

**THE CHARTER TOWNSHIP OF KINROSS
(CHIPPEWA COUNTY, MICHIGAN) ORDAINS:**

ORDINANCE NO. 1.100

**AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CHARTER
TOWNSHIP OF KINROSS**

[Special Approval Use for Quarry Plants]

THE CHARTER TOWNSHIP OF KINROSS ORDAINS:

Section 1. New Definitions. Section 2.02 of the Zoning Ordinance of the Charter Township of Kinross is hereby amended by the addition of the following terms and their related definitions:

Quarry: An open excavation from which any topsoil, and/or gravel, sand, soil, peat, or clay or similar materials are extracted.

Quarry Plant: A plant for the production of building materials (e.g., asphalt, brick, concrete, or cement blocks/bricks) from earthen mineral materials (e.g., topsoil, gravel, sand, soil, peat, clay or similar materials) that have been extracted from a quarry. This definition excludes manufacturing plants for the production of metallic materials, such as steel, aluminum or other similar materials, and also excludes sawmills.

Section 2. Special Approval Use in A District. Section 7.03 of the Zoning Ordinance of the Charter Township of Kinross is hereby amended by the addition of subsection 14 thereto, which shall read in its entirety as follows:

14. Quarry plant, but only in conjunction with a quarry that is in active operation on the same lot or parcel.

Section 3. Special Approval Use in I-1 District. Section 14.03 of the Zoning Ordinance of the Charter Township of Kinross is hereby amended by the addition of subsection 6 thereto, which shall read in its entirety as follows:

6. Quarry plant.

Section 4. Special Approval Use in I-2 District. Article XV of the Zoning Ordinance of the Charter Township of Kinross is hereby amended so that existing Section 15.03 and new Section 15.04 read in their entirety as follows:

Section 15.03 Uses Subject to Special Approval

1. Quarry plant.

Section 15.04 Performance Standards

Performance standards as set forth in the I-1 District (**Section 14.04**) shall apply to the I-2 District.

Section 5. Special Approval Use Standards for Quarry Plant Section 3.19 of the Zoning Ordinance of the Charter Township of Kinross is hereby amended by the addition of subsection 9 thereto, which shall read in its entirety as follows:

9. Quarry Plants

a. Permitted Districts

- i. Except as provided below in subsection ii, a quarry plant may be permitted by special approval of the Planning Commission only in the “I-1” Light Industrial District, and the “I-2” Heavy Industrial District.
- ii. A quarry plant may also be permitted by special approval of the Planning Commission in the “A” Agricultural District, but only if the quarry plant will be operated in conjunction with a quarry that is in active operation on the same lot or parcel. A quarry plant shall be considered to be operated in conjunction with an actively operating quarry located on the same lot or parcel only if at least 35%, by weight, of the sand, gravel and other raw materials used at the quarry plant, in any consecutive 12-month period, shall have been extracted from the quarry located on the same lot or parcel. The Planning Commission may, however, as a condition of special approval, permit a lesser percentage of sand, gravel and other raw materials to originate from the active quarry on the same lot or parcel, if a lower percentage is necessary because of the type of building material produced at the quarry plant, and if the lower percentage is determined to be consistent with the objective of ensuring that the quarry plant is operated in conjunction with a quarry that is in active operation on the same lot or parcel.
- iii. All equipment and other facilities associated with a quarry plant located in the “A” Agricultural District shall be completely removed from the property on which it is located, within six months after operations have ceased.
- iv. The Planning Commission may impose reasonable conditions on a special approval for a quarry plant in the “A” Agricultural District which are necessary or convenient toward achieving the objective of ensuring that the quarry plant is operated in conjunction with a quarry

that is in active operation on the same lot or parcel, and is otherwise operated in compliance with subsections ii and iii, above.

