

**ARTICLE XI
PROCEDURES AND STANDARDS
FOR APPROVAL OF SPECIAL LAND USES**

SECTION 1100. INTENT

This section sets forth review procedures and standards for Planning Commission review and recommendation and Township Board approval, approval with conditions or disapproval of special land uses. These procedures and standards are instituted to provide an opportunity to use a lot for an activity which, under usual circumstances, could be detrimental to other permitted land uses and cannot be permitted within the same district but which use can be permitted under circumstances particular to the proposed location and subject to conditions which provide protection to adjacent land uses. These procedures and standards are adopted to provide guidelines for the Township Board to follow in arriving at any special land use decision and to provide for the public health, safety, morals and general welfare.

SECTION 1101. PROCEDURES

- 1101-1. An application for the approval of special land use shall be made by an owner of an interest in the land on which the use is to be located to the Zoning Administrator accompanied by the necessary fees and documents as provided herein.
- 1101-2. The application shall be made on forms provided by the Zoning Administrator and shall be accompanied by the same documentation required for site plan review except that twenty (20) copies of all plans shall be submitted.
- 1101-3. The application for approval of a special land use may be accompanied by an application for a zone change, where such a zone change is necessary to the consideration of the special land use application, provided all applicable requirements for a zone change are met.
- 1101-4. The application for approval for a special land use and the zone change application, if any, shall be referred to the Planning Commission at its next regularly scheduled meeting which takes place seven (7) calendar days or more after the initial submission of the application to the Zoning Administrator. The Planning Commission shall review and communicate its recommendation on the zone change application in accordance with procedures prescribed by applicable statute.
- 1101-5. The Planning Commission shall hear any person wishing to express an opinion on the application and review the application for approval of a special land use at its next regular meeting following the Planning Commission's formal receipt of the application from the Zoning Administrator, provided such regular meeting provides adequate time to notify the public as required under Act 110, Public Acts of 2006, as may be amended. The Zoning Administrator shall provide such notice as required by statute.
- 1101-6. The Planning Commission shall, within a reasonable time after completion of the public adopt a resolution setting forth its findings regarding the general and specific standards hearing including any adjournment thereof at which the application was considered, set forth herein and shall recommend to the Township Board approval, approval with conditions or disapproval. The Planning Commission shall present the reasons for their action in writing as part of the record.

- 1101-7. The application for approval of a special land use and the zone change application, if any, together with the Planning Commission's recommendations thereon, and a summary of the comments from the Planning Commission's public hearing shall be forwarded to the Township Board for review and consideration. Following receipt of the Planning Commission's recommendations and public hearing summary on the request for special land use approval, the Township Board shall hold its own public hearing thereon with notice as provided in Section 1101-5.
- 1101-8. The Township Board shall, within a reasonable time following its public hearing on the special land use application, pass a resolution setting forth its decision to approve, approve with conditions or disapprove the application. Such decision shall be based solely on the special land use general and specific standards set forth herein and the resolution shall set forth the Board's findings regarding the pertinent general and specific standards.
- 1101-9. No application for approval of a Special Land Use which has been denied by the Township Board shall be resubmitted until the expiration of one (1) year from the date of such denial, except on grounds of newly discovered evidence or proof of changed conditions, sufficient to justify reconsideration by the Planning Commission. Each reapplication will be treated as a new application.
- 1101-10. All applicants who have been granted approval as a special land use or approval with conditions as a special land use shall receive notice of such action in the form of a Special Land Use Permit. The Zoning Administrator shall forward such a permit, which shall include any written documentation and special conditions relevant to the special land use as may have been required by the Planning Commission and/or the Township Board to the Applicant for the special land use and the Applicant shall be advised that the continuance of all of the special requirements for the original approval of the special land use as is specified in Section 1103 of this Ordinance. It shall also be noted that the special land use approval runs with the land and all subsequent owners of the land and the use are subject to the same requirements and special conditions as the original Applicant/Owner.

SECTION 1102. GENERAL STANDARDS FOR APPROVAL OF SPECIAL LAND USES

The Township Board shall approve special land uses upon determination that the proposed use will comply with all requirements of this ordinance including the applicable standards for specific uses and the following general standards:

- 1102-1. The location of the proposed use within the zoning district will not be contrary to the land use plan and policies of the Highland Township Master Plan.
- 1102-2. The location of the proposed use within the zoning district will enable existing or likely expansions of public and private services and facilities to serve the use as well as if it were located within a district it is permitted by right. For the purposes of this section, public services and facilities shall include but shall not be limited to

thoroughfares, storm and sanitary sewage facilities, water, police, fire, school and refuse disposal. Likely expansions of public services and facilities shall include but shall not be limited to thoroughfares, storm and sanitary sewage facilities, water, police, fire, school and refuse disposal. Likely expansions of public services and facilities shall include all officially budgeted expansions. Likely expansions of public facilities and services may also include expansions which are needed to make up existing deficiencies and which can be sized to accommodate new development as well as existing development, provided that the completion of new development before expansion will not increase the level of the existing deficiency by a serious magnitude. Likely expansions of private services and facilities shall include all those which the Township Board finds are likely to occur based on reasonable evidence.

The standard set forth in this section (Section 1102-2) shall not apply to uses which are not permitted by right in any district.

- 1102-3. The location of the proposed use will not result in a small residential area being completely or substantially isolated from other compatible residential areas by nonresidential uses or thoroughfares.
- 1102-4. The site design and operating characteristics of the proposed use shall, as a minimum, conform to applicable site design regulations and standards and all other applicable procedures and standards of this ordinance.
- 1102-5. The site design, architectural design and operating characteristics of the proposed use will be harmonious with the existing and intended character of the general vicinity and will not be hazardous or disturbing to existing or future uses.
- 1102-6. The site design and operating characteristics of the proposed use will be characterized by specific features which minimize the impact of site activity on surrounding properties. In determining whether or not this requirement has been met, consideration shall be given to all pertinent characteristics, including, but not limited to such characteristics as the following:
- a. The location and screening of outdoor storage or activity areas and mechanical equipment in relationship to surrounding development.
 - b. The location and screening of vehicular circulation and parking areas in relationship to surrounding development.
 - c. The hours of operation of the proposed use. In granting the approval for a special land use, restrictions may be set upon the hours of operation as appropriate to ensure minimal impact on surrounding uses.
 - d. The proposed use will be operated in such a way as to not result in degradation of ground or surface water or threaten wild life to an extent greater than would be likely to result from any use permitted by right.

- e. Other site design and operating characteristics of the proposed use in relationship to surrounding uses and the environment in general.
- 1102-7. The site and architectural design of the proposed use will be such as to provide the maximum feasible enhancement of the neighborhood environment of the surrounding area. In determining whether or not this requirement has been met, consideration shall be given to:
- a. The provision of landscaping or other site amenities over and above those required by specific stipulations in Article XIII or other applicable landscaping provisions of this ordinance.
 - b. The compatibility of the scale, massing, placement and materials of construction of the proposed use in relation to the size and amenities of its site and in relation to surrounding uses.
- 1102-8. The lot size of the proposed use shall not be less than required for uses permitted by right in the district where the use is located, or any other larger size specifically required by this ordinance.
- 1102-9. The site design, architectural design and operating characteristics of the proposed use will not involve uses, activities, processes, materials or equipment that will be detrimental to any persons or property, or to the general welfare, by reason of smoke, fumes, glare, noise, vibration or odor.
- 1102-10. The open space is to be preserved and protected as regulated by one of the options outlined in Section 1722 of this Zoning Ordinance.

SECTION 1103. CONDITIONS AND SAFEGUARDS

- 1103-1. Prior to granting approval for a special land use, the Township Board may modify any of the existing requirements or may impose any additional conditions or limitations upon the establishment, location, construction, maintenance or operation of the use authorized by the approval as in its judgment may be necessary for the protection of the public interest.
- 1103-2. Conditions and requirements stated as part of the approval of the use as a special land use shall be a continuing obligation of holders of approval. The Zoning Administrator shall make periodic investigations of developments authorized by approval as special land uses to determine continued compliance with all approval requirements.
- 1103-3. Continuance of special land use approval by the Township Board shall be withheld only upon a determination by the Zoning Administrator to the effect that:
- a. Such conditions as may have been prescribed in conjunction with the issuance of the original approval, including the requirement that the use be discontinued after a specified time period, are no longer met.

- b. 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.

1103-4. All plans, specifications and statements submitted with the application for a special land use approval shall become, with any changes ordered by the Township Board, a part of the conditions of any approval issued by the Township Board pursuant thereto.

SECTION 1104. SPECIFIC STANDARDS FOR APPROVAL OF SPECIAL LAND USES

1104-0. Adaptive Reuse In All Business Districts

Highland Township's social and economic history dates back to an agrarian society that was prevalent during the mid-1800s. The Township has many historical homes and commercial buildings that should be preserved and given special consideration. It is the intent of this section of the Zoning Ordinance to allow for the development, change of use, and renovation of unique structures in a manner that recognizes their historical character.

The guidelines for the adaptive reuse of special historical structures are as follows:

- a. Property owners can request a determination from the Planning Commission for an adaptive reuse of an historical building or parcel by providing a description of the building, property and proposed use along with preliminary plans and photographs of the project. The use can be a low-intensity office, convenience commercial, personal service or comparison commercial use appropriate to the size of the building and property. This information shall be submitted as part of an application for Special Use Approval.
- b. The Planning Commission may give preliminary approval of an adaptive reuse upon finding that:
 - (1) The building or parcel has historical significance to the Township as to age, architectural style, person or event, and is more than 50 years old.
 - (2) The use is compatible with the historical nature of the property.
 - (3) The site improvements for parking, lighting, landscaping, walkways and driveways will be appropriate to the use and complement the architecture of the building and property.
 - (4) Proposed renovations will be consistent with the architectural style of the building.

- c. Final Site Plan Approval may be granted by the Planning Commission subject to:
 - (1) Meeting the site plan review procedures and standards as outlined in Article XIV.
 - (2) Meeting the general and specific requirements of the zoning district in which the property is located.
 - (3) Maintaining the historical character of the building and property as approved under “b” above.

- d. Design Flexibility and adjustments to the general standards of the Zoning Ordinance may be granted by the Planning Commission provided:
 - (1) The use is appropriate for the historical character of the building being preserved.
 - (2) The site features are such that they meet the intent of site design regulations as outlined in Article XIII.
 - (3) The site has a prominent location in the Township and is located along a major thoroughfare or section line road.
 - (4) The site improvements do not impose any negative affects with regard to dust, dirt, light, glare, noise, flame, vibration, smoke, traffic or other environmental hazard on adjacent residential properties.

1104-01. Adult Day Care Facilities in All Residential Districts

- a. The proposed use of the residence for adult day care shall not change the essential character of the surrounding residential area, and shall not create a nuisance.
- b. To provide privacy and security the facility shall be enclosed by a fence that is reviewed and approved by the Planning Commission.
- c. The hours of operation do not exceed 16 hours within a 24 hour period. No overnight care is permissible.
- d. The facility shall be limited to the first floor of the residential unit.
- e. The maximum number of clients shall be determined by the Planning Commission.

1104-1. Adult Oriented Uses

- a. Not more than one adult-oriented use shall be permitted within a one thousand foot distance. No adult-oriented use shall be permitted within 500 feet of a residential district or use. No adult-oriented use shall be permitted within 500 feet of any site on which is located a church, school, park or playground or any area where minors regularly congregate. Adult-oriented uses shall only be located in a commercial center of three (3) or more individual businesses other than adult-oriented uses and the gross floor area of adult-oriented uses shall not

exceed twenty-five (25) percent of the total gross square footage of the commercial center. Advertisements, displays or other promotional materials shall not be shown or exhibited so as to be visible to the public from pedestrian sidewalks or walkways or from other public areas. All entries, windows and other building openings for adult uses shall be located, covered or screened in such a manner as to prevent a view into the interior from any public area.

- b. Adult-oriented uses shall include:
1. Bookstores which have more than 10 percent of their Stock in trade (inventory units), books, magazines or other publications, the sale of which is prohibited to minors.
 2. Cabarets or bars with live topless and/or bottomless type entertainment, hostesses, waitresses, or other employees.
 3. Massage establishments.
 4. Nude photographic studios.
 5. Theaters and mini-theaters which have more than 10 percent of their screening time over a six-month period devoted to motion pictures, the attendance at which is prohibited to minors.
 6. Video tape or film sales and rental establishments which have more than 10 percent of their stock in trade (inventory units), video tape or films the sale or rental of which is prohibited to minors.

7. Any use selling equipment or paraphernalia which might be used for the preparation or taking of prohibited or regulated substances.

1104-2. Airports

Airports, landing fields and platforms, hangars, masts and other facilities for the operation of aircraft shall be subject to the following conditions:

- a. The plans for such facilities shall be approved by the Federal Aviation Agency (FAA) and the Michigan Department of Aeronautics prior to submittal to the Township Board for its review and approval.
- b. The standards of the FAA and the Michigan Department of Aeronautics for determining obstructions to air navigation shall be complied with for the class of airport as determined by the above agencies.
- c. A "clear zone" (as defined by the FAA) shall be provided for within the airport.
- d. The minimum size for private and public airports, landing fields and platforms shall be 100 acres.

