

Article 13 Special Uses

Section 13.01 - Purpose

The formulation and enactment of this Zoning Ordinance is based upon the division of the Township into zoning districts, each of which include permitted uses which are mutually compatible. In addition to such permitted uses in districts, however, it is recognized that there are certain specific or unique uses which may be necessary or desirable to allow in definable locations in certain districts; but, which on account of their actual or potential impact on neighboring uses or public facilities, need to be carefully, regulated with respect to their location for the protection of the permitted uses in a district. Such uses, on account of their peculiar locational need or the nature of the service offered, may have to be established in a district in which they cannot be reasonably allowed as an unrestricted permitted use.

Section 13.02 - Authority to Grant Permits

The Township Planning Commission shall have the authority to grant special use permits, subject to such conditions of design and operations, safeguards and time limitations as it may determine for all special uses conditionally allowed in the various district provisions of this Ordinance.

Section 13.03 - Application and Fees

Application for any special use permit allowed under the provisions of this Ordinance shall be made to the Township Clerk by filling in the official special use permit application form, submitting required data, exhibits, and information; and depositing the necessary fee in accordance with the Township schedule of fees with the Township Clerk. No fee shall be required of any governmental body or agency. No part of such fee shall be returnable to an applicant.

Section 13.04 - Data, Exhibits, and Information Required in Applications

An application for a special use permit shall contain (a) the applicant's name and address in full, (b) a ~~notarized~~ **signed** statement that the applicant is the owner involved or is acting on the owner's behalf, (c) the address of the property involved, (d) an accurate survey or drawing of said property showing the existing and proposed location of all buildings, ~~and structures,~~ **and facilities** thereon, and types thereof, and their uses, and (e) a statement and supporting data, exhibits, information, and evidence regarding the required findings set forth in this Ordinance.

Section 13.05 - Public Hearing

The Township Planning Commission shall hold a public hearing, or hearings, upon any application for a special use permit, notice of which shall be given by two (2) publications in a newspaper or general circulation in the Township, the first to be printed not more than thirty (30) days nor less than twenty (20) days and the second not more

than eight (8) days nor less than (1) day before the date of such hearing. Sections 13.17 and 13.18 are excepted from this public hearing requirement.

Section 13.06 - Required Standards and Findings for Making Determinations

The Planning Commission shall review the particular circumstances and facts of each proposed special use in terms of the following standards and required findings, and shall find and record adequate data, information, and evidence showing that such a special use on the proposed site, lot, or parcel:

- A. Will be harmonious with and in accordance with the general objectives, intent, and purpose of this Ordinance.
- B. Will be designed, constructed, operated, maintained, and managed so as to be harmonious and appropriate in appearance with the existing or intended character or the general vicinity.
- C. Will be served adequately by essential public facilities and services; such as highways, roads, police and fire protection, drainage structures, refuse disposal, or that the persons or agencies responsible for the establishment of the proposed special use shall be able to provide adequately any such service.
- D. Will not be hazardous or disturbing to existing or future neighboring uses.
- E. Will not create excessive additional requirements at public cost for public facilities, utilities, and services.

Section 13.07 - Site Plan Review

If a site plan is disapproved, the applicant is required to wait one (1) year before resubmittal of the same or similar site plan for review and approval consideration by the Planning Commission on the same or approximately the same parcel of land. The applicant has the right to request the review of a disapproved site plan on matters of interpretation of the provisions of this Zoning Ordinance, but not of land, building, or structural use.

Section 13.08 - Junk Yards and Inoperative Vehicles

In addition to and as an integral part of development, the following provisions shall apply:

- A. Junk yards shall be established and maintained in accordance with all applicable Statutes of the State of Michigan, and are only permitted in the "I" District.
- B. **Inoperative vehicles are described and restrictions apply as outlined in Section 16.**

Section 13.09 - Mobile Home Parks

All mobile home parks shall comply with the requirements of Public Act 243 of 1959, "The Trailer Coach Park Act" and Public Act 419 of 1976, "The Mobile Home Park Commission Act" and the following additional regulations: Minimum site size for a mobile home park shall be twenty (20) acres.

