feet
Single-family dwelling R-3	850 square feet
Two-family dwelling	1,700 square feet
Multiple-family dwelling—1 bedroom	600 square feet
Multiple family dwelling—2 bedroom	800 square feet
Multiple family dwelling—3 bedroom	1,000 square feet
Recreational Structure	600 square feet

Section 406 Placement of Decks

- A. Attached or unattached decks, terraces, patios and porches shall comply with required front, side and rear setbacks.

Section 407 Bed and Breakfast

- A. Principal Residence of Owner: The detached single-family dwelling in which the Bed and Breakfast operates shall be the principal residence of the owner/operator and the owner/operator shall live on the premises when the Bed and Breakfast is in operation.
- B. Exterior Appearance: The structure shall maintain an exterior appearance that is in character with surrounding residential uses.
- C. Guest Rooms: The number of guest rooms is limited to one (1) less than the total number of bedrooms in the dwelling unit, not to exceed five (5) guest rooms total. Maximum occupancy is limited to two (2) adults per guest room.
- D. Maximum Stay: Length of stay for a lodger shall not exceed fourteen (14) consecutive days.
- E. Separate Cooking Prohibited: No separate cooking facilities shall be provided.

Section 408 One Principal Structure or Use Per Lot

- A. No more than one principal structure or use may be permitted on a lot, unless specifically provided for elsewhere in this Ordinance.
- B. A mobile home or existing structure may be used as a temporary dwelling until the owner or occupant completes the construction or erection of a conventional (stick-built) house for which a building permit has been issued. Upon application for a Temporary Dwelling Permit, the applicant may obtain a permit for an initial period for up to one year from the date of the building permit. Upon reasonable progress, the applicant may renew the permit for not more than two additional one-year periods. After this period, the building must be torn down or converted into an accessory building. The building must meet the requirements of Section 402 of this ordinance to be allowed to stay on the property that will meet the existing Zoning Ordinance set backs from property lines. No mobile home will be allowed to be converted into an accessory building.
- C. Single-family residential use is permitted when incidental to a permitted business use. To be considered incidental, the dwelling must be occupied by the business owner or operator.

Section 409 Variance of the Size and Width of Lots of Record

- A. The minimum lot size and lot width regulations do not apply to any conforming parcel of land that is shown as a lot on a map, or described in a deed or land contract that has been recorded with the County Register of Deeds prior to the effective date of this Ordinance.
- B. No vested right shall arise to a property owner for any parcel that was created in violation of any preceding Negaunee Township Zoning Ordinance or Marquette County Zoning

Ordinance.

- C. For the purpose of this Ordinance to reduce or eliminate nonconforming lot sizes or lot width, when a nonconforming lot is held in common ownership with abutting parcel(s) of land, the two or more parcels shall be considered combined.

Section 410 Allocation and Reduction of Lot Area

- A. No portion of a lot shall be used more than once in complying with the provisions for lot area and yard dimensions for construction or alteration of buildings.
- B. No setback area or lot existing at the time of adoption of this Ordinance shall be reduced in dimensions or area below the stated minimum requirements. Yards or lots created after the effective date of this Ordinance shall meet at least the established minimum requirements.

Section 411 Height Requirement Exemptions and Restrictions

- A. The following are exempt from height limit requirements up to a maximum of 100 feet:
 - 1. Those purely ornamental in purpose such as church spires, belfries, domes, ornamental towers, flagpoles and monuments;
 - 2. Those necessary appurtenances to mechanical or structural functions, such as chimneys and smokestacks, water tanks, radio towers, television antennas and satellite dishes, and cooling towers;
 - 3. Public utility structures; and,
 - 4. Agriculture related structures such as barns, silos, elevators and the like.
- B. No portion of the exempted structure may be used for human occupancy.
- C. All structures shall be properly secured and not placed in locations where the collapse of such a structure will occur on adjoining property.
- D. The Height Requirement Exceptions of Section 411 do not apply within the 4,000 foot radius of the National Weather Service radar, (see footnote "D" in Section 401).
- E. All structures exceeding 100 feet in height shall be required to obtain a Conditional Use Permit.

Section 412 Off-Street Parking Requirements

- A. There shall be provided in all districts at the time of erection or enlargement of any main building or structure, automobile off-street parking space with adequate access to all spaces.
 - 1. Off-street parking for other than residential uses shall be either on the same lot or within four hundred (400) feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot.
 - 2. Ownership shall be shown of all lots or parcels intended for use as parking by the applicant.
 - 3. Any area once designated as required off-street parking shall not be changed to any other

use unless and until equal facilities are provided elsewhere.

4. Two or more buildings or uses may collectively provide the required off-street parking in which case the required number of parking spaces shall not be less than the sum of the requirements for the several individual uses computed separately.
5. In the instance of dual function of off-street parking spaces where operating hours of building do not overlap, the Zoning Board of Appeals may grant an exception by reducing the total number of spaces required.
6. The storage of merchandise, motor vehicles for sale, trucks, or the repair of vehicles is prohibited.
7. For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accord with a use which the Zoning Board of Appeals considers as being similar in type.
8. For the purpose of computing the number of parking spaces required, the definition of Usable Floor Area shall govern.
9. The minimum number of off-street parking spaces by type of use shall be determined in accordance with the following schedule:

TABLE 4.2-3 Minimum Number of Parking Spaces by Use

Use	Number of Minimum Parking Spaces Per Unit of Measure
<u>Residential</u> <u>One-Family</u> <u>Two-Family</u> <u>Multiple-Family</u> <u>Rooming Houses</u>	One (1) for each dwelling unit. One (1) for each dwelling unit. One and one-quarter (1 1/4) for each dwelling unit. One (1) for the owner or resident manager and one (1) for each guest room.
2. Banks	One (1) for each three hundred (300) square feet of usable floor area.
3. Business offices or professional offices except as indicated in the following item	One (1) for each four hundred (400) square feet of usable floor area.
4. Professional offices of doctors, dentists or similar professions.	One (1) for each one hundred fifty (150) square feet of usable floor area in waiting room.
5. Retail stores except as otherwise specified herein.	One (1) for each one hundred and fifty (150) square feet of usable floor area.
6. Furniture and appliance, hardware stores, household equipment repair shops, showroom of a plumber, decorator, electrician, or similar trade, shoe repair and other similar uses.	One (1) for each eight hundred (800) square feet of usable floor area.
7. Supermarkets (self-service food stores).	One (1) for each one hundred and fifty (150) square feet of usable floor area.
8. Beauty parlor or barber shops.	One (1) for each beauty or barber shop chair.

TABLE 4.2-3 Minimum Number of Parking Spaces by Use

Use	Number of Minimum Parking Spaces Per
9. Mortuary (funeral) establishments.	One (1) for each one hundred (100) square feet of assembly room usable floor space, parlors and slumber rooms.
10. Motor vehicle sales and service establishments.	One (1) for each four hundred (400) square feet of usable floor area of sales room and one (1) for each auto service stall in the service room.
11. Pool hall or club.	One (1) for each one (1) game table or one (1) for each one hundred and fifty (150) square feet of usable floor space in game rooms, or whichever is greater.
12. Bowling Alleys.	Four (4) for each bowling lane.
13. Establishments for sale and consumption, on the premises, of beverages, food or refreshments.	One (1) for each one hundred and fifty (150) square feet of usable floor area.
14. Churches or temples.	One (1) for each four (4) seats in the main unit of worship.
15. Theaters and auditoriums (except schools)	One (1) for each four (4) seats.
16. Elementary and junior high schools.	One (1) for each two (2) teachers, employees or administrators.
17. High school and college or university.	One (1) for each two (2) teachers, employees, or administrators and one (1) for each ten (10) students.
18. Laundromats and coin operated dry cleaning.	One (1) for each three (3) machines.
19. Dance halls, roller rinks, exhibition halls and assembly halls without fixed seats.	One (1) for each one hundred (100) square feet of usable floor area. Where legal capacity is established, one (1) for each four (4) persons of the established legal capacity.
20. Special Events Venues	A minimum of 0.35 spaces per occupant.

Section 413 Off-Street Parking Space Layout, Standards, Construction and Maintenance

- A. Wherever the off-street parking requirements in Section 412 require the building of an off-street parking facility, such off-street parking lots shall be laid out, constructed and maintained in accordance with the following standards and regulations:
1. No parking lot shall be constructed unless and until a permit therefore is issued. Applications for a permit shall be submitted with two (2) copies of plans for the development, and this section will be fully complied with.
 2. Adequate ingress and egress to the parking lot shall be provided and shall receive the review and approval of the Zoning Administrator in order to provide for the greatest possible public safety and welfare. Such necessary directional signs and controls as required shall be established and maintained by the owner or lessee of the parking lot.
 3. All spaces shall be provided adequate access by means of maneuvering lanes.
 4. Plans for the layout of off-street parking facilities shall be in accord with the following minimum requirements:

TABLE 4.2-4 Minimum Spatial Requirements for Off-Street Parking					
Parking Pattern	Maneuvering Lane Width	Parking Space Width	Parking Space Length	Total Width of ONE TIER of Spaces Plus Maneuvering	Total Width of TWO TIERS of Space Plus Maneuvering
75° to 90°	20 ft.	9 ft.	20 ft.	40 ft.	60 ft.
54° to 74°	15 ft.	8 ft. 6 in.	20 ft.	36 ft. 6 in.	58 ft.
30° to 53°	12 ft.	8 ft. 6 in.	20 ft.	32 ft.	52 ft.

5. All maneuvering lane widths shall require one-way traffic movement, with the exception of the 90E pattern where two-way movement may be permitted.

Section 414 Off-Street Loading and Unloading

- A. On the same premises with every building, structure or part thereof, involving the receipt or distribution of vehicles or materials or merchandise, there shall be provided and maintained on the lot, adequate space for standing, loading and unloading in order to avoid undue interference with public use of dedicated streets or alleys. Such space shall be provided as follows:
1. All spaces in RB and GB Districts shall be provided in the ratio required in the Schedule of Regulations found in Section 401 as minimum rear yard.

2. All spaces in Industrial Districts shall be laid out in the dimension of at least ten by fifty (10 x 50) feet, or five hundred (500) square feet in area, with a clearance of at least fourteen (14) feet in height. All spaces in Industrial Districts shall be provided in the following ratio of spaces to gross floor area:

TABLE 4.2-5 Industrial Off-Street Loading & Unloading Space Requirements	
GROSS FLOOR AREA (square feet)	Loading and Unloading Space Required in Terms of Square Feet of Gross Floor Area
0 – 1,400	One (1) space
1,401 – 20,000	Two (2) spaces
20,001 – 100,000	Two (2) spaces plus one (1) space for each twenty thousand (20,000) square feet in excess of twenty thousand (20,000) square feet
100,000 and over	Six (6) spaces

Section 415 Plant Materials and Spacing Requirements

- A. Whenever in this ordinance a greenbelt or planting is required, it shall be planted within 8 months from the date of issuance of a certificate of occupancy or conditional use permit. The greenbelt or planting shall be reasonably maintained with permanent plant materials to provide a screen to abutting properties. Any Zoning Compliance Permit may be revoked, after 30 days written notice to the person assessed for taxes on the affected lot to the occupant, whenever the plants are not maintained as required by this Ordinance.
 1. The plant materials listed below may be used or a resource professional may be employed by the applicant to determine alternative plant materials based on soil and drainage conditions.
 2. Plant materials shall be spaced according to the following requirements:
 - a) Plant materials shall not be closer than four feet from the fence line or property line.
 - b) Where planting materials are planted in two or more rows, the plant materials should be staggered in rows.
 - c) Evergreen trees should be planted at 8'-10' spacing.
 - d) Narrow evergreens should be planted not more than three feet on centers.
 - e) Deciduous trees shall be planted at 10'-12' spacing.
 - f) Tree like shrubs should be planted not more than 8'-10' on centers.
 - g) Large deciduous shrubs should be planted 6'-8' on centers.

- h) A planting scheme provided by a resource professional may be used in the alternative. The planting scheme must provide for adequate soil erosion control and adequate screening.

B. If a resource professional is not used, the following plant materials shall be used:

TREE LIKE SHRUBS:

- *Acer spicatum* - Mountain maple
- *Cornus alternifolia* - Alternate leaved dogwood
- *Sorbus americana* - Mountain Ash
- *Sorbus decora* - Mountain Ash
- *Prunus virginiana* - Chokecherry
- *Prunus pensylvanica* - Pincherry
- *Crataegus crus-galli* - Cockspur thorn
- *Crataegus chrysoarpa* - Hawthorn
- *Coryllus cornuta* - Beaked hazel
- *Alnus rugosa* - Speckled alder
- *Amelanchier* species - Juneberry

LARGE DECIDUOUS SHRUBS

- *Nemopanthus mucronata* - Mountain holly
- *Dirca palustris* - Leatherwood
- *Shepherdia canadensis* - Buffalo berry
- *Cornus rugosa* - Round leaved dogwood
- *Cornus stolonifera* - Red osier
- *Sambucus canadensis* - American elderberry
- *Sambucus pubea* - Red Elderberry
- *Viburnum cassinoides* - Wild raisin
- *Viburnum lentago* - Nannyberry
- *Viburnum trilobum* - High-bush cranberry
- *Ilex verticillata* - Winterberry
- *Rhus typhina* - Staghorn sumach
- *Rhus glabra* - Smooth sumach
- *Physocarpus opulifolius* - Ninebark
- *Myrica gale* - Sweet gale

EVERGREEN TREES

- Thuja occidentalis - Northern white-cedar
 - Picea glauca - White spruce
 - Pinus strobus - Eastern white pine; northern white pine
 - Pinus resinosa - Red pine
 - Pinus banksiana - Jack pine
 - Larix laricina - Tamarack; Eastern larch
- C. It is the responsibility of the applicant to determine that the plant materials will survive in the soil and drainage conditions where planted.

Section 416 Required Planting Screens

- A. In any district where a parking lot, trash collection, outdoor storage, merchandising, or service area lies within 50 feet of any residential dwelling, a planting screen of sufficient length to interfere with the view thereof from the adjoining property shall be required except where the view is blocked by a change in grade or other natural or man-made features. A six foot high fence whether it be an opaque wooden fence, a chain link fence with interwoven slats, or a masonry wall may be substituted.
- B. Planting Screen Specifications: All planting screens required by this Ordinance shall consist of plants, at least 30 inches high when planted, maintained in a healthy condition and so pruned as to provide maximum opacity from the ground to a height of six feet.
- C. Parking Lot Plantings: Where off-street parking of 50 or more vehicles is required, there shall be a landscaped area in the minimum of 18 square feet for each parking space within the perimeter of the parking area. No parking space shall be more than 120 feet from the landscaped open space. The landscaped open space shall be kept continuously planted with living vegetation. The required landscaped open space need not be contiguous, but there shall be at least one tree in each separate area. The trees shall be maintained in a healthy condition and pruned to maintain height to a maximum of 15 feet. The trees shall be pruned to remove dead wood. All plant materials shall be pruned so not to create a hazard to drivers or pedestrians.

Section 417 Fence Regulations

- A. The height of fences or hedges is subject to the following provisions:
1. No fence or hedge shall exceed four feet in the front yard.
 2. No fence or hedge shall exceed six feet in the side or rear yard.
 3. No fence or hedge shall obstruct the vision of motorists on adjacent streets or vision of motorists entering any street or other public way open to vehicular traffic from an adjacent driveway. The Road Commission shall be consulted as to whether the placement of the fence will be located in a clear vision zone area.

4. Fences with a height greater than six feet are permitted in the side or rear yard for the purpose of retaining or excluding animals and the fence shall have clear visibility through it (such as a chain link fence).
 5. All loading or unloading and outside storage areas at commercial, industrial and multi-family developments, including areas for storage of trash, which face or are visible from residential properties, abut a residential zone or public thoroughfares, shall be screened by a vertical fence consisting of structural fence or plant materials no less than six feet in height.
- B. Any person erecting any fence or hedge shall be fully responsible for the care and maintenance of said fence or hedge and shall assume full responsibility for any damage arising due to the erection of such fence or hedge.
 - C. Normally required front, side and rear setbacks need not be met so long as the fence is not trespassing. The fence shall be at least two feet from the property line.
 - D. The Zoning Board of Appeals shall be empowered to modify fence and wall requirements as deemed necessary by conditions affecting a particular development, or to waive requirements where no good purpose would be served by compliance with these standards.

Section 418 Minimum Mobile Home Requirements

- A. Mobile homes placed on private lands in the Township shall have skirting installed that meets the following standards: Skirting shall have louvered or similar vents with a minimum of 600 square inches of open space per 1,000 square feet of living space. A minimum of one vent shall be placed at the front and rear of the mobile home and two at each exposed side. An access panel of sufficient size to allow full access to utility hook-ups located beneath the mobile home shall be installed. All skirting shall be manufactured of certified fire-resistant material.
- B. Mobile homes installed on private lands shall be installed at a minimum in compliance with rules established by the Mobile Home Commission.

Section 419 Garage Sales

- A. Garage sales at residences are allowed a maximum of two occurrences per calendar year in all zoning districts; each occurrence shall not exceed four consecutive days. Garage sales are not considered to be a Home Occupation.

Section 420 Temporary Agricultural Products Stand

- A. An agricultural stand for the display and retail sale of farm products is permitted in the RB, GB, I, and F districts. Said products stands are subject to the following regulations: one stand per parcel, only operated during daylight hours, maximum total floor area is 320 square feet, off-street parking to be provided for a minimum of four vehicles, and are located a minimum of five feet from the road right-of-way. Agricultural products stands are permitted to be operated from May 1 until January 1. The stand must be removed within 14 days of ceasing operations.

Section 421 Siting and Design Requirements for On-Site Use Wind Energy Systems Under Twenty (20) Meters in Height and Structure-Mounted Wind Energy Systems

- A. On-Site Use Wind Energy Systems under twenty (20) meters in height and Structure-Mounted Wind Energy Systems shall be considered permitted uses in all zoning districts and shall not be erected, constructed, installed, or modified as provided in this Ordinance unless a Zoning Compliance Permit has been issued to the Owner(s) or Operator(s).
- B. On-Site Use Wind Energy Systems less than twenty (20) meters in height shall be subject to the following:
 - 1. Height shall be measured from the base of the tower to the top of the blade in its vertical position (the height of an On-Site Use Wind Energy System shall not exceed twenty (20) meters without receiving a Conditional Use Permit from the Planning Commission);
 - 2. The On-Site Use Wind Energy System shall only be located in a rear yard of a property that has an occupied building;
 - 3. The setback from all occupied buildings on the applicant's parcel shall be a minimum of twenty (20) feet measured from the base of the tower;
 - 4. The setback from the property line, public right-of-way, public easement, or overhead public utility line shall be equal to a distance of the height of the tower including the top of the blade in its vertical position. This setback may be reduced if the applicant provides a registered engineer's certification that the On-Site Use Wind Energy System is designed to collapse, fall, curl, or bend within a distance or zone shorter than the height of the tower including the top of the blade in its vertical position.
 - 5. No more than one (1) On-Site Use Wind Energy System shall be installed on any parcel of property;
 - 6. All electrical controls, control wiring, grounding wires, power lines, and system components shall be placed underground within the boundary of each parcel at a depth designed to accommodate the existing land use to the maximum extent practicable. Wires necessary to connect the wind generator to the tower wiring are exempt from this requirement.
- C. Structure-Mounted Wind Energy Systems shall be subject to the following:
 - 1. The height of a Structure-Mounted Wind Energy System shall not exceed fifteen (15) feet as measured from the highest point of the roof, excluding chimneys, antennae, and other similar protuberances;
 - 2. The setback of the Structure-Mounted Wind Energy System shall be a minimum of fifteen (15) feet from the property line, public right-of-way, public easement, or overhead public utility lines if mounted directly on a roof or other elevated surface of a structure. If the Structure-Mounted Wind Energy System is affixed by any extension to the side, roof, or other elevated surface, then the setback from the property line or public right-of-way shall be a minimum of fifteen (15) feet. The setback shall be measured from the furthest outward extension of all moving parts.
 - 3. The Structure-Mounted Wind Energy System shall not be affixed to the wall on the side of a structure facing a road;

4. No more than three (3) Structure-Mounted Wind Energy Systems shall be installed on any parcel of property;
 5. If more than one Structure-Mounted Wind Energy System is installed, a distance equal to the height of the highest Structure-Mounted Wind Energy System must be maintained between the bases of each Structure-Mounted Wind Energy System.
- D. The following shall apply to BOTH On-Site Use Wind Energy Systems and Structure-Mounted Wind Energy Systems:
1. Visual Appearance
 - a. On-Site Use and Structure-Mounted Wind Energy Systems, including accessory buildings and related structures shall be a non-reflective, non-obtrusive color (e.g. white, gray, and black). The appearance of the nacelle, tower, and any ancillary facility shall be maintained throughout the life of the Wind Energy System.
 - b. On-Site Use and Structure-Mounted Wind Energy Systems shall not be artificially lighted, except to the extent required by the FAA or other applicable authority, or otherwise necessary for reasonable safety and security thereof.
 - c. On-Site Use and Structure-Mounted Wind Energy Systems shall not be used for displaying any advertising (including flags, streamers, or decorative items), except for identification of the turbine manufacturer on nacelles.
 2. Ground Clearance

The lowest extension of any blade or other exposed moving component of an On-Site Use or Structure-Mounted Wind Energy System shall be at least fifteen (15) feet above the ground (at the highest point of the natural grade within thirty (30) feet of the base of the tower) and, in addition, at least fifteen (15) feet above any outdoor surfaces intended for human use, such as balconies or roof gardens, that are located directly below the Wind Energy System.
 3. Vibration

Vibrations shall not be produced which are humanly perceptible beyond the property on which an On-Site Use or Structure-Mounted Wind Energy System is located.
 4. Noise
 - a. Noise emanating from the operation of an On-Site Use or Structure-Mounted Wind Energy System shall not exceed, at any time, the lowest ambient sound level that is present between the hours of 9:00 P.M. and 9:00 A.M. at any property line of a residential or agricultural use parcel or from the property line of parks, schools, hospitals, and churches.
 - b. Noise emanating from the operation of an On-Site Use or Structure-Mounted Wind Energy System shall not exceed, at any time, the lowest ambient noise level plus 5 dB(A) that is present between the hours of 9:00 P.M. and 9:00 A.M. at any property line of a non-residential or non-agricultural use parcel.
 5. Guy Wires

Guy wires shall not be permitted as part of the On-Site Use or Structure-Mounted Wind Energy System.

Section 422 Decommissioning Requirements for Wind Energy Systems & Wireless Communication Facilities

- A. The Owner or Operator shall complete decommissioning of the Wind Energy System or Wireless Communication Facility within six (6) months after the end of the useful life. Upon request of the owner(s) or the assigned of the Wind Energy System or Wireless Communication Facility, and for good cause, the Negaunee Township Board may grant a reasonable extension of time. All decommissioning expenses for Wind Energy System and Wireless Communication Facility are the responsibilities of the owner(s) or operator(s).
 - 1. A Wind Energy System will presume to be at the end of its useful life if no electricity is generated for a continuous period of six (6) months.
 - 2. A Wireless Communication Facility will presume to be at the end of its useful life within six (6) months of its abandonment by all users.
- B. Decommissioning shall include the removal of each Wind Energy System or Wireless Communication Facility, buildings, electrical components, and roads to a depth of sixty (60) inches, as well as any other associated facilities. Any foundation shall be removed to a minimum depth of sixty (60) inches below grade, or to the level of bedrock if less than sixty (60) inches below grade. Following removal, the location of any remaining wind turbine foundation shall be identified on a map as such and recorded with the deed to the property with the County Register of Deeds.
- C. All access roads to the Wind Energy System or Wireless Communication Facility shall be removed, cleared, and graded by the Wind Energy System or Wireless Communication Facility Owner(s), unless the property owner(s) requests, in writing, a desire to maintain the access road. The Negaunee Township Board will not be assumed to take ownership of any access road unless through official action of the Negaunee Township Board.
- D. The site and any disturbed earth shall be stabilized, graded, and cleared of any debris by the owner(s) of the WES or WCF or its assigns. If the site is not to be used for agricultural practices following removal, the site shall be seeded to prevent soil erosion, unless the property owner(s) requests in writing that the land surface areas not be restored.
- E. In addition to the Decommissioning Requirements listed above, the On-Site Use Wind Energy System shall also be subject to the following:
 - 1. If the On-Site Use Wind Energy System Owner(s) or Operator(s) fails to complete decommissioning within six (6) month, thereby not meeting the established deadline for decommissioning, Negaunee Township may designate a contractor to complete decommissioning with the expense thereof to be charged to the violator and/or to become a lien against the premises. If the On-Site Use Wind Energy System is not owned by the property owner(s), a bond must be provided to Negaunee Township for the cost of decommissioning each On-Site Use Wind Energy System.
- F. In addition to the Decommissioning Requirements previously listed above, the Utility Grid Wind Energy System shall also be subject to the following:
 - 1. An independent and certified professional engineer shall be retained to estimate the total cost of decommissioning with no regard to salvage value of the equipment (*Decommissioning Costs*), and the cost of decommissioning net salvage value of the

equipment (*Net Decommissioning Costs*). When determining this amount, Negaunee Township may also require an annual escalator or increases based on the Federal Consumer Price Index (or equivalent or its successor). Said estimates shall be submitted to the Negaunee Township Zoning Administrator after the first year of operation and every fifth year thereafter.

2. The Utility Grid Wind Energy System Owner(s) or Operator(s) shall post and maintain Decommissioning Funds in an amount equal to Net Decommissioning costs; provided that at no point shall Decommissioning Funds be less than one-hundred percent (100%) of Decommissioning Costs. The Decommissioning Funds shall be posted and maintained with a bonding company or Federal or state chartered lending institution chosen by the Owner(s) or Operator(s) and participating landowner(s) posting the financial security. The bonding company or lending institution shall be authorized to conduct such business and is approved by the Negaunee Township Board.
3. Decommissioning Funds shall be in the form of a performance bond made out to Negaunee Township.
4. A condition of the bond shall be notification by the bond company to the Negaunee Township Zoning Administrator when the bond is about to expire or be terminated.
5. Failure to keep the bond in effect while a Utility Grid Wind Energy System is in place will be a violation of the Conditional Use Permit. If a lapse in the bond occurs, Negaunee Township may take action up to and including ceasing operation of the Utility Grid Wind Energy System until the bond is reposted.
6. The escrow agent shall release the Decommissioning Funds when the Owner(s) has demonstrated and the Negaunee Township Board concurs that decommissioning has been satisfactorily completed, or upon written approval of the Negaunee Township Board in order to implement the decommissioning plan.
7. If neither the Owner(s) or Operator (s), nor the landowner(s) complete decommissioning within the periods addressed previously [A(1) and A(2) of this Section], then the Negaunee Township Board may take such measures as necessary to complete decommissioning. The entry into and submission of evidence of a Participating Landowner agreement to Negaunee Township shall constitute agreement and consent of the parties to the agreement, their respective heirs, successors and assigns that Negaunee Township may take such action as necessary to implement the decommissioning plan.

Section 423 Performance Security and Performance Bonding for Compliance

A. Performance Security Required

In authorizing any Zoning permit, Temporary Dwelling permit, Conditional Use permit, Planned Unit Development permit, Private Road permit, Site Plan approval, Conditional Rezoning or Variance, the body or official which approves the respective request, as designated by this Ordinance, may require that a Performance Security be furnished to:

1. Ensure compliance with the requirements, specifications and conditions imposed with the grant of such approval, permit or variance. This may require a professional review of any project that may create an identifiable and potentially negative impact on public roads, other infrastructure or services, or on adjacent properties and because of which, professional input is desired before a decision to approve, deny or approve with conditions is made;
2. Provide sufficient resources for the Township to complete required improvements or conditions in the event the permit holder does not;
3. Insure the discontinuance of a temporary use by a stipulated time.

B. Improvements Covered

Improvements that shall be covered by the Performance Security include, but are not necessarily limited to:

- Streets and other roadways
- Utilities
- Fencing/Screening
- Landscaping
- Decommissioning of Wind Energy Systems and Wireless Communication Facilities over 20 meters in height
- Common Open Space Improvements
- Lighting
- Drainage
- Sidewalks

The term “improvements” should not be construed to mean the project itself, but rather those features associated with the project that are deemed necessary to protect the health, safety and welfare of Negaunee Township’s resources and future users or inhabitants of the proposed projects. The term “improvements” does not include improvements for which a Performance Security has been deposited pursuant to the Land Division Act, Public Act 288 of 1967, as amended.

The Performance Security shall meet the following requirements:

1. Form

The Performance Security shall be in the form of cash, certified check, irrevocable bank letter of credit, surety bond or similar instrument acceptable to the Township Treasurer, which names the property owner as the obligor and the Township as the obligee.

2. Time when Required

The Performance Security shall be submitted at the time of issuance of the permit authorizing the activity of the project. If appropriate, based on the type of Performance Security submitted, the Township shall deposit the funds in an interest bearing account in a financial institution with which the Township regularly conducts business.

3. Amount and Type

The amount and type of the Performance Security shall be determined by the body or official making the decision to approve the request, or if they have not done so, by the Zoning Administrator. The amount of the Performance Security should be sufficient to cover the estimated cost of the improvements or conditions. The Performance Security shall be reasonable, appropriate and commensurate with the scope of the project. Additional guidelines for establishing the amount of a Performance Security may be prescribed by resolution of the Township Board.

C. Return of Performance Security

The Zoning Administrator, upon the written request of the obligor, and pursuant to the procedure in the next Section, shall rebate portions of the Performance Security upon determination that the improvements for which the rebate has been requested have been satisfactorily completed. The portion of the Performance Security to be rebated shall be in proportion to the work completed on the applicable improvement or condition and may be written as an element of the conditions surrounding the approval of the project.

D. Withholding and Partial Withholding of Performance Security

As required improvements are completed, or when all of the required improvements have been completed, the obligor shall send written notice to the Zoning Administrator of completion of said improvements. Thereupon, the Zoning Administrator shall inspect all of the improvements and shall transmit recommendation to the Planning Commission or Township Board indicating approval, partial approval or rejection of the improvements or conditions with a statement of the reasons for any rejections. If partial approval is indicated, the cost of the improvement or condition rejected shall be set forth.

1. The Planning Commission shall approve, partially approve or reject the improvements or conditions with the recommendation of the Zoning Administrator's written statement and shall notify the obligor in writing of the action of the Planning Commission within forty-five (45) days after receipt of the notice from the obligor of the completion of the improvements. Where partial approval is granted, the obligor shall be released from liability pursuant to relevant portions of the Performance Security, except for that portion adequately sufficient to secure provision of the improvements not yet approved.

2. Should installation of improvements begin and fail to meet full completion based on the approved Site Plan, or if the project area is reduced in size and improvements are only partially completed or conditions only partially met, the Township may complete the necessary improvements or conditions itself or by contract to an independent developer, and assess all costs of completing the improvements or conditions against the Performance Security. Any unused balance remaining would be returned to the applicant; any excess expense would be recorded as a lien on the property.

E. A record of authorized Performance Securities shall be maintained by the Zoning Administrator.

ARTICLE V ACCESS MANAGEMENT

Section 501 Purpose, Intent and Application

- A. The purpose of this Article is to establish minimum regulations for access to property. Standards are established for new roads, driveways, shared access, parking lot cross access, and service roads. The standards of this Article are intended to promote safe and efficient travel within the Township of Negaunee; minimize disruptive and potentially hazardous traffic conflicts; ensure safe access by emergency vehicles; protect the substantial public investment in the street system by preserving capacity and avoiding the need for unnecessary and costly reconstruction which disrupts business and traffic flow; separate traffic conflict areas by reducing the number of driveways; provide safe spacing standards between driveways, and between driveways and intersections; provide for shared access between abutting properties; ensure reasonable access to properties, though not always by the most direct access; and to coordinate access decisions with the Michigan Department of Transportation and/or the Marquette County Road Commission, as applicable.
- B. The standards in this Article are based on extensive traffic analysis of this corridor by the Township of Negaunee, the Marquette County Road Commission and the Michigan Department of Transportation (MDOT) as applicable. This analysis demonstrates that the combination of roadway design, traffic speeds, traffic volumes, traffic crashes and other characteristics necessitate special access standards. The requirements and standards of this Article shall be applied in addition to, and where permissible shall supersede, the requirements of the Michigan Department of Transportation, Marquette County Road Commission, or other Articles of this Zoning Ordinance.
- C. All Access Management applications will be reviewed by the Zoning Administrator for complete application information as required by the Township of Negaunee. The standards of this Article shall be applied by the Zoning Administrator during site plan review and by the Negaunee Township Planning Commission during site plan review, as is appropriate to the application. The Planning Commission shall make written findings of nonconformance, conformance, or conformance if certain conditions are met with the standards of this Article prior to disapproving or approving a site plan per the requirements of Article IX Section 901-906. The Negaunee Township Planning Commission shall coordinate its review of the access elements of a site plan or site plans with the appropriate road authority prior to making a decision on an application (see D. below). The approval of a site plan or site plans does not negate the responsibility of an applicant to subsequently secure driveway permits from the appropriate road authority, either the Marquette County Road Commission, or the Michigan Department of Transportation. Any driveway permit obtained by an applicant prior to review and approval of a site plan or site plans that is required under this Article will be ignored.
- D. The Zoning Administrator will not take action on a request for a new road, driveway, shared access, or a service drive that connects to a public road without first consulting the Negaunee Township Planning Commission, the Marquette County Road Commission and the Michigan Department of Transportation. To ensure coordination, applicants are required to submit a site plan or a tentative preliminary plat concurrently to the Negaunee Township Planning Commission, the Marquette County Road Commission, and the Michigan Department of

Transportation as applicable. Complete applications shall be received at least 30 days before the Planning Commission meeting at which action is to be taken. If the initial review of the application by the Zoning Administrator reveals noncompliance with the standards of this Ordinance, or if the proposed land use exceeds the current traffic generation thresholds provided by MDOT, then the Zoning Administrator shall require submittal of a traffic impact study as described below prior to consideration of the application by either the Zoning Administrator or the Planning Commission. At their discretion, the Planning Commission may accept a traffic impact study prepared for another public agency. A traffic impact study shall be provided for all uses requiring site plan review unless waived by the Planning Commission following consultation with the Michigan Department of Transportation or County Road Commission, as applicable.