1104-3. Automobile Parts and Accessory Stores with Light Machining in CB-1 Districts

- a. Major vehicle repairs shall not take place on the premises.
- b. Vehicle bays, hydraulic lifts or other hoists shall not be permitted on any portion of the premises.
- c. Light machining, head milling, honing of engine blocks, setting of rings, rotor turning or grinding for brake repairs, or any other related type of activity may be permitted as an accessory use but not exceed more than fifteen (15) percent of total floor area.
- d. The proposed use shall occupy an individual building and should be on a single lot of record.
- e. Overhead doors should not face any adjacent residential district or public thoroughfare unless approved by the Planning Commission and Township Board because there is proper screening or other conditions that would meet the intent of this regulation.
- f. The Planning Commission, at their discretion, shall determine that the proposed use shall not have any deleterious effect on adjacent uses due to excessive dust, noise, glare, odor, lack of separation, lack of barrier, or lack of screening to any adjacent residential property.

1104-4. Barber and Beauty Shops

- a. Barber and beauty shops are permitted in office buildings when they occupy less than ten (10%) percent of a large office building. The shop shall not have any outdoor display or window display. The shop shall be accessible from a corridor within the large office building and serve primarily the occupants of the large office building.
- b. Barber and beauty shops are permitted in small office districts provided:
 1. They are limited in size such that they are equal to or smaller than the average office unit in the district. The Planning Commission, at their discretion, may limit the number of chairs or workstations as a means of limiting the size of the establishment;
 2. The parking requirements for the use does not exceed 20% of the requirements of the other uses in the adjacent office district; and/or
 3. Other conditions that may be imposed at the discretion of the Planning commission to limit the size of the use so that it remains a minor use in the adjacent office district.
- c. Manicure services may be an accessory service to the barber and beauty shop principal uses.

1104-5. Boat Launching and/or Docking Facilities

- a. Public and private berthing, landing, fueling, servicing and indoor storage of recreational power boats, sailboats, row boats, canoes and similar water craft may be permitted.
- b. Fueling facilities shall be designed and equipped to provide the highest feasible levels of protection against water contamination from spillage or leaks.
- c. All structures except driveways shall be located at least 50 feet from all property lines.

1104-6. Business and Industrial Parking Areas in Residential Districts

- a. Such off-street parking area shall be adjacent to a nonresidential district and shall also be adjacent to the use which they serve except that there may be a public thoroughfare or private drive or easement located between such an off-street parking area and the use which it serves.
- b. Such off-street parking areas shall be used solely for parking or private passenger vehicles, for periods of less than one (1) day and shall not be used as an off-street loading area or for storage or display of any materials, vehicles, products or other items.

- c. No commercial repair work or service of any kind, or sale or display thereof, shall be conducted in such parking area.
- d. No signs of any kind, other than signs designating entrances, exits and conditions of use, shall be maintained on such parking area.
- e. No building, other than those for shelter or attendants, shall be erected upon the premises.
- f. Screening and landscaping shall be provided in accordance with Article XIII.
- g. Parking spaces shall be set back from front property lines the same distance required for principal residential structures in the district in which the off-street parking area is located.

1104-7. Cemeteries, Public

- a. Not more than fifty-one (51) percent of the land within one thousand (1,000) feet of the proposed cemetery is in recorded plats.
- b. Mausoleum structures, maintenance buildings, and similar facilities shall be set back at least eighty (80) feet from any property line.
- c. Access to said site shall be in accordance with Section 1711.

1104-8. Child Care Center

- a. A child care center must have appropriate fencing for the safety of the children as determined by the Planning Commission. A fenced outdoor play area of at least 150 square feet per child cared for and at least 5,000 square feet must be provided.
- b. A landscape screen shall be provided between the outdoor play area and all adjoining residential property. Such landscape screen shall be of sufficient density to obscure outdoor play area activities and equipment.
- c. A child care center located in a residential zoning district may not exceed 16 hours of operation during a 24-hour period. The child care center in a residential zone may not operate between the hours of 10 p.m. and 6 a.m.
- d. The operator must provide an operations plan indicating the number of children to be cared for, number of employees, and hours of operation. The plan must indicate traffic patterns for pickup and dropoff of the children, including designation of

suitable parking areas. Offstreet parking must be provided for any employees. The operation plan is subject to review and approval by the Planning Commission, who may, at their discretion, place reasonable conditions on the operations of the facility.

- e. Signage must comply with the provisions of Article XV.

1104-9. Churches and Other Facilities for Religious Activities

- a. Churches shall not be located on a lot of record unless said lot borders a paved Section Line Road or Major Thoroughfare.
- b. Access shall be in accordance with Section 1711 of this Ordinance.
- c. All religious activities shall take place in a fully enclosed building except as may be approved consistent with Section 2004-5 of this Ordinance.
- d. Minimum lot size shall be three (3) acres.
- e. Operations of religious activities or other accessory uses shall be consistent with programs, hours of operation and other requirements that have been submitted by the applicant and shall be subject to Planning Commission review and approval.

1104-10. Colleges, Universities and Similar Institutions of Higher Learning

- a. Such uses shall be restricted to colleges, universities and other institutions of higher learning, both public and private, offering courses in general, technical or religious education.
- b. Uses developed under the provisions of this section shall be located on sites of at least forty (40) acres in area and shall not be permitted on any portion of a recorded subdivision plat.
- c. Access to said sites shall be provided only in accordance with the provisions of Section 1711.
- d. No building used for instruction, offices or residences shall be closer than one hundred (100) feet to any residential property line. Other buildings and outdoor athletic areas shall be no closer than two hundred (200) feet to any residential property line. No building or parking area shall be closer than eighty (80) feet to any property line. For the purpose of this section, a residential property line shall not be construed to be a property line adjacent to a major arterial as defined in Article II.

- e. The provisions of this section are not intended to permit the establishment of trade schools for the purposes of training operators of motor vehicles or heavy equipment.

1104-11. Condominium Project

- a. Preliminary Review Information: An applicant for a Condominium Special Land Use shall submit the following preliminary information in concept form:
 - 1. Condominium Master Deed information listed in Section 8 of the Condominium Act.
 - 2. Condominium Subdivision Plan information listed in Section 66 of the Condominium Act.
 - 3. General Site Plan information listed in Section 1402-1 of this Ordinance.
 - 4. A graphic representation demonstrating compliance with the Zoning District applicable to the site.
 - 5. A graphic representation of all service and utility easements.
 - 6. A graphic representation of all roads, parks and other common spaces.
 - 7. A graphic representation of the sewer and water supply system. (See Section 1720)
 - 8. A graphic representation of how storm water control will be designed.
 - 9. A description of any covenants and/or deed restrictions.
 - 10. A description of the organizational structure and how the Condominium will be operated after it is constructed and turned over to the Association.
 - 11. A preliminary common open space preservation option as regulated in Section 1722 of this Zoning Ordinance.
- b. Final Review Information: The information necessary for final review shall be submitted within six months of a approval of the preliminary information for a Condominium Special Land Use and it shall include:
 - 1. Complete Master Deed and Subdivision Plan information as outlined in Sections 8 and 66 of the Condominium Act.

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2. Final Site Plan Review information as outlined in Section 1402-1 of the Ordinance.
 3. Zoning District Regulations Compliance: The Condominium subdivision plan and/or the condominium unit shall meet all of the regulations of the Zoning District in which the condominium project is located.
 4. Easement for Utilities: The condominium project shall include all necessary easements for storm water drainage, water, sewer, ingress, egress and/or public utilities and such easements shall be granted to Highland Township, to any other appropriate agency and/or to the public utility companies for the purpose of constructing, operating, inspecting, maintaining, repairing altering, replacing and/or removing public utility service systems and equipment.
 5. Access: All common elements intended for access shall be developed to not less than the minimum design, construction, maintenance, inspection and approval requirements of the Highland Township Private Road Ordinance No. 231. The developer or proprietor shall also establish that appropriate approvals have been obtained from MDOT or the County Road Commission with regard to access to the road under the governmental jurisdiction.
 6. State and County Water and Sewerage Approval: The developer or proprietor of the condominium project shall establish that appropriate state and county approvals have been received with regard to the fresh water system and waste water disposal system for the proposed project.
 7. Storm Water Drainage Approval: The developer or proprietor of the condominium project shall prepare a storm water drainage plan for approval by the Township Engineer. This plan shall also include soil erosion and sedimentation control measures to meet state, county and local regulations.
 8. A final common open space preservation option as regulated in Section 1722 of the Zoning Ordinance.
- c. Revision Compliance: Prior to the expansion, conversion or other revision to a condominium project, said project shall undergo Special Land Use review and Approval pursuant to the requirements herein specified.

1104-12. Credit Unions and Other Low-Intensity Financial Service Offices

- a. Such uses shall be restricted to a clearly defined limited clientele as described in the organization's charter when the office is adjacent to current or potential residential uses or across a local

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street to current or potential residential uses. (Residential uses include any type of building used as a dwelling unit.)

- b. Provisions for drive-through facilities may be permitted on parcels that are adjacent to current to potential residential uses provided the site can be designed to minimize the intrusive effects of the drive-through banking activity. Design issues include the following:
 1. Electronic audible speaker communication devices shall not be heard at the property line.
 2. Drive-through facilities and/or ATM equipment shall be set back 50 feet from property lines of adjacent current or potential residential uses.
 3. Buffering of financial institutions with drive-through facilities shall meet the requirements of both section 1302-1.a. and b. when the access lanes and/or the by-pass lane are within 30 feet of the adjacent current or potential residential uses.
 4. Exterior night lighting shall be permitted provided it is engineered with a fully enclosed "shoe-box" type down light where the illumination levels at the property line are one foot-candle or less.
 5. Access to said site shall be provided only in accordance with the provisions of Section 1711 or along a local street where all of the uses are non-residential uses between the drive approach to the site and the nearest major thoroughfare.

1104-13. Drive-In Theaters

- a. Outdoor theaters shall abut a major thoroughfare and points of ingress and egress shall be available only from such major thoroughfare.
- b. All vehicles, waiting or standing to enter the facility, shall be provided off-street waiting space. No vehicle shall be permitted to wait or stand within a dedicated right-of-way.
- c. The area shall be so laid out as to prevent the movie screen from being viewed from residential areas or adjacent major thoroughfares. All lighting used to illuminate the area shall be installed as to be confined within and directed onto the premises of the outdoor theater site.

1104-14.

Funeral Homes

- a. The minimum lot size requirements shall be the same as the requirements outlined in Section 907-4.
- b. The minimum yard requirements shall be the same as the requirements outlined in Section 907-5, except that the front yard setback will be 80 feet.
- c. The minimum bulk requirement shall be the same as the requirements outlined in Section 907-6.
- d. A marginal access drive shall be mandatory as is outlined in Section 907-7.
- e. Such a use shall only be located on those RM-1 parcels that front on the two major commercial roads in Highland Township. Those roads are M-59 and Milford Road.
- f. Signage may be permitted as outlined in Section 1505-2.

1104-15.

Golf Courses

- a. Access to the site shall be in accordance with Section 1711.
- b. All principal and accessory buildings shall be at least two hundred (200) feet from any property zoned or used for residential purposes or zoned for agricultural purposes, except where natural topographic or vegetative conditions completely screen buildings from adjoining property.
- c. Buildings, parking areas and other site features shall be located to minimize any negative impacts on adjacent residential property.
- d. The minimum site size shall be 50 acres.

1104-16.

Golf Driving Ranges, Pitch and Putt Courses, (Par-3), and Miniature Golf Courses in CB-2 and CB-3 Zoning Districts

(See Section 411-5 for regulations that apply in the A-3 District.)

- a. Access to the site shall be from certain roads as regulated in accordance with Section 1711.
- b. All principal and accessory buildings shall be at least two hundred (200) feet from any property line contiguous to any parcel zoned or used for residential purposes or zoned for agricultural purposes, except where natural topographic or vegetative conditions completely screen buildings from adjoining property than the minimum setback regulation outlined in the Zoning District regulations for the District in which the use is located shall apply.

- c. Buildings, parking areas and other site features shall be located to minimize any negative impacts on adjacent residential property as shall be determined in the description of the Planning Commission.
- d. All lighting shall be shielded to reduce glare and shall be so arranged and maintained as to direct the light away from all adjacent right-of-ways and residential lands.
- e. Buildings and other site features shall be located so that they will not interfere with the retail or parking functions of a shopping center.
- f. The minimum size for a golf driving range site shall be ten (10) acres.
- g. The minimum size for a pitch and putt course shall be fifteen (15) acres.

