

## Section 719.133 – Soil Removal Operations

- A. Soil, sand, clay, gravel, or similar removal operations, quarrying, and excavating are permitted as a Special Land Use only on parcels of at least fifty (50) acres in the AG, Agriculture district subject to review and approval by the Planning Commission upon a finding that the use meets the requirements of this Chapter and the Lenox Township Soil Removal Ordinance. Postmining development shall be required as a condition of original approval.
- B. It is the intent and purpose of this Section to promote the underlying spirit and intent of the entire Zoning Ordinance, but at the same time, allow for the extraction of earth materials in locations where they have been naturally deposited and to ensure that mining of earth materials shall be compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the land use, and to ensure that mining activities are consistent with the public health, safety, and welfare of the Township.
- C. The mining of earth materials in the Township shall be prohibited unless first authorized by the grant of a special use application by the Planning Commission.
- D. Such use shall be prohibited in R, RM, and MH zoning districts.
- E. Definitions:
  - 1. EARTH MATERIALS shall mean any soil, topsoil, subsoil, sand, gravel, rock, clay, peat, minerals, or other materials.
  - 2. MINING OPERATIONS shall mean the excavation and removal of any earth materials from their existing site.
  - 3. OPERATOR shall mean the owner of the site, and the person responsible for the day-to-day activities at the mining site, and the person responsible for payment of all application fees, annual permit fees, and performance bonds.
- F. The mining of earth materials may be permitted as a special land use only after proper notice has been given and after review and approval of the use and location by the Planning Commission, subject to the requirements and standards of the Lenox Township Soil Removal Ordinance. Earth material mining operators shall also be required to obtain an annual operating permit from the Township Board, subject to the Lenox Township Soil Removal Ordinance.

G. The following uses shall be permitted, each of which shall meet applicable performance standards and be subject to all limitations described herein:

1. Mining, or earth materials (hereinafter referred to as mining or mined).
2. Construction and maintenance of processing plants, be they temporary or permanent, for the processing of such earth materials, and to include necessary accessory uses, buildings, and equipment.
3. Storage and stockpiling of said earth materials.

H. In reviewing the application for special land use approval, the Planning Commission shall be certain that the following characteristics of the use are present and complied with:

1. Processing and stockpiling of earth materials will be accomplished in a manner that minimizes the effect on adjacent properties.
2. Uses permitted herein shall be screened from view by one of the following:
  - a. Construction of a raised earth berm, along the boundaries of the property, at least six (6) feet in height at its center above the actual elevation of the property along the property lines. The berm shall have slopes not in excess of one foot vertical to four feet horizontal and shall be seeded, mulched, and planted with evergreen trees, and similar vegetation.
  - b. Plantings of coniferous trees having a minimum diameter of three (3) inches along the boundaries of the property with two (2) rows five (5) feet apart, staggered fifteen (15) feet center to center, to guarantee effective screening.
3. Uses permitted shall comply with all applicable pollution control requirements of the State of Michigan, Macomb County, and Lenox Township.
4. Mining of earth materials shall not constitute a hazard to public health, safety, and welfare, and shall be conducive to and result in the reclamation of the land for other use of uses permitted in the district.

5. Uses permitted shall comply with all requirements of the Lenox Township Soil Removal Ordinance.

H. Application Procedures for Annual Mining Permit.

- I. All applicants for the Mining of Earth Materials special land use permit shall also concurrently apply for an annual permit under the Soil Removal Ordinance.
- J. Application procedures are explained in the Soil Removal Ordinance. The application procedure shall be complied with prior to the commencement of any new mining and/or the horizontal expansion of any mined area that exists as of the effective date of this Chapter.
- K. All applicants shall complete and submit to the Township Clerk eighteen (18) copies of a Community Impact Statement (CIS).
- L. The Planning Commission shall approve the issuance of a Special Land Use permit only upon an affirmative finding to all the following:
  1. The Community Impact Statement demonstrated minimal adverse impact on Township services, the immediate neighborhood, the areas of the Township affected by the haul route, and the natural environment.
  2. All of the general requirements of this Chapter have been complied with.
  3. All application requirements of Chapter 601, the Soil Removal Ordinance, have been met.