1. At a minimum the traffic study shall contain the following:
 - a) Analysis of existing traffic conditions and/or site restrictions using current data.
 - b) Projected trip generation at the subject site or along the subject service drive based on the most recent edition of the Institute of Transportation Engineers Trip Generation manual. MDOT may approve use of other trip generation data if based on recent studies of at least three (3) similar uses within similar locations in Michigan.
 - c) Illustrations of current and projected turning movements at access points. Include identification of the impact of the development and its proposed access on the operation of the abutting streets. Capacity analysis shall be completed based on the most recent version of the Highway Capacity Manual published by Transportation Research Board, and shall be provided in an appendix to the traffic impact study.
 - d) Description of the internal vehicular circulation and parking system for passenger vehicles and delivery trucks, as well as the circulation system for pedestrians, bicycles and transit users.
 - e) Justification of need, including statements describing how the additional access will meet the intent of this Section, will be consistent with the Negaunee Township Master Plan and will not compromise public safety and will not reduce capacity or traffic operations along the roadway.
 - f) Qualifications and documented experience of the author, describing experience in preparing traffic impact studies in Michigan. The preparer shall be either a registered traffic engineer (P.E.) or transportation planner with at least three (3) years of experience preparing traffic impact studies in Michigan. If the traffic impact study involves geometric design, the study shall be prepared or supervised by a registered engineer with a strong background in traffic engineering.
2. The Negaunee Township Planning Commission may utilize its own traffic consultant to review the applicant's traffic impact study, with the cost of the review being borne by the applicant per Fees In Escrow, Section 422.

- E. Failure by the applicant to begin construction of an approved road, driveway, shared access, service drive or other access arrangement within twelve (12) months from the date of approval, shall void the approval and a new application is required.
- F. The Zoning Administrator shall inspect the driveway and any other required access elements as constructed for conformance with the approved application prior to allowing occupancy. The Zoning Administrator may consult with MDOT or the County Road Commission prior to making a determination of conformance or nonconformance with an approved application.

Section 502 Roadways Subject to Access Management Regulations

The access management regulations of this Article apply to all property according to the roadway classification of the abutting public streets and roads within the Township of Negaunee as described below and as illustrated on the Arterial, Collector and Road Map shown in Section 510.

The provisions of this Article apply to:

- All property measuring within one-thousand (1000) feet of the centerline of US-41/M-28 and M-35 Hwy
- All property measuring within five-hundred (500) feet of the centerline of the roads listed below that are within the boundaries of Negaunee Township:

COUNTY ROADS 492, 480 and 510 and MIDWAY DRIVE

Section 503 Driveway and Related Access Standards

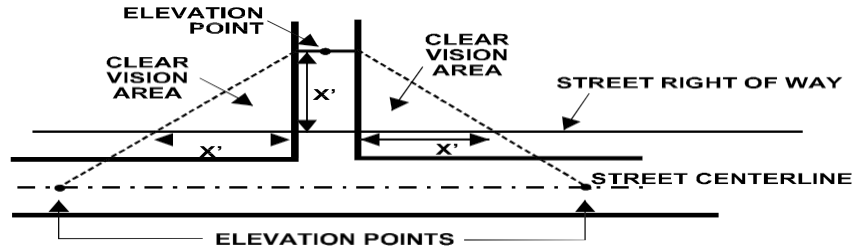
All lots hereafter created and all structures hereafter created, altered or moved on property with frontage on or access to a public road or street that is subject to regulation per Section 502, shall conform to the following requirements:

A. General Standards

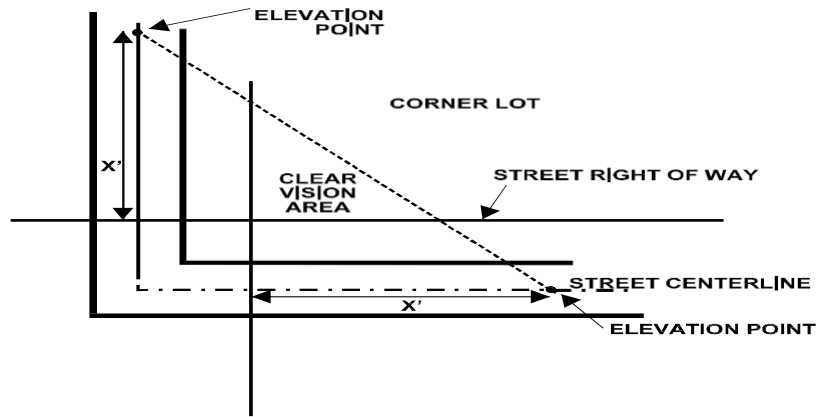
1. Access Approval Required - No road, driveway, shared access, parking lot cross access, service road, or other access arrangement shall be established, reconstructed or removed without first meeting the requirements of this Section.
2. Frontage on a Public Road - Any lot created after the effective date of this Article shall have frontage upon a public road right-of-way or private road or access easement recorded with the County Register of Deeds that meets the requirements of this Article. Contiguous properties under one ownership or consolidated for unified development will be considered one parcel for purposes of this Article.
3. Minimum Lot Width - Except for existing lots of record at the time of adoption of this Article, all lots whose access is taken from a major arterial, arterial or collector subject to this Section, shall not be less than three hundred (300) feet in width, unless served by shared access or a service drive that meets the requirements of Section 504, in which case minimum lot width may be reduced to the minimum lot width of the district in which the lot is located provided no direct access comes from the major arterial, arterial or collector subject to this Section.

FIGURE 5.1-1

CLEAR VISION AT DRIVEWAYS



CLEAR VISION ON CORNER



Note: The dimension of X' is variable depending on local conditions and must be specified in the local zoning ordinance.

4. Structure Setback - No structure other than signs, telephone poles and other utility structures that are not buildings, transfer stations or substations, shall be permitted within 50 feet of the roadway right-of-way.
5. Parking Setback and Landscaped Area - No parking or display of vehicles, goods or other materials for sale, shall be located within 10 feet of the roadway right-of-way. This setback shall be planted in grass and landscaped with small clusters of salt tolerant trees and shrubs suitable to the underlying soils unless another design is approved under the landscape provisions of Section 415 in the Negaunee Township Zoning Book.
6. Clear Vision - Shall maintain clear vision illustrated in Figure 5.1-1 [per Marquette County Road Commission or MDOT standards.]
7. Street Structures - No driveway shall interfere with municipal facilities such as street light or traffic signal poles, signs, fire hydrants, cross walks, bus loading zones, utility poles, fire alarm supports, drainage structures, or other necessary street structures. The Zoning Administrator and the Negaunee Township Planning Commission are authorized to order and effect the removal or reconstruction of any driveway which is constructed in conflict with street structures. The cost of reconstructing or relocating such driveways shall be at the expense of the abutting property owner.

B. Access Location Standards

1. Access Point Approval - No access point shall connect to a public street or road, without first receiving approval of the location and cross-section specifications from the Negaunee Township Planning Commission, Marquette County Road Commission and the Michigan Department of Transportation. No access point shall connect to a private road unless approved by the Planning Commission and by the parties with an ownership interest in the private road.
2. Factors on Location of Driveway Access -At a minimum, the following factors shall be considered prior to making a decision on the location of a driveway or other access point:
 - a) The characteristics of the proposed land use;
 - b) The existing traffic flow conditions and the future traffic demand anticipated by the proposed development on the adjacent street system;
 - c) The location of the property;
 - d) The size of the property;
 - e) The orientation of structures on the site;
 - f) The minimum number of driveways or other access points needed to accommodate anticipated traffic based on a traffic analysis, as determined by the community and road agency. Such finding shall demonstrate traffic operations and safety along the public street would be improved (or at least not negatively affected), and not merely that another access point is desired for convenience;
 - g) The number and location of driveways on existing adjacent and opposite properties;
 - h) The location and functional classification of abutting streets or roads and the carrying capacity of nearby intersections;
 - i) The proper geometric design of driveways;
 - j) The spacing between opposite and adjacent driveways and from any nearby intersection;
 - k) The internal circulation between driveways and through parking areas;
 - l) The size, location and configuration of parking areas relative to the driveways; and
 - m) The speed of the adjacent roadway.
3. Access Point Location - Each access point location shall conform to access management plans or corridor improvement plans that have been adopted by the Negaunee Township Planning Commission, the Marquette County Road Commission, and/or the Michigan Department of Transportation.
4. Access Points within Right-of-Way - Driveways including the radii but not including right-turn lanes, passing lanes and tapers, shall be located entirely within the right-of-way frontage, unless otherwise approved by the road agency and upon written certification from the adjacent land owner agreeing to such encroachment.

5. Backing-up from Parking or Loading Area onto a Public Road or Service Drive - Driveway access to arterials shall not be permitted for any parking or loading areas that require backing maneuvers in a public street or road right-of-way. Driveway access to collectors, local roads, or service drives for commercial, office, industrial, or multifamily developments shall not be permitted for parking or loading areas that require backing maneuvers in a public street right-of-way or onto a public or private service drive.
6. Relationship to Lot Line - No part of a driveway shall be located closer than 25 feet from a lot line unless it is a common or shared driveway as provided in Section 503 F. This separation is intended to help control storm water runoff, permit snow storage on site, and provide adequate area for any necessary on-site landscaping.
7. Existing Driveways - Except for shared driveways, existing driveways that do not comply with the requirements of this Article shall be closed when an application for a change of use requiring a zoning permit or a site plan requiring approval under Section 901-906 in the Negaunee Township Zoning Ordinance is submitted and once approval of a new means of access under this Article is granted. A closed driveway shall be graded and landscaped to conform to adjacent land and any curb cut shall be filled in with curb and gutter per the standards of the applicable road authority. *See also Section 506.*
8. Intersection Sight Distance - Driveways shall be located so as not to interfere with safe intersection sight distance as determined by the appropriate road authority.
9. Adequate Corner Clearance - Driveways shall be located so as not to interfere with safe traffic operations at an intersection as determined by Table 5.2-3 as long as that distance is beyond any clear vision area owned by a road authority.
10. Traffic Signals - Access points on arterial and collector streets may be required to be signalized in order to provide safe and efficient traffic flow. Any signal shall meet the spacing requirements of the applicable road authority. A development may be responsible for all or part of any right-of-way, design, hardware, and construction costs of a traffic signal if it is determined that the signal is warranted by the traffic generated from the development. The procedures for signal installation and the percent of financial participation required of the development in the installation of the signal shall be in accordance with criteria of the road authority with jurisdiction.

C. Number of Driveways Permitted

1. Access for an individual parcel, lot, or building site or for contiguous parcels, lots or building sites under the same ownership shall consist of either a single two-way driveway or a paired system wherein one driveway is designed, and appropriately marked, to accommodate ingress traffic and the other egress traffic.
2. One driveway may be permitted for each single and two-family residential lot or parcel.
3. A temporary access permit may be issued for field entrances per Section 505, for cultivated land, timber land, or undeveloped land, as well as for uses at which no one resides or works such as cellular towers, water wells, pumping stations, utility transformers, billboards, and similar uses. Field-entrance and utility-structure driveways will be reviewed on a case-by-case basis. The review shall take into account the proximity of the adjacent driveways and intersecting streets, as well as traffic volumes along the roadway.

4. For a parcel, lot, or building site with frontage exceeding 600 feet, or where a parcel, lot, or building site has frontage on at least two roads, an additional driveway may be allowed, provided that if the use requires a traffic impact study showing that conditions warrant an additional driveway and that all driveways meet the spacing requirements.
5. Certain developments generate enough traffic to warrant consideration of an additional driveway to reduce delays for exiting motorists. Where possible, these second access points should be located on a side street or service drive, or shared with adjacent uses, or designed for right-turn-in, right-turn-out only movements and shall meet the spacing requirements of this ordinance. In order to be considered for a second driveway on an arterial or collector street combined approach volumes (entering and exiting) of a proposed development shall exceed 100 directional trips during the peak hour of traffic and a traffic impact study shall be performed. Uses where a second driveway could be considered are influenced by the trip generation characteristics of the uses and the volumes of the adjacent roadway. Table 5.2-1 lists land uses which may warrant consideration of an additional driveway. (Note: Where the development has access to a signalized arterial or collector, the approach volume of driveway traffic should be double that of unsignalized locations to warrant consideration of a second access. *See Section 503 D1.*)
6. When alternatives to a single, two-way driveway are necessary to provide reasonable driveway access to property fronting on an arterial road, and shared access or a service drive are not a viable option, the following progression of alternatives should be used:
 - a) One (1) standard, two-way driveway;
 - b) Additional ingress/egress lanes on one (1) standard, two-way driveway;
 - c) Two (2), one-way driveways;
 - d) Additional ingress/egress lanes on two (2), one-way driveways;
 - e) Additional driveway(s) on an abutting road with a lower functional classification;
 - f) Additional driveway on arterial road.

NOTE: Restricted turns and roadway modifications will be considered in conjunction with alternative driveway designs.

D. Access Point Spacing Standards

1. Separation from Other Driveways

- a) The minimum spacing between unsignalized driveways and other access points shall be determined based upon posted speed limits along the parcel frontage unless the appropriate road authority approves less based on the land use and restrictions turns in the driveway design or because of the location of other existing driveways. The minimum spacing's indicated below are measured from the centerline of one driveway to the centerline of another driveway. For sites with insufficient road frontage to meet the table below, the Zoning Administrator shall require one of the following:
 - Construction of the driveway along a side street;
 - A shared driveway with an adjacent property;

- Construction of a driveway along the property line farthest from the intersection; or
- A service drive as described in Section 504.

The Planning Commission may grant temporary access approval (see Section 505) until such time when minimum spacing requirements can be met, or alternative access meeting the requirements of this article is approved.

TABLE 5.2-1	
Posted Speed Limit mph	Min. Access Spacing (in feet) between adjacent access points
25	130
30	185
35	245
40	300
45	350
50	455
55	565

NOTE: *The values listed are considered minimums based on the distances required to avoid conflicts between vehicles turning right or left from adjacent driveways.*

- b) In the case of expansion, alteration or redesign of an existing development where it can be demonstrated that pre-existing conditions prohibit adherence to the minimum driveway spacing standards, the Planning Commission shall have the authority to modify the driveway spacing requirements or grant temporary access approval until such time that minimum spacing requirements can be met, or alternative access meeting the requirements of this article is approved. Such modifications shall be of the minimum amount necessary, but in no case shall driveway spacing of less than 75 feet be permitted by the Planning Commission.
2. Access Point Separation from Intersections - All one and two-family driveways shall be separated from the nearest right-of-way of an intersecting street by at least 60 feet. Driveways for all other land uses shall be separated from the nearest right-of-way of an intersecting street according to Table 5.2-2:
- a) Access point spacing from intersections shall be measured from the centerline of the driveway to the extended edge of the travel lane on the intersecting street, as shown in Figure 5.1-1 unless otherwise noted.
 - b) The minimum distance between an access point and an intersecting street shall be based on Figure 5.1-1 and the following:

TABLE 5.2-2

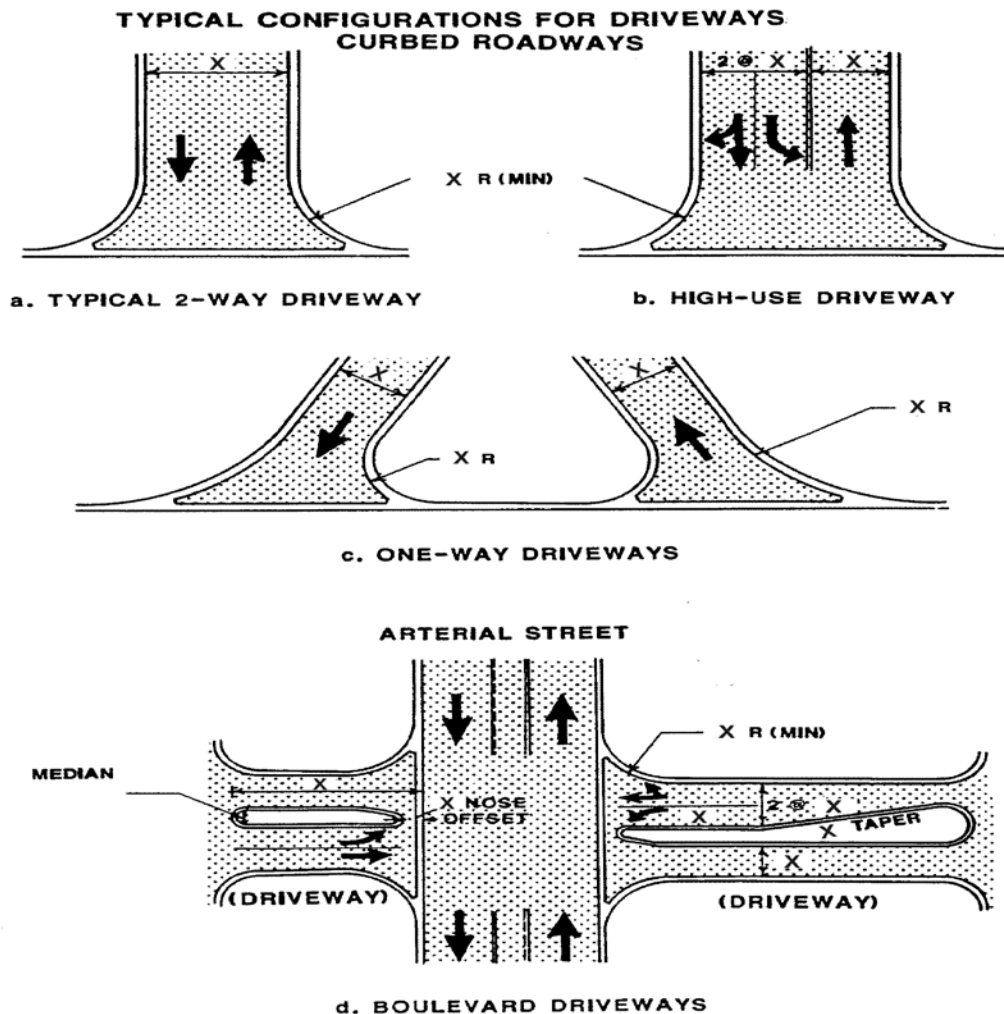
Minimum Access Point Spacing from Road & Other Intersections*

Location of Access Point	Min. Spacing for a Full Movement Driveway or other Access Point	Min. Spacing for a Driveway Restricting Left-turns (channelized for right-turn-in and right-turn-out only)
Along Arterial Road:		
<u>Expressway Ramp</u>	600 feet	600 feet
<u>Railroad Crossing</u>	Contact MDOT for site-specific determination	Contact MDOT for site-specific determination
<u>Bridge</u>	100 feet	100 feet
<u>Median Opening</u>	75 feet	75 feet
<u>Intersecting Arterial</u>	300 feet	125 feet
<u>Intersecting Collector or Local Road</u>	200 feet	125 feet
Along Collector Road	125 feet	75 feet
Along Local Road	75 feet	50 feet
*Regional Arterials, Arterials and Collectors are as classified in the Negaunee Township Master Plan Map. 9-2		

- c) If the amount of lot frontage is not sufficient to meet the above criterion, the driveway shall be constructed along the property line farthest from the intersection to encourage future shared use, and/or a frontage road or rear service drive shall be developed as described in Section 504.
- d) For parcels on which an alternative means of access (shared driveway, frontage road, service drive or connected parking lots) is not feasible due to parcel size or existing adjacent development, the Planning Commission may allow a non-channelized, full movement driveway provided that:
 - i. The driveway is spaced no closer to the intersection than the minimum spacing allowed for a right-turn-in, right-turn-out driveway; and
 - ii. Traffic study conducted by a registered traffic engineer shows a right-turn-in, right-turn-out driveway does not provide reasonable access or desired safety; and

- iii. Traffic study, conducted by a registered traffic engineer, provides substantial justification that the driveway operation will not create safety problems at the adjacent intersection.
3. Access Alignment - In order to prevent left-turn conflicts, two-way driveways shall not be across from an expressway ramp and shall be either:
- a) Offset in accordance with the minimum spacing standards in Table 5.2-3, or
 - b) Perpendicular to the existing public street or an approved private road and shall line up with existing or planned driveways on the opposite side of the road wherever facing lots are not separated by a median, unless doing so in a particular case is substantially demonstrated by a registered traffic engineer to be unsafe.

FIGURE 5.1-2



Note: The left-turn lanes in d. Boulevard Driveways will work better if the left-turn lanes are directly across from one another. This requires cutting off a portion of the nose of the boulevard. Also, turning radii and throat width need to be designed to accommodate vehicles using the driveway. See *MDOT Design Guide for Commercial Driveways, VII-680A* for specifications

E. Driveway Design and Construction Standards

1. Driveway or Throat Width –

- a) No single or two-family driveway shall have a width less than nine (9) feet or more than sixteen (16) feet at the public road right-of-way. The driveway opening, including flares, shall not be more than 1.5 times the width of the driveway at the right-of-way line.
- b) The typical commercial driveway design shall include one ingress lane and one egress lane with a combined maximum throat width of thirty (30) feet, measured from face-to-face of curb (see Figure 5.1-3).
- c) Where exit traffic volumes are expected to exceed 100 directional trips per peak hour, or in areas where congestion along the arterial may create significant delays, as determined by the Planning Commission, two exit lanes shall be required. The total width of such a driveway shall be between 37 and 39 feet, with one 15 foot wide ingress lane and two 11-12 foot wide egress lanes (See Figure 5.1-2b).
- d) For access systems which include a pair of one-way driveways, each driveway shall be a minimum of sixteen (16) feet wide, measured perpendicularly (See Figure 5.1-2c).
- e) As an alternative to (d) above, the driveway may be designed with a fully curbed median dividing the ingress and egress driveways, with a maximum median width of ten feet. The radii forming the edges on the median shall be designed to accommodate the largest vehicle that will normally use the driveway. Where median or boulevard driveways are located across the street from each other, the left-turn egress lanes shall be aligned directly across from one another to minimize left-turn conflicts (see Figure 5.1-2d). Boulevard driveways should not be constructed at existing or future traffic signal locations unless there is a left-turn lane where the boulevard meets the road right-of-way. Ground or monument signs shall not be permitted in boulevards if they would block motorist vision or otherwise create an unsafe condition. The Planning Commission may require landscaping on the portion of the boulevard outside the public right-of-way. Such landscaping shall use salt tolerant species.

2. Restricted Access Driveways - Left and right-turn movements on and off roadways typically have the greatest impact on traffic flow and crash frequency. Therefore, where driveways are to be located in a segment defined in adopted corridor studies as having a high crash rate or significant traffic congestion/delays, or where left-turn access is available through alternative means of access, the Planning Commission may require driveway design and signing which discourages certain turning movements. Where driveways are intended to control specific left and/or right-turn ingress and egress, the designs shown in Figure 5.1-3 shall apply. Similar designs shall be accepted, provided that they are approved by the Michigan Department of Transportation and/or the Marquette County Road Commission, if applicable.

3. Throat Length or Vehicle Stacking/Storage Space - There shall be a minimum of twenty (20) feet of throat length for entering and exiting vehicles at the intersection of a driveway and pavement of the public road or service drive as measured from the pavement edge. For driveways serving between one-hundred (100) and four-hundred

(400) vehicles in the peak hour (two-way traffic volumes) the driveways shall provide at least sixty (60) feet of throat length. For driveways serving over four-hundred (400) vehicles per peak hour (two-way traffic volume) and for all driveways controlled by a traffic signal, adequate throat length shall be determined by a traffic impact study. In areas where significant pedestrian/bicycle travel is expected, the ingress and egress lanes should be separated by a 4-10 feet wide median with pedestrian refuge area. In the absence of adequate traffic volume data, application of the commonly used values in Table 5.2-3 is appropriate.

4. Construction Standards –

a) Curb radii:

- i. Driveways shall be designed with minimum 25 foot radius where primarily passenger vehicle traffic is expected.
- ii. For sites where truck traffic is expected, the driveways shall be designed with a minimum 30 foot radius unless a traffic analysis by a qualified traffic engineer reveals another radius is more appropriate for the vehicles expected to use the driveway.

b) Deceleration lanes and tapers:

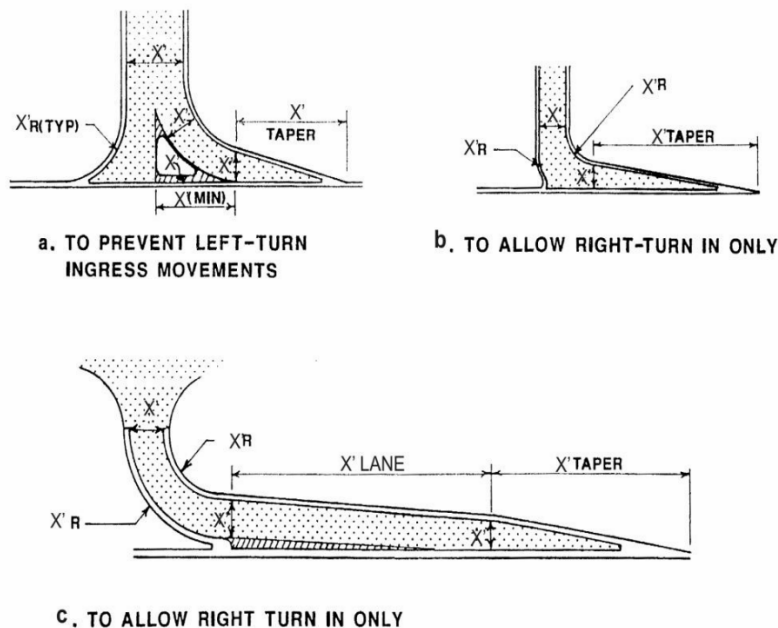
- i. Where it can be demonstrated that driveway volumes are expected to exceed 100 peak hour directional trips per hour, a right-turn taper, deceleration lane and/or left-turn bypass lane may be required.
- ii. Where site frontage allows and a right-turn lane is warranted, a taper between 50 and 225 feet may be required. See example in Figure 5.1-4a.
- iii. Where the amount of frontage precludes the construction of a deceleration lane and taper combination entirely within the property lines of a parcel, a request shall be made to the owner of the parcel to allow the installation of a right-turn bay and taper which extends beyond the property line. If permission cannot be obtained from the adjacent property owner for an extension onto that parcel, a taper of at least 75 feet shall be constructed as shown in Figure 5.1-4b.
- iv. A continuous right-turn lane, as shown in Figure 5.1-4c may be required where driveway spacing requirements restrict the use of consecutive turn bays and tapers, and a traffic engineer concludes it can be constructed without being used as a through lane.
- v. For driveways located along streets without an exclusive left-turn lane, a bypass lane may be required. Such a lane shall be designed to the standards in the Michigan Department of Transportation, Traffic and Safety Notes #7.7 and as shown in Figure 5.1-4d.

c) Acceleration lanes

- i. Generally, acceleration lanes are not permitted. However, where site frontage allows and large semi-trucks and other slow moving vehicles routinely access an arterial, an acceleration lane may be required in

- consultation with the applicable road authority.
 - ii. The acceleration lane shall be designed by a traffic engineer to meet the needs of vehicles using it, topography, sight distance and other relevant factors.
 - iii. Driveways shall not be permitted within an acceleration lane.
- d) Grades and drainage
- i. Driveways shall be constructed such that the grade for the 25 feet nearest the pavement edge or shoulder does not exceed 1.5% (one and one-half foot vertical rise in one-hundred feet of horizontal distance) wherever feasible. Where not feasible, grades shall conform to Figure 5.1-5.
 - ii. Vertical curves, with a minimum length of 15 feet shall be provided on driveway approaches at a change in grade of 4% or more.
 - iii. Driveways shall be constructed such that drainage from impervious areas located outside of the public right-of-way, which are determined to be in excess of existing drainage from these areas shall not be discharged into the roadway drainage system absent the approval of the responsible agency. Storm drains, or culverts, if required shall be of a size adequate to carry the anticipated storm flow and be constructed and installed pursuant to the specifications of the responsible road authority.

FIGURE 5.1-3 Channelization Island Options For Controlling Turns

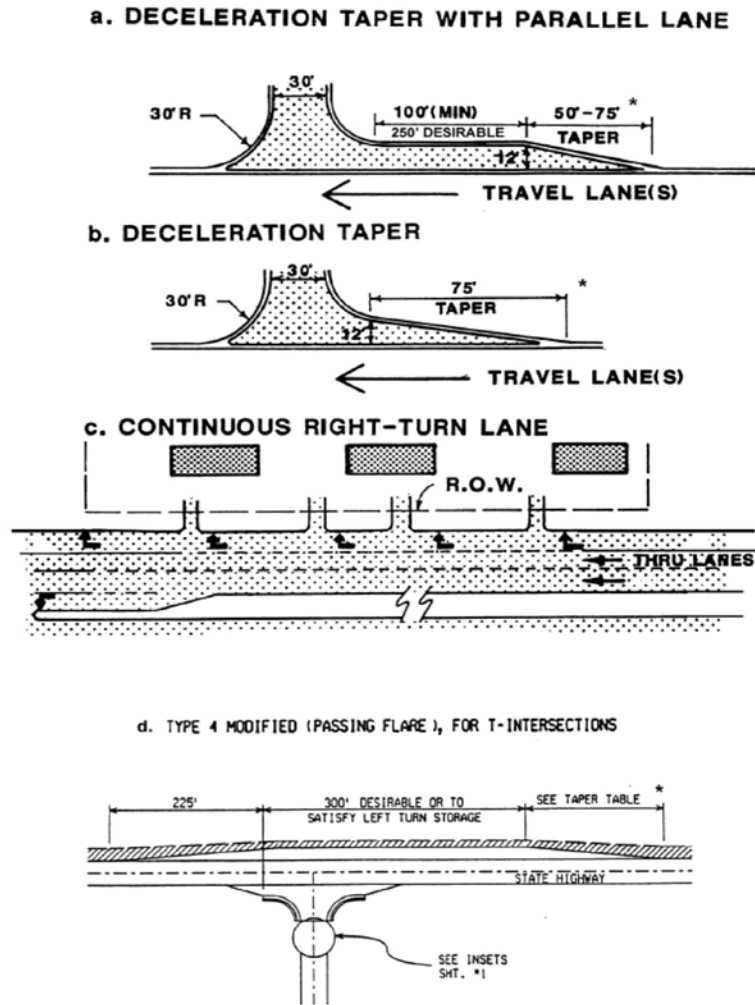


Note: The dimension of X' is variable depending on site conditions, speed, number of vehicles and the design needs of the vehicles to use it. [See MDOT Traffic and Safety Division Notes #7.3 and #7.5 and *Design Guide VII-650C*.]

TABLE 5.2-3 Minimum Throat Length Requirements

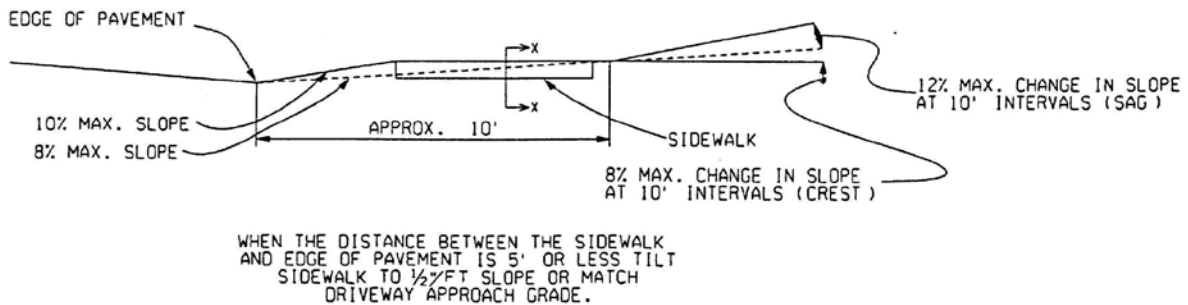
LAND USE	BUILDING SITE	Minimum Throat Length (Feet)	
		Collector	Arterial
Apartments	<100 Units	25	50
	100-200 Units	50	75
	>200 Units	75	125
Office	<50,000 sq. ft	25	50
	50,001-100,000 sq. ft	25	75
	100,001-200,000 sq. ft	50	100
	200,001-500,000 sq. ft	100	150
	>500,000 sq. ft.	125	250
Retail	<30,000 sq. ft	25	50
	>30,000 sq. ft	25	75
Shopping Center or Casino	<250,000 sq. ft	25	50
	250,000-500,000 sq. ft	50	75
	500,000-750,000 sq. ft	75	200
	>750,000 sq. ft	125	250
Supermarket	<20,000 sq. ft	50	75
	>20,000 sq. ft	75	125
Restaurant/Bars	<15,000 sq. ft	25	50
	>15,000 sq. ft	25	75
Drive-in Restaurant	<2,000 sq. ft	25	75
	>2,000 sq. ft	50	100
Motel	<150 Rooms	25	75
	>150 Rooms	25	100
Light Industrial	<100,000 sq. ft	25	50
	100,001-500,000 sq. ft	50	100
	>500,001 sq. ft.	50	200

FIGURE 5.1-4 Deceleration Tapers, Right-Turn Lane & Passing Flare



*All taper lengths should be based on posted speeds, see MDOT Design Guide VII-650C.

FIGURE 5.1-5 Low-Volume Commercial or Residential Driveway Slopes



- e) Surface and Curb Construction - Commercial and all other nonresidential driveways shall be constructed of a permanent asphalt or concrete material sufficient to provide the bearing capacity needed to carry the anticipated traffic loads as determined by the appropriate road authority unless the road authority approves use of another material. Where a driveway connects with a curbed road, it shall be paved and curbed from the edge of pavement to either the right-of-way line or point of curvature of the radius returns. All soil erosion and sedimentation requirements shall be met.
- f) Directional Signs and Pavement Markings - In order to ensure smooth traffic circulation on the site, direction signs and pavement markings shall be installed at the driveway(s) in a clearly visible location as required by the Negaunee Township Planning Commission as part of the site plan review process and approved by the Michigan Department of Transportation and Marquette County Road Commission (as appropriate), and shall be maintained on a permanent basis by the property owner. Directional signs and pavement markings shall conform to the standards in the Michigan Manual of Uniform Traffic Control Devices.

F. Shared Access

Shared access is strongly encouraged and in some cases may be required. When required, one or more of the following options and the standards of Section 504 apply.