1104-17. Group Day Care Homes

- a. A group day care home shall not be located closer than 1500 feet to any of the following:
 - 1. another licensed group day care home.
 - 2. an adult foster care small group home or large group home.
 - 3. a facility offering substance abuse treatment and rehabilitation services to seven (7) or more people.
 - 4. a community correction center, resident home, halfway house, or other similar facility which houses an inmate population under the jurisdiction of the State of Michigan.
- b. A group day care home must have appropriate fencing for the safety of the children as determined by the Planning Commission. A fenced outdoor play area of at least 5000 square feet must be provided.
- c. A group day care home must maintain the property consistent with the visible characteristics of the neighborhood, including but not limited to landscaping.
- d. A group day care home may not exceed 16 hours of operation during a 24-hour period. The group day care home may not operate between the hours of 10 p.m. and 6 a.m.
- e. The operator must provide an operations plan indicating the number of children to be cared for, number of employees, and hours of operation. The plan must indicate traffic patterns for pickup and dropoff of the children, including designation of suitable parking areas. Offstreet parking must be provided for any employees. The operation plan is subject to review and approval by the Planning Commission, who may, at their discretion, place

reasonable conditions on the operations of the group day care home.

- f. Signage must comply with the provisions of Article XV.

1104-18. Hazardous Waste Disposal and Incineration Facilities

- a. Hazardous waste disposal and incineration facilities shall include any facility so designated by the Michigan Department of Natural Resources pursuant to Act 64 of 1979, as amended, being the "Hazardous Waste Management Act."
- b. Minimum lot size requirements, minimum yard requirements and maximum bulk requirements shall be the same as for the I-2 General Industrial District.
- c. Hazardous waste disposal facilities shall be located on a major thoroughfare in accordance with the requirements of Section 1711.
- d. Hazardous waste disposal facilities shall be provided with perimeter controls pursuant to the provisions of Section 1709 and shall also be subject to the relevant provisions of Articles XIII, XIV, XV, XVI, XVII, XVIII and XIX.

1104-19. Junk Yards

- a. All ordinances of the Township, County and State as applied to these activities are complied with.
- b. No such use shall be allowed within three hundred (300) feet of any residential district.
- c. Open burning of materials or the open burning of junk cars shall be prohibited.
- d. Operations shall be in accordance with an approved plan for protecting ground and surface water contamination by hazardous materials. Said plan shall be submitted and reviewed pursuant to site plan review.
- e. Pursuant to site plan review, a base line ground and surface water quality analysis shall be required for all industrial uses and any other uses which could have a significant negative impact on water quality. The analysis shall be completed in accordance with engineering standards duly adopted by the Board of Trustees. It shall be used as a basis for determining compliance with water quality standards established by this ordinance.
- e. Sight barriers shall be provided as set forth in Section 1302-7.

- 1104-20. Photographic Portrait Studios
- a. Uses developed under this provision must not have any drive-up facilities.
 - b. All retail activities such as the sale of camera equipment, photographic supplies or the processing of film not exposed as part of the studio proprietor's activities shall be prohibited.
 - c. Access to said site shall be provided only in accordance with the provisions of Section 1711.
- 1104-21. Public Utility Uses in Agricultural and Residential Districts
- a. Such a use shall be approved as special land uses in residential and agricultural districts only upon a finding based on substantial facts that it is necessary to provide essential service to the area.
 - b. Access to the site shall be in accordance with Section 1711.
 - c. The area of the lot shall not be less than the minimum required for residential uses in the district in which the use is located.
 - d. No buildings or mechanical equipment shall be located closer than 75 feet to any property line or right-of-way line, except that this limitation shall not apply to those essential services which are permitted by right pursuant to Section 1801.
 - e. All buildings and structures shall be harmonious in appearance with the existing and intended residential character of the district in which located.
- 1104-22. Radio, Television, Microwave Transmission and Relay Towers, Commercial
- a. Such uses shall include commercial and public utility transmitting towers for microwaves, television and radio, and their attendant uses.
 - b. Such use shall be located on a continuous parcel of not less than one and one-half (1-1/2) times the height of the tower measured from the base of said tower to all points on each property line.
- 1104-23 Repair and Installation of Automobile and Light Truck Aftermarket Accessories
- a. Such uses shall be limited to the type of accessories, size of facilities and techniques for installing the products.
 1. The types of accessories shall include but not necessarily be limited to windshields, bed liners, bed caps and covers,

running boards, trim pieces, tail lights, sunroofs, electronic devices and similar aftermarket accessories.

2. Aftermarket accessory stores and installation facilities in CB-2 and CB-3 Districts shall be limited to about 3,000 square feet in area and not exceed four (4) parking bays for installation and service.
 3. All work associated with the installation and repair of approved accessories shall take place completely within an enclosed building. The tools for installing the accessories shall be hand held tools that operate with a minimal amount of noise, dust and debris.
- b. Such uses shall be operated without any exterior operational impact.
1. Neither customers nor employees shall install accessories on vehicles outside the building.
 2. Noise in excess of 50 decibels shall not emanate from the building at any time.
 3. Vehicles waiting for parts or to be worked on that are in any visible state of partial repair or assembly shall not be stored or parked outside the building overnight.
 4. Parts and/or debris from the business operations shall be confined within the building or within appropriate trash facilities and disposed of on a regular basis so as not to become a visual or physical nuisance on site or for adjacent property owners.
- c. Such uses shall be located in CB-2 and CB-3 Districts so as to minimize their impact on lesser intense zoning districts and uses. In determining the impact on adjacent uses, the Planning Commission shall consider the following:
1. Proximity to CB-4 automotive related uses.
 2. Proximity to location in major commercial areas of Highland Township.
 3. Isolation from residential uses or lesser intense office and personal services uses.

1104-24 Taxidermists

- a. The proposed use shall not change the essential character of the surrounding area, create nuisances, odors, and health issues or burden the adjacent uses.

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- b. The Planning Commission has the right to impose such conditions necessary to ensure that the business is operated in a clean and orderly manner.
- c. Provide the Planning Commission with a plan for daily operations including detailed Material Handling data sheets for any chemicals handled on site.
- d. Provide the Planning Commission with a hazardous material and waste disposal plan.
- e. No accessory uses of structures are allowed in any required yard setbacks.
- f. No outdoor storage.

1104-25 Temporary Outdoor Activities

- a. One or more temporary outdoor activities may be permitted for certain businesses to help in the sale, promotion or marketing of products typically sold by the business. Such outdoor activity, however, shall be limited as to total number of items, size of items, location on the property and the duration in which the activity may take place.
- b. A special use approval request for a temporary outdoor activity shall include a site plan pursuant to Section 1402 of the Ordinance which may be on file at the Township.
- c. The product or products to be considered shall be listed on the site plan drawing along with their size and quantity. The product should be shown on the site plan in the general location where it will be placed.
- d. Additional notes on the drawing shall address what time of year the activity will take place, how long it will occur, how vehicular traffic and parking will be accommodated, how pedestrian circulation will be accommodated, how security and security lighting will be accommodated, whether the products will be new or used and how the landscaping and the aesthetics of the site will be maintained.
- e. In considering the approval of temporary outdoor activities, the Planning Commission and/or the Township Board shall ensure that the products are typical for the business making the request, are readily portable, and are small items that would not normally exceed 150 cubic feet of space for each product. Daily displays shall not be outdoors for more than a few hours per day, temporary storage shall not be outdoors for more than a few days per week,

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temporary outdoor sales shall not be outdoors for more than a few weeks per month and/or seasonal outdoor stock shall not be outdoors longer than shall be approved by the Planning Commission.

- f. The temporary outdoor activity or several activities together shall not occupy an area of the site that would exceed fifteen (15%) percent of the gross floor area of the building. Such activity shall also not occupy any required parking spaces, driveways or greenbelts as may be approved under the special use permit without some provision to cease such activity if a parking, circulation or aesthetic problem occurs. The Applicant shall agree to these conditions and such conditions shall be described in notes with the notes placed on the approved site plan. Another note shall make reference to Section 1103 as the basis for the Township's authority to terminate the special use permit temporary activity or activities for non-compliance.

1104-26 Travel Agencies

- a. Travel agencies are permitted in office buildings when they occupy less than ten (10%) percent of a large office building. The travel agency shall not have any outdoor display or window display. The travel agency shall be accessible from a corridor within the large office building and service primarily the occupants of the large office building.
- b. Travel agencies are permitted in small strip office districts provided they are limited in size and do not exceed four (4) workstations.

1104-27 Wireless Communication Antennas, Wireless Communication Facilities and Wireless Communication Support Facilities

- a. Wireless Communication Antennas (WCA), wireless communication facilities (WCF) and wireless communication support facilities (WCSF) shall comply with applicable federal and state standards relative to the environmental effects of radio frequency emissions, as confirmed by submission of Certification of Compliance by the applicant's licensed engineer.
- b. Applicants shall demonstrate a justification for the proposed height of the WCSF and an evaluation of alternative designs which shall assure the Township that the structure is at its lowest possible height for its operation.
- c. The setback of the WCSF from any adjacent property shall be least the height of the highest point of any structure on the property. The Planning Commission may consider greater or lesser setbacks based upon documentation of engineering or other conditions that

may be presented by any interested party involved in the approval of the project.

- d. The Planning Commission shall review and approve the color of the WCSF and all accessory buildings so as to minimize distraction, reduce visibility, maximize aesthetic appearance and/or assure compatibility with surroundings. It shall be the responsibility of the applicant to maintain the facility in a neat and orderly condition.
- e. The WCSF shall be constructed in accordance with all applicable building codes and shall include the submission of a soils report from a geotechnical engineer, licensed in the State of Michigan at the time the plans are submitted to the building official for a building permit. This soils report shall include soil borings and statements confirming the suitability of soil conditions for the proposed use. The requirements and approval of the Federal Aviation Administration, Federal Communication Commission, and Michigan Aeronautics Commission shall also be submitted to the building official.
- f. The use of a strobe light on a WCSF shall be prohibited except when required by the FAA and then only during daylight hours. A red blinking light (not a red strobe light) shall be used at night.
- g. A note shall be placed on the site plan and WCSF drawing stating that the WCSF will be removed or lowered when all or portions of the WCSF are no longer required.
- h. The application shall include a map showing existing and known WCAs, WCFs, and WCSFs within the Township, and further showing existing and known WCAs, WCFs and WCSFs within the area surrounding the Township which completes the applicant's surrounding cell configuration and which are relevant in terms of potential collocation with other facilities in the area. It is the policy of the Township to minimize the overall number of newly established locations for WCSFs within the community and to encourage the use of existing WCSFs where possible. Each licensed provider of a WCSF must, by law, be permitted to locate sufficient facilities in order to achieve the objectives promulgated by the United States Congress. However, particularly in light of the dramatic increase in the number of WCSFs reasonably anticipated to occur as a result of the Federal Telecommunications Act of 1996, it is the policy of the Township that all users should collocate in the interest of achieving the purposes and intent of this section of the Ordinance. If a provider fails or refuses to permit collocation on a facility owned or otherwise controlled by it, where collocation is feasible, the result will be that a new and unnecessary additional structure will be compelled in direct violation of and in direct contradiction to the basic policy, intent and purpose of the Township. The provisions of this subsection are

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designed to carry out and encourage conformity with the policy of the Township.

Collocation shall be deemed to be “feasible” for purposes of this section where all of the following are met:

1. The wireless communication provider entity under consideration for collocation will undertake to pay market rent or other market compensation for collocation.
 2. The site on which collocation is being considered, taking into consideration reasonable modification or replacement of a facility, is able to provide structural support.
 3. The collocation being considered is technologically reasonable, e.g., the collocation will not result in unreasonable interference, given appropriate physical and other adjustments in relation to the structure, antennas, and the like.
 4. The height of the structure necessary for collocation will not be increased beyond a point deemed to be permissible by the Township.
- i. Requirements for collocation shall be a condition of approval of a WCSF as follows:
1. A special land use permit for the construction and use of a new WCSF shall not be granted unless and until the applicant demonstrates that a feasible collocation is not available for the coverage area and capacity needs of the carrier.
 2. All new and modified WCSFs shall be designed and constructed so as to accommodate collocation.
 3. The policy of the community is for collocation. Thus, if a party who owns or otherwise controls a WCSF shall fail or refuse to alter a structure so as to accommodate a proposed and otherwise feasible collocation carrier, such facility shall thereupon and thereafter be deemed to be a nonconforming structure and use, and shall not be altered, expanded or extended in any respect and shall be subject to removal as a nonconforming structure.
 4. If a party who owns or otherwise controls a WCSF shall fail or refuse to permit a feasible collocation, and this requires the construction and/or use of a new WCSF, the party failing to or refusing to permit a feasible collocation shall be deemed to be in direct violation and contradiction

of the policy, intent and purpose of the Township, and consequently such party shall take responsibility for the violation, and shall be prohibited from receiving approval for new WCSFs within the Township for a period of five years from the date of the failure or refusal to permit the collocation. Such a party may seek a variance from the Zoning Board of Appeals if and to the limited extent the applicant demonstrates entitlement to variance relief which, in this context, shall mean a demonstration that enforcement of the five year prohibition would unreasonably discriminate among providers of functionally equivalent wireless communication services, or that such enforcement would have the effect of prohibiting the provision of wireless communication services.