b. General Regulations

- i. Best management practices shall be employed for the control of odor from a quarry plant. For asphalt manufacturing plants, the use of anti-oxidizing compounds shall be used for the control of odor, unless the applicant demonstrates, to the Planning Commission's satisfaction, that another odor control measure will be used that is equally or more effective. In addition, all quarry plant operations shall be conducted in accordance with the applicable air quality permit issued by the Department of Environmental Quality, and in accordance with all other requirements of state and federal law.
- ii. All quarry plant operations must comply with the requirements of Kinross Township Anti-noise Ordinance # 1.109, as it may be amended.
- iii. All interior roads, trails or other areas used by motor vehicles in connection with the transportation to or from a quarry plant and any dust arising therefrom shall be controlled by best management practices, in compliance with the United States Mine Safety and Health Administration's regulations.
- iv. In granting special approval for a quarry plant, the Planning Commission may impose reasonable conditions designed to protect the safety and integrity of public roads within the Township, including, without limitation, by (a) requiring that all vehicular traffic traveling to and from the quarry plant carrying mineral materials and/or raw building materials use only designated haul routes within the Township, and/or (b) requiring that the applicant for special approval post with the Township a suitable performance bond, in a form approved by the Township attorney, that can be drawn upon by the Township for the purpose of repairing roads within the Township that are damaged by the quarry plant operations. The amount of the performance bond, if one is required, shall be determined by the Planning Commission, taking into account the anticipated cost of road repairs that might result from the quarry plant operations, plus a reasonable contingency.

- v. The Planning Commission may limit the hours or days of operation if the Planning Commission determines that such limitation is required in order to avoid adverse effects upon adjoining or nearby lands.
- vi. The operations of a quarry plant, including the stockpiling, processing and transport of mineral materials, shall not be located closer than 300 feet from the nearest occupied dwelling, measured in straight-line distance; provided, however, that the Planning Commission may approve a shorter distance based on a finding that the reduced separation distance would be adequately protective of the health, safety and welfare of surrounding residents and land uses.
- vii. Drainage on a quarry plant site shall be maintained in a manner that most closely approximates the natural drainage patterns to avoid or mitigate run off of surface water so that adjacent or nearby lands shall not be adversely affected by excessive surface water drainage, erosion or other effects.
- viii. The site for a quarry plant shall provide sufficient off-street parking, loading and queuing areas for trucks that are delivering materials to or from the site, so as to ensure that truck traffic will not back-up onto public streets or otherwise interfere with safe traffic circulation either on or off the plant site.
- ix. The Planning Commission may require compliance with such other conditions as may be necessary to insure compliance with the terms of this ordinance.

Section 6. Publication; Effective Date. A summary of the regulatory effect of this Ordinance shall be published in a newspaper of general circulation in the Township within 15 days after adoption. This Ordinance shall become effective seven days after such publication.

Passed and adopted by the Township Board of the Charter Township of Kinross, County of Chippewa, Michigan on _____, 2014, and approved by me on _____, 2014.

James R. Moore, Supervisor
Charter Township of Kinross

ATTEST:

Sheila M. Gaines, Clerk
Charter Township of Kinross

CERTIFICATE OF TOWNSHIP CLERK

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the Township Board of the Charter Township of Kinross, County of Chippewa, State of Michigan, at a regular meeting held on _____, 2014, and that public notice of said meeting was given pursuant to Act No. 267, Public Acts of Michigan, 1976, including in the case of a special or rescheduled meeting, notice by posting at least eighteen (18) hours prior to the time set for said meeting.

I further certify that said Ordinance has been recorded in the Ordinance Book of the Township and such recording has been authenticated by the signatures of the Supervisor and the Township Clerk.

Sheila M. Gaines, Township Clerk

CERTIFICATE OF PUBLICATION

I, Sheila M. Gaines, Township Clerk of the Charter Township of Kinross, County of Chippewa, Michigan, hereby certify that Ordinance No. _____, or a summary thereof, was published in the _____ on _____, 2014.

Dated: _____, 2014

Sheila M. Gaines, Township Clerk