1. Shared Driveways: Sharing or joint use of a driveway by two or more property owners shall be encouraged. In cases where access is restricted by the spacing requirements of Section 503.D, "Access Point Spacing Standards", a shared driveway may be the only access design allowed. The shared driveway shall be constructed along the midpoint between the two properties unless a written easement is provided which allows traffic to travel across one parcel to access another, and/or access the public street.
2. Frontage Roads: In cases where a frontage road exists, is recommended either in an adopted corridor study, and/or is proposed in an approved site plan for an adjoining lot or parcel, access shall be provided via such frontage road, rather than by direct connection to the abutting arterial street.
3. Rear Service Drives: Rear service drives shall be encouraged, especially for locations where connection to a side street is available. In addition to access along the rear service drive, direct connection(s) to the arterial street may be allowed, provided that the driveways meet the requirements of Section 503.C, "Number of Driveways", and 503.D, "Access Point Spacing Standards."

G. Parking Lot Connections

Where a proposed parking lot is adjacent to an existing parking lot of a similar use, there shall be a vehicular connection between the two parking lots where physically feasible, as determined by the Planning Commission. For developments adjacent to vacant properties, the site shall be designed to provide for a future connection. A written access easement signed by both landowners shall be presented as evidence of the parking lot connection prior to the issuance of any final zoning approval.

H. Access Easements

Shared driveways, cross access driveways, connected parking lots, and service drives shall be recorded as an access easement and shall constitute a covenant running with the land. Operating and maintenance agreements for these facilities should be recorded with the deed.

I. Medians and Median Openings

1. The type, location and length of medians on public roads shall be determined by the entity having jurisdiction over such roads. This determination will be made in consultation with the Planning Commission and will be based on existing and projected traffic conditions; the type, size, and extent of existing and projected development and traffic generated by development; traffic control needs; and other factors.
2. The minimum spacing between median openings shall be as shown in Table 5.2-4

TABLE 5.2-4: Minimum Directional Median Opening Spacing	
Location	Directional crossover spacing
Urban	660 feet
Rural	1,320 feet
<i>See MDOT Traffic and Safety Division, Directional Median Crossovers, #11.4 and Geometric Design Guide VII-670</i>	

3. Median openings intended to serve development must meet or exceed the minimum median opening spacing standards and must also be justified by a traffic impact analysis approved by the entity having jurisdiction over such roads, in consultation with the Planning Commission. The cost for preparation of the traffic impact analysis and construction of the median opening or openings, including installation and operation of signals and other improvements where warranted, shall be borne by the applicant.

Section 504 Service Drives and Other Shared Access Standards

- A. The use of shared access, parking lot connections and service drives, in conjunction with driveway spacing, is intended to preserve traffic flow along major thoroughfares and minimize traffic conflicts, while retaining reasonable access to the property. Where noted above, or where the Planning Commission determines that restricting new access points or reducing the number of existing access points may have a beneficial impact on traffic operations and safety while preserving the property owner's right to reasonable access, then access from a side street, a shared driveway, a parking lot connection, or service drive connecting two or more properties or uses may be required instead of more direct connection to the arterial or collector street. However, where traffic safety would be improved, and the driveway spacing requirements of this article can be met, then direct connection to the arterial or collector street may be allowed in addition to a required service drive.
 1. In particular, shared access, service drives or at least a connection between abutting land uses may be required in the following cases:
 - a) Where the driveway spacing standards of this section cannot be met.

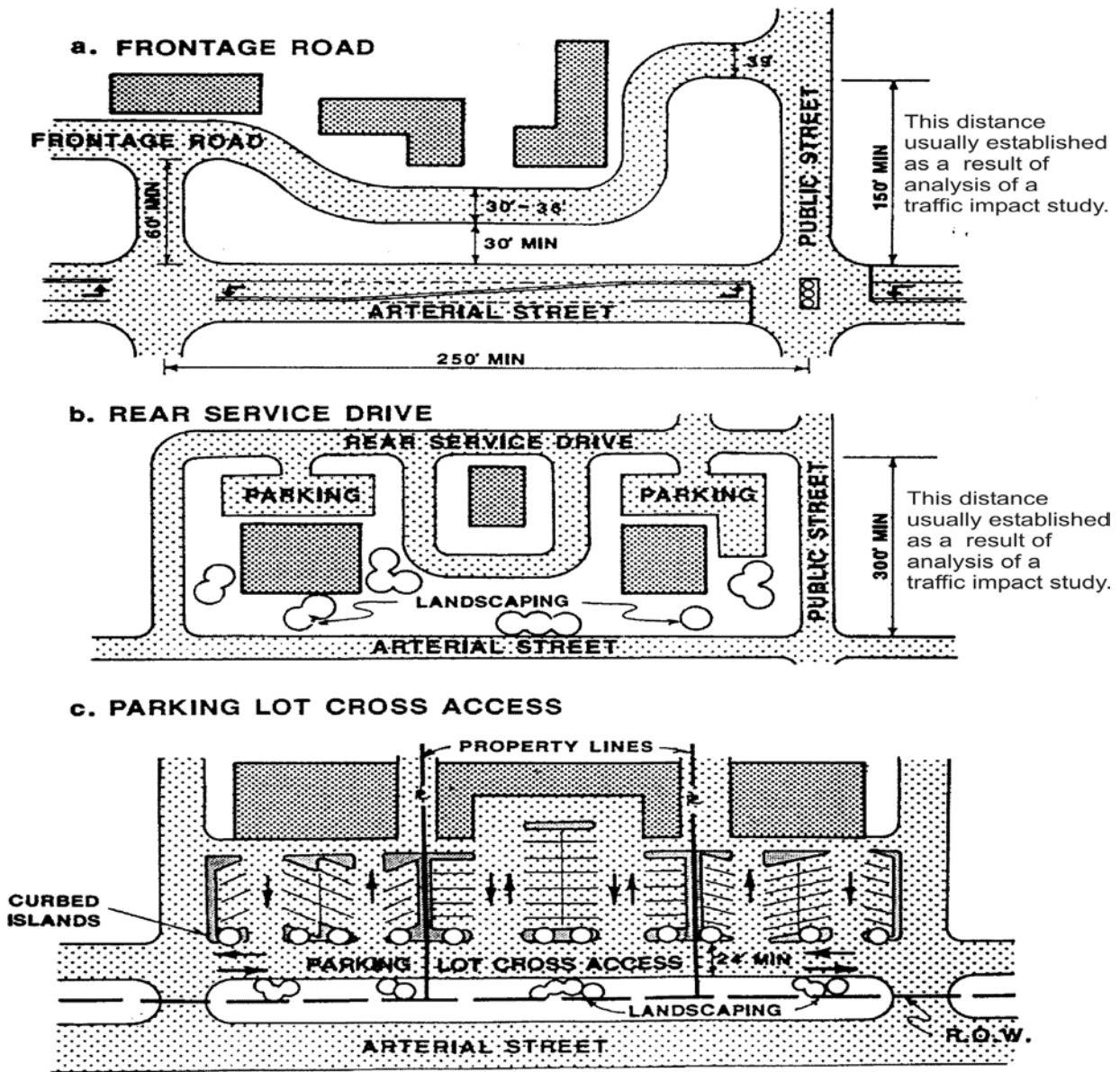
- b) Where recommended in this article and/or other corridor or sub-area master plans of the Township of Negaunee.
 - c) When the driveway could potentially interfere with traffic operations at an existing or planned traffic signal location.
 - d) The site is along a collector or arterial with high traffic volumes, or along segments experiencing congestion or a relatively high number of crashes.
 - e) The property frontage has limited sight distance.
 - f) The fire (or emergency services) department recommends a second means of emergency access.
2. In areas where frontage roads or rear service drives are recommended, but adjacent properties have not yet developed, the site shall be designed to accommodate a future road/facility designed according to the standards of this Section. The Planning Commission may approve temporary access points where a continuous service drive is not yet available and a performance bond or escrow is accepted to assure elimination of temporary access when the service road is constructed. (See Section 505 Temporary Access Permits).
- B. As in accordance with Negaunee Township's Land Division Ordinance, the standards for all service drives shall be as follows:
- 1. Site Plan Review - The Planning Commission shall review and approve all service drives to ensure safe and adequate continuity of the service drive between contiguous parcels as part of the site plan review process in Section 802-805 in the Negaunee Township Zoning Book.
 - 2. Front and Rear Service Drives - A front or rear service drive may be established on property which abuts only one public road. The design of a service road shall conform with national design guidelines such as those identified in the National Access Management Manual by TRB, the AASHTO "Green Book", and National Cooperative Highway Research Program (NCHRP), "Access Management Guidelines to Activity Centers" Report 348 and "Impacts of Access Management Techniques" Report 420.
 - 3. Location - Service roads shall generally be parallel to the front property line and may be located either in front of, or behind, principal buildings and may be placed in required yards. In considering the most appropriate alignment for a service road, the Planning Commission shall consider the setbacks of existing and/or proposed buildings and anticipated traffic flow for the site.
 - 4. Width and Construction Materials - A service drive shall be within an access easement permitting traffic circulation between properties. The easement shall be recorded with the County Register of Deeds. This easement shall be at least forty (40) feet wide. A service drive shall have a minimum pavement width of 30 feet, measured face to face of curb with an approach width of 36 feet at intersections. The service drive shall be constructed of a paved surface material that is resistant to erosion and shall meet Marquette County Road Commission and/or MDOT standards for base and thickness of asphalt or concrete, unless the Township has more restrictive standards or because the service drive will have very limited use and the Township permits a lesser standard.

5. Snow Storage and Landscaping Area - A minimum of 25 feet of snow storage/landscaping area shall be reserved along both sides of the service drive. Frontage roads shall have a minimum setback of 30 feet from the right-of-way, with a minimum of 60 feet of storage at the intersection for entering and exiting vehicles as measured from the pavement edge (See Figure 5.1-6a).
6. Distance from Intersection on Service Drives - Frontage road and service drive intersections at the collector or arterial road shall be designed according to the same minimum standards as described for driveways in Section 503.D.2.
7. Driveway Entrance - The Planning Commission shall approve the location of all accesses to the service drive, based on the driveway spacing standards of this Article. Access to the service drive shall be located so that there is no undue interference with the free movement of service drive and emergency vehicle traffic, where there is safe sight distance, and where there is a safe driveway grade as established by the applicable road authority.
8. Driveway Radii - All driveway radii shall be concrete curbs and conform with the requirements of Section 503.E.4.
9. Acceleration Lanes and Tapers - The design of the driveway, acceleration, deceleration or taper shall conform to the requirements of Section 503.E.4.
10. Elevation - The elevation of a service drive shall be uniform or gently sloping between adjacent properties.
11. Service Drive Maintenance - No service drive shall be established on existing public right-of-way. The service drive shall be a public street (if dedicated to and accepted by the public), or a private road maintained by the adjoining property owners it serves who shall enter into a formal agreement for the joint maintenance of the service drive. The agreement shall also specify who is responsible for enforcing speed limits, parking and related vehicular activity on the service drive. This agreement shall be approved by the Negaunee Township attorney and recorded with the deed for each property it serves by the County Register of Deeds. If the service drive is a private road, the local government shall reserve the right to make repairs or improvements to the service drive and charge back the costs directly or by special assessment to the benefiting landowners if they fail to properly maintain a service drive.
12. Landscaping - Landscaping along the service drive shall conform to the requirements of Section 415 of the Negaunee Township Zoning Ordinance. Installation and maintenance of landscaping shall be the responsibility of the developer or a property owners association.
13. Parking Areas - All separate parking areas (i.e. those that do not use joint parking cross access) shall have no more than one (1) access point or driveway to the service drive.
14. Parking - The service road is intended to be used exclusively for circulation, not as a parking, loading or unloading aisle. Parking shall be prohibited along two-way frontage roads and service drives that are constructed at the minimum width (see B.4). One-way roads or two-way roads designed with additional width for parallel parking may be allowed if it can be demonstrated through traffic studies that on-street parking will not significantly affect the capacity, safety or operation of the frontage road or service drive.

Perpendicular or angle parking along either side of a designated frontage road or service drive is prohibited. The Planning Commission may require the posting of "no parking" signs along the service road. As a condition to site plan approval, the Planning Commission may permit temporary parking in the easement area where a continuous service road is not yet available, provided that the layout allows removal of the parking in the future to allow extension of the service road. Temporary parking spaces permitted within the service drive shall be in excess of the minimum required under Section 413 of the Negaunee Township Zoning Ordinance, Parking and Loading Standards.

15. Directional Signs and Pavement Markings - Pavement markings may be required to help promote safety and efficient circulation. The property owner shall be required to maintain all pavement markings. All directional signs and pavement markings along the service drive shall conform to the current Michigan Manual of Uniform Traffic Control Devices.
16. Assumed Width of Pre-existing Service Drives - Where a service drive in existence prior to the effective date of this provision has no recorded width, the width will be considered to be 60 feet for the purposes of establishing setbacks and measured an equal distance from the midpoint of the road surface.
17. Pedestrian and Bicycle Access - Separate, safe access for pedestrians and bicycles shall be provided on a sidewalk or paved path that generally parallels the service drive unless alternate and comparable facilities are approved by the Planning Commission.
18. Number of Lots or Dwellings Served - No more than twenty-five (25) lots or dwelling units may gain access from a service drive to a single public street.
19. Service Drive Signs - All new public and private service drives shall have a designated name on a sign meeting the standards on file in the office of the Zoning Administrator.
20. In the case of expansion, alteration or redesign of existing development where it can be demonstrated that pre-existing conditions prohibit installation of a frontage road or service drive in accordance with the aforementioned standards, the Planning Commission shall have the authority to allow and/or require alternative cross access between adjacent parking areas through the interconnection of main circulation aisles. Under these conditions, the aisles serving the parking stalls shall be aligned perpendicularly to the access aisle, as shown in Figure 5.1-6c, with islands, curbing and/or signage to further delineate the edges of the route to be used by through traffic.

FIGURE 5.1-6



Section 505 Temporary Access Permits

- A. A temporary access permit may be conditionally issued to a property included in an adopted corridor or access management plan that programs road improvements and installation of service drives and shared driveways that would eliminate the need for the temporary driveway.
- B. Conditions may be included in the temporary access permit including but not limited to, a limitation on development intensity on the site until adjoining parcels develop which can provide a shared driveway, shared access via a service drive, and/or cross parking lot connection consistent with the requirements of Section 504.

- C. A temporary access permit shall expire when the use of the site for which the temporary access permit was granted has ceased for twelve (12) months, or the use of the site or the driveway has changed such that the use of the driveway has increased thirty-percent (30%) from its initial use.
- D. A site plan for property that cannot meet the access requirements of Section 504 or the waiver standards in Section 508, and has no alternative means of reasonable access to the public road system may be issued a temporary access permit. When adjoining parcels develop which can provide a shared driveway, shared access via a service drive or a cross parking lot connection, the temporary access permit shall be rescinded and an application for an access permit consistent with the requirements of Section 504 shall be required.

Section 506 Nonconforming Driveways

- A. Driveways that do not conform to the regulations in this Article and were constructed before the effective date of this Article shall be considered legal nonconforming driveways and shall be allowed to remain, provided the use of the property continues in the same manner and to the same extent as existed when it became nonconforming. Existing driveways granted a temporary access permit are legal nonconforming driveways until the temporary access permit expires.
- B. Loss of legal nonconforming status results when a nonconforming driveway ceases to be used for its intended purpose, as shown on the approved site plan, or a site plan, for a period of twelve (12) months or more. Any reuse of the driveway may only take place after the driveway conforms to all aspects of this Article.
- C. When the owner of a property with an existing, nonconforming driveway or driveways, applies for a permit to upgrade or change the use of the property, the Planning Commission will determine whether it is necessary and appropriate to retrofit the existing driveway or driveways.
 - 1. The property owner may be required to establish a retrofit plan. The objectives of the retrofit plan will be to minimize the traffic and safety impacts of development by bringing the number, spacing, location, and design of driveways into conformance with the standards and requirements of this Article to the extent possible without imposing unnecessary hardship on the property owner. The retrofit plan may include:
 - a) elimination of driveways,
 - b) realignment or relocation of driveways,
 - c) provision of shared driveways and/or cross parking lot connection,
 - d) access by means of a service drive
 - e) restriction of vehicle movements (e.g. elimination of left-turns in and out),
 - f) relocation of parking,
 - g) traffic demand management (e.g. a reduction in peak hour trips),
 - h) signalization, or

- i) such other changes as may enhance traffic safety.
- 2. The requirements of the retrofit plan shall be incorporated as conditions to the permit for the change or upgrade of use and the property owner shall be responsible for the retrofit.
- D. Driveways that do not conform to the regulations in this Article and have been constructed after adoption of this Article shall be considered illegal nonconforming driveways.
- E. Illegal nonconforming driveways are a violation of this Ordinance. The property owner shall be issued a violation notice which may include closing off the driveway until any nonconforming aspects of the driveway are corrected. Driveways constructed in illegal locations shall be immediately closed upon detection and all evidence of the driveway removed from the right-of-way and site on which it is located. The costs of such removal shall be borne by the property owner.
- F. Nothing in this Article shall prohibit the repair, improvement, or modernization of lawful nonconforming driveways, provided it is done consistent with the requirements of this Article.

Section 507 Incentives

- A. In order to ensure the safe and efficient movement of traffic along a road and between the road and properties abutting the road, shared driveways, service roads, and interconnected parking lots are encouraged.
- B. The Planning Commission reserves the authority to determine, in its discretion, the adequacy of the access management amenities to be accepted and the particular incentive to be provided to a property owner.

Section 508 Waivers and Variances

- A. Any applicant for access approval under the provisions of this Article may apply for a waiver of standards in Section 504 if the applicant cannot meet one or more of the standards according to the procedures provided below:
 - 1. For waivers on properties involving land uses with less than 500 vehicle trips per day based on rates published in the Trip Generation Manual of the Institute of Transportation Engineers: Where the standards in this Article cannot be met, suitable alternatives, documented by a registered traffic engineer and substantially achieving the intent of the Article may be accepted by the Zoning Administrator, provided that all of the following apply:
 - a) The use has insufficient size to meet the dimensional standards.
 - b) Adjacent development renders adherence to these standards economically unfeasible.
 - c) There is no other reasonable access due to topographic or other considerations.

- d) The standards in this Article shall be applied to the maximum extent feasible.
2. For waivers on properties involving land uses with more than 500 vehicle trips per day based on rates published in the Trip Generation Manual of the Institute of Transportation Engineers: During site plan review the Planning Commission shall have the authority to waive or otherwise modify the standards of Section 504 following an analysis of suitable alternatives documented by a registered traffic engineer and substantially achieving the intent of this Article, provided all of the following apply:
- a) Access via a shared driveway or front or rear service drive is not possible due to the presence of existing buildings or topographic conditions.
 - b) Roadway improvements (such as the addition of a traffic signal, a center turn lane or bypass lane) will be made to improve overall traffic operations prior to project completion, or occupancy of the building.
 - c) The use involves the redesign of an existing development or a new use which will generate less traffic than the previous use.
 - d) The proposed location and design is supported by the Marquette County Road Commission and/or the Michigan Department of Transportation, as applicable, as an acceptable design under the circumstances.
- B. Variance Standards: The following standards shall apply when the Board of Appeals considers a request for a variance from the standards of this Article.
- 1. The granting of a variance shall not be considered until a waiver under Section 508.A or a temporary access permit under Section 505.D. has been considered and rejected.
 - 2. Applicants for a variance must provide proof of practical difficulties unique to the parcel (such as wetlands, steep slopes, an odd parcel shape or narrow frontage, or location relative to other buildings, driveways or an intersection or interchange) that make strict application of the provisions of this Article impractical. This shall include proof that:
 - a) indirect or restricted access cannot be obtained; and,
 - b) no reasonable engineering or construction solution can be applied to mitigate the condition;
 - c) and no reasonable alternative access is available from a road with a lower functional classification than the primary road; and,
 - d) without the variance, there is no reasonable access to the site.
 - 3. The Board of Appeals shall make a finding that the applicant for a variance met their burden of proof under B.2. above, that a variance is consistent with the intent and purpose of this Article, and is the minimum necessary to provide reasonable access.
 - 4. Under no circumstances shall a variance be granted unless not granting the variance would deny all reasonable access, endanger public health, welfare or safety, or cause an unnecessary hardship on the applicant. No variance shall be granted where such

hardship is self-created.

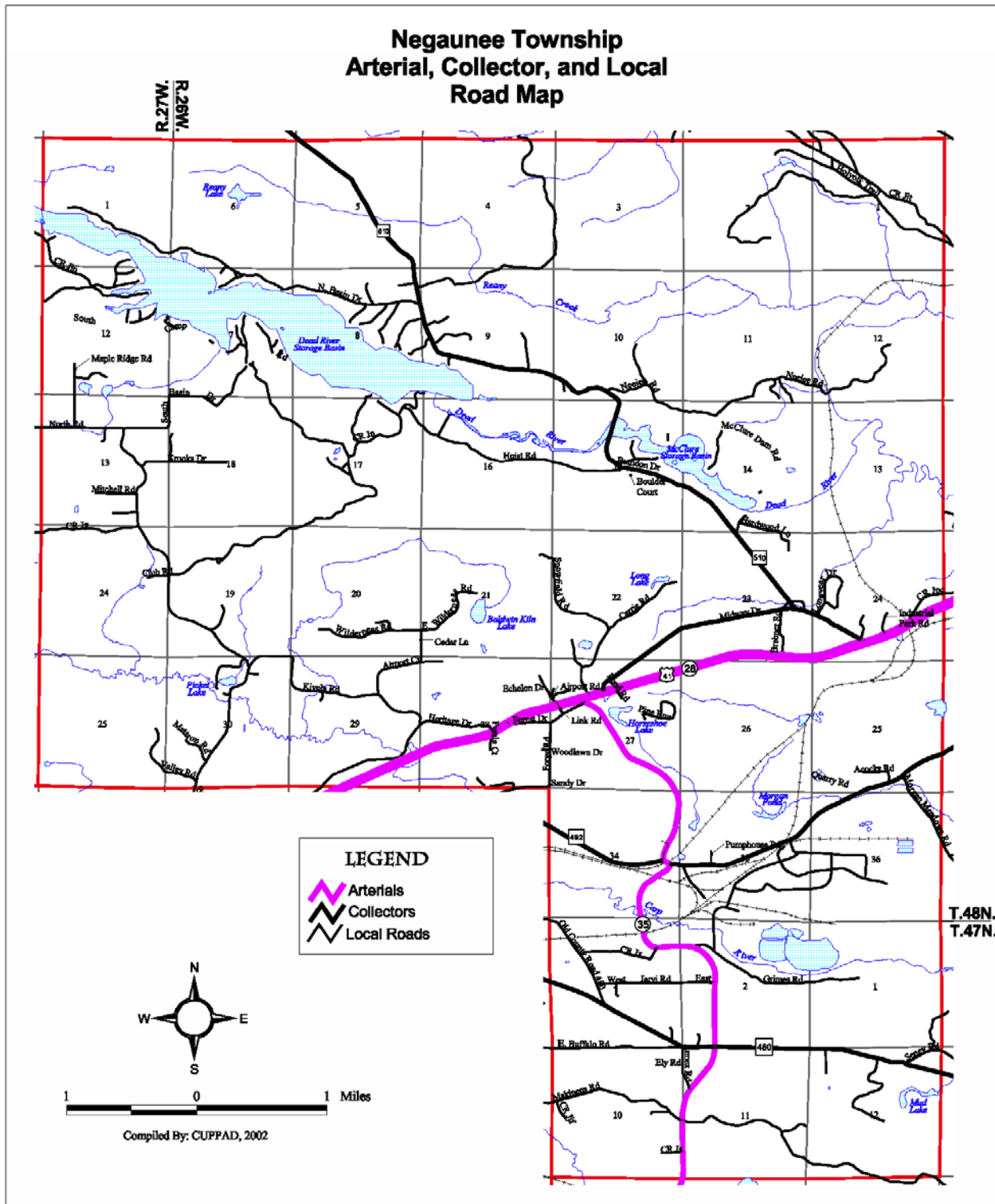
Section 509 One Access Per Parcel

- A. All land in a parcel or lot having a single tax code number, as of the effective date of the amendment adding this provision to the Zoning Ordinance (hereafter referred to as "the parent parcel"), that shares a lot line for less than six hundred 600 feet with right-of-way on Arterials, Collectors and Local Roads as indicated on the Arterials, Collectors and Local Road

Map of Section 510 shall be entitled to one (1) driveway or road access per parcel from said public road or highway.

1. Subsequent land divisions of a parent parcel, shall not increase the number of driveways or road accesses beyond those entitled to the parent parcel on the effective date of this amendment.
 2. Parcels subsequently divided from the parent parcel, either by metes and bounds descriptions, or as a plat under the applicable provisions of the Land Division Act, Public Act 288 of 1967, as amended, or as a condominium project in accord with the Condominium Act, Public Act 59 of 1978, as amended, shall have access by a platted subdivision road, by another public road, by an approved private road, frontage road or rear service drive.
- B. Parent parcels with more than six hundred (600) feet of frontage on a public road or highway shall also meet the requirements of Section A.1 and Section A.2 above, except that whether subsequently divided or not, they are entitled to not more than one driveway for each six hundred (600) feet of public road frontage thereafter, unless a registered traffic engineer determines that topographic conditions on the site, curvature on the road, or sight distance limitations demonstrate a second driveway within a lesser distance is safer or the nature of the land use to be served requires a second driveway for safety.

Section 510 Arterial, Collector, and Local Road Map



ARTICLE VI PRIVATE ROAD STANDARDS AND DEVELOPMENT

Section 601 Intent

- A. It is the intent of this article to promote the health, safety and general welfare of Negaunee Township residents by setting standards for the construction of all private roads. Historically, private road development in the Township has created less than ideal situations with substandard road development and no mechanism in place for maintenance. Access to residents for emergency vehicles, or other services, can be limited with private roads and therefore it is essential to enforce development regulations.

Section 602 Uses Regulated

- A. Except as provided below, when a development results in the use of a non-public roadway by one or more lots, parcels or site condominium units, the private road must be approved before any Zoning Compliance Permits are issued. In the case of a private road that is part of a development requiring site plan review, the private road may be approved as part of the site plan review process. In those cases, the Planning Commission may require the same information as in this Article for private road approval and shall use the same standards for approval as contained in this Article.
- B. Private roads in place at the effective date of the Private Road Ordinance adopted September 14th, 2000 (which amended Article VI of the Negaunee Township Zoning Ordinance replaces), are nonconforming and exempt from the provisions of Article VI, provided:
 1. The private roads were built and have been substantially maintained in accordance with any regulations, permit or agreement in place at the time they were approved; and
 2. Any increase in the number of Land Divisions served by the nonconforming private road, or any adjoining nonconforming private road, will require the private road serving that lot to be examined in light of these standards. If the nonconforming private road is found to be substandard or unable to provide adequate access to residents for emergency vehicles, the private road may be required to be upgraded per the standards of this Article prior to issuance of a Zoning Compliance Permit, Building Permit, Occupancy Permit or zoning approvals, such as Land Divisions, Conditional Use approval or Site Plan approval for any new dwellings or use provided access by the private road.

Section 603 Fees and Application

- A. The Negaunee Township Board will establish the application fee for a Private Road permit and must be paid at the time of application.
- B. The applicant must file a completed application for a Private Road Permit with the Zoning Administrator and request placement on the Planning Commission agenda. The following information shall be submitted to the Negaunee Township Zoning Administrator as part of the application for a Private Road Permit:
 1. Name of applicant(s).

2. Names of the owner(s) of record of the land.
3. Any legal encumbrances on the land upon which the proposed road is located.
4. Statement of who will own the road following construction and by what legal instrument.
5. A Private Road Maintenance Agreement and Private Road Easement Agreement.
6. The estimated volume and type of traffic to use the road.
7. The anticipated starting and completion dates of each phase of road construction.
8. A description of erosion, sedimentation and dust control measures to be employed during and following construction.
9. A description of storm water management and drainage provisions, together with supporting assumptions and calculations.
10. An illustrated Site Plan prepared by a professional engineer and required supplements, as listed in Section 906, Article IX, of this Ordinance.

Section 604 Road Commission and Township Attorney Review

- A. A copy of the Private Road Site Plan and all supplements shall be conveyed by the Zoning Administrator to the Marquette County Road Commission (MCRC) for review and comment. The Zoning Administrator shall send the Private Road Maintenance Agreement and Private Road Easement Agreement for the proposed Private Road to the Township Attorney or other legal representative retained for such purpose for review and comment. At least fourteen (14) days shall be provided for their review and comment. A reply shall be provided to the Zoning Administrator. If no response is received within twenty (20) days, it shall be conclusively presumed that the MCRC and the Township Attorney or other legal representative retained for such purposes has no objections.

Section 605 Standards for Approval

- A. All private roads serving seven (7) or more buildable lots shall have a minimum sixty-six (66) foot wide right-of-way (ROW) and be built to specifications as in Table 6.5-1.
- B. Private roads and single access drives that serve one (1) through six (6) buildable lots shall conform to the requirements in Table 6.5-1, however applicants can request a ROW reduction in order to protect natural features or for lot access restricted by size provided that in no case may the right-of-way be less than fifty (50) feet or as a result of space saving features such as curb and gutter.
- C. A Private Road with a ROW of less than sixty-six feet (66') may never be extended to more than six (6) buildable lots.
- D. Building setbacks shall be measured from the outside edge or boundary of the private road right-of-way easement. This will help provide snow storage from plowing and minimum space for storm water runoff.

- E. Private roads shall be planned and so constructed in relation to land contours and obstructions as to provide safe, adequate ingress and egress by private driveway for each parcel. Clearing and grubbing is required for a clear line of sight and passage throughout the corridor, with a minimum of fifteen (15) feet wide and fifteen (15) feet of clear height throughout the corridor. This will accommodate fire-fighting equipment and other emergency vehicles, snowplows, school buses, sanitation vehicles and similar service vehicles.
- F. Road layout shall fit the general pattern established by adjacent roads and streets. All intersections shall be at ninety degrees (90°) or as closely thereto as feasible, and in no case less than eighty degrees (80°).
- G. All road sub-bases shall be designed, constructed and maintained to withstand usage by utility, service and emergency vehicles. The ground for a road shall be prepared as follows:
 - 1. Fill slopes must not be constructed on natural slopes steeper than one (1) unit vertical in two (2) units horizontal (50% slope). The ground surface must be prepared to receive fill by removing woody vegetation such as shrubs, topsoil and other unsuitable materials and scarifying to provide a bond with the new fill. Where slopes are steeper than one (1) unit vertical in five (5) units horizontal (20% slopes) and the height is greater than five (5) feet, stability must be achieved by benching at the toe into sound bedrock or other competent material.
 - 2. Composition of fill materials must follow these requirements:
 - a. Detrimental amounts of organic material will not be permitted in fills.
 - b. Rock sizes greater than twelve (12) inches in maximum dimension must be placed two (2) feet or more below grade, measured vertically.
 - c. Rocks must be placed so as to assure filling of all voids with well-graded soil.
 - d. The upper two (2) feet of fill must be compacted for stability in preparation for placement of surfacing material.
- H. Regulation Michigan State Highway stop signs shall be positioned and installed in accordance with the “Michigan State Manual of Uniform Traffic Control Devices” on all private roads where such roads intersect public streets or another private road. Directional and street signs shall be erected at the cost of the applicant, in the same manner and method, and in accordance with the requirements of this Ordinance.
- I. Rights-of-way shall connect the private road system of the proposed development to any road or right-of-way of existing abutting developments or subdivisions where an existing road or right-of-way terminates at the boundaries of the proposed development. The Planning Commission may waive this requirement. The waiver may be granted if findings in the record of the Planning Commission show that natural barriers, pre-existing man-made barriers, or other factors result in a practical difficulty which is greater than the public safety and traffic efficiency benefits to be gained by the connection.
- J. A Private Road legal description shall grant easements for installation and maintenance of public utilities.
- K. The layout of roads shall provide a continuous circuit of travel. The Planning

Commission may waive this requirement. The waiver may be granted upon making finding in the record of the Planning Commission that the lands to be developed are limited in area by purpose or by natural barrier. Granting of the waiver allows the road to terminate in an approved cul-de-sac that meets the design requirements specified in Table 6.5-1, provided a right-of-way is established extending from the end of the cul-de-sac to the development boundary. Road right-of-ways or easements created for this purpose shall be non-exclusive and shall prohibit the construction or placement of building or structures within the right-of-way. Where a natural barrier exists or future tie-in with an existing road in an adjoining development or subdivision is not feasible, this right-of-way requirement may also be waived.

- L. Names of all private roads may be suggested by the applicant and are subject to the approval of the Township and MCRC. Directional and street signs shall be erected at the cost of the applicant, in the same manner and method, and in accordance with the requirements of this Article.
- M. The Private Road Maintenance Agreement signed by applicant/owner(s) to be recorded with the County Register of Deeds shall provide for:
 - 1. A method of initiating and financing of such road in order to keep the road up to properly engineered specifications and free of snow or debris.
 - 2. A workable method of apportioning the costs of maintenance and improvements to current and future properties served by the private road.
 - 3. A notice that if repairs and maintenance are not made, the County or Township may bring the road up to established County Road Commission standards for public roads and assess owners of parcels on the private road for the improvements, plus an administrative fee in an amount not to exceed twenty-five (25) percent of total costs.
 - 4. A notice that public funds of the County of Marquette or Negaunee Township are not to be used to build, repair or maintain the private road.
- N. Private Road Easement Agreement signed by the applicant/owner(s) to be recorded with the County Register of Deeds providing for:
 - 1. Easements to the public for purposes of emergency and other public vehicles for whatever public services necessary.
 - 2. A provision that the owners of any and all of the property using the road shall refrain from prohibiting, restricting, limiting or in any manner interfering with normal ingress and egress and use by any of the other owners. Normal ingress, egress and use shall include use by family, guests, invitees, vendors, tradesman, delivery persons, and others bound to or returning from any of the properties having a need to use the road.
 - 3. For roads servicing a single permanent, year-round structure, it is recommended that private roads that are over 300 feet long, also referred to as a single access drive, meet current Marquette County Road Commission paved road specifications to facilitate emergency vehicle access. If this standard is not met, the applicant **MUST** acknowledge added risk and sign a statement acknowledging that emergency vehicle access may be impossible, involving above average risk to life and property.
- O. Private roads must meet the following spacing requirements:

1. No more than one (1) private road may be established for each parcel of land existing at the time of the effective date of this provision, and it shall have at least the roadway width or easement depicted on Table 6.5-1, depending on the number of buildable lots serviced.
 2. Private roads or driveways serving an individual parcel which are created after the effective date of this provision must follow the spacing requirements between the center lines of driveways, private roads and any intersecting public roads as measured along the centerline of the public street to which the driveway or private road connects as listed in Table 5.2-1 of Article V.
- P. Nothing in this section shall be interpreted to allow residential development that requires platting under the Land Division Act, as amended to occur without first obtaining approval as a platted subdivision.
- Q. Failure to maintain the private road in compliance with the standards for horizontal and vertical clearance as specified in Section 605(E), ditching, road and shoulder grading, and dimensional requirements of Table 6.2-1 shall constitute a violation of this Ordinance.