1104-28. Yard Waste Composting Facilities

- a. Maximum site size for yard waste composting facilities in the A-1 and A-2 Districts shall be twenty (20) acres. A minimum site size in the A-1 and A-2 Districts shall be as specified in Sections 404-1 and 405-1 respectively. A minimum site size of five (5) acres is required for such uses in the I-2 District.
- b. Because of the level of truck traffic associated with this use, direct access to a regional arterial, local arterial or principal collector, as specified and regulated in Section 1711, is required.
- c. All internal roads and operation areas shall be kept dust-free at all times.
- d. The site shall be level and well drained.
- e. If the site abuts property zoned or used residentially or if the site is within a residential or agricultural district or shown as residential on the Highland Township Comprehensive Land Use Plan, a buffer zone shall be maintained where no composting, storage, transfer or loading activities shall take place any closer than 250 feet from adjoining property lines. All buffer areas shall include a sight barrier designed and maintained in accordance with Section 1302-9.
- f. All site access roads or drives and all parking areas shall be paved with asphalt or concrete. The Township may require a paved processing area to accommodate the initial collection, processing, and distribution of incoming yard waste. The Township may seek the advice of a compost expert in making site design and

operational requirements, with fees to be paid for by the applicant. Internal haul roads may be unpaved.

- g. The portion of the compost site visible from a public street shall be screened from public view by a combination berm / landscaped buffer or other method acceptable to the Planning Commission and Township Board in accordance with Section 1302-9.
- h. A minimum of two (2) off-street parking spaces plus one (1) per employee on the largest working shift shall be provided on-site.
- i. Access to the site shall be controlled to prevent unauthorized dumping during non-business hours. The operator shall establish a procedure and mechanism for proper disposal of non-yard waste at an approved sanitary landfill.
- j. Only yard wastes shall be composted at such facilities, typically including leaves, grass clippings, brush, and tree or shrub trimmings. All yard wastes must be brought to the site loose or in biodegradable bags, such as paper, designed to degrade rapidly under aerobic conditions. All bags brought to the site shall be broken up and turned into compost windrows within five (5) days of delivery to the site. In no instance shall yard wastes be accepted in nondegradable plastic bags.
- k. The decomposition process shall be properly managed and maintained in an aerobic condition to prevent all unnecessary odors. Towards this end, the temperature of compost piles shall be monitored regularly, and all compost piles that are actively decomposing shall be turned when the internal temperature drops below 120°F.
- l. Ponded water shall not be permitted to collect on a yard waste composting site, except for a reasonable time immediately following a rain event, as determined by the Township following a recommendation by the Township Engineer. A plan for collection, detention, and drainage of storm water shall be provided for review and approval by the Township. Storm water shall be directed to a sedimentation pond/detention area prior to discharging off-site. The Township may permit or require sheet flow over a vegetated swale or other best management practice to filter pollutants prior to discharge off-site. Any direct discharge to a water body may require a Michigan Department of Environmental Quality permit.

- m. The operator shall provide sufficient equipment on-site to properly manage the composting process. As a minimum, this shall include a front end loader or similar machinery for loading, unloading, turning, and aeration operations; a shredder for reducing new material to a smaller particle size for faster decomposition; a source of water or watering trucks; and a screen to improve the quality and marketability of the final product.
- n. The volume of yard wastes handled by the facility shall not exceed the practical capacity of the site. The Township may seek advice from a compost expert in reviewing this or other site and operational issues.
- o. The Applicant shall submit a Compost Operations Management Plan with the preliminary site plan. This plan shall provide details regarding the daily operations of the proposed compost facility. The following minimum information shall be included in the plan:
 - 1. The name, address, and phone number of the person responsible for operation of the site and the person responsible for correcting all operational problems that may result in complaints being made to the Township.
 - 2. A detailed description of the type of material that will be accepted.
 - 3. A detailed plan on how unacceptable material will be removed from the incoming waste stream and removed from the site.
 - 4. A plan for the processing of materials including a) initial handling, b) active composting, and c) finishing of material for the after market.
 - 5. A stormwater management plan including a written description of how stormwater will be processed and how problems, including unexpected ponding of water, will be addressed.
 - 6. A traffic impact analysis indicating how many trips will be expected during the a.m. peak hour, p.m. peak hour, and on a daily basis. The trips shall be classified by type of vehicle, including passenger cars and trucks. Truck traffic shall be classified by weight and truck capacity and by

whether it is carrying inbound material or finished product. The study shall include recommendations regarding deceleration lanes, passing or center left-turn lanes, and driveway geometrics.

- p. The operator understands and agrees that failure to maintain and operate the site in a responsible manner that minimizes the potential for adverse impacts on neighboring properties shall constitute grounds for enforcement action by the Township.
- q. Yard wastes shall be actively rotated in an aerobic condition. Wastes shall not be allowed to accumulate for longer than two (2) years before being finished and removed from the site.
- r. The operator shall provide plans showing all equipment maintenance and storage areas. Plans shall show the location of all fuel storage facilities and shall detail primary and secondary containment for all hazardous materials, including product-tight containers for primary containment. Hours of operation shall also be specified and are subject to review and approval by the Township.
- s. The applicant shall provide a plan for the removal of unmarketable compost.
- t. An annual inspection / permit fee for all yard waste composting facilities shall be established by resolution of the Township Board.
- u. The operator shall keep a manifest documenting the quantity of yard waste going in and finished product and other material going out of the facility on a weekly basis. Said manifest shall be summarized in an annual report to be provided to the Township on the anniversary of the first day of operation. It shall also be available for inspection by Township officials upon 24 hours notice.
- v. Copies of all Michigan Department of Natural Resources and Department of Environmental Quality applications / permits, if required, shall be provided to the Planning Commission as part of the application package.
- w. The use shall conform to all applicable performance standards in Section 1001-7 including, but not limited to, noise, dust and smoke, as contained in this Ordinance

**SECTION 1105. SPECIAL LAND USE PROCEDURES AND STANDARDS FOR
MINING AND QUARRYING**

1105-1. Statement of Purpose

This section (1105) is intended to regulate the use of land for all type of strip and tunnel or shaft mining, including the mining of metals, the mining of bituminous coal and lignite and the mining and quarrying of other minerals. The extraction of oil and gas is not regulated by this section. This section provides procedures for the evaluation of applications for the issuance of special land use permits to establish such mining and quarrying uses. Special use regulations and special use application evaluation procedures are needed because mining and quarrying may pose significant land use problems, including environmentally damaging changes in topography, impairment of load bearing capacity of adjacent land, safety hazards due to heavy truck traffic on roads not designed for such traffic, levels of noise from mining and related operations, threats to air quality from dust and other emissions, threats to water quality from erosion and chemical emissions, threats to water levels, aesthetic problems, zoning and license enforcement problems, land use compatibility problems, loss of natural resources, threat to desirable land use patterns and potentials, residential blight, and/or attractive nuisance hazards.

No mining or quarrying shall be permitted unless the Township Board shall first have issued a special land use permit in accordance with the provisions of this section (1105). Special land use permits shall be issued only in accordance with the procedures and standards set forth herein. It is the intent of these procedures and standards to ensure that mining and quarrying shall occur in places and ways which will be consistent with public health, safety and welfare and to ensure that lands subject to mining operations shall continuously be reclaimed and rendered fully suitable for a use approved pursuant to issuance of the applicable special land use permit.

1105-2. Use Limitations

a. Uses Regulated by this Section

This section (1105) regulates all types of strip and tunnel mining including the mining of metals, the mining of bituminous coal and lignite, and the mining and quarrying of other minerals, including but not limited to the following:

dimension stone mining
crushed and broken stone
sand and gravel
clay, ceramic and refractory minerals
chemical and fertilizer minerals, including:

barite
fluorspar
potash, soda and borate
phosphate rock
rock salt
sulfur

gypsum

talc, soapstone and pyrophyllite
miscellaneous nonmetallic minerals, including:

agate
amethyst
asphalt
bituminous limestone
bituminous sandstone
burstone
calcite
catlinite
corundum
cryolite
diamond
diatomaceous earth
diatomite
emery
fill dirt
garnet
gemstones
gilsonite
grahamite
graphite
greensand
grinding peat
grindstone quarrying
jade
meerschaum
mica
millstone
muscovite
natural abrasive
oilstone oxokerite
peat humus
perlite
phlogopite
pipestone
pozzolana
precious stones
pulpstone
pumice
pumicite
quartz
reed peat
rubbing stone
ruby
sapphire
scoria
screening peat
scythestone

sedge peat
semiprecious stones

sharpening stone
shredding peat
topsoil
tripoli
turquoise
vermiculite
volcanic ash
whetstone
wurtzillite

other nonmetallic minerals with marketable value

- b. Mining and Quarrying Defined and Provision for the Separate Regulation of those Types of Earth Resource Removal which do not Constitute Mining and Quarrying

For the purpose of this section (Section 1105), 'mining' and 'quarrying' are defined as the removal from a parcel of land of any earth resource identified in Subsection 1105-2,a. as being regulated by this Section (Section 1105). However, 'mining' and 'quarrying' shall not include the removal from a single parcel of land during any calendar year of: 1) less than 1,000 cubic yards of material when such removal is NOT attendant to development in accordance with a subdivision preliminary approval, or 2) less than 10,000 cubic yards of material when such removal is attendant to development in accordance with a subdivision preliminary approval. All removal which is not regulated as mining and quarrying shall be subject to the site plan review provisions of this ordinance, in the case of removal attendant to development subject to site plan review, and to the soil erosion and sedimentation control regulations of Highland Township, in the case of all removal. Such removal of earth resources may also be subject to any land improvement ordinance or other pertinent regulations which Highland Township may enact subsequent to the enactment of this ordinance.

1105-3. Mining and Quarrying Special Land Use Applications

- a. An application for a special land use permit for mining and quarrying shall be submitted jointly on behalf of, and signed by, each person or entity having any interest in the land on which the use is to be located, including, but not limited to, all Applicants and all Lien holders (as those terms are defined in Subsection 1105-3,b). The application shall contain the sworn certificate of each such person or entity certifying as to the accuracy and completeness of each statement pertaining to it contained therein. The application shall not be eligible for consideration until it is in satisfactory form, has been duly executed, and has been submitted to the Zoning Administrator, accompanied by all necessary fees as provided in this ordinance.
- b. The application shall be made on forms provided by the Zoning Administrator and shall be accompanied by such documentation as is required to determine compliance with this ordinance, but not less than the following:

The name and address of each person or entity having any interest in the land (whether as owner, tenant, optionee, vendor, vendee, or otherwise, vested or contingent, present or future, direct or indirect, but excluding any Lien holder as defined in Subsection 1105-3,b(7) on which the use is to be located (all such persons and entities are hereinafter collectively referred to as the "Principals"), together with a description of each Principal's interest in the land.

