

THE FOLLOWING CHANGES ARE JUST REORGANIZED SECTIONS NOT REQUIRING AN ORDINANCE/PUBLICATION AS THEY ARE ONLY CLERICAL CHANGES. THESE ARE FOR YOUR INFORMATION- NO ACTION REQUIRED.

SECTION 10.41: SEPTAGE WASTE SYSTEMS. Septage waste systems may be permitted as a Special Use by the Monterey Township Planning Commission in the AG-1, and R-1 Districts subject to the following standards:

- A. The Standards for Special Use in Section 10.18 C.
- B. Compliance of the Site Plan with the MDEQ Septage Waste Storage Facility Management Practices of April 5, 2006, as updated, and the MDEQ Septage Waste Receiving Facility Rules, when promulgated.
- C. The effect of the facility on the surrounding neighborhood, i.e. truck traffic.
- D. The effect of the facility on the environment
- E. Measures taken to prevent surface water and/or ground water contamination, and the methods in place to monitor those measures
- F. The documented need for such facilities in Monterey Township.
- G. Inspection analyses/reports regarding monitor wells will be provided to the Monterey Township Board on an annual basis.

SECTION 10.44 KENNELS

- A. In considering authorization for kennels, the Township Planning Commission shall consider the following standards:
 - 1. the size, nature and character of the kennel;
 - 2. the proximity of the kennel to adjoining properties;
 - 3. the effect of the kennel on adjoining and surrounding neighborhood;
 - 4. potential traffic congestion on account of the kennel; and
 - 5. the nature and character of the buildings and structures to utilized for the kennel operation.

SECTION 10.45 STANDARDS FOR INSTITUTIONAL USES

- A. Private and public schools, libraries, museums, art galleries and similar uses, when owned and operated by a governmental agency or non-profit organization and when authorized by the Township Planning Commission as a special use. In considering such authorization, the Township Planning Commission shall consider the following standards:
 - 1. the size, nature and character of the proposed use;
 - 2. the proximity of the proposed use to adjoining properties;
 - 3. the parking facilities provided for the proposed use;
 - 4. any traffic congestion or hazards which will be occasioned by the proposed use;
 - 5. how well the proposed use harmonizes, blends with, and enhances adjoining properties and the surrounding neighborhood
- B. Parks, playground, community centers, governmental, administration, or service buildings which are owned and operated by a governmental agency or a noncommercial organization when authorized as a special use by the Township Planning Commission. In considering such authorization, the Township Planning Commission shall consider the following standards:
 - 1. the necessity for such use for the surrounding neighborhood
 - 2. the proximity of the intended use to adjoining properties specifically including proximity

to occupied dwellings;

3. the size, nature and character of the proposed use;
4. potential traffic congestion which might be occasioned by the intended use;
5. parking facilities to be provided for the proposed use; and
6. the effect of proposed use on adjoining properties and the surrounding neighborhood.

C. Churches when authorized by the Township Planning Commission as a special use. In considering such authorization, the Township Planning Commission shall consider the following standards:

1. the size, character and nature of the church building;
2. the proximity of the church to adjoining properties;
3. the off-street parking which is to be provided for the church;
4. the potential traffic congestion and hazards which will be caused by the church use;
5. the degree with which the church harmonizes, blends with, and enhances adjoining properties and the surrounding neighborhood; and
6. the effect of the church on adjoining properties and the surrounding neighborhood.

SECTION 10.46 REMOVAL AND PROCESSING OF SOIL.

A. **Definition:** Soil shall be defined as topsoil, subsoil, clay, sand, gravel, rock, stone and aggregate, earth or any other similar material proposed to be moved, removed excavated, mined or dumped on land.

B. **General Restrictions.** All soil which is moved, removed, excavated, mined or dumped, shall be moved, removed, excavated, mined or dumped in accordance with the following restrictions and regulations:

1. All soil moved, removed, excavated, mined or dumped shall be stabilized as soon as possible in such a manner as to prevent soil and/or dust from being blown, washed or otherwise transferred to adjacent lands and/or public or private streets.
2. Trees and vegetation shall not be stripped from land preparatory to moving, removing, excavating, mining or dumping soil so as to prematurely or unnecessarily expose soil to wind or water erosion.