TABLE 6.5-1
Single Access Drive & Private Road Standards

# of Lots Served	Roadway Width or Easement Width	Width of Improved Road Surface	Surface Type	Bump Out or Turnaround	Ditch/Utilities Minimum Side Slope	Max Grade
1*	20 feet	10 feet	Dirt/Gravel	18 ft. x 60 ft. at 400 ft. intervals	Min. 2 ft. below shoulder with side slope of 1:3 or 33%	6% up to 10% with approval of Fire Chief
2-6**	66 feet	20 ft. with 3 ft. shoulders on each side	6" aggregate over 12" granular material	Cul-de-sac min. 100 ft. radius with 12 ft. one-way traveled surface (74 ft. radius to outside edge of paved surface) OR Hammer-Head T, 198 ft. by 66 ft. ROW with 18 ft. of road surface back-in/turn around	Min. 2 ft. below shoulder with side slope of 1:3 or 33%	6% up to 10% with approval of Fire Chief
>6	66 feet	30 ft. with 6 ft. shoulders on each side	2" Bituminous over 5" aggregate over 36" class II sub-base	Cul-de-sac min. 100 ft. radius with 20 ft. one-way traveled surface (82 ft. radius to outside of paved surface) OR Hammer-Head T, 198 ft. by 66 ft. ROW with 18 ft. of road surface back-in/turn around	Min. 2 ft. below shoulder with side slope of 1:3 or 33%	6% up to 10% with approval of Fire Chief

* Applies to private roads greater than three-hundred (300) feet

** ROW may be reduced to a minimum of fifty (50) feet based on lot size and/or natural feature hardship

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 Zoning Board of Appeals pursuant to standards for a variance as set forth in the Negaunee Township Zoning Ordinance.

Section 607 Issuance of Permit for Structures Served by Private Roads

- A. No Zoning Compliance Permit, building permit, occupancy permit or zoning approvals, such as land splits, conditional land use approval or site plan approval shall be issued for a structure or use provided access by a private road until such private road is approved pursuant to the requirements of Section 606.
- B. No private road shall be constructed until the Zoning Administrator has issued a Private Road Permit and Soil Erosion and Sedimentation Control Permit have been issued by the Soil Erosion and Sedimentation Control officer, when applicable.

Section 608 Failure to Perform

- A. Failure by the applicant to begin construction of the private road according to approved plans on file with the Zoning Administrator within one (1) year from the date of approval shall void the approval and a new site plan shall be required by the Township subject to any changes made herein or subject to any changes made by the MCRC, Township Planning Commission or Township Board in its standards and specifications for road construction and development.
- B. Any parcel accessed by a private road created in noncompliance with this Ordinance shall not be eligible for any building permits, or zoning approvals, such as land splits, conditional land use approval or site plan approval. In addition, violation of this Article shall subject the violator to the fines and enforcement actions set forth in Section 1404 of this Ordinance, and as may otherwise be provided by law.

Section 609 Notice of Easements

- A. All purchasers of property where a private road provides access to the premises shall, prior to closing of the sale, receive from the seller a notice of easement, in recordable form, substantially conforming to the following:

“This parcel of land has private road access across a permanent easement which is a matter of record and a part of the deed. This notice is to make Purchaser aware that this parcel of land has egress and ingress over this easement only.”

ARTICLE VII P L A N N E D UNIT DEVELOPMENT

Section 701 Intent

- A. To permit greater flexibility in the use and design of structures and land in situations where modifications of specific provisions of this Ordinance will not be contrary to its intent and purpose or significantly inconsistent with the planning on which it is based and will not be harmful to the neighborhood in which they occur. A Planned Unit Development (PUD) should result in development which maximizes the provision of open space, preserves natural features, and provides a harmonious arrangement of structures and uses. More than one principal use and/or structure per lot may be permitted.

Section 702 Eligibility

- A. In order to be approved by the Negaunee Township Planning Commission, a proposed Planned Unit Development shall:
 - 1. On parcels at least two acres in size:
 - a) Provide for open space and preservation of natural features; clustered development and similar design methods are encouraged.
 - b) Minimize the amount of impervious surface created.
 - c) Provide a harmonious and efficient arrangement of all structures and uses in relation to topography, the size and type of plot, the character of adjoining property, and the type and size of buildings. Arrangements of buildings shall be done in such a way to utilize natural topography, existing vegetation and views within and beyond the site.
 - 2. On parcels over 10 acres in size where the existing structures will be an integral part of the new development:
 - a) Provide for open space and the preservation of natural features.
 - b) Minimize the amount of new impervious surfaces created. The developer shall take into consideration the impact of the size and location of existing impervious surfaces when proposing new impervious surfaces.
 - c) Demonstrate the efficient use of the existing structures in relation to the overall development plan. Arrangements of proposed buildings shall be done in such a way to utilize natural topography, existing vegetation and views within and beyond the site.

Section 703 Application and Modification Powers

- A. The applicant shall submit an application to the Planning Commission in accordance with the procedures in Section 704 through Section 707.
- B. In acting upon the application, the Planning Commission may alter setback requirements,

building size limits, off-street parking regulations, landscaping rules, and density and intensity limits. It may also authorize uses not permitted in the district where the lot is located, providing such uses are desirable or convenient for the users of the lot as developed or the immediate neighborhood and provided that such uses are planned so as to assure that they will not materially alter the existing character of the neighborhood. For developments on parcels of ten acres or less, uses not permitted in the district where the lot is located shall not be permitted to occupy more than 10 percent of the lot area nor more than 10 percent of the building floor area.

- C. The provisions of this Section shall be applied to the existing Zoning District, as defined on the zoning map where the PUD is to be located.

Section 704 Preliminary Conference

- A. Prior to preparing a formal application, the applicant shall meet with the Planning Commission to discuss the proposed development and application procedures. No decision regarding any proposed PUD is to be reached at this conference.

Section 705 Preliminary Application

- A. Following the preliminary conference, the applicant shall prepare and submit 10 copies of a preliminary application which consists of the following written and graphic documents, together with any fee(s) which have been imposed by the Negaunee Township Board:
 - 1. A written description of the proposed PUD, including:
 - a) How the proposed PUD is consistent with the intent of the section, and with the eligibility criteria in Section 702.
 - b) A statement identifying all intended uses, including future sales or leasing arrangements of all or portions of the proposed PUD.
 - c) A legal description of the proposed PUD parcel.
 - d) A listing of all owners, holders of easements, and other interested parties.
 - e) A projected assessment of the proposed PUD demands on public services and utilities, including, but not limited to, water, sewer, electrical service, streets and roads, sidewalks, refuse disposal, and emergency services.
 - 2. A preliminary site plan shall be provided on ten (10) identical copies on one or more sheets, at a scale adequate to illustrate the proposed activity, and shall include the following information. If the preliminary site plan has been prepared in digital format (.dwg, .dxf, etc.), a copy shall be provided to the township.
 - a) The legal description and street address of the lot(s).
 - b) The name, address and telephone number of the owner, developer, and/or designer.
 - c) The date the site plan was prepared.
 - d) North arrow and scale

- e) The actual dimensions of the lot(s) as shown by a licensed surveyor, engineer, architect, or registered landscape architect, with survey stakes visible. The requirement for a survey may be waived if building dimensions will not change as a result of the proposed activity.
 - f) The relationship of the subject lot(s) to abutting properties.
 - g) Depiction of all existing structures, including signs, on the subject lot(s) shown to scale.
 - h) The dimensions of all proposed structures on the subject lot(s), including height of proposed buildings.
 - i) Distances between existing structures and proposed structures on the subject lot(s) and distance between lot lines and proposed structures.
 - j) Use of all existing or proposed structures on the subject lot(s).
 - k) The location of all proposed fences and planting screens or other buffers.
 - l) The location and right-of-way widths of all streets, alleys, private road easements and/or railroads located within or abutting the subject lot(s). Named streets should be labeled.
 - m) The location of all existing and proposed ingress/egress points, sidewalks, driveways and parking areas on the subject lot(s).
 - n) The locations of existing ingress/egress points, driveways, streets, alleys and/or railroads within 300 feet of the boundaries of the subject lot(s).
 - o) The size and location of all existing and proposed public and private utilities.
 - p) The location of natural features affecting development, such as rock outcrops, water, wetlands, etc.
 - q) The location of existing and proposed surface water impoundments and surface water drainage pattern.
 - r) The location and extent of all planned earth movement. Indicate status of any necessary permits, such as sedimentation and soil erosion permit, wetlands permit, etc.
 - s) Any other information necessary, in the opinion of the Zoning Administrator, to establish compliance with this Ordinance or any other applicable ordinances.
3. A development schedule; a list of proposed covenants or deed restrictions; any proposed maintenance agreements on open space or common ownership areas; and a description of the type of financial guarantees to be utilized to insure PUD development.
 4. Any other information the Planning Commission may reasonably require to show the applicant's intent for the development and viability of the proposal.
 5. The applicant may request that the requirement of Section 706 for a final application be waived, and include all of the information required for a final application with the preliminary application. If, upon submittal, the Zoning Administrator finds that all

items required by Section 705, 1 through 4 above, and Section 706, 1 through 5, are included, the requirement for a final application and final public hearing may be waived. If the requirement for a final application is waived, the public hearing notice and all other materials pertaining to the preliminary application should clearly state that the final application requirement has been waived, and that no further public hearings on this application are anticipated.

- B. All application materials must be received in the office of the Negaunee Township Zoning Administrator before a public hearing notice can be submitted for publication.
- C. The Planning Commission shall hold a public hearing in accordance with the requirements of Section 705, to review the preliminary application. In making its review of any portion of the PUD preliminary application, the Planning Commission shall find that the proposed PUD is consistent with the standards outlined in Section 708 and Section 1004 and other relevant provisions of this Ordinance. Following the review, the Planning Commission shall approve, approve with conditions or subject to modifications, or deny the preliminary application. Action taken on the preliminary application shall be specified in writing, including the reasons for approval or denial of the application, and any conditions imposed as part of approval with conditions.
- D. Approval of the preliminary application does not constitute recording of the plan or plot nor authorize the issuance of building permits.
- E. Within a maximum of 12 months following preliminary approval, the applicant shall file for final application as outlined below. For good cause, the Planning Commission may extend this time period for six months. If the applicant fails to apply for the final application for any reason, approval or conditional approval shall be revoked.

Section 706 Final Application

- A. Following approval or approval with conditions of the preliminary application, the applicant shall prepare and submit 10 copies of a final application which shall include:
 - 1. All information as required by the Planning Commission for preliminary approval or conditional approval of the preliminary application, including modifications required to meet conditions imposed on the preliminary application, if any.
 - 2. Signed copies of any preliminary plats, in accordance with the Land Division Act (Act 288 of 1967, as amended).
 - 3. A detailed development time schedule.
 - 4. Deed restrictions or covenants of the parcel.
 - 5. Any other plans, documentation or specifications, as the Planning Commission may require to insure final engineering review and approval, which may include building plans, elevation and perspective drawings, drainage, road or other facility designs, and letters of commitment or intent insuring adequate financing for public utilities and/or services.
- B. All the application materials must be received in the office of the Negaunee Township Zoning Administrator before a public hearing notice can be submitted for publication.

- C. If a separate final application is received, the Planning Commission shall hold a second public hearing, and shall determine whether or not the final plans substantially conform to the approved preliminary development plan and are in proper form for final recording. Action taken on the final application shall be specified in writing, including the reasons for approval or denial of the application, and any conditions imposed as part of approval with conditions.

Section 707 Authorization and Issuance of Conditional Use Permit

- A. Where the Planning Commission determines that the final application is consistent with this section and other requirements thereof, and is in proper form for recording, it shall authorize a PUD Conditional Use Permit for development and use in accordance with the final accepted development plan. Authorizing the PUD Conditional Use Permit shall not obligate the Negaunee Township Planning Commission or the Negaunee Township Board to enforce any deed restrictions or covenants of the development parcel.
- B. The PUD Conditional Use Permit shall be issued following evidence of recording of the PUD final development plan with the Marquette County Register of Deeds.
- C. Final approval may be granted on each phase of a multi-phased planned unit development if each phase contains the necessary components to insure protection of natural resources and the health, safety and welfare of the users of the planned unit development and the residents of the surrounding area.

Section 708 Planned Unit Development Standards

- A. All preliminary and final applications shall be evaluated with respect to the following standards:
 - 1. Yard, setback, lot size, type of dwelling unit, height, and frontage requirements and restrictions may be waived for the PUD, provided, however, that the spirit and intent of this section as defined in the intent statement, are incorporated within the total development plan. The Planning Commission may determine that certain setbacks be established within all or a portion of the perimeter of the site, and shall determine the suitability of the total development plan in accordance with the intent of this section.
 - 2. Access: Every structure or dwelling unit shall have access to a public street, or to a private roadway built to County specifications and dedicated to common use. A maintenance agreement shall be required for private roadways.
 - 3. Sidewalks: For areas of residential development and significant pedestrian use, all streets and roadways within the PUD shall have a sidewalk at least four feet in width on at least one side of the street or roadway, unless otherwise excluded by the Planning Commission.
 - 4. Land Usage: Structures and uses shown on the development plan shall be arranged so as not to be detrimental to existing or proposed structures within the development or surrounding neighborhood.
 - 5. Privacy: Each development shall provide reasonable visual and acoustical privacy or

6. provide for reasonable spatial separation for dwelling units. Fences, walks, barriers, and landscaping or open space shall be used, as appropriate, for the protection and aesthetic enhancement of property and the privacy of its occupants, screening of objectionable views or uses and reduction of noise.
7. Off-Street Parking: Parking convenient to all dwelling units and other uses shall be provided pursuant to the requirements of Sections 412, 413, and 414 of this Ordinance. Common driveways, parking areas, walks, or steps may be required together with appropriate lighting, in order to insure the safety of the occupants and the general public. Screening of parking and service areas may be required through use of trees, shrubs, hedges or screening walls.
8. Utilities: PUD's shall, where feasible, provide for underground installation of utilities (including electricity and telephone) in both public ways and private extensions thereof. In no instance shall the PUD place demands in excess of the capabilities of the affected public facilities and services.
9. Planting: The appeal and character of the site shall be preserved and enhanced by retaining and protecting existing trees and other site features; additional new landscaping shall be added where feasible for privacy, shade, beauty of buildings and grounds, and to screen out objectionable features.
10. The PUD shall be consistent with the standards outlined in Section 904 and other relevant provisions of this Ordinance.
11. Any proposed signs shall be erected in accordance with regulations in Article VIII that are most consistent with the nature of the proposed PUD and shall be harmonious with all adjacent land uses.

Section 709 Changes in Approved PUD

- A. Changes in the location site or character of the building and structures may be authorized by the Planning Commission, if required by engineering or other circumstances not foreseen at the time the final development plan was approved.
- B. Changes which cause a change in the use, character, or intent of the development, an increase in the intensity of use, changes in the overall coverage of the structures, or problems of traffic circulation, utility services, or similar services, or a reduction in the approved open space, off-street parking and loading space, or pavement width requirements may be authorized by the Planning Commission following a public hearing. The public hearing notice shall be published not less than 5 days nor more than 15 days prior to the public hearing, in accordance with Section 1203.
- C. Changes which are approved must be made and recorded in accordance with the procedures established for the recording of the initial final development plan.

ARTICLE VIII SIGNS

Section 801 Intent

- A. The sign regulations of this Section are intended to balance public and private interests to promote a safe, well-maintained, vibrant and attractive community while accommodating the need for signs to inform, direct, identify, advertise, advocate, promote, endorse, and otherwise communicate information. It is not the intent or purpose of this Section to regulate the message displayed on any sign or the content. These provisions are intended to:
1. Prevent blight and protect aesthetic qualities by preventing visual clutter and preserving scenic and natural beauty, prevent intrusion of commercial messages into non-commercial areas and preserving rural landscapes, and preventing light pollution and preserving the night sky.
 2. Promote an ordered visual environment that supports a healthy economy and business climate by providing businesses with opportunities to inform, identify, and communicate effectively without excessive competition for visual attention.
 3. Enable the public to locate goods, services, and facilities without difficulty and confusion.
 4. Protect and enhance public and private investment in property by encouraging the design, scale, and placement of signs so that they are appropriately conspicuous, visible, and legible.
 5. Assure that the information displayed is clearly visible, legible, and readable so that the sign achieves the intended purpose.
 6. Protect public safety by controlling the proliferation of signs that are unduly distracting to motorists or that reduce the effectiveness of signs directing and warning the public; and prohibiting signs that are structurally unsafe or poorly maintained.
 7. Reinforce and support the desired community character in a manner that takes into consideration building scale and massing, building and sign setbacks, travel speed, and pedestrian presence so that signage contributes to a sense of place.
 8. Ensure that the constitutionally guaranteed right of free speech is protected and to allow signs as a means of communication for business identification and other commercial speech, non-commercial speech, and dissemination of public information, including but not limited to public safety information and notification as may be required by law.
- B. These sign standards are declared to be necessary to protect the public health, safety, and general welfare of the citizens of Negaunee Township, and are based on the following objectives:
1. To reflect the primary purpose of signs as being the identification of a particular user or use on a property, but not necessarily every activity or service performed thereon.
 2. To enhance pedestrian, bicycle, ORV, snowmobile and traffic safety by avoiding the creation of obstacles or traffic hazards that may be distracting or confusing to motorists, or which may impair the ability of motorists to see pedestrians, read other traffic signs or see other vehicles.

3. To avoid excessive use of signs in order to give each use optimum visibility to passer-by traffic and if possible, to prevent one sign from blocking the view of another sign.
 4. Enhance the effectiveness of necessary directional and warning signs.
 5. To preserve property values from the negative impacts of blighted, unsafe, cluttered and otherwise unregulated signs on abutting property or in the area.
 6. To encourage native plants and other landscaping materials around ground signs so as to compliment the site and integrate the sign with the buildings, parking areas and natural site features.
 7. To maintain and enhance economic stability by retaining aesthetic appeal and encouraging signing practices that will complement the Township's natural environment and preserve its scenic and natural beauty by minimizing visual obstructions to the natural landscape.
 8. To avoid bright lights and reflection and to protect views of the night sky from poorly shielded lights.
- C. The standards in this Article are determined to be the minimum necessary to achieve the above stated purposes.
- D. Compliance with this Article does not relieve the applicant for sign approval from the responsibility for compliance with other local, state or federal sign regulations, nor does the issuance of a Sign Permit grant permission to the applicant to place signs on any property including road rights-of-way other than property owned or otherwise legally under the control of the applicant. The issuance of a Sign Permit only assures the applicant that the sign meets the requirements of the Township Zoning Ordinance.

FIGURE 8.1-1



FIGURE 8.2-1

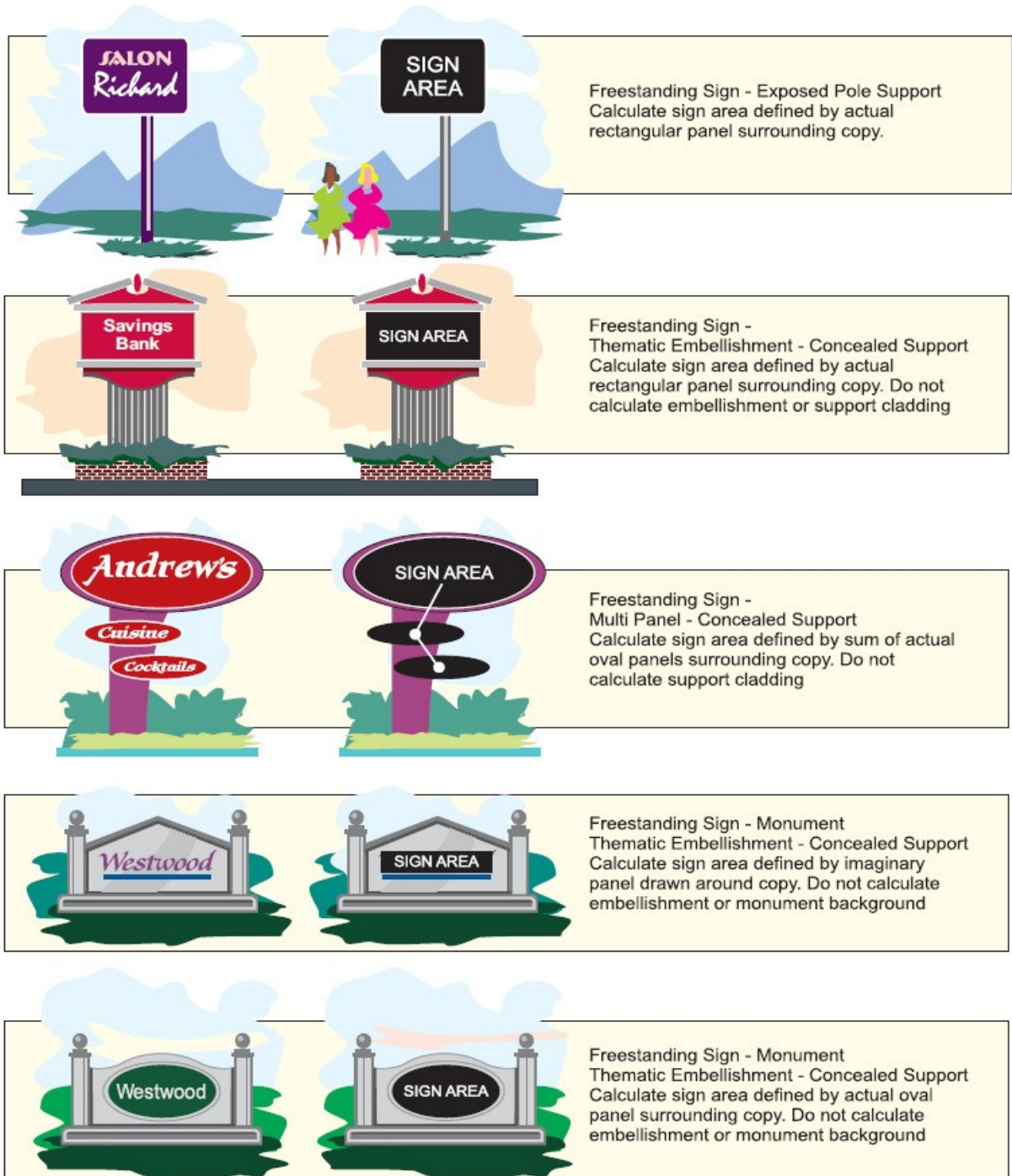
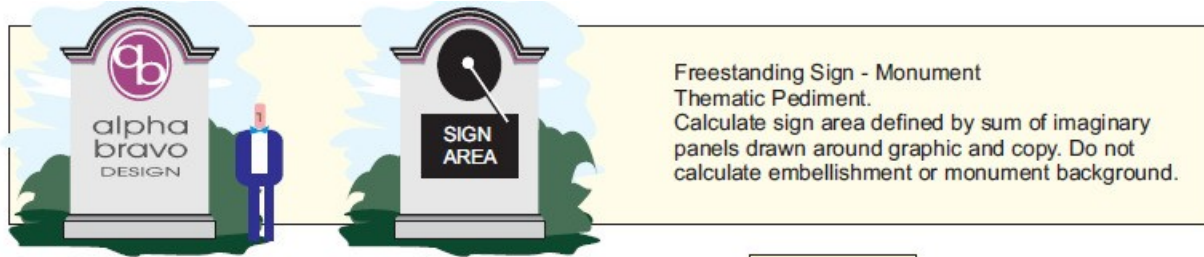


FIGURE 8.2-2



Wall / Fascia Signs

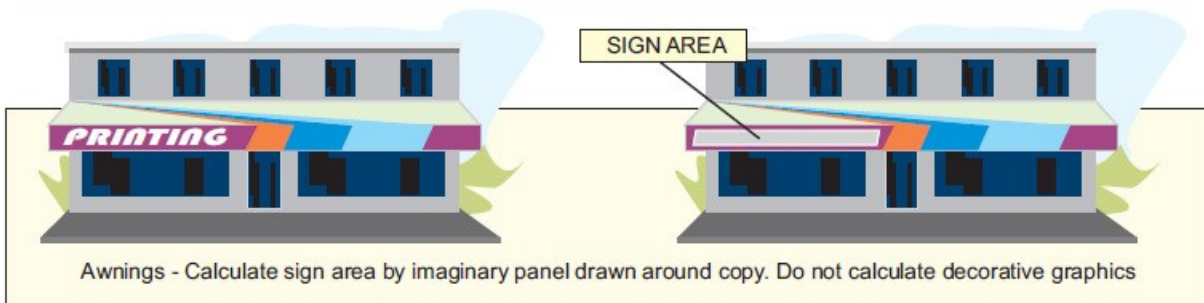
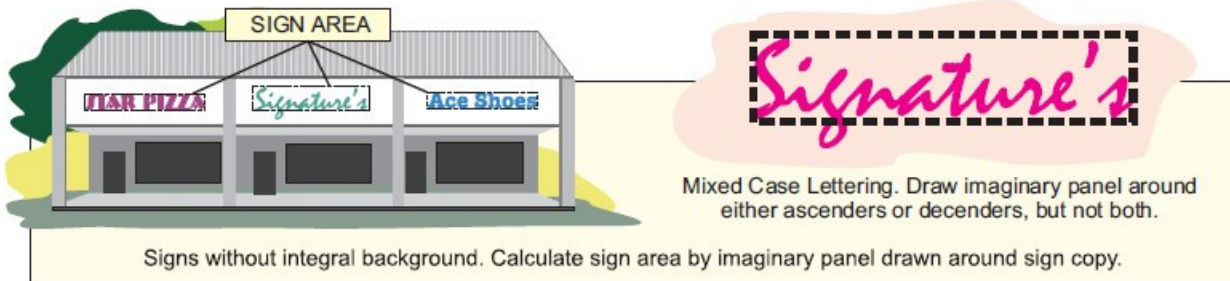
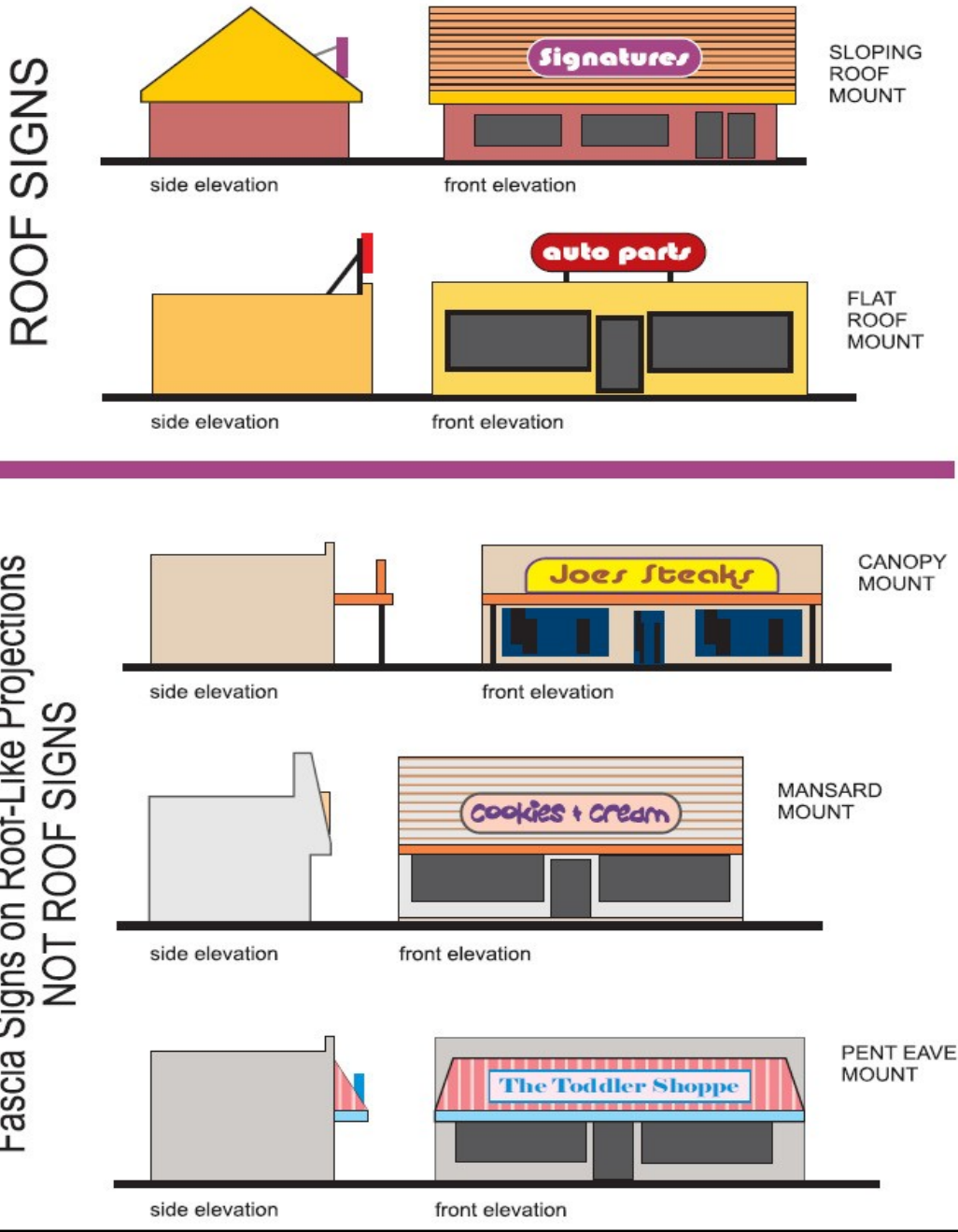


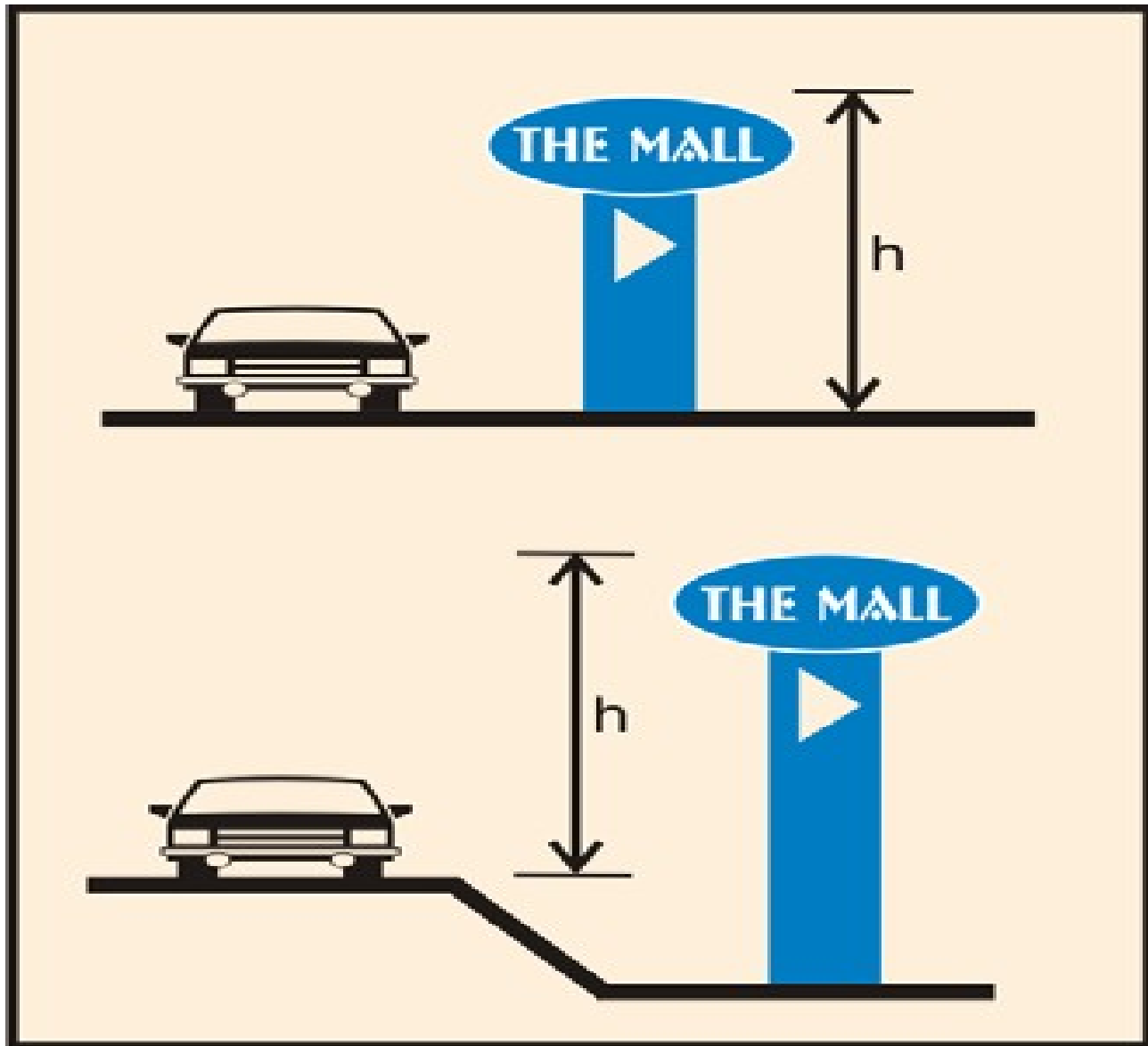
FIGURE 8.3-1



Section 805 Height of Sign

- A. The overall height of a freestanding sign or sign structure is measured from the lowest point of the ground directly below the sign to the highest point of the freestanding sign or sign structure.
- B. Exception: Where a freestanding sign or sign structure is mounted along a roadway that has a higher grade level as compared to the grade level directly below the freestanding sign or sign structure, then the freestanding sign or structure's height will be measured from the roadway grade level to the highest point of the freestanding sign or sign structure. See Figure 8.4-1.