2. The name and address of each person or entity having any interest which confers, or will confer, any right of access, development, operation, or other right in the land on which the use is to be located, whether vested or contingent, and should include, but shall not be limited to, a person or entity that is a party to a lease, development agreement, operating agreement, or any other agreement which pertains to a mining or quarrying operation on the land on which the use is to be located, the removal of resources from the site, or contracting with others for any such activity (all such persons and entities are hereinafter collectively referred to as the "Operators"), together with a description of each Operator's interest.
3. The name and address of each other person or entity having any interest in the land or in the development thereof or any operation thereon, together with a description of each of their respective interests in the land on which the use is to be located.
4. All Principals, all Operators, and every other person or entity having any interest in the land or in the development or operation thereof, but not including any Lien holder as defined in Subsection 1105-3,b(7), shall be collectively referred to herein as the "Applicants".
5. Specification of the location, size and legal description of the land for which special land use approval is sought, together with any and all adjoining land in which any of the Applicants and/or any person or entity affiliated with any of the Applicants has any interest (whether as owner, tenant, optionee, vendor, vendee, Lien holder or otherwise; vested or contingent, present or future, direct or indirect).
6. A record search of title to the lands described in subparagraph (5) prepared by a reputable title company satisfactory to Highland Township certified as of a date not more than thirty (30) days prior to the date of application and disclosing all interests in the land on which the use is to be located, including but not limited to, the interests of each Applicant and each lien or security interest with respect to any portion of such land.
7. A statement in writing from each holder of a lien or other security interest in any part of the land on which the use is to be located (all such persons and entities being hereinafter collectively referred to as "Lien holders"), acknowledging each Lien holder's willingness to subordinate its interest in the land to the interest of Highland Township in the exercise of its rights under the ordinance and any special use permit with respect to the restoration of the land in accordance with

- any Operations and Restoration Plan that may be entered into with respect to said land.
8. The name, address and telephone number of one person, firm or corporation designated by each Applicant and each Lien holder as agent for all for the purpose of receiving all notices, correspondence and communications in connection with this ordinance.
 9. Name and address of the banking or savings and loan entity which is to issue the irrevocable letter of credit or other surety to be posted pursuant to Subsection 1105-9, if applicable.
 10. Sworn statement that none of the Applicants has defaulted on any bond posted to ensure performance in connection with any mining and/or construction activity, or if any of the Applicants has defaulted on any such bond, a brief description of the circumstances surrounding the default, including the name of the surety, date of default and any remedial action which was taken.
 11. The name of each Applicant's carrier for public liability and property damage insurance and policy limits thereof, together with current certificates of insurance for coverage's required under this Ordinance.
 12. Vertical aerial photographs, enlarged to a scale of one (1) inch equals two hundred (200) feet, from original photographs at a negative scale no smaller than one (1) inch equals one thousand (1,000) feet. The area covered by the vertical aerial photographs shall include: all land subject to the application; all contiguous land which is proposed to be used or has been used by any of the Applicants for any extraction, treatment or storage; all roads which can provide access to any land involved in the proposed operation; all roads other than state trunk lines which may be used to haul mined material; and all lands within one mile of each of the aforementioned areas. Each such area or feature shall be delineated on the aerial. All aerial photographs shall be taken not more than one year prior to the date of the application of which they are a part.
 13. Twenty (20) copies of an identification and topographic survey, prepared by an engineer or surveyor licensed by the State of Michigan to prepare such a survey, drawn to a scale of one (1) inch equals two hundred (200) feet with topographic contours drawn at two foot intervals on U.S.G.S. datum. This survey shall include the boundary of the entire tract by courses and distances, all boundaries of the areas subject to the application, and the means of vehicular access to the proposed operation.
 14. Twenty (20) copies of an isopach survey or other comparable geologic data indicating the location of deposits to be mined and the basic data and collection methods upon which such survey is based. Elevations shall be based on U.S.G.S. datum.
 15. An estimate of the quantity of excavation on the site and the extent of resources on undeveloped land within one mile of the site.

16. Report by a qualified independent soil scientist, soils engineer, hydrologist, hydro geologist or geologist regarding the surface water, the level of the water table and the size and location of existing and new water bodies on the site and within one mile of the site. The report shall include an opinion as to each and every effect on the water table and private wells of property within the reasonably anticipated area of impact during and subsequent to the operation. The report shall also include an opinion whether the exposure of subterranean waters and/or the impoundment of surface waters, where permitted, will establish a stable water level at the level or levels proposed as part of the operation, and that the same will not interfere with existing subterranean water or cause any harm or impairment to the general public. The report shall include a ground and surface water quality analysis based on samples taken not more than one year prior to the date of the application of which the report is a part. The analysis shall be completed in accordance with engineering standards duly adopted by the Highland Township Board of Trustees. The report shall provide base line water quality data to be used in determining compliance with the requirements of this ordinance.
17. A detailed Operations and Restoration Plan for the extraction of the natural resource deposits and restoration of the site. The plan shall:
 - (a) Set forth in detail the arrangement and nature of all operations, including the quantity of each type of material to be removed and the machinery, equipment and methods to be used in the operation.
 - (b) Set forth a detailed explanation as to routing of commercial vehicles and their size, weight and frequency of trips. If different routes will be used at different stages of the operation, a timetable for routing shall be included. The Applicant shall submit these proposed routings to Highland Township, affected adjoining townships, the Oakland County Road Commission, and the Michigan Department of Transportation for review of the physical and design capabilities of these routes to accommodate the potential traffic, including turning movements to and from the site at all points of egress and ingress. A letter from each jurisdiction indicating their comments shall be included as part of this application.
 - (c) Set forth in detail the types and amounts of explosives proposed to be used, and the areas to be blasted.
 - (d) Set forth in detail the amount and source of water to be utilized in processing, and the anticipated means and location of dispersals of such water following use.
 - (e) Set forth in detail those features of the arrangement and nature of operations which will ensure that the operations have minimum negative impact on adjacent areas and on areas affected by the routing of trucks and other commercial vehicles.

- (f) Set forth in detail the procedures to be employed to protect groundwater, watercourses, water bodies and wetlands from contamination and erosion directly or indirectly caused by extraction and restoration activities. Procedures should include the use of monitoring wells and the periodic sampling of watercourses and water bodies and the termination of mining activities if any of the periodic samplings indicate damage from contamination or erosion. Monitoring wells may be omitted if the Township Board finds, based on specific facts, that they are not needed to ensure protection of water quality.
- (g) Set forth in detail the procedures to protect groundwater levels and the direction and flow rates of subsurface aquifers. Methods for the disposition by controlled flow or controlled drainage of any excess water into existing drains or watercourses shall be specified. Methods shall be such that the facilities of such drain and/or water course shall not be unduly burdened by the introduction of the additional drainage. Procedures should include the use of monitoring wells at the perimeter of the property and the termination of mining activities if monitoring wells indicate that impacts on groundwater could result in significant draw down of existing wells or the region's water table. Monitoring wells may be omitted if the Township Board finds, based on specific facts, that they are not needed to ensure protection of water quantity and flow.
- (h) Set forth in detail a timetable for each stage of the operation and a plan for restoration in one or more phases. The restoration plan shall specify:
 - (1) The use or uses to which each restored area will be put.
 - (2) The dates by which areas will be restored, as interim restored areas and final restored areas pursuant to Subsection 1105-12,b(1).
 - (3) The restoration topography drawn as contours at an interval of two (2) feet on U.S.G.S. datum.
 - (4) The location of water bodies and other major physical features.
 - (5) The location of areas to be partitioned or subdivided, and the proposed layout of such areas.
 - (6) The methods and materials proposed for reclamation including topsoiling and the amount and type of plantings.
- (i) Provide for operations and restoration in conformance with the provisions of Section 1105-12 and 1105-13.

- c. The application for approval of a mining special land use may be accompanied by an application for a change in the zoning designation of the subject property, provided all applicable requirements for a zone change are met.
- d. The Applicants shall be responsible for payment of all application fees, including but not limited to all costs incurred by the township in reviewing and evaluating the application, as herein provided. The application shall be accompanied by a deposit against the application fee, which fee shall be in an amount sufficient to cover all costs of the Township associated with review of the application. Such costs may include, but shall not be limited to, costs of providing required public notice and thorough independent, professional technical reviews of all issues pertinent to consideration of the application. Technical reviews shall address such issues as land use impacts, land value impacts, traffic flow and traffic safety impacts, water quality impacts, other natural resource impacts, compliance enforcement problems, land restoration costs and other technical issues. Independent technical reviews shall be prepared by appropriately qualified independent professionals to a level of detail appropriate to the proposed mining operation. The Township Board shall from time to time establish by resolution the amount of the application fee deposit for each application, on a case-by-case basis.

1105-4. Mining and Quarrying Special Land Use Application Procedures

- a. The application for approval for a mining and quarrying special land use, and the related zone change application, if any, shall be referred to the Planning Commission at its next regularly scheduled meeting which takes place seven (7) calendar days or more after the initial submission of the application(s) to the Zoning Administrator.
- b. The Planning Commission shall review and communicate its recommendation on the zone change application, if any, in accordance with procedures prescribed by applicable statute.
- c. The Planning Commission shall hold one or more public hearings to hear any person wishing to present facts, information and/or opinions pertaining to the application. Notice of such public hearings shall be given as follows:
 - 1. The Zoning Administrator shall publish a notice of each such hearing in a newspaper of general circulation in the township and shall send a notice of each such hearing by mail or personal delivery to:
 - (a) all owners of property for which approval is being considered;
 - (b) all persons to whom is assessed real property within 300 feet of the boundary of the subject property;
 - (c) occupants of all structures within 300 feet of the subject property;
 - (d) all persons to whom is assessed real property within 300 feet of any road segment, other than a state trunk line highway which comprises a portion of the route identified in the application as

that which will be utilized by haul and other commercial vehicles;

- (e) occupants of all structures within 1,400 feet of any road segment, other than a state trunk line highway, which comprises a portion of the route identified in the application as that which will be utilized by haul and other commercial vehicles.
- 2. The notice shall be given not less than five (5) and not more than fifteen (15) days before the public hearing to which it shall apply.
 - 3. If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification shall be given to the occupant of each dwelling unit or spatial area which is owned or leased by different individuals, partnerships, businesses or organizations from other dwelling units or spatial areas.
 - 4. The notice shall:
 - (a) Describe the nature of the special land use request.
 - (b) Indicate the property which is the subject of the special land use request and all road segments within the Township which will be used by haul vehicles.
 - (c) State when and where the public hearing on the special land use request will be held.
 - (d) Indicate when and where written comments will be received concerning the request.
 - d. The number of public hearings scheduled shall be sufficient to permit the Planning Commission to hear public comment pertinent to the application. At least one such public hearing shall be held after the Planning Commission has had an opportunity to review and consider both the application and the pertinent technical reviews prepared pursuant to Subsection 1105-4,e.
 - a. At the expense of the Applicants, the Planning Commission shall obtain technical reviews pertinent to the application. Technical reviews shall address such issues as land use impacts, land value impacts, traffic flow and traffic safety impacts, water quality impacts, other natural resource impacts, compliance enforcement problems, land restoration costs and other technical issues. Technical reviews shall be prepared by appropriately qualified professionals to a level of detail appropriate to the potential scope of the proposed mining operation. The level of detail appropriate to the potential scope of the proposed mining operation shall be determined by the Planning Commission, which shall specify the technical reviews to be prepared, the professionals to be responsible for preparation, and the extent, if any, to which initially prepared technical reviews should be supplemented by expanding their content and/or by preparing additional technical reviews to cover topics not previously covered. As a minimum, the Planning Commission shall obtain a professional planner's written technical review which addresses in detail the standards set forth in Section 1105-6 and facts pertinent thereto.

Such a technical review shall evaluate compliance with the applicable standards and shall indicate if additional technical reviews may be necessary to determine compliance. All technical reviews, including the minimum professional planners review, shall be obtained at the Applicants' expense as provided in Subsection 1105-3,d. The professionals responsible for preparation of technical reviews shall not be employees of any of the Applicants or have ongoing professional or business association with any of the Applicants.

- f. The Planning Commission shall make a recommendation regarding the special approval with conditions, or disapproval. The Planning Commission's recommendation shall be based on all available factual materials and public hearing comments pertinent to the requirements of Section 1105 in general, and pertinent to the requirements and standards of Subsections 1105-3, 1105-6, 1105-12 and 1105-13 in particular. As part of its recommendation, the Planning Commission shall set forth in detail the reasons and facts upon which the recommendation is based. The views of any members of the Planning Commission who disagree with the recommendation or who otherwise wish to record their comments as part of the recommendation shall also be included.
- g. The application and the zone change application, if any, together with the Planning Commission's recommendations thereon, reports and other submissions prepared in connection with technical reviews and all other factual material reviewed by the Planning Commission in the course of its deliberations, a summary of the comments from the Planning Commission public hearings, and the minutes of pertinent Planning Commission discussions and deliberations (including expressions of divergent opinions), shall be forwarded to the Township Board for review and consideration. Following receipt of the application, the Planning Commission recommendations and related material, the Township Board shall hold one or more public hearings to hear any person wishing to present facts, information and/or opinions pertaining to the application. Notice of such public hearings shall be given as provided in Subsection 1105-4,c. The number of public hearings scheduled shall be sufficient to permit the Township Board to hear public comment pertinent to the application. At least one such public hearing shall be held after the Township Board has had an opportunity to review and consider both the application and the material submitted by the Planning Commission pursuant to Subsection 1105-4,g.
- h. The Township Board shall review and consider all technical reviews and all other factual material reviewed by the Planning Commission, all public hearing comments, and such additional information as it deems pertinent, including additional technical reviews of the type set forth in Subsection 1105-4,e. The application shall be presented to the Township Board by the Applicant and/or its representatives. Pertinent technical reviews shall be presented by their authors. Pursuant to its deliberations, the Township Board may question those presenting pertinent information. In the course of its deliberations, the Township Board may remand the entire application or specific questions pertinent to the application to the Township Planning Commission for further consideration and recommendation. The Board shall approve, approve with conditions, or disapprove the application. Such decision shall be based solely on the criteria set forth in this Ordinance.