C. **Specific Restrictions.** Any person who owns, leases, or rents, stockpiles, pits, or mines of soil in Monterey Township shall comply with the following provisions or restrictions:

1. All vehicles transporting soil from or to a project over public streets in the township shall follow the established truck route or shall travel only over such route as may be directed by the Township Board to be least dangerous to public safety, cause the least interference with general traffic, and cause the least damage to the public street.
2. Adequate safeguards shall be provided during the project to prevent soil and/or dust from being deposited on adjoining lands and public or private streets, from waste erosion, or blowing soil and or dust.
3. The restored elevation of the land shall be compatible with the surrounding area and the land shall be left in a condition suitable for subsequent development for uses

- permitted in the zoning district in which the land is zoned by the zoning ordinance.
4. If the Township Board determines by resolution that any project will present a dangerous condition if left open and unfenced, then such project shall be enclosed by chain link, wire mesh or snow fence completely surrounding the portion of the land where the project extends; said fence to be not less than four (4) feet in height and to be complete with gates, such gates to be kept locked when operations are not being carried on. Barbed wire shall not be used as part of any such fence.
 5. Any soil that may be deposited on any public street or public place from any vehicle transporting materials from the project site shall be immediately removed without damage to the public street or public place at the expense of the permit holder.
 6. No part of soil processing operation (screening, washing, crushing, etc.) shall take place closer than two hundred (200) feet to the nearest adjacent residence or closer than one hundred (100) feet to any street or adjacent property line.
 7. At the time the excavation and/or mining is completed, the slopes of the banks of the project excavation shall be three (3) feet of run to one foot of rise. However, the Township Board may, by resolution prescribe more lenient or stricter requirements in order to give sub- lateral support to surrounding property.
 8. No cut or excavation shall be made nearer than forty (40) feet, measured at the top of the finished grade, for any adjacent property or street right-of-way; provided, however, that the Township Board may by resolution prescribe stricter requirements.
 9. The land utilized for each phase of the project shall be so landscaped or stabilized upon completion of each phase so that all soil erosion by wind and water shall be eliminated.
 10. No soil shall be mined, excavated, or removed in such a manner as to cause water to collect or to result in a place of danger, or a menace to the public health. The land shall at all times be graded so as not to interfere with surface water drainage.
 11. If there is a stripping operation, wherever top soil exists, suitable for growing turf or for other land uses at the time the operation began, sufficient topsoil and/or overburden shall be stockpiled so that the entire site, when stripping operations are completed can be restored. The replacement of topsoil shall be made immediately following the termination of the stripping operations provided, however, that if such stripping operations continue over a period of time greater than thirty (30) days, the operator shall replace the stored topsoil over the stripped area as the work progresses.
 12. The Township Board may require additional performance standards or stricter performance standards than are provided herein where, because of peculiar conditions, such standards are necessary to achieve the purposes of these regulations. In addition, the Township Board may also attach and impose conditions, restrictions, or requirements as it shall determine are necessary to achieve the purposes of these regulation. Violations of any performance standard,

condition, restriction, or requirements imposed by the Township Board shall be deemed a violation of these regulations.

13. Any roads used for the purpose of ingress and egress to said project site which are located within three hundred (300) feet of an occupied residential or commercial or industrial establishment shall be kept dust free by hard topping with concrete, bituminous substance, chemical treatment, or such other means as may be proposed by the applicant and approved by the Township Board by resolution. This provision shall apply only in the event that the person removing said soil transports more than 500 cubic yards of soil per day with a maximum of 1000 cubic yards per individual job, and said topping may only be required from the mine, stockpile, or pit to the nearest paved road.
14. Restrictions 3, 4, and 7 shall not apply to operations in existence as of the date of adoption of this amendment unless that operation has ceased for a period of 18 consecutive months. Any resumption of operation after 18 months will require adherence to all restrictions.

D. Deposit Of Bond And Certificate Of Insurance. The Township Board may require that the applicant file or deposit with the township treasurer, performance securities in the form of a performance bond written by an insurance company licensed to do business in the State of Michigan, insuring to the benefit of the township and satisfactory to the township attorney, cash, a certified or cashier's check payable to the township, or any irrevocable bank letter of credit, in a form satisfactory to the township attorney.

The Township Board, in establishing the amount of the bond, may consider the scale of the operations, the prevailing cost to rehabilitate the property upon default of the operator, court costs and other reasonable expenses to guarantee that the applicant will fully and faithfully perform all applicable performance standards, conditions, restrictions and requirements of these regulations and any special performance security if the Township Board shall, by resolution, determine that any such standard, condition, restriction, or requirement has been violated.

The Township Board may also require that the applicant deposit a certificate of any indemnity company licensed to do business in the State of Michigan, in an amount reasonably relevant to the proposed work to be done as specified by the Township Board, insuring the township against any loss or damage to persons or property arising directly or indirectly from the operations of the applicant, or any person acting on his behalf.