FIGURE 8.4-1



Section 806 Prohibited Signs

- A. The following limitations, obligations, and prohibitions apply to all signs:
1. Any sign installed prior to the effective date of this Ordinance without a Sign Permit, when in fact the prior Ordinance required a permit, is prohibited.
 2. Any sign, unlawfully installed, erected or maintained after the effective date of this Ordinance, is prohibited.
 3. No portion of a privately-owned sign, or its supporting structures, such as poles or cables, shall be placed on, or within the air space above, publicly owned property, a public right-of-way (such as a street or sidewalk), or a proposed public right-of-way.
 4. No sign shall be erected by other than a public road authority at the intersection of any street in such a manner as to obstruct free and clear vision; or at any location where by reason of the position, shape or color, it may interfere with, obstruct the view of or be confused with any authorized traffic sign, signal or device; or which makes use of the words "stop", "look", "danger" or any word, phrase, symbol or character in such manner as to interfere with, mislead or confuse traffic.
 5. Signs and sign structures that are no longer in use as originally intended or have been abandoned; or are structurally unsafe, are insecurely affixed to a substantial structure, otherwise constitute a hazard to safety and health, or those not kept in good repair are prohibited.
 6. Any sign which obstructs free ingress to or egress from a required door, window, fire escape or other required exit way are prohibited.
 7. A sign erected on a roof of a building above the roofline is prohibited.
 8. Advertising devices such as banners, balloons, flags, pennants, pinwheels, robots, searchlights or other devices with similar characteristics are prohibited, except when used temporarily for periods not to exceed fifteen (15) days to announce the opening of a new type of business or use by a new owner. Must provide proper notification to Township Authorities and is subject to regulation.
 9. Any sign on a motor vehicle or trailer which is continuously parked in a position visible to traffic on a public road or parking area for a period longer than fourteen days in a 60-day period is prohibited.
 10. Signs containing phosphorescence, luminescence, mirrors, strobe lights, search lights, or other high intensity light fixtures.
- B. Signs remaining after a business or activity has terminated must be removed within one hundred eighty (180) days.

Section 807 Signs Allowed in Any District without a Permit

- A. Subject to other applicable requirements and permits, the following signs are authorized without a Sign Permit but shall still conform with all other applicable requirements of this Article:
- B. No sign that is authorized without a permit shall have illumination.

1. Permanent Signs
 - a) Signs that do not exceed three (3) Square Feet are allowed without a permit in any zoning district.
 2. Non-Permanent Signs
 - a) Signs that do not exceed six (6) Square Feet are allowed without a permit in any zoning district.
 - b) Signs advertising an event shall be erected not more than three (3) days prior to the event and shall be removed immediately following the event.
 - c) Political signs must be removed 10 days after an election.
 3. Special Temporary Event Signs
 - a) One sign not exceeding thirty-two (32) square feet in sign face indicating a special temporary event such as a carnival, circus, festival or similar event, placed on the lot where the activity is to take place. Such signs may be erected not sooner than four (4) weeks before the event and must be removed not later than seven (7) days after the event. Property owner or event planner must provide proper notification to Township Authorities and is subject to regulation.
 4. Ingress/Egress Signs. Ingress/egress signs are permitted, however:
 - a) Only one sign per legal driveway.
 - b) An ingress/egress directional sign may not exceed eight (8) square feet.
 5. Seasonal Commodity Sign & Banners. Seasonal commodity signs (such as for garden produce or products like maple syrup) or special seasonal banners (such as welcoming hunters with a beverage special) shall not have a total sign face greater than thirty-two (32) square feet. Such signs shall not be set in place for use until one (1) week before the beginning of the season and shall be removed within one week of the close of the season and may not remain hanging for more than ninety (90) days. Additional banners are permitted if draped over a permitted wall sign and if not larger in area than a permitted wall sign.
- C. Other temporary signs, not listed in subsection (B) shall be regarded and treated in all respects as permanent signs which require a permit.

Section 808 Signs Authorized with a Permit

- A. The Zoning Administrator shall issue a Sign Permit for signs in accordance with the following provisions.
 1. Permitted Signs in Restricted Business (RB) District. Commercial, retail, service and office uses are permitted one wall sign and one freestanding sign for each lot or parcel.
 - a) Wall sign not to exceed 2.5 square foot per lineal foot of building or tenant frontage.
 - b) Total square footage for freestanding sign not to exceed 235 with message not to

exceed 40% of total sign area.

- c) For signs placed between the building and the right-of-way of the street from which access is taken to the building. Total sign area is permitted to increase one (1) percent for each additional foot signs are set back behind the right-of-way not to exceed 30%.
 - d) Businesses on corner lots may have additional signage facing the side street with the same limits as a. above.
 - e) All other uses are permitted a single freestanding or wall sign not larger than forty (40) square feet.
 - f) A freestanding sign may not exceed a height of thirty (30) feet.
2. Permitted Signs in General Business (GB) District. Commercial, retail, service and office uses are permitted one wall sign and one freestanding sign for each lot or parcel.
- a) Wall sign not to exceed 3 square foot per lineal foot of building or tenant frontage.
 - b) Total square footage for freestanding sign not to exceed 235 with message not to exceed 40% of total sign area.
 - c) For signs placed between the building and the right-of-way of the street from which access is taken to the building. Total sign area is permitted to increase one (1) percent for each additional foot signs are set back behind the right-of-way not to exceed 30%.
 - d) Businesses on corner lots may have additional signage facing the side street with the same limits as a. above.
 - e) All other uses are permitted a single freestanding or wall sign not larger than forty (40) square feet.
 - f) A freestanding sign may not exceed a height of thirty (30) feet.
3. Permitted Signs in Industrial (I) District. Light and General Manufacturing Uses are permitted one wall sign and one freestanding sign for each industrial/manufacturing parcel.
- a) Wall sign not to exceed 3 square feet per lineal foot of building or tenant frontage.
 - b) Total square footage for freestanding sign not to exceed 235 with message not to exceed 40% of total sign area.
 - c) For signs placed between the building and the right-of-way of the street from which access is taken to the building. Total sign area is permitted to increase one (1) percent for each additional foot signs are set back behind the right-of-way not to exceed 30%.
 - d) Industries on corner lots may have additional signage facing the side street with the same limits as a. above.

- e) All other uses are permitted a single freestanding or wall sign not larger than forty (40) square feet.
- f) A freestanding sign may not exceed a height of thirty (30) feet.

4. Permitted Signs in R-1, R-2, R-3, F Districts.

- a) Residential neighborhoods are permitted to have one neighborhood identification sign (Entrance Way Sign) for each street entrance into the residential neighborhood. Such signs shall not extend into any public right-of-way. The face of the sign shall not exceed thirty-two (32) square feet.
- b) All other uses other than individual single family homes, or duplexes, are permitted a single freestanding or wall sign not larger than forty (40) square feet.
- c) A Single Family Dwelling or a duplex is permitted a single freestanding sign not larger than nine (9) square feet (six (6) square feet in R-1 or in a mobile home park) in place of the small signs allowed without a permit, but not as, or in place of, a home occupation sign, in the permitted districts.
- d) The height of the freestanding sign may not exceed eight (8) feet in R-1, or in a mobile home park, and fifteen (15) feet in the other permitted districts/developments.

B. Freestanding and temporary signs shall not extend into any public right-of-way.

C. All signs shall conform to clear vision requirements per Marquette County Road Commission and/or Michigan Department of Transportation (MDOT).

D. Portable, movable and temporary signs with or without lights greater than eight (8) square feet in area (of each sign face) shall be permitted only in accordance with the following provisions:

- 1. Use: Portable signs are permitted for grand openings, advertising charitable or community-related events and the like.
- 2. Lighting: All externally illuminated portable signs shall comply with the requirements of Section 810
- 3. Placement: Such signs shall not extend into any public right-of-way.
- 4. Area: Any portable signs shall not exceed thirty-two (32) square feet of sign face on one side. No more than two sign faces are permitted on one sign.
- 5. Number: Only one (1) portable sign may be established on a lot or parcel.

Section 809 Billboards

A. The erection and maintenance of billboards on any parcel of land within Negaunee Township, or the use of any such parcel for said purpose, are hereby prohibited; provided, however, that this section shall not apply to billboards lawfully in existence at the time this ordinance becomes effective, nor to those specific signs which are expressly allowed by the

district regulations contained in this ordinance.

Section 810 Construction Requirements

- A. All signs shall conform with the following requirements related to construction:
1. Codes. All signs shall conform to the latest edition of the applicable building and electrical codes, particularly as relates to wind load, bracing and anchorage.
 2. Fastenings. All signs must remain safe and secure during the period of use. All parts of the signs, including bolts and cables, shall remain painted, and free of corrosion.
 3. Fire Escapes. A sign may not obstruct a fire escape.
 4. Lighting. External lighting shall be down directed and shielded from view and shall be focused upon the sign to avoid stray lighting. Lighting should be of no greater wattage than necessary to make the sign visible at night and should not unnecessarily reflect on adjacent properties or impair the vision of drivers. Flashing, rotating, and intermittent lighting is prohibited. Reflective sign lettering is preferred to externally illuminated signs. Internally and externally lighted signs are not prohibited in all districts except GB and I districts.
 5. Identification. All signs for which a permit is required shall identify the name and operating telephone number of the person responsible for the sign.
 6. Proximity to Electrical Conductors. Signs and all supporting structures shall be no closer to electrical utilities than is permitted by applicable codes. No sign, including cables and supports, shall, in any event, be within six feet (6') of any electrical conductor, electrical light pole, electric street lamp, traffic light, or other public utility pole.
 7. Sanitation. Property surrounding any ground sign shall be maintained in a clean and sanitary condition. It shall be free from weeds, rubbish, and flammable material.
 8. Responsibility for Compliance. The owner of the parcel on which a sign is placed and the person maintaining the sign are each fully responsible for the condition and the maintenance of the sign, and the area around the sign.

Section 811 Electronic Message Centers

- A. In the General Business (GB), Restricted Business (RB), and Industrial (I) Districts: Electronic Message Centers (EMCs) are permitted to be fifty percent (50%) of the allowable sign areas in accordance with the sign areas noted in Section 808.
- B. Additional general EMC regulations:
1. All EMC signs shall have automatic dimming controls, either by photocell (hardwired) or via software settings, in order to bring the EMC lighting level at night into compliance with Section 810 "Sign Illumination Standards".

2. In General Business (GB), Restricted Business (RB), and Industrial (I) Districts: EMC signs must maintain a minimum transition time between messages and/or message frames of three (3) seconds and these transitions may employ fade, dissolve, and or other transition effects.
3. All EMC display features and functions are permitted, with the exception of (a) flashing, which is prohibited, and (b) full motion video or film display via an electronic file imported into the EMC software or streamed in real time into the EMC.

Section 812 Nonconforming Signs

- A. It is the intent of this Section to permit the continuance of all permanent signs or outdoor advertising structures existing at the effective date of this Article, although such sign or outdoor advertising structure may not conform with the provisions of this Article, except for permanent signs in a public right-of-way which are illegal. It is also the intent that nonconforming signs shall not be enlarged upon, expanded or extended. Further, it is the intent that nonconforming signs shall be gradually eliminated and terminated upon their natural deterioration, destruction, removal or replacement. The continuance of all nonconforming signs and outdoor advertising structures within the Township shall be subject to the conditions and requirements set forth below.
1. Structural Changes: Signs may be repaired, or renovated, and kept in good repair, provided that, the faces, supports, or other parts of any nonconforming sign or outdoor advertising structure shall not be structurally changed, altered, substituted, or enlarged unless the resultant changed, altered, substituted, or enlarged sign or outdoor advertising structure conforms to the provision of this Article for the use it is intended.
 2. Placement: No nonconforming sign shall be relocated on a property, unless located in conformance with this Ordinance and sized so as to conform with this Ordinance.
 3. Illumination: Illumination may not be added to any nonconforming sign.
 4. Destruction: If a nonconforming sign is destroyed more than fifty (50) percent of its replacement cost, exclusive of foundations, it may not thereafter be repaired, reconstructed, or replaced except in conformity with all the provisions of this Ordinance.
 5. Change on Sign Face: The message of a nonconforming sign may be changed so long as this does not create any new nonconformities (for example, by creating an off-premises sign under circumstances where such a sign would not be allowed.)
- B. A sign shall be considered abandoned if:
1. The sign advertises a business, service, commodity, accommodation, attraction, or other enterprise or activity that is no longer operating or being offered or conducted for more than one-hundred twenty (180) days
 2. The sign does not display a well-maintained message for a consecutive one-

hundred twenty (180) days

3. The owner of the sign cannot be located at the owner's last known address, as reflected on the records of the Township
4. A structure designed to support a sign no longer supports the sign for a period of one-hundred twenty (180) consecutive days.
- C. A sign shall not be considered abandoned if it is seasonally removed and reinstalled year after year

Section 813 Permit Requirements

- A. Application for a Sign Permit to erect or replace a sign regulated under Section 808 shall be made to the Zoning Administrator, by submission of the required forms, fees, exhibits, and information by the owner of the property on which the sign is to be located, or by his agent, or lessee. The application shall contain the following information unless a site plan meeting the requirements of Article 9 has already been submitted and the following sign information is included on it:
 1. The property owner's name, address, phone and email address.
 2. Applicant's name and address, phone, fax and email address.
 3. Address of property on which sign is to be situated.
 4. Business to which sign belongs or relates.
 5. Total display area in square feet.
 6. Proposed setback from right-of-way.
 7. A scale drawing of the property at one inch equals twenty (20) feet, showing the location of all buildings/structures and their uses, and the location of the proposed sign on the lot, building or structure.
 8. Sign type and purpose.
 9. Sign height.
 10. Height and width of building to be served.
 11. Proposed font, size, and style to be used on sign.
 12. Evidence of knowledge of all applicable building code requirements.
- B. Sign Permits issued on the basis of plans and applications approved by the Zoning Administrator authorize only the design and construction set forth in such approved plans and applications, and no other design.
- C. The Zoning Administrator shall maintain a record of all Sign Permits issued, and said record shall be open for public inspection.
- D. A Sign Permit shall become null and void if the work for which the permit was issued has not been completed within a period of twelve (12) months after the date of the permit. Said

permit may be extended for a period of 180 days upon request by the applicant.

Section 814 Sign Permit Fees

- A. All signs, except those specified in Sections 807 shall require the issuance of a sign permit by the Zoning Administrator. Off premises signs, also known as billboards, greater than 90 square feet shall be issued for a two-year period, renewable upon the condition the sign meets the requirements contained in this article. The zoning administrator shall inspect signs greater than 90 square feet as part of the renewal process.
- B. Each application for a sign permit and subsequent permit renewals must be accompanied by the payment of a fee in accordance with the duly adopted "Schedule of Fees" to cover processing of the application.

Section 815 First Amendment Protection

The number, size, placement and related characteristics of signs are specifically regulated in this Ordinance. All signs allowed under this Ordinance may contain any lawful message.

Section 816 Illegal Signs

For all signs hereafter erected without issuance of a required Sign Permit, the Zoning Administrator shall issue a citation per the requirements of Article 12.

Section 817 Appeals

The Zoning Board of Appeals may authorize a variance of the requirements of this Article, provided the standards established in Article 14 of this Ordinance are fully met; however, the Board of Appeals may not grant a variance for a larger sign or total sign area larger than that permitted in this Article.

Section 818 Severability

If any word, sentence, section, chapter or any other provision or portion of this Article of the Negaunee Township Zoning Ordinance or rules adopted hereunder is invalidated by any court of competent jurisdiction, the remaining words, sentences, sections, chapters, provisions, or portions will not be affected and will continue in full force and effect.

ARTICLE IX SITE PLAN REVIEW

Section 901 Intent

- A. It is the purpose of this Section to require site plan review approval for all buildings, structures and uses that can be expected to have a significant impact on natural resources, traffic patterns, adjacent parcels and the character of future development. The regulations contained herein are intended to provide and promote the orderly development of the Township; safe and convenient traffic movement, both within a site and in relation to access streets; the stability of land values and investments by preventing the impairment or depreciation of land values and development, by the erection of structures or additions or alterations thereto, without proper attention to setting or to unsightly or undesirable appearances; harmonious relationship to buildings, other structures and uses, both within a site and/or adjacent sites; and the conservation of natural amenities and resources.

Section 902 Site Plan Required

- A. A site plan is required for and shall accompany the applications for:
1. Zoning Compliance Permits for:
 - a) Any proposed construction.
 - b) Any commencement of a new use.
 - c) Any proposed change in use.
 2. Conditional Use Permit
 3. Variances
 4. Class A Non-Conforming use designations
 5. Any other request for zoning status where the Zoning Administrator determines a site plan is necessary for accurate review or documentation of the existing development.
- B. The site plan shall be drawn on a separate sheet of paper as appropriate to the scale and amount of information shown.

Section 903 Site Plans for Single and Two-Family Dwellings, Residential Accessory Uses and Structures, and for Recreational Structures

- A. The site plan for single and two-family dwellings, residential accessory uses and structures, and recreational structures shall show the following information. Two copies shall be provided to the Zoning Administrator.
1. A legal description of the site.
 2. All lot lines and dimensions of the lot.
 3. All roads and easements.
 4. All existing and proposed buildings shall be shown and labeled.
 5. Proposed use of each building.

6. Distances between buildings and all lot lines.
 7. Building dimensions.
 8. Natural features affecting development (rock, water, etc.).
 9. Well and septic locations.
 10. A north arrow.
- B. Upon receipt of a site plan for Single and Two-Family Dwellings, Residential Accessory Uses and Structures, and for Recreational Structures the Zoning Administrator shall review it to determine whether it is in proper form, contains all of the required information, shows compliance with this Ordinance and all other Ordinances of Negaunee Township, and demonstrates the adequacy of utility service. The Zoning Administrator shall, within 30 working days, approve or deny setting forth the reasons which shall be limited to any defect in form or required information, any violation of any provision of this or any other Ordinance and any changes which would make the plan acceptable. The proposer may appeal any denial to the Zoning Board of Appeals. The Zoning Administrator and Zoning Board of Appeals shall use the standards contained in Section 907 in their review.

Section 904 Site Plans for Commercial, Industrial and Multiple Family Development

- A. Site Plans meeting the following standards shall be required for all commercial and industrial uses and developments, multiple-family developments and all non-residential uses or developments not addressed elsewhere in this Article. Six copies of the Site Plan shall be provided to the Zoning Administrator. In addition, a copy of the Site Plan in digital format (.dwg, .dxf, etc.) shall be provided to the township.
1. A scale adequate to illustrate the proposed activity.
 2. A legal description of the lot; the name, address and telephone number of the owner, developer and designer.
 3. Date, north arrow, and scale.
 4. The actual dimensions of the proposed developed area (as shown by a licensed surveyor, engineer, architect, or registered landscape architect, with the survey stakes visible) showing the relationship of the subject property to abutting properties.
 5. The location of all existing and proposed structures, including signs, on the subject property and all existing structures on land immediately adjacent to the site within 10 feet of the sites parcel lines. The site plan shall show all structures located within 600 feet of a proposed light manufacturing use.
 6. The location of all existing and proposed drives and parking areas.
 7. The location and right-of-way widths of all abutting streets, alleys, and private easements.
 8. The location of proposed planting and screening, fencing, signs and advertising features.
 9. The height and floor area of all proposed structures.

10. The size and location of all existing and proposed public and private utilities and required landscaping.
 11. Any other information necessary to establish compliance with this Ordinance or any other applicable ordinances.
 12. Location of all existing and proposed surface water impoundments and surface water drainage pattern. Indicate whether local, state or federal permits have been applied for.
 13. The location and extent of all earth movement which is planned. Indicate if a sedimentation and erosion control permit has been applied for.
 14. Existing and proposed contour lines shall be on plans.
 15. Access to township roads must meet the standards as listed in Article V of the Negaunee Township Zoning Ordinance.
 16. A US-41 access permit from Negaunee Township and Michigan Department of Transportation (MDOT) must be presented if access is from a Michigan thoroughfare.
- B. Upon receipt of a site plan for commercial, industrial and multiple-family development and applicable non-residential development, the Zoning Administrator shall review it to determine whether it is in proper form and contains all of the required information. The Planning Commission shall review the site plan for compliance with this Ordinance and all other Ordinances of Negaunee Township, and that it demonstrates the adequacy of utility service. The Planning Commission shall, within 45 working days, approve or deny setting forth the reasons which shall be limited to any defect in form or required information, any violation of any provision of this or any other Ordinance and any changes which would make the plan acceptable. The proposer may appeal any denial to the Zoning Board of Appeals. The Zoning Administrator, Planning Commission, and the Zoning Board of Appeals shall use the following standards contained in Section 907 in their review.

Section 905 Site Plans for Private Roads

- A. The applicant must provide the Zoning Administrator with six (6) copies of an illustrated Site Plan prepared by a professional engineer. The Site Plan and all attachments shall be submitted at least thirty (30) working days prior to a Planning Commission meeting.
- B. The following are required:
 1. The illustrated Site Plan must be of a scale of at least 1" = 100' with an arrow showing the direction of magnetic north and proposed street name.
 2. Layout of the proposed private road, indicating right-of-way widths, surface width, grades, connections to other private roads or public streets, proposed locations of driveways and relation to established roads and any planned or anticipated future extensions.
 3. The design and profile of the twenty (20) feet of the proposed road closest to any public or private road intersection.
 - a. If access is from a property located within one-thousand feet (1000') of the centerline of US-41/M-28 and M-35 or five hundred feet (500') of the centerline of Midway Drive or County Roads 492, 480, or 510, then Access Management

requirements must be met as put forth in Article V of this Ordinance. You MUST submit an Access Permit application in addition to a Private Road application.

Site Plans may be modified to include requirements from both Article V and VI.

4. If the private road is proposed to be over three-hundred (300) feet in length, the design of the emergency vehicle bump out or turnaround.
 5. A cross-section of the proposed road, showing the types and depths of material to be used in the road base and surface.
 6. Property lines of existing or proposed parcels to be served by the private road. Property lines of adjacent tracts of subdivided and un-subdivided land, shown in relation to the proposed property division (if any), including those areas across abutting roads.
 7. Locations, widths and names of existing or prior easements of record, public and/or private.
 8. The location of significant natural features such as natural watercourses, bodies of water, wetlands and slopes over twelve (12) percent.
 9. Existing and proposed drainage patterns and any proposed retention ponds.
 10. Location of existing sewers, water mains, storm drains, septic systems, private wells and other underground facilities within or adjacent to the property.
 11. The location of all existing and proposed overhead utilities.
 12. The location of all existing and proposed structures.
 13. For parcels over twenty (20) acres in size, the Site Plan shall show the topography drawn as contours with the interval available on the U.S. Geological Survey map of the area where the property is located.
 14. Indication of parcels of land intended to be dedicated or set aside for public use or for the use of property owners in the subdivision for dedicated open space easements, or easements for future utilities, if any.
 15. An attached sketch showing the general relationship of the proposed property division to the surrounding area within one-half (1/2) mile in a scale of not less than 1" = 200'. Also include any future divisions.
 16. Proposed private road maintenance agreement
- C. Upon receipt of a site plan for a private road, the Zoning Administrator shall review it to determine whether it is in proper form and contains all of the required information. The Planning Commission shall review the site plan for compliance with this Ordinance and all other Ordinances of Negaunee Township, and that it demonstrates the adequacy of utility service. The Planning Commission shall, within 45 working days, approve or deny setting forth the reasons which shall be limited to any defect in form or required information, any violation of any provision of this or any other Ordinance and any changes which would make the plan acceptable. If the private road is within one-thousand feet (1000') of the centerline of US-41/M-28 and M-35 or five hundred feet (500') of the centerline of Midway Drive or County Roads 492, 480, or 510, then the site plan will be reviewed by the County Road Commission and/or the Michigan Department of Transportation and the Negaunee Township Planning Commission as put forth in Section 501 of this Ordinance. The proposer may

appeal any denial to the Zoning Board of Appeals. The Zoning Administrator, Planning Commission, and the Zoning Board of Appeals shall use the following standards contained in Section 907 in their review.

Section 906 Site Plans for Anemometer Tower, Utility Grid Wind Energy Systems, On-Site Use Wind Energy Systems, and Structure-Mounted Wind Energy Systems

A. For Anemometer Towers, Utility Grid Wind Energy Systems and On-Site Use Wind Energy Systems **over twenty (20) meters in height:**

In addition to the requirements for a site plan found in Section 904 of this Ordinance, site plans and supporting documents for an Anemometer Tower and all Utility Grid Wind Energy System and On-Site Use Wind Energy System which are over twenty (20) meters high shall include the following additional information at the expense of the proposer.

1. The submitted site plan shall be prepared to show the proposed location of all Anemometer Towers, Utility Grid and On-Site Use Wind Energy Systems, ancillary equipment, security fencing, and electrical sub-stations.
2. Documented compliance for sound pressure levels and applicable local, state, and federal regulations including, but not limited to, construction code, tower, environmental, electrical, communications, safety, FAA requirements, and the Michigan Tall Structures Act;
3. Proof of the applicant's liability insurance for the project;
4. A copy of that portion of all the applicant's lease(s) with the land owner(s) granting authority to install the Anemometer Tower and/or Utility Grid Wind Energy System, legal description of the property(ies) Lease Unit(s) and a site plan which shows the boundaries of the leases as well as the boundaries of the Lease Unit Boundary;
5. The phases or parts of construction with a construction schedule;
6. Evidence that the utility companies have been informed of the customer's intent to install an interconnected, customer-owned generator and that such connection has been approved. Off-grid systems shall be exempt from this requirement;
7. The location, grades and dimensions of all temporary and permanent on-site and access roads from the nearest County or State maintained road;
8. All new infrastructures above ground related to the project;
9. A copy of manufacturers' Material Safety Data Sheets (MSDS) which shall include the type and quantity of all materials used in the operation of all equipment including, but not limited to, all lubricants and coolants.
10. For Utility Grid Wind Energy Systems only:
 - a. A *Noise Modeling and Analysis Report* and the site plan shall show locations of equipment identified as a source of noise which is placed, based on the analysis, so that the Utility Grid Wind Energy System will not exceed the maximum permitted sound pressure level. Noise modeling and analysis shall conform to the most current versions of IEC 61400 and ISO 9613. After installation of the

Utility Grid Wind Energy System, sound pressure level measurements shall be done by a third party, Township Board-approved, qualified professional according to the procedures in the most current version of ANSI S12.18. All sound pressure levels shall be measured with a sound meter that meets or exceeds the most current version of ANSI S1.4 specifications for a Type II sound meter.

Documentation of the sound pressure level measurements shall be provided to the local government within 60 days of the commercial operation of the project.

- b. A *Visual Impact Simulation* shall be from four viewable angles. Utility Grid wind Energy System projects shall use tubular towers and all Utility Grid Wind Energy Systems in a project shall be finished in a single, non-reflective matte finished color. A project shall be constructed using Wind Energy Systems of similar design, size, operation and appearance throughout the project. No lettering, company insignia, advertising or graphics shall be on any part of the tower, hub or blades. Nacelles may have lettering that exhibits the manufacturer's and/or owner's identification. The applicant shall avoid state or federal scenic areas and significant visual resources listed in the Townships Master Plan.
- c. An *Environmental Impact Analysis* shall be conducted by a third party, Township Board-approved, qualified professional to identify and assess any potential impacts on the natural environment including, but not limited to:
- Wetlands and other fragile ecosystems;
 - Historical and cultural sites; and
 - Antiquities.

The applicant shall take appropriate measures to minimize, eliminate or mitigate adverse impacts identified in the analysis and shall show those measures on the site plan. The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts.

- d. An *Avian and Wildlife Impact Analysis* shall be conducted by a third party, Township Board-approved, qualified professional to identify and assess any potential impacts on wildlife and endangered species. The applicant shall take appropriate measures to minimize, eliminate or mitigate adverse impacts identified in the analysis and shall show those measures on the site plan. The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts.

- i. Sites requiring special scrutiny include:
- Wildlife refuges and other areas where birds are highly concentrated;
 - Bat hibernacula;
 - Wooded ridge tops that attract wildlife;
 - Sites that are frequented by Federally and/or State listed endangered species of birds and bats;
 - Significant bird migration pathways and areas that have landscape features known to attract large numbers of raptor.

- ii. At a minimum, the analysis shall include a thorough review of existing information regarding species and potential habitats in the vicinity of the project area. Where appropriate, surveys for bats, raptors and general avian use should be conducted. The analysis shall include the potential effects on species listed under the Federal Endangered Species Act and Michigan's Endangered Species Protection Law.
- iii. The analysis shall indicate whether a post construction wildlife mortality study will be conducted and, if not, the reasons why such a study does not need to be conducted.
- e. A *Shadow Flicker Analysis* at occupied structures to identify the locations of shadow flicker that may be caused by the project and the expected durations of the flicker at these locations from sunrise to sunset over the course of a year. The site plan shall identify problem areas where shadow flicker may affect the occupants of the structures and show measures that shall be taken to eliminate or mitigate the problems.
- f. A *Site Grading, Erosion Control and Storm Water Drainage Plan* will be submitted to the Planning Commission prior to issuing a Conditional Use Permit for a Utility Grid Wind Energy System. At the discretion of the Planning Commission, these plans may be reviewed by Negaunee Township's engineering firm.
- g. A description of the routes to be used by construction and delivery vehicles and of any road improvements that will be necessary to accommodate construction vehicles, equipment or other deliveries, and an agreement or bond which guarantees the repair of damage to public roads and other areas caused by construction of the Utility Grid Wind Energy System.
- h. A second site plan which includes all applicable information found in Sections 904 and 422 of this Ordinance and shows the restoration plan for the site after completion of the project which includes the following:
 - i. The anticipated life of the project;
 - ii. The estimated decommissioning costs and net salvage value in current dollars;
 - iii. The method of ensuring that funds will be available for decommissioning and restoration;
 - iv. The anticipated manner in which the project will be decommissioned and the site restored.
- i. A description of the complaint resolution process developed by the applicant to resolve complaints from nearby residents concerning the construction or operation of the project. The process may use an independent mediator or arbitrator and shall include a time limit for acting on a complaint. During construction the applicant shall maintain and make available to nearby residents a telephone number where a project representative can be reached during normal business hours.

B. For On-Site Use Wind Energy Systems less than twenty (20) meters in height and

Structure- Mounted Wind Energy Systems:

In addition to the requirements for a site plan found in Section 903 of this Ordinance, site plans and supporting documents for an On-Site Use Wind Energy Systems which are less than twenty (20) meters high and Structure-Mounted Wind Energy Systems shall include the following additional information at the expense of the proposer.

1. The submitted site plan shall be prepared to show the proposed location of all components and ancillary equipment, overhead utility lines, fencing and contours;
 2. Documented compliance for sound pressure levels and applicable local, state, and federal regulations including, but not limited to, construction code, tower, environmental, electrical, communications, safety, and FAA requirements;
 3. Proof of the applicant's liability insurance for the project;
 4. The proposed type and height of the On-Site Use or Structure-Mounted Wind Energy System to be constructed, including the manufacturer and model, product specifications including maximum noise output (measured in decibels), total rated generating capacity, dimensions, rotor diameter, and a description of ancillary facilities;
 5. Evidence that the utility companies have been informed of the customer's intent to install an interconnected, customer-owned generator and that such connection has been approved. Off-grid systems shall be exempt from this requirement.
 6. A description of the methods that will be used to perform maintenance on On-Site Use Wind Energy Systems and the procedures for lowering or removing the On-Site Use Wind Energy System in order to conduct maintenance.
 7. Other relevant information as may be reasonably required;
- C. Upon receipt of site plans for an Anemometer Tower, Utility Grid Wind Energy System, On- Site Use Wind Energy System, or a Structure-Mounted Wind Energy System, the Zoning Administrator shall review it to determine whether it is in proper form and contains all of the required information. The Planning Commission shall review the site plan for compliance with this Ordinance and all other Ordinances of Negaunee Township, and that it demonstrates the adequacy of utility service. The Planning Commission shall, within 45 working days, approve or deny setting forth the reasons which shall be limited to any defect in form or required information, any violation of any provision of this or any other Ordinance and any changes which would make the plan acceptable. The proposer may appeal any denial to the Zoning Board of Appeals. The Zoning Administrator, Planning Commission, and the Zoning Board of Appeals shall use the following standards contained in Section 907 in their review.

Section 907 Standards for Site Plan Approval

- A. All elements of the site plan shall be harmoniously and efficiently organized in relation to topography, the size and type of lot, the character of adjoining property and the type and size of buildings. The site will be developed as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.

- B. Special attention shall be given to proper site surface drainage so that removal of storm waters will not adversely affect neighboring properties.
- C. The site plan shall provide reasonable visual and auditory privacy for all dwelling units located therein. Fences, walks, barriers and landscaping shall be used, as appropriate, for the protection and enhancement of property and for the privacy of its occupants.
- D. All buildings or group of buildings shall be arranged as to permit emergency vehicle access to each building.
- E. Every structure or dwelling shall have access to a public street, walkway or other area dedicated to common use.
- F. All loading or unloading and outside storage areas at commercial, industrial and multi-family developments, including areas for storage of trash, which face or are visible from residential properties, abut a residential zone or public thoroughfares, shall be screened by a vertical fence consisting of structural (fence) or plant materials no less than six feet in height.
- G. All outdoor lighting, whether for illuminating parking areas, buildings, signs and/or other structures shall be shielded, shaded, designed and/or directed away from all adjacent residential districts and uses; and further shall not glare upon or interfere with persons and vehicles using public streets. Flashing or intermittent lights shall not be permitted.