- i. If the application is approved or approved with conditions, a special land use permit will be issued to conduct operations. The permit shall incorporate by reference, and operations shall be conducted in conformance with: (i) the Operations and Restoration Plan for the permit as approved by the Highland Township Board, (ii) any conditions attached thereto by the Township Board, and (iii) the terms and conditions of any other applicable laws, the ordinances of the Township of Highland, and any other applicable regulations. The permit shall not be valid until it has been signed by the Township Supervisor and the Township Clerk. The Supervisor and Clerk shall not sign the permit until they have determined that: i) all application review costs have been paid, ii) all required sureties have been deposited, iii) all permit signatures required pursuant to Subsections 1105-10,g and h have been obtained, and iv) all other conditions which are required to be fulfilled prior to commencement of operations have been fulfilled. The Operations and Restoration Plan and any conditions shall become an integral part of this ordinance and all mining activities and subsequent use of the land shall conform thereto. No change in the terms of the Operations and Restorations Plan or the conditions attached by the Township Board thereto or to the persons named as Applicants shall be made except by the issuance of an amended special land use permit pursuant to the same procedures and standards set forth herein for issuance of the initial special land use permit.
- j. No application for a special land use permit which has been denied by the Township Board shall be resubmitted until the expiration of one (1) year from the date of such denial, except on grounds of newly discovered evidence or proof of changed conditions, sufficient to justify reconsideration by the Township Board. Each reapplication will be treated as a new application.

1105-5. Time Limit and Renewal of Mining and Quarrying Special Land Use Permit

- a. Mining and quarrying special land use permits shall be issued for a period which is not less than twelve (12) months and which is not longer than 120 months.
- b. Mining and quarrying special land use permits may be renewable upon submission and approval of an application for renewal. In order for an application for renewal to be approved it shall: 1) meet all the requirements set forth for initial applications, and 2) contain satisfactory evidence of compliance with the requirements of this ordinance and any conditions of approval applicable to the permit for which renewal is sought. Evidence of compliance shall be obtained pursuant to the provisions of Subsection 1105-7, with all costs for determining compliance being paid by those persons, firms and/or corporations designated to bear such costs pursuant to Subsection 1105-7.
- b. Applications for renewal of mining and quarrying special land use permits shall be submitted not more than six (6) months prior to expiration of the permit for which renewal is sought.

1105-6. Township Board Review and Approval of Mining Special Land Uses

- a. General Standards for Approval

The Township Board shall approve the establishment or enlargement of a mining activity as a special land use only after it has determined, based on the facts submitted by the Applicants or otherwise available, that no areas directly or indirectly affected by the proposed mining and related activities will suffer any very serious consequences as a result of the proposed land use. The seriousness of consequences shall also be weighed in relationship to the scarcity of and the public need for the material to be mined. In making such a determination, the Township Board shall make specific, separate findings as to each of the following aspects of the proposed mining operation:

OFF-SITE IMPACTS

1. There will be no very serious impairment to the safety of motorists as a result of increased vehicular congestion, roadway deterioration, debris thrown from trucks, and/or the mixture of slower truck with faster automobile traffic, or any other cause. In making such a finding, consideration shall be given to existing and future traffic volumes, thoroughfare geometrics, topographic and other pertinent conditions.
2. Existing roadways are adequately improved to carry traffic which will result, or there are funds available to make necessary improvements.
3. There will be no very serious impairment to the safety of school children riding school buses or walking to school as a result of increased vehicular congestion, roadway deterioration, debris thrown from trucks, and/or the mixture of slower truck with faster automobile traffic, or any other cause. In making such a finding, consideration shall be given to existing and future populations of school children.
4. There will be no very serious impairment to the quiet enjoyment of properties due to noise from truck traffic generated by the mining site. In making such a finding, consideration shall be given to the nature of existing and future development.
5. There will be no very serious impairment to the quiet enjoyment of properties due to dust and exhaust from truck traffic generated by the mining site. In making such a finding, consideration shall be given to the nature of existing and future development.
6. There will be no very serious impairment to the general level of air quality due to dust, exhaust or other emissions from off-site hauling of mined materials. In making such a finding, consideration shall be given to the equipment and methods used to minimize such impacts.

ON-SITE IMPACTS

7. There will be no very serious impairment to the quiet enjoyment of properties due to noise from the mining or processing of materials on the site. In making such a finding, consideration shall be given to the nature of existing and future development.
8. There will be no very serious impairment to the quiet enjoyment of properties due to dust, exhaust or other emissions from on site extraction, moving or processing of mined materials. In making such

a finding, consideration shall be given to the nature of existing and future development.

9. There will be no contamination of groundwater from the mining operations.
10. There will be no very serious draw down of groundwater levels or alteration of the direction or flow rate of aquifers.
11. There will be no very serious negative aesthetic impact from open pits, processing structures, stockpiles of mined material, reuse piles or other similar facilities.
12. Potential attractive nuisance or other dangers associated with mining operations will be minimized by appropriate safety precautions.
13. There will be no very serious impairment to the general level of air quality due to dust, exhaust or other emissions from on site extraction, moving or processing of mined materials. In making such a finding, consideration shall be given to the standards of Section 1001-7 and 1001-8.

MID- AND LONG-RANGE PLANNING CONSIDERATIONS:

14. The use of land after reclamation will be compatible with the existing and planned development of surrounding areas.
15. There will be no very serious loss of agricultural land and/or alternate development opportunities.
16. Other lands within the Township will not be blighted by the mining operations or associated activities.

ASSURANCES OF COMPLIANCE

17. The Applicants have provided adequate financial assurances that reclamation will occur as approved and on schedule.
18. The Applicants have provided adequate financial resources to pay all costs of Township monitoring of compliance.
19. The Applicants have provided adequate financial and contractual assurances that hauling will comply with approved time schedules and routes.
20. The Applicants have provided all other assurances necessary for the Township to determine that there will be compliance with all requirements of this ordinance.

SCARCITY AND NEED FOR MATERIAL TO BE MINED

21. Available supplies of the material to be mined from existing sources other than the proposed mining site and from unidentified, but reasonably anticipated other sites, do not substantially exceed

reasonably foreseeable public needs. In evaluating available supplies and public needs, consideration shall be given to all supplies and all needs, whether generated inside or outside of the Township, which are likely to affect the market area which might be served by the site for which special use approval is sought.

b. Size, Duration and Location Relationships

In determining whether or not the general standards set forth in Subsection 1105-6,a, above are met, the Township Board shall consider the following factors in relation to each other: 1) the size of the proposed operation, 2) the location of the proposed operation (including haul routes) in relation to residential land and state trunk line highways, and 3) the anticipated duration of the proposed operation. In general, the Township Board shall not approve 100 acre or larger operations of anticipated ten (10) year or longer duration when proposed for locations with haul routes from the operation to a state trunk line highway in excess of one (1) mile through or adjacent to areas planned or developed for residential use. The Township Board may approve such operations, provided it finds that there are specific factual circumstances which mitigate the impacts of the operation and/or which indicate that the material to be extracted is scarce in proportion to the need for said material. For the purpose of this subsection, 100 acre or larger operations shall be operations which have a 100 acre or larger area in which mining and related operations could take place in accordance with the provisions of Subsection 1105-12,b(2).

c. Scarcity of and Need for Material to be Mined:

In determining whether or not the general standards set forth in 1105-6,a above are met, the Township Board shall consider the scarcity of and public need for the material to be mined in Highland Township and the larger regional and national community of which the Township is a part. Scarcity and public need consideration shall be weighed in relation to size, location and duration considerations.

d. Cumulative Impact of Existing and Proposed Operations

In determining whether or not the general standards set forth in 1105-6,a above are met, the Township Board shall consider the cumulative impact of existing and proposed operations. Special land use approval shall not be granted if the Board is unable to find that no very serious consequences will result from the cumulative impact of a proposed operation and one or more existing operations.

e. Complete Application and Compliance with Operation and Restoration Requirements

The Township Board shall approve the establishment or enlargement of a mining activity as a special land use only after it has examined the application for a special land use permit and found that it conforms with the requirements of Section 1105-6, and in particular that the Operations and Restoration Plan provides for operations and restoration in accordance with the standards of Sections 1105-12 and 1105-13.

1105-7

Special Land Use Permit Compliance Reports by Zoning Administrator

- a. To ensure compliance with the provisions of this ordinance including any conditions established pursuant to special land use approval, the Zoning Administrator shall conduct not less than one (1) inspection of each mining and quarrying operation every six (6) months. Employees and agents of the Township of Highland shall be permitted to come upon the lands subject to a mining and quarrying special use permit for the purpose of inspecting, monitoring and/or administering this Ordinance and other ordinances and lawful regulations of the Township of Highland.
- b. At least one (1) such inspection shall be completed and reported to the Township Board thirty (30) days prior to the date on which the subject special land use permit expires.
- c. The Zoning Administrator shall retain the assistance of planners, engineers and any other professionals necessary to evaluate compliance with this ordinance.
- d. The cost of all compliance inspections shall be paid by the Applicants and such other persons, firms or corporations who have been made subject to liability pursuant to licensing and/or other Township regulations. Each such person, firm or corporation shall be jointly and severally responsible for the full cost of compliance inspections.

A Compliance Inspection Reserve Fund which is controlled by the Township shall be established for each special land use which is approved pursuant to Section 1105. The fund shall be maintained by monthly deposits made by the persons, firms and corporations responsible for paying the costs of compliance inspections. The deposits shall be equal to \$500.00 per month or six (6) cents for each cubic yard of mineral removed from the subject property during the month, whichever is greater. At the end of each calendar year, and as of the date of termination in the final year of operations, an independent certified public accountant satisfactory to the Township shall certify to the Township the amount of materials removed from the subject land during the previous year, or during such portion of the year until the date of termination, as applicable.

After thirty-six (36) monthly deposits have been made to a Compliance Inspection Reserve Fund, and so long as the balance in the fund exceeds the larger of either \$18,000.00 or the total costs of all compliance inspections made during the most recent thirty-six (36) months, then deposits to the fund may be suspended until the balance in the fund falls below the larger of either \$18,000.00 or the total cost of all compliance inspections made during the most recent thirty-six (36) months.

Should the Compliance Inspection Reserve Fund be at any time insufficient to cover the full cost of inspections, the persons, firms and corporations

responsible for paying the costs of compliance inspections shall be billed directly for the difference. Failure to pay such charges within thirty (30) days of billing shall be a violation of this ordinance.

In individual circumstances, the Township Board may specify lower or higher monthly deposits and/or a lower or higher minimum Compliance Inspection Reserve Fund balance upon a finding that such lower or higher deposits and/or balances will be adequate or necessary to cover the costs of the compliance inspections in the particular circumstance.

1105-8. Notice of Violations, Correction of Violations, Revocation of Special Land Use Permit, and Lien Against Property

- a. Should the Zoning Administrator determine that a probable violation of the provisions of this Section 1105 exists, a written notice of the probable violation and the pertinent facts relating thereto shall be served on all Applicants, all Lien holder and any other persons, firms and/or corporations who have been made subject to liability pursuant to licensing and/or other Township regulations. Said persons, firms and/or corporations and each Operator shall have thirty (30) days to file a response to the notice and to provide the Zoning Administrator with facts and information demonstrating compliance. Should such facts and information not be provided within thirty (30) days, or should the Zoning Administrator determine that the facts and information filed fail to demonstrate compliance, the Zoning Administrator shall serve a second notice. The persons, firms and/or corporations upon whom notice is served shall have thirty (30) days to file a response to the second notice and to provide the Zoning Administrator with additional facts and information demonstrating compliance. Should a satisfactory response not be provided to the second notice, the Zoning Administrator shall file a notice of probable violation with the Township Board.
- c. Following the Board's receipt of the notice of probable violation, the Board shall schedule a public hearing for the purpose of hearing comments pertaining to the probable violation. The hearing shall be notice as required by Michigan law for special land use review, provided that notice shall be provided to all Applicants, to all Lien holder and to person, firm and/or corporation who has signed the special land use permit pursuant to Subsection 1105-10,g, and on any other persons, firms and/or corporations who have been made subject to liability pursuant to licensing and/or other Township regulations.
- c. Following the public hearing, the Township Board shall determine if the subject use has been operated in violation of the terms of this ordinance including any conditions established pursuant to special land use approval.
- d. Should the Board determine that the subject use has been operated in violation of the terms of this ordinance, including any conditions established pursuant to special land use approval, the Board shall implement such remedies as are appropriate to the circumstances. The remedies which the Board may implement shall include, but shall not be limited to any one or more of the following:
 1. Order that the operation and the property be brought into compliance.
 2. Order the restoration of all areas disturbed by mining and quarrying operations in accordance with the approved restoration plan.

