



GRAND HAVEN CHARTER TOWNSHIP

**SPECIAL LAND USE APPLICATION
REMOVAL AND PROCESSING OF NATURAL RESOURCES**

Application Type	Fee	Escrow*
Original	\$125	\$500

Applicant Information

Name _____
 Phone _____ Fax _____
 Address _____
 Email Address _____

Owner Information *(If different from applicant)*

Name _____
 Phone _____ Fax _____
 Address _____

Property Information

Address/Location _____
 Parcel Number 70 - - - - Size (acres) _____
 Current Zoning _____ Master-Planned Zoning _____

Type of Soil to be Removed *(check all that apply)*

- Sand Topsoil Muck Gravel Peat Clay Other

Proposed Time Limit *(check all that apply)*

- 1 Week 1 Month 3 Months 6 Months 9 Months 1 Year 1+ Years

Amount of Soil to be Removed *(cubic yards)* _____

NOTE: The architect, engineer, planner, or designer shall be responsible for utilizing the Township Ordinance books and following all applicable requirements, including those of Chapters 19 and 23 of the Zoning Ordinance. Initially, submit five copies of the required information for staff review. Once staff has granted tentative approval, additional copies will be required as requested by staff.

I hereby attest the information on this application is, to the best of my knowledge, true and accurate.

Signature of applicant

Date

* To cover cost of legal and consulting fees, may be increased as necessary

**15.1900 CHAPTER 19
SPECIAL LAND USES**

15.1901 SECTION 19.01 PURPOSE

This Chapter provides a set of procedures and standards for special uses of land or structures which, because of their unique characteristics, require special consideration in relation to the welfare of adjacent properties and the community as a whole. The regulations and standards, herein, are designed to allow practical latitude for the applicant, and at the same time maintain adequate provisions for the protection of the health, safety, convenience, and general welfare of Grand Haven Charter Township. For purposes of this Ordinance, all Special Land Uses within the various districts are subject to the conditions and standards of this Chapter. In addition, the following uses shall conform to the specific standards cited in Section 19.07 (Special Land Use Specific Requirements), as applicable.

15.1902 SECTION 19.02 APPLICATION PROCEDURES

All applications to the Planning Commission, including those for approval of special land uses, shall be in writing and in form prescribed by the Township. A site plan shall also be submitted and approved in accordance with the requirements of Chapter 23. Notice and hearing of applications for special land uses shall be in conformity with the Zoning Act.

15.1903 SECTION 19.03 BASIS OF DECISIONS AND PERIOD OF VALIDITY

The Planning Commission may deny, approve, or approve with conditions, an application for a special land use. Such decision shall be incorporated in a written statement containing the conclusions relative to the special land use under consideration specifying the basis for the decision and any conditions imposed.

1. When approval of the Planning Commission is given for a use which is temporary in nature, the period for which such use is authorized shall be stated in the written decision of said Commission and upon the expiration of such period such authorization shall cease and be of no further effect.
2. Except as provided in subsections 3 or 4 below, no special land use approved by the Planning Commission permitting the use, erection, or alteration of a structure shall be valid for a period longer than one (1) year unless such special land use is established within such year.
3. Where such special land use is dependent upon the erection or alteration of a structure, the approval for the special land use shall continue in force and effect if such erection or alteration is started and proceeds to completion within the one (1) year period in accordance within the terms of such special land use.
4. The Planning Commission may, when presented with an application for a proposal to be constructed in phases, grant approval to such project without regard to the one (1) year time limits set forth in subsection 2 above. The Planning Commission shall determine that the project cannot be practically developed as separate projects and that the subject and surrounding premises will be best served by a phased

approval. The Planning Commission shall specify in its decision the period of validity for each phase. Should the applicant fail to timely complete any phase of an approved project, the decision of the Planning Commission for all subsequent phases shall be of no further validity.

- 5. Revocation. Any permit issued under this Ordinance may be revoked by the Township Planning Commission for any violation of this Ordinance after notice of the violation is provided and an opportunity for a hearing before the Township Planning Commission is provided. If the violation involves an immediate danger to the public health, safety, or welfare, the permit may be revoked immediately, provided that the person holding the permit is provided with an opportunity for a subsequent hearing before the Township Planning Commission. A request for such a hearing shall be filed with the Township within five (5) days following the revocation. The hearing shall be noticed in accordance with the Zoning Act as required for special land uses.

15.1904 SECTION 19.04 FEES

All applications to the Planning Commission for approval of special land uses or other matter shall be accompanied by payment of such fees as shall from time to time be established by resolution of the Township Board.