- A. **Open Space** - An open area shall be provided on each mobile home lot, to insure privacy, adequate natural light, ventilation, and a sufficient area for outdoor uses

essential to each mobile home, and shall equal at least forty (40) percent of the area of each lot.

- B. **Location and Access** - Mobile home parks shall have frontage and direct access from ~~State Highway M-99~~ a hard surface road.
- C. **Mobile Home Lot Access** - Convenient access to each mobile home lot apron shall be provided by means of a minimum twelve (12) foot wide access road or drive reserved for maneuvering mobile homes into positions and kept free of trees and other immovable obstructions.
- D. **Roadways** - There shall be provided a hard surfaced and adequately drained roadway of at least thirty (30) feet in width, which affords direct access to each mobile home lot and precludes through traffic. A mobile home park shall provide vehicle parking spaces as provided for in Article 18. A sixteen (16) foot wide open way shall be maintained at all times on all roadways for the passage for fire apparatus or other emergency vehicles. Curvilinear street patterns are encouraged. In parks containing more than thirty (30) mobile home lots, a boulevard type entrance roadway with a planted median is required for traffic control and ingress and egress.
- E. **Walkways** - The mobile home park shall include hard surfaced walkways, of at least 36 inches width, from each mobile home lot to parking and any other service facilities located in and immediately adjacent to the mobile home park. Individual mobile home entrance walks shall be a minimum of twenty-four (24) inches wide.
- F. **Pads or Platforms for Mobile Home Site** - Each mobile home lot shall be provided with a 3,000 pounds per square inch (p.si.) reinforced concrete pad, or platform of at least four (4) inches in thickness which also substantially conforms in length and width to the respective length and width of the mobile home permitted to occupy that mobile home lot. The pad elevations shall be a minimum of six (6) inches higher than the sidewalks or top of the center of the road upon which it fronts, and shall slope towards the roadway. The minimum distance from the edge or corner of a pad to a pad on the opposite side of the roadway shall be thirty-six (36) feet. With Planning Commission approval, the pad may, in the case of double-wide units, be replaced by a minimum of twelve (12) inch diameter or square concrete piers embedded in the ground to a depth of at least forty-two (42) inches below the ground grade and spaced no more than eight (8) feet apart on the perimeter and along the center line of the length of the mobile home.
- G. **Plumbing and Water Supply** -
 - 1. Only mobile homes with approved American National Standards Institute (ANSI) toilets and plumbing fixtures shall be located and occupied in any mobile home park.
 - 2. All plumbing fixtures shall be connected to a public sanitary sewer or approved wastewater disposal facilities which meet the requirements of the County Health Department and the State of Michigan Department of Health.
 - 3. Running water from a public or common State or County Health Department tested and approved water supply system shall be piped to each mobile home.
- H. **Fuel and Gas Supply** - Unless supplied by a natural gas public utility company by means of a piped system, on-site fuel oil and all gas tanks shall be located on each mobile home site in a uniform manner. All tanks shall be of an approved type to comply with construction code standards and shall be equipped with vent pipes equipped with fused valves. All tanks shall be elevated on non-combustible stands, placed on a four (4) inch concrete base and painted a uniform color.