3. Revoke the special land use permit for mining and quarrying operations.
 4. Revoke all Highland Township mining and quarrying licenses held by all operators who are licensed to conduct operations on the subject site.
 5. Order such remedial actions as the Board may determine necessary to correct environmental or other on-site and/or off-site damage which may have resulted from operation of the subject use in violation of the requirements of this Ordinance, including the conditions of the applicable special land use permit.
 6. Take such other actions as the Board may determine are appropriate to the circumstances, but not including the actions provided for in Sub-Paragraph g. Such actions shall be undertaken only after a second public hearing pursuant to Sub-Paragraph f, below.
- e. Pursuant to the implementation of appropriate remedies, the Board may establish such specifications for compliance as are appropriate. The Board may direct the Zoning Administrator to monitor compliance with actions ordered by the Board and report to the Board on such actions.
 - f. Should the Zoning Administrator report that actions to correct violations are not proceeding in accordance with specifications established pursuant to Subsection 1105-8,e, the Board shall schedule a public hearing with notice as provided by Michigan law for special land use approval. Subsequent to the public hearing, the Board shall determine whether actions to correct the violation have been carried out in accordance with the Board's specifications.
 - g. Should the Board determine that any of the specified corrective actions have not been taken, the Board shall have the right to enter on the property for the purpose of restoring the property in accordance with the approved Restoration Plan, and/or to take such remedial action which it deems appropriate to correct environmental or other damage which may have resulted from operation of the subject use in violation of the requirements of this ordinance, including the conditions of the applicable special land use permit, and/or to take such other actions as the Board may determine are appropriate. The cost of any such actions shall be charged against the surety deposited pursuant to Subsection 1105-9 and any other applicable surety deposited pursuant to licensing or other Township regulations. In the event that the surety deposits and other resources of the Applicants available to the Township are, in the opinion of the representatives of the Township, insufficient to cover such costs, the Township shall be entitled to recover said deficiency out of the land, and, to effectuate said right, the Township shall be entitled under such circumstances to exercise all of the rights of a first lien holder whose lien is in default, and shall be entitled to exercise all remedies available to such a first lien holder under the laws of the State of Michigan, including, but not limited to, the right to foreclose said lien and the right to obtain appointment of a receiver for any purpose.
 - h. In the event that the value of the property is insufficient to cover the balance of the costs, liability shall fall jointly and severally upon the Applicants, non-applicant operators on the subject site and on all other persons, firms and/or

corporations who have been made subject to liability pursuant to licensing and/or other Township regulations. Applicants on whom liability shall fall shall include Principals, Operators and others as defined in Subsections 1105-3,b(1) through 1105-3,b(4) and as identified on the Special Land Use Permit. Said liability shall fall on said Applicants based on their being named in the applicable Special Land Use Permit and those so named shall not escape liability even if they no longer meet the definition of Principals, Operators or others with an interest in the land pursuant to Subsections 1105-3,b(1) through 1105-3,b(4). If a Special Land Use Permit has been amended pursuant to the provisions of Subsection 1105-4 so that one or more entities originally named as Applicants are no longer named as Applicants, then those that once were named as Applicants, but are no longer named as Applicants shall not be liable to cover the balance of the costs in the event that the value of the property is insufficient to cover the balance of the costs. Non-applicant operators on whom liability shall fall shall include all operators licensed by Highland Township to conduct operations at the subject site.

1105-9. Surety Requirements

- a. So as to assure faithful restoration, the Applicants shall deposit with the Township a surety bond which is in form and substance satisfactory to the Township Board. No less than twenty-five (25) percent of the total bond shall be in the form of cash or an irrevocable and unconditional letter of credit issued by a banking or savings and loan institution satisfactory to the Township Board making the Township the beneficiary thereof. With the approval of the Township Board, up to seventy-five (75) percent of the bond may be in the form of a corporate surety bond.
- b. The cash or irrevocable letter of credit plus all other components of the surety bond shall remain in force, and in the possession of the Township until the parcel or parcels have been reclaimed, and all equipment, machinery, materials, buildings and other improvements removed as required by the terms of the ordinance.
- c. In the establishment of the amount of the surety bond, the Township Board shall take into account the size and scope of the proposed operation, the current and projected costs of reclamation in the event of default by those responsible for restoration at such time as it is likely to be most costly, and other such conditions and factors as might be relevant in determining a sum reasonable in light of all the facts and circumstances. In establishing the amount of the deposit, the board shall consider, but not be bound by, the Applicants' estimate of the amount that will be required, provided such estimate is certified as accurate by an officer of each Applicant. In determining the amount of the Bond the Township Board may consider, but shall not be bound by an independent appraisal of the actual cost of restoration. Such an appraisal shall be prepared by appropriately qualified independent professionals selected by the Township Board. Costs for obtaining such an independent appraisal shall be charged to the Applicants. Final determination of the amount of the Bond shall be made by the Township Board, but unless good cause be shown therefore, the deposit shall be in an amount not less than forty thousand dollars (\$40,000) for the first twenty (20) acres or portion thereof, and a minimum of one thousand dollars (\$1,000) for each acre over twenty acres. The Township Board, in considering any application to amend, modify or renew the special land use permit, may, in its

discretion, increase or decrease the amount of the surety bond, based upon increased costs, new information or partial reclamation.

- d. All cash deposited as surety shall be deposited in an interest bearing account in control of the Township at a bank or savings and loan institution satisfactory to the Township, provided that all sums on deposit shall be readily accessible to the Township in the event of need or default. Interest earned on any such deposit shall accrue in the account and shall be available for restoration and other purposes which may be charged against those liable for inspection, restoration and remediation costs pursuant to this Ordinance, with the balance, if any, returned to the Applicants upon compliance with all other provisions of this Ordinance.
- e. The surety deposit shall be submitted by the Applicants prior to the issuance of the special land use permit.
- f. Monies may be released to the Applicants in proportion to the work completed on the different restoration activities after an inspection report is filed by the Township Engineer and approved by the Board. Not more than eighty (80) percent of the monies deposited shall be released until all work has been completed and subsequently inspected by the Township Engineer and approved by the Board. Upon completion of restoration and/or rendition in accordance with this ordinance to the satisfaction of the Township, any balance of such deposit together with any remaining interest thereon, shall be returned to the various Applicants in the proportions designated by the Applicants on the approved special land use permit.
- g. The amount of the surety deposit shall be subject to an annual reevaluation of its adequacy to pay for all required restoration and rendition activities. The reevaluation of the surety deposit shall consider changes in the Consumers Price Index for the Detroit Metropolitan Area as published monthly by the U.S. Bureau of Labor Statistics for Hourly and Clerical Wage Earners plus other pertinent factors. Pursuant to reevaluation, the Township Board may increase or decrease the required surety deposit. If the Township Board increases the surety requirement, all Applicants, all Lien holders and all other persons, firms and/or corporations who have been made subject to liability pursuant to licensing and or other Township regulations shall be notified. Within ninety (90) days of said notification, the additional surety shall be deposited with the Township in a form acceptable to the Township. Failure to deposit the additional surety within ninety (90) days shall be deemed a violation of this ordinance. Action against said violation shall be taken pursuant to Subsection 1105-8.
- h. The Township Board may, at its discretion, approve surety deposits for areas less than the total acreage for which a special land use permit is sought. However, at no time shall any excavation be undertaken unless and until sufficient surety deposit has been deposited to ensure that the restoration of the area to be disturbed conforms with all other requirements of this ordinance.
- i. Insurance shall be a precondition to commencement of operations, and maintenance in full force and effect of insurance shall be a precondition to the right of continued operations. The Applicants shall provide binders for personal injury and property damage insurance for the project to be carried

during all times which any reclamation is left to be done, and during all times any machinery and/or equipment remains on the site, or any structures, equipment or improvements to be removed remain on the site. This insurance shall be carried in an amount no less than one million (\$1,000,000.00) dollars for personal injury and damage to more than one person's property arising out of a single occurrence. This insurance shall cover injury or damage occurring upon the site of the operation, as well as upon injuries occurring upon adjoining property as the result of conditions or activities conducted upon the subject's property.

1105-10. Permit Content

- a. The name and address of each of the Applicants for the special land use permit and each Lien holder with respect to the land subject to the lien.
- b. The name, address and phone number of the person designated by each of the Applicants and each of the Lien holders as agent for all notice, correspondence and communication.
- c. The legal description of the property to which the permit shall apply.
- d. The period for which the permit shall be valid, including its commencement date and expiration date.
- e. A statement essentially corresponding to the following: "This permit is subject in general to Section 1105 Special Land Use Procedures and Standards for Mining and Quarrying and other applicable provisions of the Highland Township Zoning Ordinance under which this special land use permit was approved, that ordinance being the one in effect on _____, and in particular to the Operations and Restoration Plan approved pursuant to this permit and dated _____."
- f. A statement essentially corresponding to the following: "This permit may be suspended or revoked in accordance with the procedures and notice requirements set forth in the Highland Township Zoning Ordinance, based upon a failure to comply with one or more of the applicable requirements, and/or the terms and conditions of this permit, or upon the grounds that the use constitutes a nuisance or danger to the public health, safety and/or welfare."
- g. A statement to be endorsed by all Applicants and all Lien holders substantially in accordance with the following: "Each of the undersigned has read this permit and understands and agrees that all of the statements and contents of the Operation and Restoration Plan for the permit as approved by the Highland Township Board together with any conditions attached thereto by the Highland Township Board are incorporated herein by reference as a part of the terms and conditions hereof, together with the terms and conditions of any other applicable law, the ordinances of the Township of Highland, and any other applicable regulations. Each of the undersigned further acknowledges that employees and agents of the Township of Highland are permitted to come upon the lands at any reasonable time for the purpose of inspecting, monitoring and/or administering the ordinances and other lawful regulations of the Township of Highland, including those regulating mining and quarrying operations upon the land which is the subject of this permit."

Each of the undersigned further acknowledges that this permit shall be recorded with the Oakland County Register of Deeds and shall constitute evidence of a first lien, prior in right to all other liens with respect to the lands subject to this permit, in favor of Highland Township for the purpose of securing the performance of the restoration obligations set forth in the Operation and Restoration Plan, it being understood that, in the event that the surety deposits and other resources of the Applicants available to the Township are, in the opinion of the representatives of the Township, insufficient to assure restoration of the land in accordance with the Operation and Restoration Plan, the Township shall be entitled to recover said deficiency out of the land, and, to effectuate said right, the Township shall be entitled under such circumstances to exercise all of the rights of a first lien holder whose lien is in default, and shall be entitled to exercise all remedies available to such a first lien holder under the laws of the State of Michigan, including, but not limited to, the right to foreclose said lien and any purpose, and the Township shall be authorized to engage persons on behalf of the Applicants to enter onto said land and to perform such restoration and other actions as are appropriate to effectuate the provisions of the Operations and Restoration Plan. Each of the undersigned also acknowledges that the first lien evidenced by this permit shall also be for the purpose of securing the performance such remedial action which the Township Board of Trustees may deem appropriate pursuant to Subsection 11-5-8,d through g of the Highland Township Zoning Ordinance to correct environmental or other damage which may have resulted from operation of the subject use in violation of the requirements of this permit."

- h. A statement to be countersigned by all Applicants corresponding substantially to the following: "The undersigned have read this permit and understand and agree to be fully liable both jointly and severally for the entire cost of restoring the land pursuant to the Restoration Plan for this permit as approved by the Highland Township Board, and also for the cost of such other actions which the Highland Township Board of Trustees may deem appropriate pursuant to Subsection 1105-8,d through g of the Highland Township Zoning Ordinance to correct environmental or other damage which may have resulted from operation of the subject use in violation of the requirements of Section 1105 of the Highland Township Zoning Ordinance. However, the undersigned understand that the liability hereby accepted shall only be for restoration and other costs which exceed the sum of (i) the value of the surety deposits and other funds provided pursuant to Subsection 1105-9 of the Highland Township Zoning Ordinance, plus (ii) the amount realized by the Township as a result of the sale of the land at foreclosure."
- i. A statement to be countersigned by all Applicants naming one person, firm or corporation as agent for all for the purpose of receiving notices required pursuant to this ordinance.

1105-11 Maintenance of Permit Records

The Township Clerk shall maintain a copy of each special land use permit issued pursuant to the provisions of Section 1105. Along with each permit approved there shall also be maintained: 1) a complete copy of the approved Operations and Restoration Plan and any conditions imposed by the Township Board pursuant to approval of the permit; and 2) a complete copy of the entire Highland Township Zoning Ordinance under which the permit was approved. The Clerk shall certify the

Operations and Restoration Plan along with any conditions attached thereto, and the copy of the Zoning Ordinance as the documents applicable to the particular special land use permit with which they are maintained. The Clerk shall record the permit signed by the Township Supervisor and Clerk and by all Applicants as required by Subsection 1105-10g, h and i of this ordinance. The recorded permit shall constitute evidence of a first lien, prior in right to all other liens with respect to the lands subject to this permit, in favor of Highland Township for the purpose of securing the performance of the restoration and other obligations pursuant to this ordinance.

1105-12. Operation Requirements for Mining and Quarrying Special Land Uses

Removal operations must be conducted in a way which is compatible with existing and proposed development and in a way which protects the natural environment and minimizes negative impacts on surrounding land and development. Operation requirements as set forth in this section shall apply.

a. Conformance to Approved Operations and Restoration Plan

Operations shall be in accordance with an approved detailed plan as submitted pursuant to subsection 1105-3,b(17).

b. Arrangement of Operations

1. During any given phase of the operation, the entire site subject to the special land use permit shall be divided into the following seven types of areas: 1) buffer areas, 2) preservation areas, 3) future excavation and operations areas, 4) excavation-and-operations-in-progress areas, 5) interim restoration-in-progress areas and 6) interim restored areas, 7) final restored areas. Said areas shall be defined and regulated as follows:

(a) Buffer areas: Buffer areas shall be located on the subject property. Buffer areas are required by this ordinance to be incorporated in the approved Operations and Restoration Plan. During the period for which the special land use permit is valid, buffer areas shall not be disturbed by mining of materials or on-site operations appurtenant to mining (such as washing, grading, sorting, crushing, grinding, cutting and stockpiling), except that on-site roadways providing necessary access to various other areas shall be permitted to pass through buffer areas. Buffer areas may incorporate sight barriers required pursuant to Section 1302-7,a (1) and (2).