15.1905 SECTION 19.05 STANDARDS FOR SPECIAL LAND USES

Authorization applications for special land uses shall not be approved until the Planning Commission shall find that all of the following standards are satisfied:

- 1. The proposed use shall be consistent with, and promote the intent and purpose of this Ordinance.
- 2. The proposed use shall be of such location, size, density, and character as to be compatible with adjacent uses of land and the orderly development of the district in which situated and of adjacent districts.
- 3. The proposed use shall not have a substantially detrimental effect upon, nor substantially impair the value of, neighborhood property.
- 4. The proposed use shall be reasonably compatible with the natural environment of the subject premises and adjacent premises.
- 5. The proposed use shall not unduly interfere with provision of adequate light or air, nor overcrowd land or cause a severe concentration of population.
- 6. The proposed use shall not interfere with or unduly burden water supply facilities, sewage collection and disposal systems, park and recreational facilities, and other public services.
- 7. The proposed use shall be such that traffic to, from, and on the premises and the assembly of persons relating to such use will not be hazardous, or inconvenient to the neighborhood, nor unduly conflict with the normal traffic of the neighborhood,

considering, among other things: safe and convenient routes for pedestrian traffic, particularly of children, the relationship of the proposed use to main thoroughfares and to streets and intersections, and, the general character and intensity of the existing and potential development of the neighborhood.

8. The proposed use shall be consistent with the health, safety, and welfare of the Township.

15.1906 SECTION 19.06 CONDITIONS ON SPECIAL LAND USES

1. The Planning Commission may impose reasonable conditions in conjunction with the approval of a special land use. Conditions imposed shall meet the requirements of the Zoning Act. The Planning Commission shall maintain a record of all conditions attached to a special land use approval.
2. The conditions imposed with respect to the approval of a land use or activity shall be recorded in the record of the approval action, and shall remain unchanged except upon the application for a new special land use which alters the approval originally granted by the Planning Commission in accordance with the requirements of this Chapter.
3. The Planning Commission may require that the special land use be connected to the Townships municipal water and sanitary sewer facilities, if available. The Townships municipal water and sanitary sewer facilities shall be determined to be available if there is municipal water supply main or sanitary sewer line to which connection can be made within two thousand, seven hundred (2,700) feet of the nearest property line of the parcel on which the special land use is to be located.

15.1907 SECTION 19.07 SPECIAL LAND USE SPECIFIC REQUIREMENTS

37. Removal and Processing of (Topsoil, Stone, Rock, Sand, Gravel, Lime, or Other Soil or Mineral Resources) Natural Resources.
 - A. No topsoil, sand, gravel, clay, peat, mulch, or other naturally occurring material shall be removed from any land in any district unless a permit is issued authorizing such removal.
 - B. Applications for a permit to remove such natural resources shall be in writing and shall be accompanied by a payment of the permit fee as from time to time established by resolution of the Township Board. Applications shall state the district and exact location of the land from which the natural resource is proposed to be removed, the type and amount of resource proposed to be removed, the purpose for such removal, the means of removal, the period of time for which such permit is sought, and the stabilization program which will be conducted by the applicant during or after removal.
 - C. Applications shall be directed to, and permits may be issued by, the following dependent upon the indicated criteria:

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ZONING ORDINANCE

- 1) All applications for permits to remove up to two thousand five hundred (2,500) cubic yards of material during a period of three (3) months or less shall be directed to the Zoning Administrator who is authorized to issue such permits provided that such removal in conjunction with the stabilization program proposed will not result in sand blows, stagnant water pools, bogs, or injury to adjoining premises;
 - 2) All applications for permits to remove more than two thousand five hundred (2,500) cubic yards of material or for which the period of removal is longer than three (3) months shall be directed to the Planning Commission which may authorize the special land use pursuant to the standard set forth in D, below of this subsection;
 - 3) A series of applications for removal from the same premises within a one (1) year period which shall in total involve removal of more than two thousand five hundred (2,500) cubic yards of material or be effective for a period of longer than three (3) months shall be deemed a single application and shall require authorization as a special land use from the Planning Commission.
- D. In addition to the materials required by this Chapter and by Chapter 23, the application for special land use approval shall include the following:
- 1) A written legal description of all of the lands proposed for the use.
 - 2) Eight (8) copies of a plan for mineral removal, drawn and sealed by a registered civil engineer, and including the following:
 - a) A north arrow, scale, and date;
 - b) shading indicating the extent of land area on which mineral removal operations and activities will take place;
 - c) the location, width, and grade of all easements or rights-of-way on or abutting the lands;
 - d) the location and nature of all structures on the lands;
 - e) the location and direction of all water courses and flood control channels which may be affected by the mineral removal operations;
 - f) existing elevations of the lands at intervals of not more than five (5) feet;
 - g) typical cross sections showing the estimated extent of overburden, estimated extent of mineral material location in or on the lands, and the water table;