ARTICLE X CONDITIONAL USE PERMITS

Section 1001 Intent

- A. Certain types of land uses require a flexible and equitable procedure for properly accommodating these activities within the community. It should be recognized that the forces that influence decisions regarding the nature, magnitude, and location of such types of land use activities are many and varied depending upon functional characteristics, competitive situations and the availability of land. The use of conditional use permits allows the township to provide controllable and reasonable flexibility in requirements for certain kinds of uses, but that will, at the same time, maintain adequate provision for the security of the health, safety, convenience and general welfare of the community's inhabitants.
- B. In order to accomplish such a dual objective, provision is made in this Ordinance not only for flexibility in individual district regulations, but also for a more detailed consideration of certain specified activities as each may relate to proposed conditions of location, design, size, operation, intensity of use, generation of traffic movements, concentration of population, processes and equipment employed, amount and kind of public facilities and services required, together with many other possible factors. Land and structure uses possessing these particularly unique characteristics are designated as Conditional Uses and may be authorized by the issuance of a Conditional Use Permit with such conditions and safeguards attached as may be deemed necessary for the protection of the public welfare.
- C. The following Sections (1002 through 1005), together with previous references to Sections 309 through 316, designate what uses require a Conditional Use Permit. With any exception noted, the procedures for obtaining a permit shall apply to all conditional uses indicated.

Section 1002 Application Procedure

- A. Any person having an interest in a property may file an application for a Conditional Use Permit for the zoning district in which the land is situated.
- B. Applications shall be submitted through the Zoning Administrator to the Planning Commission. Each application shall be signed by the applicant and the property owner and accompanied by the payment of a fee in accordance with the duly adopted "Schedule of Fees" to cover costs of processing the application. No part of any fee shall be refundable.
- C. An application shall consist of:
 - 1. Conditional use form supplied by the Zoning Administrator filled out by the applicant.
 - 2. Site plan drawn to a readable scale and containing that information specified in Article IX, Section 903 or 904.
 - 3. A statement with supporting evidence regarding the required findings specified in Section 1004.
- D. A public hearing shall be scheduled with notification as required by Section 1203.

Section 1003 Conditions and Approvals

- A. The Planning Commission shall approve, approve with conditions, or reject the application within 60 days of the public hearing. The Planning Commission's action shall be based upon materials received and testimony recorded at the public hearing. The Planning Commission shall set forth the reasons for approval, denial, or modification of the conditional use permit application. All conditions shall be clearly specified in writing and be consistent with Sections 1004 and 1202.
- B. If development of a Conditional Use Permit has not commenced within one year from the date of issuance, the permit shall automatically expire. Upon request of the applicant, the Planning Commission can approve an extension for one additional year. Unless otherwise specified by the Planning Commission, compliance with the conditions shall occur prior to the issuance of a Zoning Compliance Permit.
- C. The Conditional Use Permit shall be valid regardless of change of ownership, provided that all terms and conditions of the permit are met by all subsequent owners.
- D. In instances where development authorized by a Conditional Use Permit has essentially changed in nature, extent or character, the Planning Commission shall review the permit in relation to the applicable standards and requirements of the Ordinance. Upon finding that there has been a violation in the conditions of the Conditional Use Permit granted under the provisions of this Ordinance, the Planning Commission may declare the permit null and void.

Section 1004 General Standards

- A. The Planning Commission shall review the particular facts and circumstances of each proposal in terms of the following standards and shall find adequate evidence showing that the proposed use:
 - 1. Will be harmonious with and in accordance with the general policies of Negaunee Township or with any specific objectives of any adopted development plans;
 - 2. Will be designed, constructed, operated, and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that the use will not change the essential character of the same area;
 - 3. Will not be hazardous or disturbing to existing or future neighboring uses;
 - 4. Will not diminish the value of land, buildings, or structures in the District;
 - 5. Will be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage structures, refuse disposal, or schools, and that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service;
 - 6. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;
 - 7. Will not involve uses, activities, processes, materials and equipment and conditions of operation that will be detrimental to any person, property, or the general welfare by reason of excessive production of noise, traffic, smoke, fumes, glare, odors, or electrical or communication interferences;

8. Will protect the public health, safety and general welfare of the community;
9. Will be consistent with the intent and purpose of the specific zoning district in which it is located.

Section 1005 Specific Conditional Use Standards

A. GROUP DAY CARE FACILITY

The Planning Commission shall use the following standards when considering a conditional use permit for group child care facilities.

1. The facility shall not be located closer than 1,500 feet to any of the following:
 - a. Another licensed group day-care home.
 - b. A state licensed residential facility, small group home or large group home licensed under the adult foster care facility licensing act, Act No. 218 of the Public Acts of 1979, being Sections 400.701 to 400.737 of the Michigan Compiled Laws.
 - c. A facility offering substance abuse treatment and rehabilitation service to seven or more people licensed under Article 6 of the public health code, Act No. 368 of the Public Acts of 1978, being Sections 333.6101 to 333.6523 of the Michigan Compiled Laws.
 - d. A community correction center, resident home, halfway house, or other similar facility which houses an inmate population under the jurisdiction of the Department of Corrections.
2. Has appropriate fencing and playground equipment for the safety of the children in the group day-care home as determined by the U.S. Consumer Product Safety Commission and ASTM F1487.
3. Maintains the property consistent with the visible characteristics of the neighborhood.
4. Does not exceed 16 hours of operation during a 24-hour period. The Planning Commission may limit but not prohibit the operation of a group day-care home between the hours of 10:00 p.m. and 6:00 a.m.
5. Meets regulations governing signs used by a group day-care home to identify itself.
6. Meets regulations requiring a group day-care home operator to provide off-street parking accommodations for his or her employees.
7. Other standards as amended by state statute.

B. HOME OCCUPATION

Home occupations are permitted as a Conditional Use in R-1, R-2, R-3, RB, and F Districts when in conformance with the following requirements:

1. Uses Allowed: Uses that comply with all of the standards of this subsection will be allowed as home occupations unless they are specifically prohibited or similar to the Prohibited Uses as Home Occupations described in 3 (Prohibited Uses) below. A home occupation must be clearly subordinate and incidental to the use of the dwelling as

- a dwelling unit.
2. **Size:** Home occupations may not occupy more than twenty-five percent (25%) of the gross area of any one story used for the home occupation.
 3. **Prohibited Uses:** The following uses are prohibited as home occupations in the R-1, R-2, and R-3 Districts:
 - a. **Vehicle and Large Equipment Storage/Repair:** Any type of repair, assembly or storage of vehicles or equipment with internal combustion engines (such as autos, motorcycles, scooters, snowmobiles, outboard marine engines, lawn mowers, chain saws, and other small engines) or of large appliances (such as washing machines, dryers, and refrigerators) or any other work related to motor vehicles and their parts.
 - b. Restaurants are prohibited as home occupations in all districts.
 - c. Medical or dental offices.
 - d. Construction businesses or landscaping businesses that provides the storage of goods, equipment and materials to be utilized in the operation of the business or use.
 - e. Warehousing.
 - f. Welding or machine shops.
 4. **Resident Operator:** The operator of a home occupation must be a full-time resident of the subject dwelling unit and be on the premises during the hours of operation of the home occupation.
 5. **Employees:** A maximum of one (1) nonresident employee may be on the premises at any one time. For the purpose of this provision, the term “nonresident employee” includes an employee, business partner, co-owner, independent contractor, or other person affiliated with the home occupation, who does not live at the site, but who visits the site as part of the home occupation.
 6. **Location:** All work areas and activities associated with home occupations must be conducted and located inside the principal dwelling unit, or in accessory buildings or garages. If in a detached accessory structure, the space allocated to the home occupation shall not exceed four hundred (400) square feet.
 7. **Exterior Appearance:** There may be no visible evidence of the conduct of a home occupation when viewed from the street right-of-way or from an adjacent lot, except there may be one (1) non-illuminated sign advertising the home occupation, no larger than two (2) square feet and firmly affixed to the dwelling unit that houses a home occupation or the site upon which it is conducted that will make the dwelling appear less residential in nature or function. Examples of such prohibited alterations

- include construction of parking lots, paving of required setbacks, or adding commercial-like exterior lighting or signs.
8. **Operational Impacts:** No home occupation or equipment used in conjunction with a home occupation may cause odor, vibration, noise, electrical interference or fluctuation in voltage, or light beyond that customary for residential uses which are perceptible beyond the lot line of the lot upon which the home occupation is conducted. No hazardous substances may be used or stored in conjunction with a home occupation.
 9. **Hours of Operation:** Visits by customers, clients, students or patients to permitted Home Occupations shall be limited to the hours of 7am to 8pm. This provision shall not apply to Bed and Breakfast Establishments, which shall comply with Section 407 of this Ordinance.
 10. **Retail Storage, Sales, and Display:** No stock-in-trade may be stored, produced or sold upon the premises, other than within the allowed area used for the home occupation.
 11. **Deliveries:** Vehicles used for delivery and pick-up are limited to those normally servicing residential neighborhoods. Tractor-trailers or semi-trucks are expressly prohibited.
 12. **Customers, Clients, Students, or Patients:** No more than two (2) customers, clients, students, or patients shall be allowed at any one time on the premises where a valid Home Occupation exists.
 13. **Registration:** Any person conducting a home occupation shall register with the Zoning Administrator, on a form to be provided by the Zoning Administrator, within thirty (30) days of beginning that use, or within sixty (60) days of the effective date of this Ordinance, whichever is later.

C. SALVAGE YARD

The Planning Commission shall use the following standards when considering a conditional use permit for a salvage yard:

1. The storage of motor vehicles and vehicle parts shall be obscured from public view by a fence with a minimum height of 6 feet.
2. A maximum of 12 complete motor vehicles shall be stored on the premises.

D. SEXUALLY ORIENTED BUSINESS

The Planning Commission shall use the following standards when considering a conditional use permit for a sexually oriented business:

1. The Township shall permit sexually oriented businesses to be located only in the area zoned Industrial south of County Road 492 and east of M-35;
2. The business shall not be located closer than 500 feet to any of the following:
 - a. Any other sexually oriented business;

- b. An establishment which sells or dispenses alcoholic beverages, fermented or distilled;
 - c. County Road 492 or M-35.
3. The business is located not closer than 1,500 feet to any of the following:
- a. Any residential lot line;
 - b. Any residential zoning district;
 - c. Any residential planned unit development (PUD);
 - d. Place of worship;
 - e. School;
 - f. Public Park;
 - g. Licensed residential care facility;
 - h. Licensed child care or daycare facility;
 - i. Licensed foster family group home;
 - j. Public library;
 - k. Nursing home.
4. The Township prohibits any building owner or operator from having more than one of the following uses, tenants or activities in the same building structure:
- a. Adult body painting studio;
 - b. Adult bookstore;
 - c. Adult cabaret;
 - d. Adult carwash;
 - e. Adult companionship establishment;
 - f. Adult entertainment facility;
 - g. Adult hotel or motel;
 - h. Adult modeling studio;
 - i. Adult sauna/steam room/bathhouse;
 - j. Adult motion-picture theater;
 - k. Adult massage parlor;
 - l. Adult health/sports club;
 - m. Adult novelty business;
 - n. Any business or establishment in which there is an emphasis on the presentation, display, depiction, or description of “specified sexual activities” or “specified anatomical areas” that the public can see.
5. All entrances to the establishment, with the exception of the emergency fire exits which

are not useable by patrons to enter the business, shall be visible from a public right-of-way.

6. Illumination of the premises shall be adequate to observe the location and all activities of all persons on the exterior premises.
7. No sexually oriented business may be granted a conditional use permit under this section unless it has applied for and received a license pursuant to Negaunee Township's Sexually Oriented Business Ordinance. Applications for a sexually oriented business license and a conditional use permit may happen concurrently or a conditional use permit may be granted under this section subject to the applicant receiving a license pursuant to the Sexually Oriented Business Ordinance. An applicant for a conditional use permit under this section shall also include a copy of the application for the license.

E. WIRELESS COMMUNICATION FACILITIES AND ATTACHED WIRELESS COMMUNICATION FACILITIES

1. Negaunee Township has a clear and identifiable interest in accommodating the communication needs of residents and businesses, and has an interest in regulating the location of such facilities to retain the integrity of neighborhoods and protect the public health, safety and welfare of the residents.
2. Recognizing the number of providers authorized to establish and operate wireless communication services and coverage, it is further the purpose and intent of this section to:
 - a. Facilitate adequate and efficient provisions for Wireless Communication Facilities;
 - b. Ensure that Wireless Communication Facilities are situated in appropriate locations and relationship to other land uses, structures and buildings;
 - c. Limit inappropriate physical and aesthetic overcrowding of land use activities and avoid adverse impact upon existing population, transportation systems and other public services and facility needs;
 - d. Promote the public health, safety and welfare;
 - e. Minimize the adverse impacts of abandonment by requiring the removal of such facilities when they are no longer being used.
3. It is the policy of Negaunee Township to minimize the overall number of newly established locations for Wireless Communication Facilities and Wireless Communication Support Structures within the Township and encourage the use of existing structures for Attached Wireless Communication Facilities. It is the Township's interest to the extent reasonable to encourage the cooperative use and co-location of such towers and their associated facilities and structures. All new and modified Wireless Communication Facilities shall be designed and constructed so as to accommodate co- location.
4. The location of Wireless Communication Facilities and Attached Wireless Communication Facilities shall be subject to the following conditions and regulations:
 - a. A conditional use permit for a new Wireless Communication Facility shall not

be granted until the applicant demonstrates that feasible co-location is not available for the coverage area and capacity needs.

- b. Applicants shall demonstrate a justification for the proposed height of the structures and present an evaluation of alternative designs which might result in lower heights. No part of any Wireless Communication Facility shall be constructed, located or maintained at any time on any required setback area for the district in which it is located.
- c. The site shall have legal documented access to a public road.
- d. All support structures must be set back from all property lines a distance equal to its height.
- e. Where an Attached Wireless Communication Facility is proposed on the roof of a building, if the equipment enclosure is proposed as a roof appliance or penthouse on the building, it shall be designed, constructed and maintained to be architecturally compatible with the principal building. Equipment enclosure may be located within the principal building or may be an accessory building. If proposed as an accessory building, it shall conform to all district requirements for principal buildings, including yard setbacks.
- f. A Wireless Communication Facility may be of design such as steeple, bell tower, or the form of which is compatible with the existing character of the proposed site, neighborhood and general area, as approved by the Planning Commission.
- g. All support structures must be certified, by a professional engineer licensed in Michigan, ensuring the structural design will withstand wind speeds and icing conditions under the worst conditions experienced in the area. All support structures must meet the standards of the Federal Aviation Administration, Federal Communication Commission, state of Michigan and must be certified by a registered, professional engineer under the laws of the State of Michigan to meet or exceed the Telecommunications Industry Association/Electronic Industry Association (TIA/EIA) standards in accordance with TIA/EIA-222-F.
- h. The Wireless Communication Facility shall not be artificially lighted, except as required by the Federal Aviation Administration.
- i. There shall be no advertising display on the Wireless Communication Facility or identification of any kind to be visible from the ground or other structures, except as required for emergency purposes.
- j. Fencing shall be provided for the protection of the support structure and security from children and unauthorized persons who may access the facilities.
- k. Landscaping shall provide screening and aesthetic enhancement for the structure base, accessory buildings and enclosure.
- l. The operator shall comply with applicable federal and state standards relative to the environmental effects of radio frequency emissions. The Wireless Communication Facility shall be located and operated so that it does not interfere with radio, television, audio, video, electronic, microwave or other reception in nearby areas.
- m. As a condition of every approval of a Wireless Communication Facility, adequate

provisions shall be made for the decommissioning of all Wireless Communication Facilities, as put forth in Section 422 of this Ordinance, within six (6) months of abandonment by all users.

- n. A maintenance plan and any applicable maintenance agreement shall be incorporated as part of the conditional use permit. The maintenance agreement shall indicate measures to ensure the site will be maintained in a neat and orderly fashion and the facility is preserved in a safe condition. The applicant is responsible for preparing the maintenance plan and agreement for review by the Planning Commission.
- o. Conditions and safeguards as identified in Section 1006 will be applicable to Conditional Use Permits granted for Wireless Communication Facilities and Attached Wireless Communication Facilities.

F. UTILITY GRID WIND ENERGY SYSTEM AND ON-SITE USE WIND ENERGY SYSTEM OR ANEMOMETER TOWER OVER 20 METERS IN HEIGHT

The Planning Commission shall use the following standards when considering a conditional use permit for a utility grid wind energy system, on-site use wind energy system or anemometer tower over 20 meters in height.

1. Property Set-Back

- a. Anemometer Tower setback shall be the greater distance of the following:
 - i. The setback from property lines of the respective zoning district;
 - ii. The setback from the road right-of-way; and
 - iii. A distance equal to the height of the tower from property lines or from the lease unit boundary, whichever is less.
- b. Utility Grid and On-site Use Wind Energy System setback shall be the greater distance of the following:
 - i. The setback from property lines of the respective zoning district;
 - ii. The setback from the road right-of-way; or
 - iii. A distance equal to one and one-half (1½) times the height of the tower including the top of the blade in its vertical position from property lines or from the lease unit boundary, whichever is less.
- c. An Operations and Maintenance Office building, a sub-station, or ancillary equipment shall comply with any property set-back requirement of the respective zoning district. Overhead transmission lines and power poles shall comply with the setback and placement requirements applicable to public utilities.

2. Sound Pressure Level

The sound pressure level shall not exceed fifty-five (55) dB(A) measured at the property lines or the lease unit boundary, whichever is farther from the source of the noise. This sound pressure level shall not be exceeded for more than three minutes in any hour of the day. If the ambient sound pressure level exceeds 55 dB(A), the standard shall be

ambient dB(A) plus 5 dB(A).

3. Safety

Shall be designed to prevent unauthorized access to electrical and mechanical components and shall have access doors that are kept securely locked at all times when service personnel are not present. All spent lubricants and cooling fluids shall be properly and safely removed in a timely manner from the site of the wind energy system. A sign shall be posted near the tower or Operations and Maintenance Office building that will contain emergency contact information. Signage placed at the road access shall be used to warn visitors about the potential danger of falling ice. The minimum vertical blade tip clearance from grade shall be twenty feet (20') for a wind energy system employing a horizontal axis rotor.

4. Post-Construction Permits

Construction Codes, Towers and Interconnection standards shall comply with all applicable state construction and electrical codes and local building permit requirements.

5. Pre-Application Permits

a. Utility Infrastructure

Shall comply with Federal Aviation Administration (FAA) requirements, the Michigan Airport Zoning Act (PA 23 of 1950 as amended), the Sawyer International Zoning Ordinance, the Michigan Tall Structures Act (PA 259 of 1959 as amended) and local jurisdiction airport overlay zone regulations. The minimum FAA lighting standards shall not be exceeded. All tower lighting required by the FAA shall be shielded to the extent possible to reduce glare and visibility from the ground. The tower shaft shall not be illuminated unless required by the FAA. Utility Grid wind energy systems shall comply with applicable utility, Michigan Public Service Commission and Federal Energy Regulatory Commission interconnection standards.

b. Environment

i. The site plan and other documents and drawings shall show mitigation measures to minimize potential impacts on the natural environment including, but not limited to:

- Wetlands and other fragile ecosystems;
- Historical and cultural sites; and
- Antiquities, as identified in the Environmental Analysis.

ii. The applicant shall comply with applicable parts of the Michigan Natural Resources and Environmental Protection Act (PA 451 of 1994), including, but not limited to:

- Part 31 Water Resources Protection
- Part 91 Soil Erosion and Sedimentation Control
- Part 301 Inland Lakes and Streams
- Part 303 Wetlands
- Part 323 Shoreland Protection and Management

- Part 325 Great Lakes Submerged Lands
 - Part 353 Sand Dunes Protection and Management as shown by having obtained each respective permit with requirements and limitations of those permits reflected on the site plan.
6. Performance Security

Performance security, pursuant to Section 423 of this Ordinance, shall be provided for the applicant making repairs to public roads damaged by the construction of the wind energy system.
 7. Utilities

Power lines should be placed underground, when feasible, to prevent avian collisions and electrocutions. All above-ground lines, transformers or conductors should comply with Avian Power Line Interaction Committee (APLIC) published standards to prevent avian mortality.
 8. Utility Grid Wind Energy Systems must provide for the requirements listed below at the expense of the applicant:
 - a. Visual Impact

A *Visual Impact Simulation* showing the completed site as proposed on the submitted site plan.
 - b. Avian and Wildlife Impact

Site plan and other documents and drawings shall show mitigation measures to minimize potential impacts on avian and wildlife as identified in the *Avian and Wildlife Impact Analysis*.
 - c. Shadow Flicker

Site plan and other documents and drawings shall show mitigation measures to minimize potential impacts from shadow flicker, as identified in the *Shadow Flicker Impact Analysis*.
 - d. Decommissioning

A Planning Commission approved decommissioning plan, with the requirements set forth in Section 422 of this Ordinance, indicating:

 - i. The anticipated life of the project;
 - ii. The estimated decommissioning costs and net salvage value in current dollars;
 - iii. The method of ensuring that funds will be available for decommissioning and restoration; and
 - iv. The anticipated manner in which the project will be decommissioned and the site restored.
 - e. Complaint Resolution

A Planning Commission approved process to resolve complaints from nearby

residents concerning the construction or operation of the project.

f. Electromagnetic Interference

No Utility Grid wind energy system shall be installed in any location where its proximity to existing fixed broadcast, retransmission or reception antennae for radio, television, wireless phone or other personal communication systems would produce electromagnetic interference with signal transmission or reception unless the applicant provides a replacement signal to the affected party that will restore reception to at least the level present before operation of the wind energy system. No Utility Grid wind energy system shall be installed in any location within the line of sight of an existing microwave communications link where operation of the wind energy system is likely to produce electromagnetic interference in the link's operation unless the interference is insignificant.

G. NATURAL RESOURCE EXTRACTION

Natural resource extraction is the removal and/or processing of iron ore, copper, gravel, sand, fill dirt, stone, frac sand, gypsum, peat, topsoil, (but not including sod production and/or removal) silver, gold, uranium, and other minerals. For extraction activities which are not regulated by Part 632 of Michigan's Nonferrous Metallic Mining Regulations, the Planning Commission may examine the following factors in order to determine whether the extraction may cause *very serious consequences*:

1. The relationship of extraction and associated activities with existing land use activities taking place on adjacent properties:
 - a) The use must be reasonably related to existing land use.
2. The impact on existing land uses in the vicinity of the property:
 - a) The use must not create an excessive burden on existing parks, schools, streets and other public facilities and utilities that serve or are proposed to serve the area;
 - b) Existing land uses nearby must not be adversely affected unreasonably by intrusion of noise, vibrations, glare or general unsightliness.
3. The impact on property values in the vicinity of the property and along the proposed hauling route serving the property (based on credible evidence):
 - a) The use must be sufficiently compatible or separated by distance or screening from adjacent agricultural or residentially zoned or used land so that existing homes will not be depreciated in value and there will be no deterrence to development of vacant land.
4. The impact on pedestrian and traffic safety in the vicinity of the property and along the proposed hauling route serving the property:

- a) The use must not cause traffic hazard or congestion;
 - b) The location and number of vehicle access points;
 - c) All natural resource extraction facilities shall have direct access to Class A capacity road. The Planning Commission, with input from the Marquette County Road Commission, shall set minimum roadway improvements and maintenance obligations as a condition of the permit. The point of resource extraction site access shall comply with Table 5.2-1 or as determined by the Township Board under special circumstances. Circumstances will include, but not be limited to, topography, safety, traffic, and existing land use.
5. 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 4th, Easter or Christmas fall on a Sunday the following Monday shall be considered the holiday. When New Year's Day, July 4th 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 Zoning Board of Appeals must approve other exceptions to the hours of operation, such as weekend operation, government agency contracts and other evening work.
 - b) Water Quality/Stormwater Drainage
 - i. The use must not cause significant high-risk erosion and/or adverse impact to surface or ground water resources;
 - ii. Dewatering to obtain materials intersecting the groundwater shall not be allowed. The use of equipment such as draglines, trackhoes and backhoes to obtain materials intersecting groundwater shall be allowed;
 - iii. Stormwater run-off must be retained on-site with retention or detention

ponds;

- iv. All activities on the subject property with the potential to impact water quality will be conducted in a manner consistent with operating permits issued by state and federal agencies. The Planning Commission may require other standards it deems reasonably necessary.

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 Planning Commission;
- iv. All activities on the subject property with the potential to impact air quality will be conducted in a manner consistent with operating permits issued by state and federal agencies. The Planning Commission may require other standards it deems reasonably necessary.

d) Site Security

- i. Regular fencing in good repair is required around the entire permitted area of operation. Fencing as a minimum must be chain link and at least six feet

high.

e) Noise Levels

- i. A 24-hour baseline audiogram collected at the property line shall be required in areas adjacent to a residential zone or within 2500' of a residence.
- ii. Permissible maximum noise levels at the property line will be consistent with, and at no time exceed, the most current occupational noise exposure standards established by the Occupation Safety Hazard and Health Administration (OSHA).

f) Setbacks

- i. No extraction activity may occur within one thousand (1000) feet of any dwelling and within fifty (50) feet of any adjacent property line, road right-of-way or public utility. Screeners, crushers, other processing equipment and manufacturing equipment may not be located closer than one thousand (1000) feet from a dwelling nor closer than one hundred (100) feet from any adjacent property line, road right-of-way or public utility. Setbacks from an existing dwelling shall take precedence over setbacks for road right-of-way, adjacent property line and public utility. If the processing equipment is placed within an enclosed structure, the Planning Commission may consider shorter setback distances. Grading plans affecting pipelines or power line corridors will be evaluated on a case-by-case basis. The Township Board may waive setback requirements when the common boundary area of an adjoining property is a legal mining operation, the common boundary is not within one thousand (1000) feet of a residence, and both property owners of adjacent mining operations have agreed to a common reclamation plan and have a written agreement with the Township establishing responsibility for reclamation.
- ii. Notwithstanding the setback requirements set forth above, at the time of permit issuance, the Zoning Board of Appeals (ZBA) may impose lesser setback requirements if the ZBA finds the following:
 1. Practical difficulties exist in complying with the setback requirements set forth above; and
 2. The protections afforded surrounding lands are not significantly lessened by the reduced setbacks when taking into account the following:

- a. the scope and size of the natural resource extraction facility; and
- b. the time and duration that the mining will occur in proximity to surrounding lands; and
- c. reduced operating hours or restricted seasons of operation or additional berming, screening or other measures can be imposed to ameliorate the impact of mining in closer proximity to the surrounding lands than would be allowed by the setbacks stated above; and
- d. The lesser setbacks are reasonable in light of all circumstances; and
- e. There is a substantial volume of minerals in the more restrictive setback areas and it is reasonable to extract the substantial volume of natural resource in the more restrictive setback areas in light of the relatively small volume of natural resource that can be extracted on the remainder of the subject property.

If the Township receives a request for lessened setbacks, then prior to consideration of such request by the ZBA the request shall be referred to the Planning Commission for a recommendation.

g) Blasting

- i. Blasting shall take place in accordance with the Negaunee Township Blasting Ordinance (to be written).

h) Reclamation Plan

- i. A reclamation plan must include the grading plans, on-site topsoil replacement, seeding, mulching, erosion control and sedimentation control specifications for each phase and the final site restoration. The Operator and owner must follow the reclamation plan approved by the Planning Commission. The following minimum standards and conditions apply:

- 1. The peaks and depressions of the area shall be reduced to a surface which will result in a gently rolling topography in substantial conformity to the land area immediately surrounding, and which will minimize erosion due to rainfall. No graded slope shall exceed a 4:1 ratio (twenty-five (25) percent). The final grade slope shall commence at the property boundary. Berms will be removed to the original elevation of the land, unless the Planning Commission has

- approved a different elevation as part of the End Use Plan.
2. Excavations made to a water producing depth must meet the following requirements:
 - a. The depth of the excavation for lake end-use must not be less than ten (10) feet nor more than thirty (30) feet below the natural low water mark, as determined by the Planning Commission after consultation by its engineer and with the Marquette County Conservation District and/or the Department of Natural Resources.
 - b. The depth of the excavation for a wetland end-use shall be from one (1) foot above the natural low water mark to a depth not to exceed one (1) foot below the natural low water mark, as determined by the Planning Commission after consultation by its engineer and the Marquette County Conservation District and/or the Department of Natural Resources.
 - c. A combination of the requirements of (a) and (b) as approved by the Board.
 - d. All banks shall be sloped to the water line at a slope that shall not be steeper than ten (10) feet horizontal to one (1) foot vertical (10:1) for a lake end-use, and ten (10) feet horizontal to one (1) foot vertical (10:1) for a wetland end-use.
 - e. All banks shall be sodded or surfaced with soil of a quality at least equal to the topsoil of land areas immediately surrounding and to a depth of at least three (3) inches.
 - f. Such topsoil as required by the preceding subsection shall be planted with trees, shrubs, legumes or grasses.
 - g. All materials used for back-filling in any area of the reclamation shall be tested and be free of all contaminants, and shall be non-noxious, non-flammable and non-combustible.
 3. Excavating not made to a water producing depth, but which must be graded or back-filled, shall meet the following requirements;
 - a. All materials used for back-filling in any area of the reclamation shall be tested and be free of all contaminants, and shall be non-noxious, non-flammable and non-combustible.
 - b. The graded or back-filled area shall not collect or permit

- stagnant water to remain therein.
- c. Such graded or back-filled area shall be sodded or surfaced with soil of a quality at least equal to the topsoil of land areas immediately surrounding, and to a depth of at least three (3) inches.
 - d. Such topsoil as required by the preceding subsection shall be planted with trees, shrubs, legumes or grasses.
4. Seeding and mulching shall be consistent with Michigan Department of Transportation or the Marquette County Road Commission specifications for rights-of-way. Exceptions to seeding and mulching include areas returned to agricultural production.
 5. Soil restoration, seeding and mulching must occur within each phase as soon as final grades, or interim grades identified in the phasing plans, have been reached. Exceptions to seeding and mulching include the processing, storage and staging areas within each phase.
 6. Unless otherwise amended or approved by the Township, all final grades and site restoration efforts shall be consistent with the reclamation plan.
 7. When the end-use is some form of open space, the type of vegetative re-growth must provide appropriate habitat for wildlife consistent with the form of end-use.
 8. The end-use plan shall consider the safe use of the property. The end-use plan shall be consistent with the Township Master Plan and Zoning Ordinance.
 9. Within nine (9) months after the completion of natural resource extraction or after termination of the permit, all equipment, vehicles, machinery, materials, stock piles of extracted materials, and debris shall be removed from the subject property.
 10. For each phase, within nine (9) months after completion of natural resource extraction for that phase, reclamation must be completed. If the permit is terminated earlier, reclamation must be completed within nine (9) months after termination.
6. The overall public interest in the extraction of the specific natural resources on the property.

H. MARIJUANA GROWER, MARIJUANA PROCESSOR, MARIJUANA PROVISIONING CENTER/RETAILER, MARIJUANA SECURE TRANSPORTER, AND MARIJUANA SAFETY COMPLIANCE FACILITY

1. Any uses or activities found by the state of Michigan or a court with jurisdiction to be unconstitutional or otherwise not permitted by state law may not be permitted by the Township. In the event that a court with jurisdiction declares some or all of this article invalid, then the Township may suspend the acceptance of applications for conditional use permits pending the resolution of the legal issue in question.
2. At the time of application for a conditional use permit the marijuana facility must be licensed by the state of Michigan and then must be at all times in compliance with the laws of the state of Michigan including but not limited to the Michigan Medical Marihuana Act, MCL 333.26421 et seq.; the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq.; and the Marihuana Tracking Act, MCL 333.27901 et seq.; the Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018 MCL 333.27951 et seq., and the Marihuana Tracking Act, MCL 333.27901 et seq.; and all other applicable rules promulgated by the state of Michigan.
3. At the time of application for a conditional use permit the marijuana facility must be licensed by Negaunee Township, or have the Township license concurrently in process with the conditional use permit and site plan approval, and then must be at all times in compliance with Negaunee Township's police power authorizing ordinance.
4. The use or facility must be at all times in compliance with all other applicable laws and ordinances of the Township.
5. The Township may suspend or revoke a conditional use permit based on a finding that the provisions of the conditional use standards in this section, all other applicable provisions of this zoning ordinance, Township of Negaunee Ordinance to Authorize and Regulate the Establishment of Marijuana Facilities, or the terms of the conditional use permit and approved site plan are not met.
6. A marijuana facility, or activities associated with the licensed growing, processing, testing, transporting, or sales of marijuana, may not be permitted as a home business or accessory use nor may they include accessory uses except as otherwise provided in this ordinance.
7. Signage requirements for marijuana facilities, unless otherwise specified, are as provided in the regulations outlined in Article VIII.

A. Marijuana growers and processors shall be subject to the following standards:

1. **Minimum Lot Size.** A minimum lot size standard shall apply as follows:
 - a. In the Forestry (F) District, the subject property shall be a minimum of 10 acres, except that if the majority of abutting properties are less than 10 acres, the subject property shall be a minimum of 20 acres. Abutting properties include properties that are contiguous to the subject property, as well as properties directly across any access drive, or private, public road.
 - b. In the Rural residential (R2), the subject property shall be a minimum of 20 acres, except that if the majority of abutting properties are equal to or less than 5 acres, the subject property shall be a minimum of 40 acres. Abutting properties include properties that are contiguous to the subject property, as well as properties directly across any access drive, or private, public road.
 - c. In the Industrial (I) and The Highlands Development Centre Business – Light

Industrial Park, the subject property shall be a minimum of 1 acre.