(b) Preservation areas: Preservation areas shall be located on the subject property. Preservation areas are not required per se by this ordinance, but may be established by the approved Operations and Restoration Plan for the convenience of the Applicants or as a method of conforming to one or more requirements which are specified in this ordinance. During the period for which the special land use permit is valid, preservation areas shall not be disturbed by mining of materials or on-site operations appurtenant to mining (such as washing, grading, sorting, crushing, grinding, cutting and stockpiling), except that on-site roadways may be permitted. Preservation

areas may incorporate sight barriers required pursuant to Section 1302-7a(1) and (2), or may serve in lieu of sight barriers pursuant to Section 1302-7, (3).

- (c) Future excavation and operations areas: Future excavation and operations areas shall be located within the operating limits as designated in the approved Operations and Restoration plan. No mining of materials or on-site operations appurtenant to mining (such as washing, grading, sorting, crushing, grinding, cutting and stockpiling) shall take place within the future excavation and operations areas, except that on-site roadways may be permitted.
- (d) Excavation-and-operations-in progress areas: Excavation-and-operations-in-progress areas shall be located within the operating limits as designated in the approved Operations and Restoration plan. At any one point in time, the size of all excavation-and-operations-in-progress areas shall not exceed the lesser of 150 acres or forty (40) percent of the property which is the subject of the special land use permit. At any one point in time, all mining of materials and on-site operations appurtenant to mining (such as washing, grading, sorting, crushing, grinding, cutting and stockpiling) shall take place within the excavation-and-operations-in-progress area applicable for that point in time, except that on-site roadways providing necessary access to various other areas may be permitted outside excavation-and-operations-in-progress areas.
- (e) Interim restoration-in-progress areas: Interim restoration-in-progress areas shall be located within the operating limits as designated in the approved Operations and Restoration plan. The total acreage of all interim restoration-in-progress areas plus all excavation-and-operation-in-progress areas shall not exceed the lesser of 225 acres or sixty (60) percent of the property which is the subject of the special use permit. Interim restoration-in-progress areas shall be areas which have previously been mined and in which restorative grading and vegetation planting is underway. No mining or related operations shall take place in any area while it is classified as an interim restoration-in-progress area. An area which has been classified as an interim restoration-in-progress area may be reclassified as an excavation-and-operations-in-progress area pursuant to the limitations of subparagraph (d) above.
- (f) Interim restored areas: Interim restored areas are areas which have had their topography, soils and vegetation restored in accordance with the interim provisions of the approved Operations and Restoration Plan. Interim restored areas need not be improved with buildings, permanent roadways, other permanent structures or with related landscaping which may be required for final restoration by the Operations and Restoration Plan. No mining or related operations shall take place in an area while it is classified as an interim restored area. An area

which has been classified as an interim restored area may be reclassified as an interim restored area may be reclassified as an excavation-and-operations-in-progress area pursuant to the limitations of Sub-Paragraph (d) above.

2. Minimum Setbacks for Future Excavation and Operations Areas, Excavation-and-Operations-in- Progress Areas, Interim Restoration-in-Progress areas and Interim Restored Areas:

- (a) Future excavation and operations areas, excavation-and-operations-in-progress areas, interim restoration-in-progress areas and interim restored areas shall be setback from the outer boundary of the subject property a minimum of 50 feet, except that a larger setback may be required by the Township Board in circumstances where a greater setback is deemed necessary to adequately protect adjacent land areas. Grading and excavation activities may take place up to the property line beginning six (6) months before the completion of excavation in an area when necessary to implement an approved restoration plan.
- (b) Excavation, washing and stockpiling of extracted material shall not be conducted closer than three hundred (300) feet to the margin of any stream or waterway without written permission from the Michigan Water Resources Commission.

3. Frontage and Access:

Each such tract of land shall have a minimum frontage on a major or secondary thoroughfare of at least two hundred fifty (250) feet, except that the Township Board may approve a tract that has lesser frontage if it is fronted by an active mining or quarrying operation, whose timetable for development would coincide with the proposed operation and written permission for access to a major thoroughfare is secured from any owner in fee or lease holder.

4. Elevation of Processing Facilities:

All processing facilities shall be located within the excavation area at an elevation as much lower than the general level of the surrounding terrain as is reasonably practicable in order to reduce the visual, noise and dust impacts of the plant.

5. Sight Barriers:

Sight barriers shall be provided in accordance with the provisions of Section 1302-9.

c. Operating Procedures

1. General Operating Standards:

All activities, equipment, roadways and material storage areas shall be treated, covered, muffled or otherwise controlled to ensure compliance with the following performance standards:

- (a) Operations will be conducted in a way to minimize negative impacts on adjacent areas.
- (b) Operations will be conducted in a way to minimize negative impact groundwater, watercourses, water bodies and wetlands.
- (c) Operations will be conducted in a way to minimize dust and dirt.
- (d) Equipment used shall be constructed, maintained and operated in such a manner as to eliminate insofar as is practicable, noises and vibrations which are injurious or substantially annoying to persons living in the vicinity.

1. Hours of Operation:

Excavation, washing and stockpiling of extracted material and all truck movements associated with the hauling of extracted material shall be restricted to weekdays between the hours of 7:00 A.M. and 7:00 P.M. except in cases of a public emergency declared by the Township Board.

3. Truck Routes:

Truck traffic associated with the use shall be prohibited on all streets except those for which it is specifically approved by the Township Board pursuant to special land use approval. Streets shall be approved for truck traffic so as to minimize the impact of such traffic on residential and related uses and activities.

4. Enclosure and Spraying of Trucks:

Any and all trucks hauling any extracted materials to or from the site on rights-of-way which are subject to the jurisdiction of Highland Township shall, to the extent required by the Township Board after due consideration, be enclosed or covered to prevent materials from blowing or falling from trucks, and shall be sprayed to prevent gravel from falling or being thrown from the wheels and under carriage of trucks.

5. Treatment of Private Roads to Minimize Dust

All private access roads shall be treated so as to create dust-free surface for a distance of three hundred (300) feet from any public access road. Arrangements shall also be made to minimize dust on public access routes traveled in the Township.

6. Processing of Material Extracted Off-Site Prohibited:

No natural resource extracted outside the limits of the approved special land use area shall be brought in for washing, grading, or further processing, except in the event of a public emergency requiring the use of said natural resource, as declared by the Township Board.

7. Fencing:

All mining and quarrying sites shall be fenced prior to the commencement of operations and prior to the placement on the site of machinery or buildings. The fencing shall completely surround the borders of the subject property, provided, however, for good cause shown in relation to the protection of public safety and in view of the operations conducted, the Township Board may, in its discretion,

modify the location of fencing. The minimum specifications for the fencing shall be as follows: a six (6) foot high farm-type fence of Number 9 gauge top wire, Number 12 gauge bottom wire, Number 14 gauge stays and intermediate wires and spacing of six (6) inches vertically by twelve (12) inches horizontally; all stays shall be of fourteen (14) gauge wire; support posts shall be spaced on sixteen (16) foot centers or less.

8. Stockpiling of Topsoil:

Sufficient topsoil shall be stockpiled on the site so that the all areas which require vegetative restoration may be recovered with a minimum of six (6) inches of topsoil when excavating operations are completed. The topsoil replacement shall be made immediately following the termination of excavating operations. All replaced topsoil shall immediately be planted with grass or other plant material acceptable to the Board so as to prevent erosion of slopes. Those lands under water or in approved beach areas are excluded from top soil replacement and planting requirements.

9. Explosives:

Explosives shall be used in accordance with the "Regulations for Storage and Handling of Explosives," as published by the Michigan State Police, Fire Marshal Division, East Lansing, Michigan.

10. Slopes at the End of Each Working Day:

At the end of each working day, slopes of areas being excavated shall not exceed a ratio of one (1) foot of rise for each two (2) feet of run.

11. Applicability of General performance Standards:

Mining and quarrying activities shall be conducted in conformance with the provisions of Subsection 1001-7, except where provisions of this section (Section 1105) require higher standards.

12. Applicability of Operations and Restoration Plan to Applicant and Independent Haulers:

Any and all haulers of mine or quarry material, including those who are not mine or quarry operators, shall be subject to the requirements of the Special Use Permit, including but not limited to the Operations and Restoration Plan.

13. License Requirements:

This ordinance requires and the Operations and Restoration Plan shall provide that no person, firm or corporation shall operate a mining or quarrying activity without first obtaining a license from Highland Township pursuant to such ordinances as may from time to time be enacted by the Township. This Ordinance further requires that no person, firm or corporation shall haul from a mine or quarry site more than ten loads in any thirty (30) day period nor more than twenty (20) loads in any 365 day period without first obtaining a license from Highland Township pursuant to such ordinances as may from time to time be enacted by the Township. (At one time the Highland Township Board requested some element of this licensing requirement to be deleted. Please advise.)

1105-13. Restoration Requirements

Restoration shall be completed so as to leave the area compatible with existing and proposed development and so as to protect the natural environment and minimize negative impacts on surrounding land and development. Restoration requirements as set forth in this section shall apply.

a. Conformance to Approved Operations and Restoration Plan

Restoration shall be in accordance with an approved detailed Operations and Restoration Plan as submitted pursuant to subsection 1105-3,b(14).

b. Restoration Schedule

1. All excavation-and-operations-in-progress areas shall be restored to interim restoration areas within twelve (12) months after the cessation of mining and quarrying operations therein. For the purpose of this subsection, operations shall be deemed to have ceased for twelve (12) months if no more than 1,000 cubic yards of material has been removed for a twelve (12) month period.
2. All interim restoration areas shall be fully restored in accordance with the final restoration provisions of the approved Operations and Restoration Plan within thirty six (36) months of the cessation of operations in the entire parcel approved as a mining and quarrying special land use.
3. Deviations from the timetable of the restoration plan and the uses to which the proposed areas will be put shall be permitted only upon approval of an amended special land use permit.

c. Restoration Standards

1. All excavation shall be either to a water-producing depth or shall be graded or backfilled to ensure that the excavated area will not retain or collect stagnant water. For the purposes of this subsection, a water-producing depth shall be defined as not less than ten (10) feet below the average summer level of water in the excavation.
2. In the event filling of the mined area is necessary in the course of reclamation, the fill material shall not consist of or contain any organic waste, hazardous materials, toxic materials, radioactive materials, agricultural waste, industrial waste, sludges or sewage residues, whether or not compounded, mixed, combined, bound or contained within any other material through any chemical or physical process or a combination thereof, or in any other fashion, and, moreover, such fill material shall not contain any machinery or equipment of parts thereof, or any other material which will, or is likely to, impair or harm the air, water and natural resources, and public trust therein, and/or the public health and safety. Only material which will settle firmly without pockets shall be used.
3. In general, grades of areas which are not permanently submerged will be gently rolling to minimize soil erosion and shall be blended into existing grades in a harmonious manner. No unsubmerged grade shall exceed one (1) foot vertical to four (4) feet horizontal.
4. Top soil of a quality equal to that occurring naturally in the area shall be replaced on excavated areas not covered by water, roads or other structures. The depth of topsoil over the entire site shall not be less than six (6) inches.
5. Vegetation shall be restored by the appropriate seeding of grasses or the planting of trees and shrubs to establish a permanent vegetative cover on the land surface and to minimize erosion.
6. Within twelve (12) months of cessation of mining operations, all plant structures, buildings, stockpiles and equipment shall be removed, provided, however, that buildings and structures which have a function under the reclamation plan and which can be lawfully used under the requirements of the zoning district in which the property is located may be retained.

1105-14 Districts where Mining and Quarrying may be Approved as Special Land Uses Pursuant to Section 1105

Subject to the provisions of Section 1105, mining and quarrying may be approved as a special land use in any Highland Township zoning districts.

SECTION 1106. SPECIAL LAND USE PROCEDURES AND STANDARDS FOR SANITARY LAND FILLS (Dumps)

Procedures and standards for sanitary land fills (dumps) shall be the same as those for mining and quarrying, except as follows:

- 1106-1. Sanitary land fills (dumps) shall be permitted only in the I-2 General Industrial District and the A-1 and A-2 Agricultural Districts.

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- 1106-2. Sanitary land fills (dumps) shall be provided with clay and/or other liners of adequate design and construction to ensure that no fill materials, chemicals or other substances will come into potentially hazardous contact with ground water.
- 1106-3. In no circumstances shall the requirement for ground water monitoring wells be waived.