- h) mineral processing and storage areas;
 - i) proposed fencing, gates, parking areas, and signs;
 - j) roads for ingress to and egress from the lands,
 - k) a map showing access routes between the subject lands and the nearest County Primary Arterial road; and
 - l) areas to be used for ponding.
- 3) A narrative description and explanation of the proposed mineral removal operations and activities; including the date of commencement, proposed hours and days of operation, estimated by type and quantity of mineral materials to be removed, description of extraction and processing methods, including proposed equipment and the noise rating of each type thereof, and a summary of the procedures and practices which will be used to ensure compliance with the conditions of this subsection.
- E. Permits to remove natural resources which require authorization by the Planning Commission shall not be issued unless the Planning Commission shall apply and make an affirmative finding as to each of the following standards:
- 1) The site after removal shall be compatible with adjacent uses of land;
 - 2) Such removal shall not cause or result in erosion, land slides, alteration of the ground water table, sand blows, stagnant water pools, bogs, or any other type of injurious condition on the removal site or adjacent premises;
 - 3) Such removal shall be accomplished by means which are consistent with public health, safety, and welfare;
 - 4) Such removal shall not cause traffic congestion because of trucks or other vehicles used to transport the resources to be removed;
 - 5) Such removal shall be accomplished in conjunction with an adequate soil stabilization program when required to prevent erosion, sand blows, or similar problems.
- F. No machinery shall be erected or maintained within fifty (50) feet of any property line or street right-of-way line. No cut or excavation shall be made closer than fifty (50) feet to any street right-of-way line or property line in order to ensure sublaterals support to surrounding property. The Planning Commission may require greater distances for the location of machinery, storage or parking of equipment, or limits of excavation where

the site is located in or within two hundred (200) feet of any residential or commercial district.

- G. The Planning Commission shall recommend and may require truck movement routes to and from the site to minimize the wear on public streets and prevent hazards and damage to the community. Roads within the area of operation shall be provided with a dustless surface and the entry road shall be hard surfaced for a distance established by the Planning Commission to minimize dust, mud, and debris being carried onto the public street.
- H. Proper measures, as determined by the Planning Commission shall be taken to minimize the nuisance of noise and flying dust or rock. Such measures may include, when considered necessary, limitations upon stockpiling of excavated material.
- I. A site rehabilitation plan shall also be submitted and approved. Such plan shall include, at a minimum, the following:
 - 1) A description of planned site rehabilitation and end-use(s), including methods of accomplishment, phasing, and timing;
 - 2) A plan showing final grades of the lands as rehabilitated, at contour intervals not exceeding five (5) feet; water courses, ponds, or lakes, if any; landscaping and plantings; areas of cut and fill; and all of the components of the proposed end-use(s); and
 - 3) A description of the proposed methods or features which will ensure that the end-use(s) are feasible and will comply with the Township Master Plan and all applicable requirements of this Ordinance.
- J. The site rehabilitation plan shall comply with all of the following standards and requirements:
 - 1) Topsoil shall be replaced on the site to a depth of not less than six (6) inches, except where the end-use activities or features do not involve the planting of lawns or growing of vegetation.
 - 2) The plan shall indicate the phasing of site rehabilitation, if the same is to take place in phases, and if so, topsoil shall be replaced and slopes shall be graded and stabilized before mineral removal operations or activities are commenced in another area of the site.
 - 3) Final slopes shall have a ratio of not more than one (1) foot of elevation to three (3) feet of horizontal distance. Slopes shall be graded and stabilized to such extent as will accommodate the proposed end-use.

- 4) Plantings of grass, shrubs, trees, and other vegetation shall be made so as to maximize erosion protection, screen less attractive areas of end-uses, and enhance the beauty of the site as rehabilitated.
- K. The Planning Commission may, as a condition to the granting of a permit to remove natural resources, require the applicant to furnish a bond or other means of security, in a reasonable amount to be determined by said Commission, to insure that such removal will not cause the conditions described in subsection 37.E.2 above, of this subsection, and that the soil stabilization program proposed by the applicant will be completed.
- L. The Planning Commission may require the applicant to submit a topographic map showing existing and proposed contour lines and elevations at elevation levels of not greater than five (5) feet, if the Planning Commission shall reasonably deem such map necessary to an understanding of the proposed removal project.
- M. The Planning Commission may require an environmental impact statement, engineering data, or other additional information concerning the need for and consequences of such extraction if it is believed that the extraction may have an adverse impact on natural topography, drainage, water bodies, floodplains, or other natural features.
- N. Applicants for permits to remove natural resources shall comply with all other applicable Ordinances and state and federal statutes.