- I. **Electricity and Lighting** - All electric and telephone lines leading to each mobile home lot shall be buried at least eighteen (18) inches underground, and provide both 115 volt and 220 volt service with weather-proof plug-in outlets. When separate meters are installed, each meter shall be located on a uniform standard post on a lot line of each mobile home park. The wiring system shall comply with the recommended standards for mobile home parks as approved by the local utility.
- J. **Canopies and Skirting** -
1. The skirting shall be of no less than twenty-six (26) gauge metal and connected with a rat-proof wall or slab, so constructed and attached to the mobile home as to make it impossible for the entrance of rodents, flies, bugs, or other insects. One access door in the skirting shall be permitted and a screen vent shall be installed along such skirting at intervals of twenty (20) feet so as to provide adequate cross-ventilation.
 2. Each mobile home shall be ~~jacked up in a uniform manner~~ **on a foundation and include tie downs.**
 3. Canopies and awnings may be attached to a mobile home. No canopy or awning shall exceed ten (10) feet in width nor the length or height of the mobile home. Each mobile home must be skirted within ninety (90) days after establishment in a mobile home park.
- K. **Fences** - If fences are constructed on each mobile home site, they shall be uniform in design and character for all mobile home lots. Such fences shall not exceed thirty (30) inches in height and shall be constructed in such a manner as to permit access to all sides of each mobile home for fire fighting purposes.
- L. **Landscaping** -
1. All mobile home park boundary lines shall be maintained in a clean and presentable condition at all times. A grass lawn or other suitable ground cover shall be maintained as yard surfacing on each mobile home lot, except for those portions of the lot covered by the mobile home, structural additions, sheds, walks, concrete pads, or planting beds.
 - ~~2. There shall be provided at least one (1) hardy shade tree, appropriate to the use and location, of a minimum of one and one-half inch (1 ½") diameter, in the front yard of each mobile home lot.~~
 - ~~3. The retention of existing desirable trees on a site is encouraged.~~
- M. **Recreation Space** - There shall be provided a minimum area in each mobile home park which is developed as recreation space according to the following schedule:
1. For parks with forty (40) or less mobile home lots, there shall be provided and developed in one common use area of at least 250 square feet of open recreation space per each home lot.
 2. For parks with less than 100, but more than 40 mobile home lots, there shall be provided and developed in one or more common use areas, at least 500 square feet of open recreation space per each mobile home lot.
 3. For parks with 100 or more mobile lots, there shall be provided and developed in one or more common uses, areas at least 600 square feet of open recreational space per each mobile home lot.
 4. Recreational central building and swimming pool areas may be counted towards recreation space requirements, and will be conveniently located.
- N. **Outdoor Storage** - No outdoor storage shall be permitted, except in outdoor sheds or cabinets for the storage of tools or equipment and shall be limited to one (1) well-maintained structure, located at the rear of the mobile home lot, and not exceeding eighty (80) square feet in floor area or seven (7) feet in height. To the maximum

extent possible, these facilities shall be uniform in design, location, and color throughout the mobile home park.

- O. **Trash Disposal** - Adequate facilities for the storage and disposal of trash, garbage, and other waste materials shall be provided at conveniently located points within 150 feet of any given mobile home lot. All containers shall be situated on stands and shall be fly-tight, water-tight, rodent-proof, and shall be sufficient in number and capacity to properly store all the accumulated refuse. All containers shall be enclosed in accordance with Section 16.23 "Solid Waste Receptacle Areas".
- P. **Television Antenna** - All service shall be cable with no air antenna.
- Q. **Roadway and Yard Lights** - Roadway and yard lights shall be provided in sufficient number and intensity to permit the safe movement of vehicles and pedestrians and effectively diverting unnecessary illumination from the dwelling portions of each mobile home lot.
- R. **Patios** - An outdoor patio of not less than 180 square feet shall be provided on each mobile home lot, conveniently located to the entrance of the mobile home and appropriately related to the open areas of the mobile home lot, to supplement the interior space of each mobile home. The patio surface elevation shall be at least as high as the apron surface elevation.
- S. **Occupancy** - Human occupancy of any mobile home shall be limited to provide no less than 300 cubic feet of air space per occupant, exclusive of the cubic volume of toilet rooms and closets.
- T. **Fire Extinguishing Equipment** - Every mobile home shall be equipped at all times with fire extinguishing equipment of such type, size, location, condition, and number to satisfy the requirements of the State Fire Marshall and applicable Township regulations.
- U. **Central Building** - Central buildings for other than administrative or laundry facility usage are required. These may be used for indoor recreation, assembly halls, and for storm shelter. Such buildings should be conveniently located on the park site, may be combined structurally with the administrative and laundry facilities, and may include swimming pools or other clubhouse facilities in connection with on-site recreation facilities.
- V. **Permit Requirement** - It shall be unlawful for any person or corporation to construct, alter, or extend any mobile home park unless they first obtain valid licenses and permits from the Director of the Michigan Department of Public Health and Hillsdale Township in the name of said person or corporation. The application for permit shall be accompanied by a sketch plan showing:
 - 1. Area and dimensions of the tract of land.
 - 2. Number, location, and size of mobile home lots and common open space.
 - 3. Expected maximum size and type of mobile homes to be situated on each lot.
 - 4. Location and width of roadways, walkways, and parking areas.
 - 5. Location and usage of service buildings.
 - 6. Location of utilities and service facilities.
- W. **License and Certificate Requirements** - It shall be unlawful for any person or corporation to conduct or operate a mobile home park in Hillsdale Township without a currently valid license issued by the Director of the Michigan Department of Public Health and a Certificate of Occupancy and an annual license from the Township Zoning Administrator.
- X. **Periodic Inspection** - The Zoning Administrator and/or his authorized agent or agents are hereby granted the power and authority to enter upon the premises of a