2. Minimum Yard Depth/Distance from Lot Lines.
 - a. In the Forestry (F) and Rural Residential (R-2) Districts, the minimum front, rear, and side yard setbacks for any structure used for marijuana production and processing shall be 100 feet. The minimum front, rear, and side yard setbacks for outdoor production shall be a minimum of 200 feet from all lot lines. The minimum water front setback for any structure or outdoor production shall be a minimum of 200 feet from the ordinary high-water mark.
 - b. In the Industrial (I) and The Highlands Development Centre Business – Light Industrial Park, the minimum front, rear and side yard setbacks for any structure used for marijuana production or processing shall be the standard setbacks for these districts.
3. Indoor Production and Processing.
 - a. In the Forestry (F) District, marijuana production and processing shall be located entirely within a fully enclosed, secure, indoor facility or greenhouse with rigid walls, a roof, and doors.
 - b. In the Rural Residential (R-2) District, marijuana production and processing shall be located entirely within a fully enclosed, secure, indoor facility or greenhouse with rigid walls, a roof, and doors.
 - c. In the Industrial (I) District and The Highlands Development Centre Business – Light Industrial Park, marijuana production and processing shall be located entirely within one or more completely enclosed buildings.
 - d. In the General Business (GB) District, marijuana Processing shall be located entirely within an entirely enclosed building.
4. Lighting. Lighting shall be regulated as follows:
 - a. Light cast by light fixtures inside any building used for marijuana production or marijuana processing shall not be visible outside the building from 7:00 p.m. to 7:00 a.m. the following day.
 - b. Outdoor marijuana grow lights shall not be illuminated from 7:00 p.m. to 7:00 a.m. the following day.
5. Odor. As used in this subsection, building means the building, or portion thereof, used for marijuana production or marijuana processing.
 - a. The building shall be equipped with an odor control filtration system to ensure that odor leaving the building is not detectable at any adjacent property.
 - b. Odor control system shall be designed by mechanical engineer licensed in the state of Michigan. Both engineered drawings and narrative describing the system sequence of operation must be provided to the township for review with the conditional use application. Narrative shall provide odor control overview, description of active filtration equipment, number of building air exchanges, sequence of operation and how odor control system integrates with the facility's Heating, Ventilation and Cooling System.
 - c. Engineer may be required to present system overview during conditional review process.
 - d. The filtration system shall be maintained in working order.

- e. Doors and windows shall remain closed, except for the minimum length of time needed to allow people to ingress or egress the building.
 - 6. Security Cameras. If used, security cameras shall be directed to record only the subject property and may not be directed to public rights-of-way as applicable, except as required to comply with licensing requirements of the state of Michigan.
 - 7. Residency. In the Forestry (F) and Rural Residential (R-2) Districts, an owner of the subject property, or the licensee associated with the subject property shall reside in a dwelling unit on the subject property unless there is a 24-hour, seven-days-a-week monitored security system on the property with a direct phone number supplied to local law enforcement.
- B. Provisioning centers/marihuana retailers shall be subject to the following standards:
- 1. Hours. A provisioning center may only sell to consumers or allow consumers to be present in the building space occupied by the provisioning center between the hours of 7:00 a.m. and 9:00 p.m.
 - 2. Indoor Activities. All activities of a provisioning center, including all transfers of marijuana, shall be conducted within the structure and out of public view. A provisioning center shall not have a walk-up window or drive-thru window service.
 - 3. Other Activities. Marijuana and tobacco products shall not be smoked, ingested, or otherwise consumed in the building space occupied by the provisioning center.
 - 4. Nonconforming Uses. A provisioning center may not locate in a building in which a nonconforming retail use has been established in any district.
 - 5. Buffer Zones. A provisioning center may not be located within the distance specified from the uses below as determined by the Township. The distance shall be measured as the shortest straight-line distance between the property line of the location of the following uses to the property line of the parcel on which provisioning center premises is located, whichever is less.
 - a. A provisioning center may not be located within 300 feet of the real property comprising or used by a public or private elementary, or secondary school; a licensed child care center or preschool; a public playground, public swimming pool, or public or private youth activity facility; a public park, public outdoor recreation area, or public recreation facility; religious institution; or a public library.
 - 6. Odor. As used in this subsection, building means the building, or portion thereof, used for marijuana production or marijuana processing.
 - a. The building shall be equipped with an odor control filtration system to ensure that odor leaving the building is not detectable at any adjacent property.
 - b. Odor control system shall be designed by mechanical engineer licensed in the state of Michigan. Both engineered drawings and narrative describing the system sequence of operation must be provided to the township for review with the conditional use application. Narrative shall provide odor control overview, description of active filtration equipment, number of building air exchanges, sequence of operation and how odor control system integrates with the facility's Heating, Ventilation and Cooling System.

- c. Engineer may be required to present system overview during conditional review process.
 - d. The filtration system shall be maintained in working order.
 - e. Doors and windows shall remain closed, except for the minimum length of time needed to allow people to ingress or egress the building.
- D. Marijuana Safety Compliance Facility shall be subject to the following standards:
- 1. A marijuana safety compliance facility shall be subject to the special regulations and standards applicable to laboratories in the zoning ordinance.
 - 2. All activities of a marijuana safety compliance facility, including all transfers of marijuana, shall be conducted within the structure and out of public view.
 - 3. Site security shall conform to State requirements.
- E. Marijuana Secure transporter shall be subject to the following standards:
- 1. A marijuana secure transporter shall be subject to the special regulations and standards applicable to automotive, tractor, trucking facility uses in the zoning ordinance and the following standards.
 - 2. Site security shall conform to State requirements
- I. SPECIAL EVENTS VENUE
- A. Any uses or activities found by the state of Michigan or a court with jurisdiction to be unconstitutional or otherwise not permitted by state law may not be permitted by the Negaunee Township. In the event that a court with jurisdiction declares some or this entire article invalid, then the Township may suspend the acceptance of applications for conditional use permits pending the resolution of the legal issue in question.
- B. The use or facility must be at all times in compliance with all other applicable laws and ordinances of the Township.
- C. The Township may suspend or revoke a conditional use permit based on a finding that the provisions of the conditional use standards in this section, all other applicable provisions of the zoning ordinance, or the terms of the conditional use permit and approved site plan are not met.
- D. Signage requirements for special events, unless otherwise specified, are as provided in the regulations outlined in Article VIII
- E. Parcels must be a minimum of 20 acres in the R-2, R-3, and F district.
- F. Parking and Access Standards:
- a. Parking for the proposed use shall be provided on-site, with no parking allowed on any public road right-of-way. The number of parking spaces required must conform to guidelines in Section 412 of the Zoning Ordinance.
 - b. Adequate ingress and egress shall be provided for all emergency vehicles to the satisfaction of the Negaunee Township Fire Department.
 - c. A traffic control plan to ensure an orderly and safe arrival, parking, and departure of all vehicles and to ensure that traffic will not back up or block private easement, county roads, intersection, or private driveways.
 - d. Access to the property shall conform to Article V of the Zoning Ordinance when applicable.

- G. All temporary structures such as tents, stages, and dance floors shall abide by standard accessory structure setbacks.
- H. Hours of operation shall not exceed 9:00am to 11:00pm
- I. The property owner shall ensure that their clients are adequately served by essential public facilities and services meeting the Marquette County Health Department standards.
- J. Exemptions:
 - a. Accessory uses that are associated with a single family residential use including private parties, gatherings and similar activities that are not subject to a use agreement between a private individual or group and the property owner.
 - b. Religious facilities as defined under the Zoning Ordinance.
 - c. Parks and recreational facilities as defined under the Zoning Ordinance.
- K. Outdoor amplified music shall be directed away from neighboring structures
- L. Overnight camping shall be prohibited
- M. Garbage leaving the site shall conform to the requirements of the Marquette County Solid Waste Authority.

Section 1006 Conditions and Safeguards

- A. Prior to granting any Conditional Use Permit, the Planning Commission may impose conditions or limitations upon the establishment, location, construction, maintenance or operation of the use authorized by the Conditional Use Permit as in its judgment may be necessary for the protection of the public interest. Conditions imposed shall further be designed to protect natural resources, the health, safety and welfare, as well as the social and economic well-being of those who will utilize the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity and the community as a whole; and be consistent with the general standards listed in Section 1004 of this Ordinance and therefore be necessary to meet the intent and purpose of the regulations contained therein.
- B. Conditions and requirements stated as part of Conditional Use Permit authorization shall be a continuing obligation of land holders. The Zoning Administrator shall make periodic investigations of developments authorized by a Conditional Use Permit to determine compliance with all requirements.
- C. Conditional Use Permits may be issued for time periods as determined by the Planning Commission. Conditional Use Permits may be renewed in the same manner as originally applied for.
- D. In authorizing a Conditional Use Permit, the Planning Commission may require that a cash deposit, certified check, bond or other financial guarantee acceptable to the Township, of ample sum be furnished by the developer to insure compliance with such requirements as drives, walks, utilities, parking, landscaping and the like. The financial guarantee shall be deposited with the Township Treasurer at the time of issuance of the permit authorizing the use or activity. As work progresses, the Planning Commission may authorize a proportional rebate of the financial guarantee upon completion of significant phases or improvements.

- E. Revocation of a Conditional Use Permit by the Planning Commission shall be made at a public hearing following the same procedures as original approval to the effect that:
 - 1. Such conditions as may have been prescribed in conjunction with the issuance of the original permit included the requirement that the use be discontinued after a specified time period; or
 - 2. Violations of conditions pertaining to the granting of the permit continue to exist more than 30 days after an order to correct has been issued. Violations of any conditions set by the Planning Commission are violations of this zoning ordinance.
- F. All plans, specifications and written statements submitted by the applicant as part of the Conditional Use Permit, and all changes made by the Planning Commission shall become part of the Conditional Use Permit issued by the Planning Commission.
- G. The standards in Section 1004 are basic to all conditional uses as identified in Sections 309 through 316.

Section 1007 Appeals

- A. Recourse for a person aggrieved by a decision of the Planning Commission in the granting or denial of a Conditional Use Permit shall be to the Zoning Board of Appeals.

ARTICLE XI NONCONFORMING USES AND STRUCTURES

Section 1101 Intent

- A. Nonconforming uses and structures are those which do not conform to a provision or requirement of this Ordinance but were lawfully established prior to the time of its applicability. Any previous Class A designation authorized by formal action shall remain in effect. It is recognized that those nonconformities which adversely affect orderly development and the value of nearby property may not be permitted to continue.
- B. The zoning regulations established by this Ordinance are designed to guide the future use of land in Negaunee Township by encouraging appropriate groupings of compatible and related uses and thus to promote and protect the public health, safety and general welfare. The continued existence of nonconformities is frequently inconsistent with the purposes for which such regulations are established.
- C. This Ordinance distinguishes by class the various nonconforming uses and structures. In general, Class A nonconforming uses and structures have been found by the Planning Commission not to be contrary to the public health, safety, and general welfare, or the spirit of this Ordinance or other standard in this ordinance and should either be encouraged or at a minimum not be discouraged to continue. In contrast, the Class B nonconforming uses and structures are not consistent with the aforementioned, and as such, should not be encouraged to exist by the Township. Different regulations are established for each class. The degree of restriction over each class is a function of the degree to which that class of nonconformity is a nuisance or incompatible with the purposes and regulations of this Ordinance.
- D. Any use or structure created in violation of any preceding Negaunee Township Zoning Ordinance remains a violation, unless the use or structure is in compliance with the zoning ordinance.

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.

Section 1103 Procedure For Obtaining Class A Designation

- A. A written application shall be filed with the Planning Commission utilizing forms obtained from the Zoning Administrator which shall include:
 - 1. Name and address of property owner and applicant, if not same;

2. A legal description of the property or lot;
 3. A site plan pursuant to Section 903, 904 or 905.
 4. An explanation describing the present nonconforming use or structure.
 5. An explanation of any proposed addition or alteration to the uses or structures.
- B. The Planning Commission shall, upon receipt of the application, schedule a public hearing in accordance with the procedures of Section 1203. Upon hearing the facts and information, the Planning Commission shall make its decision in writing and set forth the findings and reasons on which it is based, pursuant to the standards identified in Section 1104. Conditions may be attached, including any time limit, where necessary to assure that the use or structure does not become contrary to the public health, safety, or welfare, or the spirit and purpose of this Ordinance.

Section 1104 Provisions for Class A Nonconforming Uses and Structures

- A. Where, at the effective date of adoption or amendment of this Ordinance, a lawful use of land exists that is no longer permissible under the terms of this Ordinance as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:
1. Class A Nonconforming Use or Structure may be enlarged or increased, or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance, with the specific approval of the Planning Commission.
 2. Class A Nonconforming Use or Structure may be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance, with the specific approval of the Planning Commission.
 3. Class A Nonconforming Use or Structure may be extended to displace a permitted (conforming) use, with the specific approval of the Planning Commission.
 4. Class A Nonconforming Use or Structure may be changed to another nonconforming use, with the specific approval of the Planning Commission. Before granting the approval, the Planning Commission shall determine that such change in use will have a less deleterious effect on neighboring properties than the existing nonconforming use.
 5. Class A Nonconforming Use may be expanded to add another nonconforming use, with specific approval by the Planning Commission. The proposed nonconforming use shall satisfy the standards as set out in Section 1104.
 6. A Class A Nonconforming Use is permitted to be reconstructed as a result of damage by fire or other casualty, without the approval of the Planning Commission. Any expansion of the original area would need the specific approval of the Planning Commission.
 7. Structural alterations to the interior of the building are permitted without the approval of the Planning Commission.

Section 1105 Regulations Pertaining to Class A Nonconforming Uses and Structures

- A. No Class A Nonconforming Use or Structure shall be resumed if it has been discontinued for a continuous period of at least 18 months or if it has been changed to a conforming use for 18 months. No Class A Structure shall be used, altered, or enlarged in violation of any condition imposed in its designation.

Section 1106 Class B Nonconforming Uses and Structures

- A. All nonconforming uses and structures not designated as Class A are considered as Class B. It is the purpose of this Ordinance to eliminate Class B Nonconforming Uses and Structures as rapidly as is permitted by law without payment or compensation. No Class B Nonconforming Use shall be resumed if it has been discontinued for a continuous period of at least six months or if it has been changed to a conforming use for a one month period, or if the structure in which such use is conducted is damaged by fire or other casualty to the extent that the cost of reconstruction or repair exceeds 50 percent of the reproduction cost of such structure.
- B. In the situation where two or more dwellings are located on one lot, if one dwelling is damaged by fire or other casualty to the extent that the cost of reconstruction or repair exceeds 50 percent of the reproduction cost of such structure it shall not be repaired or replaced. The damaged structure shall be removed.
- C. In the situation that two or more dwellings are located on one lot and one dwelling is removed, it shall not be replaced.
- D. No Class B Nonconforming Structure shall be enlarged or structurally altered. No Class B Nonconforming Use shall be changed to a substantially different nonconforming use, nor enlarged so as to make use of more land area than was used at the time of becoming nonconforming. No Class B Nonconforming Use or Structure shall be permitted to continue in existence if it was unlawful at the time of its inception.

Section 1107 Revocation of Class A Nonconforming Uses and Structures

- A. Any Class A nonconforming use or structure maintained or used in violation of this Ordinance is a nuisance per se. Whenever the Zoning Administrator determines that a violation of this Ordinance exists, the Zoning Administrator shall issue a notice of violation. Such notice shall be directed to each property owner of or a party in interest in whose name the property appears on the last local tax assessment records. All notices shall be in writing and shall be served in person or may be mailed by certified mail, addressed to the owner or party in interest at the address shown on the tax records. An affidavit of mailing shall be maintained.
- B. All violations of Class A nonconforming uses and structures shall be corrected within a period of time as specified on the notice of violation. A violation not corrected within this period shall be reported to the Planning Commission. The Planning Commission shall, upon receipt of said violation, schedule a public hearing in accordance with the procedures set out

in Section 1203 of this Ordinance. Upon hearing the facts and information, the Planning Commission shall make its decision to consider revocation of the Class A designation in writing and set forth the findings and reasons on which it is based.

Section 1108 Acquisition, Elimination of Nonconforming Uses

- A. The legislative body may acquire, by purchase, condemnation, or otherwise, private property or an interest in private property for the removal of nonconforming uses and structures. The legislative body may provide that the cost and expense of acquiring private property may be paid from general funds or assessed to a special district in accordance with the applicable statutory provisions relating to the creation and operation of special assessment districts for public improvements in local units of government. Property acquired under this subsection by a city or village shall not be used for public housing.
- B. The elimination of the nonconforming uses and structures in a zoning district is declared to be for a public purpose and for a public use. The legislative body may institute proceedings for condemnation of nonconforming uses and structures under 1911 PA 149, MCL 213.21 to 213.25.

Section 1109 Marijuana Facility Nonconforming Uses

- A. No marijuana facility operating or purporting to operate prior to December 15, 2017, shall be deemed to have been a legally existing use nor shall the operation of such marijuana facility be deemed a legal nonconforming use under this ordinance.
- B. A property owner shall not have vested rights or nonconforming use rights that would serve as a basis for failing to comply with this ordinance or any amendment thereto.
- C. Discontinuation of a state marijuana facility license shall constitute prima facie evidence that a nonconformity has been discontinued.

ARTICLE XII ADMINISTRATION AND ENFORCEMENT

Section 1201 Administration

- A. The administration and enforcement of this Ordinance shall be the responsibility of the Township Board. The Township Board shall have the right to delegate responsibility to appropriate township officers, employees or designees. The person or persons administering and enforcing this Ordinance shall be known as the Zoning Administrator.

Section 1202 Administrative Standards

- A. Whenever, in the course of administration and enforcement of this Ordinance, it is necessary or desirable to make any administrative decision, then, unless other standards are provided in this Ordinance, the decision shall be made so that the result will not be contrary to the spirit and purpose of this Ordinance or injurious to the surrounding neighborhood.
- B. Where a public hearing is required in the administration of this Ordinance, the Zoning Board of Appeals and/or the Planning Commission shall base their decision upon facts presented at the public hearing.
- C. Wherever a discretionary decision is authorized in this Ordinance, such as, but not limited to, the issuance of conditional use permits, conditions (including, but not limited to greater setbacks, parking, screening, drainage, access control and other similar requirements) may be imposed provided they are:
 - 1. Designed to protect natural resources, the health, safety and welfare and the social and economic well-being of those who will use the land or activity under consideration, residents and landowners immediately adjacent to the proposed use or activity, and the community as a whole;
 - 2. Related to the valid exercise of the police power, and the purposes which are affected by the proposed use or activity;
 - 3. Necessary to meet the intent and purpose of the zoning ordinance, are related to standards established in the Ordinance for the land use or activity under consideration, and are necessary to insure compliance with those standards.

Section 1203 Administrative Procedures for Public Notifications

- A. Except as otherwise provided under this act, if a local unit of government is required to provide notice and hearing under this act, the local unit of government shall publish notice of the request in a newspaper of general circulation in the local unit of government.

1. Publication of notices shall be in accordance with the following:

TABLE 12.2-1 Publication Requirements	
Decision	Required Notice
Class A Non-Conforming Use	Notice published not less than 15 days prior to the public hearing
Hearing before the Zoning Board of Appeals	Notice published not less than 15 days prior to the public hearing
Conditional Use Permit	Notice published not less than 15 days prior to the public hearing
Ordinance Amendment (text or map)	Notice published not less than 15 days prior to the public hearing
Changes to an Approved Planned Unit Development	Notice published not less than 15 days prior to the public hearing

- B. Notice shall be also be sent by mail or personal delivery to the owners of property for which approval is being considered. Notice shall also be sent to all persons to whom real property is assessed within 300 feet of the property and to the occupants of all structures within 300 feet of the property regardless of whether the property or occupant is located in the zoning jurisdiction.
 1. If an individual property or 10 or fewer adjacent properties are proposed for rezoning, the zoning commission shall give a notice of the proposed rezoning in the same manner as required under Section 1203.
 2. If 11 or more adjacent properties are proposed for rezoning, the zoning commission shall give a notice of the proposed rezoning in the same manner as required under Section 1203, except for the requirement of section 1203(B) and except that no individual addresses of properties are required to be listed under Section 1203(D)(2).
- C. Notification for Amendments shall be given to utilities registered to receive the notice and to railroads within the zone affected.
- D. The notice shall be given not less than 15 days before the date the application will be considered for approval. If the name of the occupant is not known, the term “occupant” may be used in making notification under this subsection. The notice shall do all of the following:
 1. Describe the nature of the request;
 2. Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used;
 3. State when and where the request will be considered;

4. Indicate when and where written comments will be received concerning the request.
- E. An amendment for the purpose of conforming a provision of the zoning ordinance to the decree of a court of competent jurisdiction as to any specific lands may be adopted by the legislative body and the notice of the adopted amendment published without referring the amendment to any other board or agency provided for under this act.

Section 1204 Standards for Hearings and Zoning Administration

- A. Interested parties at the hearing shall be permitted to present and rebut information either supporting or opposing the zoning action under consideration.
- B. The body conducting the hearing:
1. Shall prepare a comprehensive summary record of the hearing, including an exact record of motions, votes and other official action;
 2. Shall set forth in writing and in detail any denial, approval, conditional approval, or order and the facts supporting such decision;
 3. Shall file the record, written testimony, or documents submitted with regard to the hearing, and the decision with the Township Clerk, and maintain an affidavit of mailing for each mailing made under this Section;
 4. Shall comply with all other requirements under the law; and
 5. Shall have all administrative actions recorded in the Official Zoning Orders Book and Map.
- C. The conditions imposed with respect to the approval of a land use or activity shall be recorded in the record of the approval action, and shall remain unchanged except upon the mutual consent of the approving authority and the landowner. A record of changed condition shall also be maintained.
- D. All administrative guides or rules developed to assist the Zoning Board of Appeals or the Planning Commission in the administration of this Ordinance shall be filed with the Township Clerk and be open to public inspection.

Section 1205 Zoning Administrator

- A. The Zoning Administrator shall be appointed by the Township Board and shall receive such compensation as the Township Board may, from time to time, determine. The Zoning Administrator may also serve in some other capacity as an employee or appointed elected officer of this Township. The Zoning Administrator shall not be a member of the Planning Commission or Zoning Board of Appeals. The Zoning Administrator, or designated employee, shall administer the provisions of this Ordinance and shall have all administrative powers which are not specifically assigned to some other officer or body. They shall have no power to vary or waive Ordinance requirements.

Section 1206 Duties of Zoning Administrator

- A. The Zoning Administrator shall not vary, change or grant exceptions to any terms of this Ordinance, or to any person making application under the requirements of this Ordinance.
- B. The Zoning Administrator shall have the power to issue a Zoning Compliance Permit and to review Site Plans to determine whether they are in proper form, contain all of the required information and are in accordance with the provisions of this Ordinance. The Zoning Administrator shall make inspections of premises and collect such investigative data deemed necessary to carry out his/her duties in the enforcement of this Ordinance.
- C. It shall be unlawful for the Zoning Administrator to issue a Zoning Compliance Permit or other such permits, for any construction or use until he/she has inspected such plans and found them to conform to this Ordinance.
- D. If the Zoning Administrator shall find that any provision of this Ordinance is being violated, the Administrator shall order discontinuance of any illegal work being done; or shall take such action as authorized to correct or prevent violation of the provisions of this Ordinance.
- E. Whenever the Zoning Administrator determines that a violation of this Ordinance exists, the Zoning Administrator shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. The notification shall be directed to each property owner of or a party in interest whose name the property appears on the current year's tax assessment records. All notices shall be in writing and may either be served in person or mailed by certified mail, addressed to such owner or party of interest at the address shown in the tax records. An affidavit of mailing shall be maintained. If the violations are not corrected within a reasonable specified period of time, he/she shall take action as authorized by this Ordinance to ensure compliance with or prevent violations of its provisions.

Section 1207 Zoning Compliance Permit

- A. It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or any part which has been created, erected, changed, converted, or wholly or partly altered, or enlarged in its use or structure until a Zoning Compliance Permit has been issued by the Zoning Administrator. The Permit shall state that the building, structure, lot, and use conform to the requirements of this Ordinance.
- B. Zoning Compliance Permits shall expire automatically, if, within one (1) year after the issuance of such permit, significant actual construction has not commenced or use has not commenced where no actual construction is required. Significant means more than one-third of the estimated expense of the development.

The permit issuing authority may extend a permit for a period of up to twelve (12) months from the date when a permit would otherwise expire if it concludes that:

1. The permit recipient has proceeded with due diligence and in good faith; and
2. Conditions have not changed so substantially as to warrant a new application.

One successive extension may be granted for a period of up to (6) months upon the same

findings. All extensions may be granted without resort to the formal application and review processes. Fees required for an extension shall be according to the Township fee schedule.

- C. The Zoning Administrator shall maintain a record of all Zoning Compliance Permits and this record shall be open for public inspection. Failure to obtain a Zoning Compliance Permit shall be a violation of this Ordinance.

Section 1208 Special Zoning Orders Book and Map

- A. The Zoning Administrator shall keep a Special Zoning Orders Book, which shall contain all variances, conditional use permits, rezonings, designations of Class A nonconformance, and any terminations of any of them. Each item shall be assigned a number when entered. The Zoning Administrator shall also keep a map, to be known as the Special Zoning Orders Map, on which shall be recorded the numbers in the Special Zoning Orders Book to indicate the locations affected by the items in the book. The Special Zoning Orders Book and Map shall be open to public inspection.

Section 1209 Fees

- A. The Township Board shall periodically establish by resolution a schedule of fees for administering this Ordinance. The schedule of fees shall be made available in the township office. No permit shall be issued unless such fees have been paid in full.

ARTICLE XIII TOWNSHIP PLANNING COMMISSION

Section 1301 Designation

- A. The Negaunee Township Planning Commission is hereby designated the Commission as specified in Section 1, of Act 168 of the Public Acts of 1959, as amended. Under said Act, it shall be the duty of the Commission to advise the Township Board on matters of planning. The Commission shall act in compliance with the duties as prescribed in Public Act 110 of 2006 and Public Act 33 of 2008.

Section 1302 Officers

- A. Selection and Tenure – At the first regular meeting in each calendar year, the Planning Commission shall select from its membership a Chairperson, Vice Chairperson and Secretary. All officers shall serve a term of one year, or until their successors are selected and assume office, except as noted in B and C below. All officers shall be eligible for re-election for consecutive terms for the same office.
- B. Chairperson – The Chairperson shall preside at all meetings, appoint committees and perform such other duties as may be ordered by the Planning Commission.
- C. Vice Chairperson – The Vice Chairperson shall act in the capacity of the Chairperson in his/her absence. In the event the office of Chairperson becomes vacant, the Vice Chairperson shall succeed to this office for the unexpired term, and the Planning Commission shall select a successor to the office of Vice Chairperson for the unexpired term.
- D. Secretary – The Secretary shall execute documents in the name of the Planning Commission, perform the duty hereinafter listed below, and shall perform such other duties as the Planning Commission may determine.
- a. Minutes – The Secretary shall arrange for the maintenance of a permanent record of the minutes of each meeting and shall have them recorded in suitable permanent records maintained by the Township Clerk. The minutes shall contain a brief synopsis of the meeting, including a complete restatement of all motions and record of votes, conditions or recommendations made on any action and record of attendance.
- E. Township Board Representative – The Township Board Representative (Ex-Officio) shall present the recommendations of the Planning Commission as required by the Zoning Ordinance or other ordinance to the Township Board prior to their consideration of such request. They may not hold office on the Planning Commission.
- F. Zoning Board of Appeals Representative – The Planning Commission representative to the Zoning Board of Appeals shall report the actions of the Zoning Board of Appeals on actions by the Planning Commission that relate to the functions and duties of the Zoning Board of Appeals.

Section 1303 Meetings

- A. Regular Meetings – The Planning Commission shall hold not less than four regular meetings each year and by resolution shall determine the time and place of such meetings. Other meetings may be held as necessary.
 - 1. When a regular meeting falls on a legal holiday or upon a day resulting in a conflict, the Planning Commission shall, if possible, select a suitable alternate meeting date in the same month as the originally scheduled meeting.
 - 2. Notice of regular or scheduled Planning Commission meetings shall be posted at the township office within 10 days after the Planning Commission’s first meeting in each fiscal year in accordance with the Open Meetings Act.
- B. Special Meetings – Special meetings may be called by the Chairperson or upon written request to the Secretary by at least two members of the Planning Commission. The business the Planning Commission may perform shall be conducted at a public meeting held in compliance with the Open Meetings Act.
 - 1. All costs of special meetings held to consider requests of applicants for approvals under the Zoning Ordinance (or for such purposes as may be necessary) shall be paid by the applicant for such requests.
 - 2. Notice of special meetings shall be given to the members of the Planning Commission at least forty-eight hours prior to the meeting. Such notice shall state the purpose, time and location of the special meeting and shall be posted in accordance with the Open Meetings Act.
- C. Public Records – All meetings, minutes, records, documents, correspondence and other materials of the Planning Commission shall be open to public inspection in accordance with the Freedom of Information Act, except as may otherwise be provided by law.
- D. Quorum – Three members of a five-member Planning Commission shall constitute a quorum for transacting business and taking official action for all matters. Whenever a quorum is not present, those present may adjourn the meeting to another time and day, in accordance with the provisions of the Open Meetings Act, or hold the meeting to consider the matters on the agenda. No action shall be taken at a meeting at which a quorum is not present.
- E. Motions – All motions shall be restated by the chairperson before a vote is taken. All actions taken in an administrative capacity shall include Findings of Fact (listing of relevant facts in the case), conclusions (identifying reasons for action and compliance or non-compliance with ordinance standards) and a decision (recommendations, approval, approval with conditions or disapproval).
- F. Voting – An affirmative vote of the majority of the Planning Commission membership is required to adopt any part of the master plan or amendments to the plan (MCL 125.328).
 - 1. Unless required by statute, other actions or motions placed before the Planning Commission may be adopted by a majority vote of the membership in attendance, as long as a quorum is present.
 - 2. Voting shall be by voice vote; a roll call vote shall be required if requested by any commission member or directed by the Chairperson.

3. All Planning Commission members, including the Chairperson, shall vote on all matters unless a conflict of interest is declared.
- G. Order of Business – The Chairperson shall arrange for preparing an agenda for Planning Commission meetings. The order of business for meetings shall be as follows:
1. Call to Order
 2. Roll Call
 3. Approval of Minutes
 4. Approval of Agenda
 5. First Public Comment
 6. Public Hearings
 7. Communications/Correspondence
 8. New Business
 9. Old Business
 10. Zoning Administrator’s Report
 11. Second Public Comment
 12. Adjournment
- H. Public Hearings – All public hearings held by the Planning Commission must be held as part of a regular or special meeting of the Planning Commission. In conjunction with the standards set forth in Section 1204, the following rules of procedure shall apply to public hearings held by the Planning Commission:
1. Chairperson opens the public hearing and announces the subject;
 2. Chairperson summarizes the procedures/rules to be followed during the hearing:
 - a. To ensure everyone has the opportunity to speak, the Chairperson may elect to limit the time permitted for each person to speak, except that the applicant may be permitted additional time as the Chairperson allows.
 - b. The Chairperson may also elect to allow persons to speak only once, until all persons have had the opportunity to speak, at which time the Chairperson, in his/her discretion, may permit additional comments.
 - c. All comments by the public, staff and the Planning Commission shall be directed to the Chairperson. All comments shall be related to the land use request; unrelated comments shall be ruled out of order.
 - d. A written notice containing the decision of the Planning Commission will be sent to petitioners and originators of the request.

Section 1304 Duties of the Planning Commission

- A. The Planning Commission shall perform the following duties:
 - 1. Take such action on petitions, staff proposals and Township Board requests for amendments to the Zoning Ordinance as required.
 - 2. Take such action on petitions, staff proposals and Township Board requests for amendments to the Township Master Plan as required.
 - 3. Take such actions as are required by the Michigan Zoning Enabling Act (MZEA), PA 110 of 2006, as amended or the Michigan Planning Enabling Act (MPEA), PA 33 of 2008, as amended.
 - 4. Review subdivision and condominium proposals and recommend appropriate actions to the Township Board.
 - 5. Prepare special studies and plans, as deemed necessary by the Planning Commission or Township Board and for which appropriations of funds have been approved by the Township Board, as needed.
 - 6. Attend training sessions, conferences or meetings as needed to properly fulfill the duties of Planning Commissioner and for which appropriations of funds have been approved by the Township Board, as needed.
 - 7. Perform personal site inspections for parcels or uses upon which the Planning Commission will conduct a public hearing or render a decision.
 - 8. Perform other duties and responsibilities or respond as requested by the Township Board.

Section 1305 Zoning Administrator Duties Related to the Planning Commission

- A. The Planning Commission shall be assisted by the Zoning Administrator in performing the Planning Commission's duties, as noted in Section 3.
- B. The Zoning Administrator shall be responsible for the professional and administrative work in coordinating the functions of the Planning Commission.
- C. The Zoning Administrator shall:
 - 1. Accept applications for matters to be reviewed by the Planning Commission and ensure that such applications are complete.
 - 2. Forward application materials to the Planning Commission at least several days prior to the meeting at which the matters will be considered.
 - 3. Inform the Planning Commission of administrative and enforcement actions taken on behalf of the Township related to the zoning or other appropriate ordinance.
 - 4. Attend Planning Commission meetings.
 - 5. Consult with the Planning Commission and other Township officials concerning interpretation, procedural questions and other matters arising from the zoning ordinance.

6. Prepare amendments to the Zoning Ordinance as directed by the Planning Commission.
 7. Prepare and forward written reviews and recommendations, if appropriate, for all requests and development proposals to be considered by the Planning Commission.
 8. Meet with applicants, their representatives and/or township officials as needed to properly perform project reviews.
 9. Perform other duties as directed by the Planning Commission and Township Board.
- D. The Planning Commission may be assisted by other professional or township staff as needed, including the township attorney, township engineer or other person or agency.

Section 1306 Absences, Removal, Resignations and Vacancies

- A. To be excused, members of the Planning Commission shall notify the Planning Commission Chairperson or other Planning Commission member when they intend to be absent from a meeting. Failure to make this notification prior to the meeting shall result in an un-excused absence.
- B. A member who misses three consecutive regular meetings or a total of four regular meetings in any six-month period is subject to removal. A statement to this effect will be included in the appropriate meeting minutes. A letter stating the facts of attendance will be sent to the absent member and copied to the Township Supervisor.
- C. Members of the Planning Commission may be removed by the Township Supervisor, after a hearing at which the member shall have an opportunity to present evidence, with the approval of the Township Board.
- D. Members may resign from the Planning Commission by sending a letter of resignation to the Township Supervisor, Township Board or Planning Commission Chairperson.
- E. Vacancies shall be filled by the Township Supervisor, with the approval of the Township Board, within two months of resignation or removal of a Planning Commission member. Successors shall serve out the unexpired term of the member being replaced. Inasmuch as permitted by the applicant pool, the composition of the Planning Commission will represent different geographical areas of the Township as well as separate areas of community interests, including but not limited to, environment, land use, education, recreation, economic, transportation, etc.