mobile home park at any time for the purpose of determining and/or enforcing any provision of this or any other Township Ordinance applicable to the construction and operation of a mobile home park.

Section 13.10 - Temporary Mobile Homes Located Outside of a Mobile Home Park, including Trailers, Motor Homes, and Recreation Vehicles

From and after the effective date of this Ordinance, it shall be unlawful for any person to move a mobile home, travel trailer, motor home, or recreation vehicle on to any lot, parcel, or tract of land in the Township for any purpose, except as provided and permitted hereinafter in this section, or as specifically permitted elsewhere in this Ordinance.

- ~~A. Mobile homes, travel trailers, motor homes, and recreation vehicles shall be permitted when located on a farm having forty (40) acres or more for the occupancy of farm workers. The farm owner or lessee shall first make written application to the Planning Commission, who shall issue the permit for one (1) or more mobile home, travel trailer, motor home, or recreation vehicle units if they meet the following conditions:~~
- ~~1. The location of each unit is not to be less than 100 feet from any public highway and/or boundary of adjoining property.~~
 - ~~2. An adequate pure water supply and sanitary facility is conveniently nearby and available to meet all public health and safety requirements of the occupants of each mobile home, travel trailer, motor home, or recreation vehicle.~~
- B. Mobile homes, travel trailers, motor homes, or recreation vehicles shall be permitted for construction contractor purposes when located on a construction site approved by the Planning Commission. The applicant must furnish all pertinent data, including description of land to be used, number of mobile home, travel trailer, motor home, or recreation vehicle units involved, and the expected length of construction time. The Zoning Administrator must verify that (1) the location of units will be not less than 100 feet from any public highway and/or boundary of adjoining property, and (2) adequate fresh water supply and sanitary facilities are available on site. A "Temporary Permit" shall be issued covering the period of the specific construction job, not to exceed one (1) year; subject to an extension approved by the Planning Commission for good cause which shall not exceed one (1) year.
- C. For parking or storage of mobile homes in RR, LFR, MDR, HDR, and MFR zoning districts refer to Section 16.27.
- D. For temporary occupancy of visitor-owned mobile homes and recreation vehicles refer to Section 16.31.
- E. Use of mobile homes as an accessory use for reasons of health and infirmity as provided in Section 4.05D.2.a-d.

Special Use Permit form will be filed to ascertain the necessary information for consideration, however:

- (1) Special Use Permit fee of \$50.00 will be waived for this temporary use, but
- (2) \$500.00 financial guarantee will be required and presented to the Zoning Inspector/Twp Supervisor before permit will be issued, and
- ~~(3) Physician's certification prescribing need shall be presented to the Planning Commission at its consideration hearing.~~

- (4) No public hearing or notices thereof will be required at application unless deemed necessary by the Planning Commission or Zoning Inspector/Supervisor, as this temporary mobile home is allowed under the provisions of the Zoning Ordinance (providing there is not a discretionary decision to be made).