Section 1307 Conflict of Interest

- A. Planning Commission members shall declare a conflict of interest and abstain from participating in a hearing or deliberations on a request when:
 1. A relative or other family member is involved in any request for which the Planning Commission is asked to make a decision;
 2. The Planning Commission member has a business or financial interest in the property involved in the request or has a business or financial interest in the applicant's company, agency, or association;
 3. The Planning Commission member owns or has a financial interest in neighboring property. For purposes of this section, a neighboring property shall include any property

falling within the notification radius for the proposed development, as required by the Zoning Ordinance or other applicable ordinance;

4. There is a reasonable appearance of a conflict of interest, as determined by the Planning Commission member declaring such conflict.

- B. The Planning Commission member declaring a conflict of interest should state the nature of the conflict and whether they believe they could impartially consider the request before the commission. They should individually decide to abstain from any discussion or votes relative to the matter that is the subject of the conflict. The member declaring a conflict may temporarily remove themselves from the commission and sit with the public.

Section 1308 Changes and Amendments

- A. Only the Township Board may amend this Ordinance. Proposals for amendments or changes may be initiated by the Township Board on its own motion, by the Planning Commission or by an individual.
- B. An owner of land may voluntarily offer in writing, and the Township may approve, certain use and development of the land as a condition to a rezoning of the land or an amendment to a zoning map.

Section 1309 Required Amendment Information

- A. If the amendment is to change the text of the ordinance, the petitioner shall transmit proposed language for consideration by the Planning Commission. The petitioner shall explain the reasons for the change and any benefit or interest to be gained.
- B. When the petition involves a change in the Zoning Map, the petitioner shall submit the following information:
 1. A legal description of the property;
 2. A scaled map of the property, correlated with the legal description, and clearly showing the property's location;
 3. The name and address of the petitioner;
 4. The petitioner's interest in the property;
 5. Date of filing with the Zoning Administrator;
 6. Signatures of petitioner(s) and owner(s) certifying the accuracy of the required information; and
 7. The desired change and reasons for such change.

Section 1310 Amendment Procedure

A. STEPS TO BE TAKEN BY PLANNING COMMISSION

- ___1. TEXT AMENDMENT INITIATED by Planning Commission, Township Board, or citizen.
- ___2. SCHEDULE PUBLIC HEARING on proposed amendment during any regular meeting or special meeting, if not scheduled for a regular meeting date.
- ___3. PREPARE NOTICE of public hearing/meeting of Planning Commission on proposed amendment, for publication, mailing and posting. Notice is required to:
 - A. Describe nature of proposed amendment.
 - B. State time and place proposed amendment will be considered.
 - C. Indicate time and place written comments will be received.
 - D. State times and places tentative proposed text may be examined.
 - E. Include name of public body, with address and telephone number.
- ___4. PUBLISH NOTICE of public hearing/meeting in newspaper of general circulation in Township at least 15 days before date of public hearing/meeting.
- ___5. MAIL NOTICE of public hearing /meeting by regular first class mail to each electric/gas/pipeline public utility company, telecommunication service provider and railroad operating within Township and manager of each airport within Township, at least 15 days before date of public hearing/meeting. Note: This step only applies to extent designated entity has registered name and address with Clerk for purpose of receiving zoning public hearing notices.
- ___6. POST NOTICE of public hearing/meeting at Township Hall at least 18 hours before scheduled time of public hearing/meeting, if not on regular meeting date.
- ___7. FILE AFFIDAVITS of publication, mailing and posting of Notice in Township records.
- ___8. At a regular or special meeting, the PLANNING COMMISSION FORMALLY OPENS PUBLIC HEARING on proposed amendment:
 - A. Introductory comments on proposed amendment by Planning Commission or other initiating party.
 - B. Acknowledge written comments received on proposed amendment.
 - C. Receive comments on proposed amendment by persons attending hearing.
- ___9. Formally CLOSE PUBLIC HEARING and DISCUSS proposed amendment.
- ___10. APPROVE MOTION recommending approval or disapproval of proposed amendment.
- ___11. SUBMIT RECOMMENDATION TO COUNTY PLANNING COMMISSION for advisory review and recommendation. Note: This step is required unless County Board of Commissioners has passed a resolution waiving county right of review. Where submittal to County Planning Commission recommendation is not received

by Township Board within 30 days from the date of County Planning Commission receipt of Planning Commission recommendation.

- ___12. **SUBMIT TO TOWNSHIP BOARD** summary of comments received at Planning Commission public hearing/meeting and recommendation of Planning Commission on proposed amendment (and, where applicable, recommendation of County Planning Commission). Note: Matter is referred to Township Board regardless of whether Planning Commission recommends approval or disapproval or proposed amendment.

B. STEPS TO BE TAKEN BY TOWNSHIP BOARD

- ___1. Township Board may on its own initiative hold an additional public hearing regarding proposed amendment, and is required to hold public hearing upon request of any property owner by certified mail to Clerk. Notice of any such public hearing must be given in same manner as required for public hearing by Planning Commission (See Section 1204, Subsection A, Steps 4-6).
- ___2. **TOWNSHIP BOARD CONSIDERS PLANNING COMMISSION RECOMMENDATION** at any regular meeting or a special meeting, and:
- A. Disapproves proposed amendment, with no further action by Planning Commission.
 - B. Approves proposed text, in ordinance form, with or without permissible amendments.
 - C. Refers proposed text back to Planning Commission for further consideration and comment within time specified by Township Board.

PROCEED TO STEPS 3-14 ONLY IF TOWNSHIP BOARD DESIRES TO APPROVE TEXT AMENDMENT (Option B or C above).

- ___3. **INTRODUCE** complete text of proposed text amendment ordinance at Township Board meeting in written or printed form.
- ___4. **PUBLISH** or **POST** the complete text of the proposed ordinance as it was introduced, indicating when it will be considered for adoption.
- A. For **PUBLICATION** option:
 - 1. Publish the complete text of the proposed ordinance as it was introduced at least one time in a newspaper circulating the Township.
 - B. For **POSTING** option:
 - 1. Post the complete text of the proposed ordinance as it was introduced at the Township Clerk's office and at five other public places in the Township, or at the Township Clerk's office and on the Township website and
 - 2. Publish a notice of the posting at least once in a newspaper circulating in the Township within seven days after the posting was done. The notice of posting must describe the purpose or nature of the proposed ordinance and identify the locations in the Township where the complete text of the

proposed ordinance was posted.

- ___5. FILE AFFIDAVIT OF PUBLICATION from newspaper and/or affidavit of posting in Township ordinance records.
- ___6. ADOPT ORDINANCE (amending Zoning Ordinance) by motion approved by majority of Township Board membership, on roll call vote.
- ___7. FILE ORDINANCE with Township Clerk within 15 days after adoption.
- ___8. PUBLISH notice of ordinance adoption in required form in newspaper of general circulation in Township, with either complete text amendment ordinance, or legally proper summary of ordinance, within 15 days after adoption.
- ___9. FILE AFFIDAVITS OF PUBLICATION from newspaper and/or posting in Township ordinance records.
- ___10. FILE ATTESTED COPY OF COMPLETE ORDINANCE WITH COUNTY CLERK (not required if Township office is open to the public during regular hours on each business day).
- ___11. (Where applicable) MAIL COPY OF NOTICE OF ORDINANCE ADOPTION to manager of airport registered with Township Clerk to receive zoning notices.
- ___12. RECORD ORDINANCE in Township ordinance book within one week after publication of ordinance, with Certificate of Township Clerk recording date of adoption of ordinance, names of Board members voting thereon, how each member voted, date of publication and name of newspaper (and, where applicable, date of filing of ordinance with County Clerk, and date of mailing notice of ordinance adoption to airport manager).
- ___13. AUTHENTICATE THE RECORD by Supervisor and Township Clerk signing the ordinance Certificate.
- ___14. DISTRIBUTE copies of revised Zoning Ordinance pages to members of Township Board, Planning Commission, Zoning Board of Appeals, and other appropriate Township officials.

C. RESUBMISSION

1. No petition for text or map amendment change, which has been disapproved by the Township Board, shall be resubmitted for a period of one year from the date of disapproval, except as may be permitted by the Township Board after learning of new and significant facts or conditions which might result in favorable action upon resubmittal. A resubmittal shall follow the same procedure as outlined in this Section.

D. NOTICE OF INTENT TO FILE

1. Within 7 days after publication of a zoning ordinance under Section 1204, a registered elector residing in the zoning jurisdiction of a county or township may file with the clerk of the legislative body a notice of intent to file a petition under this section.
2. If a notice of intent is filed under subsection (1), the petitioner shall have 30

days following the publication of the zoning to file a petition signed by a number of registered electors residing in the zoning jurisdiction for all candidates for

governor at the last preceding general election at which a governor was elected, with the clerk of the legislative body requesting the submission of a zoning ordinance or part of a zoning ordinance to the electors residing in the zoning jurisdiction for their approval.

3. Upon the filing of a notice of intent under subsection (1), the zoning ordinance or part of the zoning ordinance adopted by the legislative body shall not take effect until one of the following occurs:
 - a. The expiration of 30 days after publication of the ordinance, if a petition is not filed within that time.
 - b. If a petition is filed within 30 days after publication of the ordinance, the clerk of the legislative body determines that the petition is inadequate.
 - c. If a petition is filed within 30 days after publication of the ordinance, the clerk of the legislative body determines that the petition is adequate and the ordinance or part of the ordinance is approved by a majority of the registered electors residing in the zoning jurisdiction voting on the petition at the next regular election or at any special election called for that purpose. The legislative body shall provide the manner of submitting the zoning ordinance or part of the zoning ordinance to the electors for their approval or rejection and determining the result of the election.
4. A petition and an election under this section are subject to the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992.

Section 1311 Conditional Rezoning

A. Intent.

1. It is recognized that there are certain instances where it would be in the best interests of the Township, as well as advantageous to property owners seeking a change in zoning boundaries, if certain conditions could be proposed by property owners as part of a request for a rezoning. It is the intent of this Section to provide a process consistent with the provisions of Section 16i of the Township Zoning Act (MCL125.286i) by which an owner seeking a rezoning may voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request.

B. Application and Offer of Conditions.

1. An owner of land may voluntarily offer in writing conditions relating to the use and/or development of land for which a rezoning is requested. This offer may be made either at the time the application for rezoning is filed or may be made at a later time during the rezoning process.

2. The required application and process for considering a rezoning request with conditions shall be the same as that for considering rezoning requests made without any offer of conditions, except as modified by the requirements of this Section.
3. The owner's offer of conditions may not purport to authorize uses or developments not permitted in the requested new zoning district.
4. The owner's offer of conditions shall bear a reasonable and rational relationship to the property for which rezoning is requested.
5. Any use or development proposed as part of an offer of conditions that would require a special land use permit under the terms of this Ordinance may only be commenced if a special land use permit for such use or development is ultimately granted in accordance with the provisions of this Ordinance.
6. Any use or development proposed as part of an offer of conditions that would require a variance under the terms of this Ordinance may only be commenced if a variance for such use or development is ultimately granted by the Zoning Board of Appeals in accordance with the provisions of this Ordinance.
7. Any use or development proposed as part of an offer of conditions that would require site plan approval under the terms of this Ordinance may only be commenced if site plan approval for such use or development is ultimately granted in accordance with the provisions of this Ordinance.
8. The offer of conditions may be amended during the process of rezoning consideration provided that any amended or additional conditions are entered voluntarily by the owner. An owner may withdraw all or part of its offer of conditions any time prior to final rezoning action of the Township Board provided that, if such withdrawal occurs subsequent to the Planning Commission's public hearing on the original rezoning request, then the rezoning application shall be referred to the Planning Commission for a new public hearing with appropriate notice and a new recommendation.
9. Prior to preparing a formal application, the applicant shall meet with the Planning Commission to discuss the proposed development and application procedures. No decision regarding any proposal is to be reached at this conference.

C. Planning Commission Review.

1. The Planning Commission, after public hearing and consideration of the factors for rezoning set forth in Section 12 of this Ordinance, may recommend approval, approval with recommended changes or denial of the rezoning; provided, however, that any recommended changes to the offer of conditions are acceptable to and thereafter offered by the owner.

D. Township Board Review.

1. After receipt of the Planning Commission's recommendation, the Township Board shall deliberate upon the requested rezoning and may approve or deny the conditional rezoning request. The Township Board's deliberations shall include, but not be limited to, a consideration of the factors for rezoning set forth in Section 12 of this Ordinance. Should the Township Board consider amendments to

the proposed conditional rezoning advisable and if such contemplated amendments to the offer of conditions are acceptable to and thereafter offered by the owner, then the Township Board shall, in accordance with Section 11 of the Township Zoning Act (MCL 125.281), refer such amendments to the Planning Commission for a report thereon within a time specified by the Township Board and proceed thereafter in accordance with said statute to deny or approve the conditional rezoning with or without amendments.

E. Approval.

1. If the Township Board finds the rezoning request and offer of conditions acceptable, the offered conditions shall be incorporated into a formal written Statement of Conditions acceptable to the owner and conforming in form to the provisions of this Section. The Statement of Conditions shall be incorporated by attachment or otherwise as an inseparable part of the ordinance adopted by the Township Board to accomplish the requested rezoning.
2. The Statement of Conditions shall:
 - a) Be in a form recordable with the Register of Deeds of the County in which the subject land is located or, in the alternative, be accompanied by a recordable Affidavit or Memorandum prepared and signed by the owner giving notice of the Statement of Conditions in a manner acceptable to the Township Board.
 - b) Contain a legal description of the land to which it pertains.
 - c) Contain a statement acknowledging that the Statement of Conditions runs with the land and is binding upon successor owners of the land.
 - d) Incorporate by attachment or reference any diagram, plans or other documents submitted or approved by the owner that are necessary to illustrate the implementation of the Statement of Conditions. If any such documents are incorporated by reference, the reference shall specify where the document may be examined.
 - e) Contain a statement acknowledging that the Statement of Conditions or an Affidavit or Memorandum giving notice thereof may be recorded by the Township with the Register of Deeds of the County in which the land referenced in the Statement of Conditions is located.
 - f) Contain the notarized signatures of all of the owners of the subject land preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the Statement of Conditions.
3. Upon the rezoning taking effect, the Zoning Map shall be amended to reflect the new zoning classification along with a designation that the land was rezoned with a Statement of Conditions. The Township Clerk shall maintain a listing of all lands rezoned with a Statement of Conditions.
4. The approved Statement of Conditions or an Affidavit or Memorandum giving notice thereof shall be filed by the Township with the Register of Deeds of the County in which the land is located. The Township Board shall have authority to waive this requirement if it determines that, given the nature of the conditions and/or the time

frame within which the conditions are to be satisfied, the recording of such a document would be of no material benefit to the Township or to any subsequent owner of the land.

5. Upon the rezoning taking effect, the use of the land so rezoned shall conform thereafter to all of the requirements regulating use and development within the new zoning district as modified by any more restrictive provisions contained in the Statement of Conditions.

F. Compliance with Conditions.

1. Any person who establishes a development or commences a use upon land that has been rezoned with conditions shall continuously operate and maintain the development or use in compliance with all of the conditions set forth in the Statement of Conditions. Any failure to comply with a condition contained within the Statement of Conditions shall constitute a violation of this Zoning Ordinance and be punishable accordingly. Additionally, any such violation shall be deemed a nuisance per se and subject to judicial abatement as provided by law.
2. No permit or approval shall be granted under this Ordinance for any use or development that is contrary to an applicable Statement of Conditions.

G. Time Period for Establishing Development or Use.

1. The approved development and/or use of the land pursuant to building and other required permits must be commenced upon the land within 18 months after the rezoning took effect and thereafter proceed diligently to completion. This time limitation may upon written request be extended by the Township Board if (1) it is demonstrated to the Township Board's reasonable satisfaction that there is a strong likelihood that the development and/or use will commence within the period of extension and proceed diligently thereafter to completion and (2) the Township Board finds that there has not been a change in circumstances that would render the current zoning with Statement of Conditions incompatible with other zones and uses in the surrounding area or otherwise inconsistent with sound zoning policy.

H. Reversion of Zoning.

1. If approved development and/or use of the rezoned land do not occur within the time frame specified under Subsection G above, then the land shall revert to its former zoning classification as set forth in MCL 125.286i. The reversion process shall be initiated by the Township Board requesting that the Planning Commission proceed with consideration of rezoning of the land to its former zoning classification. The procedure for considering and making this reversionary rezoning shall thereafter be the same as applies to all other rezoning requests.

I. Subsequent Rezoning of Land.

1. When land that is rezoned with a Statement of Conditions is thereafter rezoned to a different zoning classification or to the same zoning classification but with a different or no Statement of Conditions, whether as a result of a reversion of zoning pursuant to Subsection H above or otherwise, the Statement of Conditions imposed under the former zoning classification shall cease to be in effect. Upon the owner's written request, the Township Clerk shall record with the Register of Deeds of the County in

which the land is located a notice that the Statement of Conditions is no longer in effect.

J. Amendment of Conditions.

1. During the time period for commencement of an approved development or use specified pursuant to Subsection G above or during any extension thereof granted by the Township Board, the Township shall not add to or alter the conditions in the Statement of Conditions.
2. The Statement of Conditions may be amended thereafter in the same manner as was prescribed for the original rezoning and Statement of Conditions.

K. Township Right to Rezone.

1. Nothing in the Statement of Conditions nor in the provisions of this Section shall be deemed to prohibit the Township from rezoning all or any portion of land that is subject to a Statement of Conditions to another zoning classification. Any rezoning shall be conducted in compliance with this Ordinance and the Township Zoning Act (MCL 125.271 et seq.)

L. Failure to Offer Conditions.

1. The Township shall not require an owner to offer conditions as a requirement for rezoning. The lack of an offer of conditions shall not affect an owner's rights under this Ordinance.

Section 1312 Review of Amendment by Planning Commission

- A. In viewing any petition for a zoning amendment, the Planning Commission shall identify and evaluate all factors relevant to the petition. All findings of fact shall be made part of the Public Hearing.
- B. The general standards to be considered by the Planning Commission shall include, but not be limited to, the following:
 1. Whether the requested zoning change is justified by a change in conditions since the original ordinance was adopted or by an error in the original ordinance;
 2. Whether the rezoning is consistent with the policies and uses proposed for that area in the Township's Master Land Use Plan;
 3. Whether all of the uses allowed under the proposed rezoning would be compatible with other zones and uses in the surrounding area;
 4. The ability of the Township or other government agencies to provide any services, facilities, and/or programs that might be required if the petition is approved;
 5. Whether any public services and facilities would be significantly adversely impacted by a development or use allowed under the requested rezoning;
 6. Whether the uses allowed under the proposed rezoning would be equally or better suited to the area than uses allowed under the current zoning of the land.

7. Whether there are any significant and negative environmental impacts which would potentially occur if the petitioned zoning change occurred and resulting permitted structures were built, including but not limited to, surface water drainage problems, wastewater disposal problems, or the loss of locally valuable natural resources;
8. The precedents, and the possible effects of such precedents, which might likely result from approval or denial of the petition;
9. Effect of approval of the petition on adopted development policies of the Township and other governmental units.

ARTICLE XIV ZONING BOARD OF APPEALS

Section 1401 Designation

- A. The Negaunee Township Zoning Board of Appeals is hereby designated as the Zoning Board of Appeals and shall act in compliance with the duties as prescribed in Public Act 110 of 2006 and Public Act 12 of 2008.

Section 1402 Officers

- A. Selection and Tenure – At the first regular meeting each May, the Zoning Board of Appeals shall select from its membership a Chairperson and Secretary. All officers shall serve a term of one year, or until their successors are selected and assume office. All officers shall be eligible for re-election for consecutive terms for the same office.
- B. Chairperson – The Chairperson shall preside at all meetings, appoint committees and perform such other duties as ordered by the Zoning Board of Appeals or Township Board. An alternate member shall not serve as Chairperson.
- C. Secretary – The Secretary shall execute documents in the name of the Zoning Board of Appeals and shall perform such other duties as the Zoning Board of Appeals may determine.
 - 1. Minutes – The Secretary shall be responsible for a permanent record of the minutes of each meeting and shall have them recorded in suitable permanent records retained by the township clerk. The minutes shall contain a brief synopsis of the meeting, including a complete restatement of all motions and record of votes, conditions or recommendations made on any action and record of attendance.

Section 1403 Meetings

- A. Regular Meetings – The Zoning Board of Appeals may schedule regular meetings each year and by resolution shall determine the time and place of such meetings. Other meetings may be held as necessary. When a regular meeting falls on a legal holiday or upon a day resulting in a conflict, the Zoning Board of Appeals shall, if possible, select a suitable alternate meeting date in the same month as the originally scheduled meeting.

Notice of regular Zoning Board of Appeals meetings shall be posted at the Negaunee Township offices within 10 days after the Zoning Board of Appeals' first meeting in each fiscal year in accordance with the Open Meetings Act.

- B. Special Meetings – Special meetings may be called by the Chairperson, upon written request to the Secretary by at least two members of the Zoning Board of Appeals or by the Zoning Administrator upon receipt of an application for a variance or appeal of administrative decision.

Notice of special meetings shall be given to the members of the Zoning Board of Appeals at least 48 hours prior to the meeting. Such notice shall state the purpose, time and location of the special meeting and shall be posted in accordance with the Open Meetings

Act.

- C. Notice – Notice required for specific requests or actions will be given in accordance with the Michigan Zoning Enabling Act or other applicable statute.
- D. Public Hearings – All public hearings held by the Zoning Board of Appeals must be held as part of a regular or special meeting of the Zoning Board of Appeals.

Rules of order for all public hearings are as follows:

1. OPEN HEARING

- State purpose of hearing and what will be considered

2. PUBLIC COMMENT:

- Each speaker is limited to 3 minutes;
- All comments will be addressed to or through the Chair;
- No conversations between participants during the meeting;
- Only the person who has the floor will speak.

3. CLOSE PUBLIC COMMENT

4. ZONING BOARD OF APPEALS MAY:

- Ask the applicant questions;
- Discuss the matter at hand;
- Make a motion to either table the item or grant/deny the applicant's request.

5. CLOSE HEARING

- E. Agenda – The Zoning Administrator shall be responsible for preparing an agenda for Zoning Board of Appeals meetings. The agenda may be modified by action of the Zoning Board of Appeals.
- F. Quorum – A majority of the regular members of the Zoning Board of Appeals shall constitute a quorum for transacting business and taking official action for all matters. The Zoning Board of Appeals shall not conduct business unless a majority of the regular members is present.
- G. Voting – To pass or deny an dimensional variance, appeal or other official action required by the zoning ordinance, an affirmative vote of at least a majority of the total membership of the Zoning Board of Appeals is required. Voting shall be by voice vote; a roll call vote shall be required if requested by any Zoning Board of Appeals member or directed by the Chairperson. Except in case of a conflict of interest, all Zoning Board of Appeals members, including the Chairperson, shall vote on all matters.
- H. Public Records – All meetings, minutes, records, documents, correspondence and other materials of the Zoning Board of Appeals shall be open to public inspection in accordance with the Freedom of Information Act, except as may otherwise be provided by law.

Section 1404 Duties of the Zoning Board of Appeals

The Zoning Board of Appeals shall perform the following duties:

- A. Act on applications for dimensional variances, appeals, interpretations, or other matters as authorized or required by the zoning ordinance and the Michigan Enabling Act
- B. Perform other duties and responsibilities as requested by the Township Board or as may be specified in the zoning ordinance.
- C. Conduct site visits as deemed necessary to evaluate an application and supporting material. Site visits shall be conducted individually.

Section 1405 Absences, Removals, Resignations, Vacancies and Alternates

- A. To be excused, Zoning Board of Appeals members shall notify the Township Supervisor, Zoning Board of Appeals Chairperson or other Zoning Board of Appeals member when they intend to be absent from a meeting. Failure to make this notification prior to a meeting shall result in an unexcused absence.
- B. Members of the Zoning Board of Appeals may be removed by the Township Board for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing.
- C. A member may resign from the Zoning Board of Appeals by sending a letter of resignation to the Township Board.
- D. A successor shall be appointed not more than 1 month after the term of the preceding member has expired. Successors shall serve out the unexpired term of the member being replaced, with the exception of the Planning Commission representative, whose term shall run consecutively with the term as Planning Commissioner.
- E. The Township Board may appoint not more than two alternates to the Zoning Board of Appeals. An alternate member may be called to serve as a member of the Zoning Board of Appeals as provided in the Zoning Ordinance and the Michigan Zoning Enabling Act.

Section 1406 Conflict of Interest

- A. Before casting a vote on a matter on which a Zoning Board of Appeals member may reasonably be considered to have a conflict of interest, the member shall disclose the potential conflict of interest to the Zoning Board of Appeals. Failure of a member to disqualify him or herself from a vote in which the member has a conflict of interest constitutes malfeasance in office.
- B. Conflict of interest is defined as, and a Zoning Board of Appeals member shall declare a conflict of interest and abstain from participating in Zoning Board of Appeals deliberations and voting on a request, when:

1. An immediate family member is involved in any request for which the Zoning Board of Appeals is asked to make a decision. An “immediate family member” is defined as an individual’s father, mother, son, daughter, brother, sister, and spouse and a relative of any degree residing in the same household as that individual.
 2. The Zoning Board of Appeals member has a business or financial interest in the property involved in the request or has a business or financial interest in the applicant’s company, agency or association.
 3. The Zoning Board of Appeals member owns or has a financial interest in the neighboring property. A “neighboring property “ is defined as any property falling within the notification radius for the application or proposed development, as required by the zoning ordinance or other applicable ordinance.
 4. There is reasonable appearance of a conflict of interest, as determined by the Zoning Board of Appeals member declaring such conflict.
 5. The Zoning Board of Appeals member is also a member of the Planning Commission or the Township Board and voted on the same matter as a member of the Planning Commission or Township Board. However, the member may consider and vote on other related matters involving the same property.
- C. The Zoning Board of Appeals member declaring a conflict of interest should state the nature of the conflict and whether he or she believes he or she could impartially consider the request before the Zoning Board of Appeals. He or she should individually decide to abstain from any discussion or votes relative to the matter that is the subject of the conflict. The member declaring a conflict may excuse him/herself from the room in which the discussion takes place, unless doing so would violate his or her constitutionally protected rights to participate. He or she should not make any presentations to the Zoning Board of Appeals as a representative of the proposal.

Section 1407 Administrative Review

- A. The Zoning Board of Appeals shall hear and decide appeals from and review any order, requirements, decision or determination of the Zoning Administrator.
- B. The Zoning Board of Appeals shall have the power to:
 1. Interpret, upon request, the provisions of this Ordinance in such a way as to carry out the intent and purpose of this Ordinance;
 2. Determine the precise location of the boundary lines between zoning districts when there is dissatisfaction with a decision made by the Zoning Administrator;
 3. Determine the parking space requirements of any use not specifically mentioned either by classifying it with one of the groups listed in Section 412 or by an analysis of the specific needs;
 4. Determine if a use is similar to an expressly permitted (either by right or

conditionally) use within a specific district.

Section 1408 Variances

- A. The Zoning Board of Appeals shall have the power and duty to authorize upon appeal, in specific cases a variance from the provisions of this Ordinance that will not be contrary to the public interest. Such variance shall be granted where, owing to special conditions, a literal enforcement of the provisions of this Ordinance would result in unnecessary hardship or practical difficulty.
- B. Any nonconforming use of neighboring lands, structures, or buildings shall not be considered grounds for the issuance of a variance.
- C. The Zoning Board of Appeals shall make findings that the requirements of this Section have been met by the applicant.
- D. The Zoning Board of Appeals shall further find that the reasons set forth in the application justify the granting of the variance, and that it is the minimum variance that will make possible the reasonable use of the land, building, or structure.
- E. The Zoning Board of Appeals shall further find that the granting of the variance will be in harmony with the general purpose and intent of this Ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public interest.
- F. In granting any variance, the Zoning Board of Appeals may prescribe appropriate conditions and safeguards consistent with Section 1202, subsection C of this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted shall be deemed a violation of this Ordinance.
- G. Under no circumstances shall the Zoning Board of Appeals grant a variance to allow a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district.
- H. The Zoning Board of Appeals may reverse, affirm or modify an order, requirement, decision or determination and may issue or direct the issuance of a permit. All actions taken by the Zoning Board of Appeals must be in conformance with this Ordinance.

Section 1409 Appeals

- A. An appeal to the Zoning Board of Appeals may be taken by a person aggrieved or by an officer, department, board, or bureau of the state or local unit of government. In addition, a variance in the zoning ordinance may be applied for and granted under Section 4 of the Uniform Condemnation Procedures Act, 1980 PA 87, MCL 213.54, and as provided under this act. The Zoning Board of Appeals shall state the grounds of any determination made by the board.
- B. Appeals concerning interpretation of the administration of this Ordinance or for the granting or denial of a Conditional Use Permit shall be made by filing a notice of appeal specifying the grounds thereof with the Zoning Administrator within a period of 30 days from the occurrence of the contested action. The Zoning Administrator shall transmit to

the Board copies of all papers constituting the record upon which the action appealed was based.

- C. A deposit fee shall be paid to the Township at the time of filing the notice of appeal. The deposit and the appeal fee shall be established by the Township Board.
- D. Any party or parties may appear at the hearing in person or by agent or attorney.
- E. The Zoning Board of Appeals shall decide upon all matters within a reasonable time. The decision of the Board shall be in the form of a resolution containing a full record of its findings and the grounds of any determination made by the Board.
- F. An appeal shall stay all proceedings in furtherance of the action appealed, unless the Zoning Administrator certifies to the Board, that a stay would in his/her opinion, cause imminent peril to life or property, in which case the proceedings should not be stayed, other than by a restraining order granted by the courts.

Section 1410 Duties on Matters of Appeal

A. All questions concerning application of the provisions of this Ordinance shall first be presented to the Zoning Administrator. Such questions shall be presented to the Zoning Board of Appeals only on appeal from the decisions of the Zoning Administrator. Recourse from decisions of the Zoning Board of Appeals shall be to the Circuit Court of Marquette County, as provided by law.

ARTICLE XV INTERPRETATION, SEVERABILITY, VESTED RIGHT, PENALTIES, AND EFFECTIVE DATE

Section 1501 Interpretation and Conflict

- A. In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience, prosperity and general welfare. Unless specifically provided for, it is not intended by the Ordinance to repeal, abrogate, annul or in any way impair or interfere with the existing and unrepealed provision of law or ordinance or any rules, regulations, or permits previously adopted or issued pursuant to law relating to the use of building or land, provided, however, that where this Ordinance imposes a greater restriction upon the courtyards or other open spaces that are imposed or required by such existing provisions of law or ordinance or by such rules, regulations or permits, the provisions of this Ordinance shall control.
- B. Except as otherwise provided under Public Act 110 of 2006, an ordinance adopted under this act shall be controlling in the case of any inconsistencies between the ordinance and an ordinance adopted under any other law.

Section 1502 Severability

- A. This Ordinance and the various parts, sections, subsections, and clauses, thereof, are declared to be severable. If any part, sentence, paragraph, subsection, section, or clause is adjudged unconstitutional or invalid, it is provided that the remainder of the Ordinance shall not be affected. If any part, sentence, paragraph, subsection, section, or clause is adjudged unconstitutional, or invalid as applied to a particular property; building, or structure, it is provided that the application of such portion of the Ordinance to other property, buildings, or structures shall not be affected. Whenever any condition or limitation is included in an order authorizing any conditional use permit, variance, Zoning Compliance Permit, site plan approval, or designation of Class A nonconformance, it shall be conclusively presumed that the authorizing officer or body considered such condition or limitation necessary to carry out the spirit and purpose of this Ordinance or the requirement of some provision thereof, and to protect the public health, safety, and welfare, and that the officer or board would not have granted the authorization to which the condition or limitation pertains except in the belief that the condition or limitation was lawful.

Section 1503 Vested Right

- A. Nothing in this Ordinance should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities therein; and, they are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of public health, safety, and welfare.

Section 1504 Violations; Penalties and Nuisances

- A. The failure to comply with provisions of this ordinance shall constitute a violation of this ordinance. Every day on which a violation exists shall constitute a separate offense.
- B. Violations of the provisions of this Ordinance or failure to comply with its requirements, including violations of conditions and safeguards established in connection with variances and conditional uses and violations of approved site plans shall constitute a municipal civil infraction. Any person or entity that admits responsibility or is adjudged to be responsible for a violation of this Ordinance, or fails to comply with any of its requirements, shall, upon admission or judgment thereof, pay a civil fine of not less than fifty dollars nor more than five hundred dollars, plus costs and other sanctions, for each infraction. A separate infraction shall be deemed committed each day during or on which a violation occurs or continues.
- C. Except as otherwise provided by law, a use of land or a dwelling, building, or structure, including a tent or recreational vehicle, used, erected, altered, razed, or converted in violation of a zoning ordinance or regulation adopted under this act is a nuisance per se. The court shall order the nuisance abated, and the owner or agent in charge of the dwelling, building, structure, tent, recreational vehicle, or land is liable for maintaining a nuisance per se.
- D. In addition to any other civil remedies provided for in this Ordinance, the Township Board may also institute proceedings for injunction, mandamus, abatement, or other appropriate remedies to prevent, enjoin, abate or remove any violations of this Ordinance. The imposition and payment of any civil penalty shall not exempt the violator from compliance with provisions of this Ordinance.

Section 1505 Repealing Clause

- A. The Zoning Ordinance for Negaunee Township, Michigan, adopted _____ (original Ordinance adopted April 10, 1969), and subsequent amendments, are hereby repealed.

Section 1506 Effective Dates

- A. This Ordinance shall become effective seven days following publication of the notice of adoption in the (Marquette) Mining Journal.



**Adoption of
Revisions to Negaunee Township Zoning Ordinance**

Therefore, be it Resolved, after a April 9, 2019 Public Hearing and as recommended for approval by the local Planning Commission, the Negaunee Township Board adopts the April, 2019 Zoning Ordinance (with revisions) for Negaunee Township, Michigan at a meeting thereof, duly called and held on the 9th day of May, 2019.

Ayes: Wommer, Carlson, Sertich, Moyle, & Hosking
Nays: None
Abstain: None

CERTIFICATION

I hereby certify that the foregoing constitutes a complete excerpt from the Minutes of a Regular Board Meeting held by the Negaunee Township Board on **May 9, 2019**, that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being 1076 PA 267; that a quorum of the Board was present and that minutes of said meeting were kept and will be or have been made available as required by said Open Meetings Act.

By: 
Rachel Sertich
Negaunee Township Clerk