Section 13.11 - Valid Nonconforming Use of Mobile Homes, Travel Trailers, Motor Homes, or Recreation Vehicles

The use of any mobile home, travel trailer, motor home, or recreation vehicle placed on a lot, parcel, or tract of land in the Township prior to the effective date of this Ordinance, which use is not prohibited by this Ordinance, shall be a "Valid Nonconforming Use" that may be continued, subject to the provisions pertaining to "Nonconforming Uses" contained in Article 15, **except the period of vacancy shall be limited to six months.**

Section 13.12 - Temporary Transient Amusement Enterprises

The following provisions shall apply in addition to all applicable regulations in the district in which they are to be located:

- A. All "Temporary Transient Amusement" uses shall be located on sites large enough so as not to occupy or cover more than fifty (50) percent of the area of a lot or parcel upon which it is located.
- B. All fenced-in areas shall be set back at least 100 feet from any front road or property line.
- C. Side and rear yards shall be at least 100 feet in depth from all adjacent lots or parcels.
- D. All traffic ingress and egress shall be on public roads and all local traffic movements shall be accommodated within the site so that entering and exiting vehicles will make normal and uncomplicated movements onto or off from public roads. All points of entrance or exit for motor vehicles shall be located no closer than 200 feet from the intersection of any two (2) roads or highways.
- E. Temporary Transient Amusement uses are not permitted in any RR, LFR, MDR, HDR, or MFR residential districts.

Section 13.13 - Gasoline Service Stations

All ~~gasoline service stations or filling stations~~ **automotive fueling facilities** shall conform to the following regulations in addition to all applicable regulations in effect in the district in which they are to be located.

- A. **Frontage and Area:** Every gasoline service station shall have a minimum frontage of 200 feet and a minimum area of 30,000 square feet.
- B. **Setbacks:** Every structure, including gasoline pumps and other equipment, erected or installed for use as a gasoline service station shall have a minimum setback from the road right-of-way as required by the regulations in the zone in which they are to be located, and a minimum setback from all property lines of fifty (50) feet.
- C. **Construction Standards:** All vehicle service areas shall be constructed to conform to the following standards:
 1. Suitable separation shall be made between the pedestrian sidewalk and vehicular parking or moving area with the use of appropriate bumper, wheel guards, or traffic islands.

2. The entire area used for vehicle service shall be paved with a hard surface, except for such unpaved area as is landscaped and protected from vehicle use by a low barrier.
 3. Hydraulic hoist, lubricating, greasing, washing, and repair equipment shall be entirely within a building. Tire and battery service and minor automobile repair, excluding automobile body repair and painting, are permitted if conducted entirely with a building.
 4. The maximum widths of all driveways at the public sidewalk crossing or road like shall be no more than twenty four (24) feet.
 5. Minimum angle or driveway intersection with the roadway from the curb line to lot line shall be no less than sixty (60) degrees.
 6. The minimum distance of any driveway from any property line shall be at least twenty (20) feet.
 7. The minimum distance between roadway curb cuts shall be no less than forty (40) feet.
- D. **Lighting:** All lighting shall be installed in a manner so that no illumination source is visible beyond all property lines.
- E. Gasoline service stations are only permitted in NSC and GSC districts.

Section 13.14 - Sanitary Landfills

Sanitary landfills shall: (1) only be located in the AR District, (2) only if planned to be located in Hillsdale County, including Hillsdale Township, in accordance with the County Plan prepared in conformance with Public Act 641 of 1978 "The Solid Waste Management Act" or under the jurisdiction of the Michigan Department of Environmental Quality in conformance with Public Act 64 of 1979 "The Hazardous Waste Act" and (3) with direct access only permitted from an impervious hard surface paved all-weather year around road as defined by the Hillsdale County Road Commission.

Section 13.15 - Extraction of Natural Resources

A. Permitted Uses

The following special uses will be permitted only in the AR district and when applicable, in conformance with P.A. 303 of 1982, "Michigan Surface and Underground Mine Reclamation Act":

1. The excavation or mining of sand and gravel. The incidental excavation of sand and gravel for on-site use only are excluded from the regulations of this Ordinance except for the setback and yard requirements specifies in the AR District.
2. The processing, storage, loading, and transportation of sand and gravel, incidental to its marketing.
3. The mining of clay.
4. The extraction of peat or marl.
5. The quarrying of stone.
6. The mining of coal.
7. The operation of transit-mix concrete plant.
8. The operation of a concrete products plant.

B. Permitted Accessory Uses

Any use customarily incidental to the permitted Principal Special Use.

C. Extractive Mining Area, Bulk, and Equipment Location Requirements

1. **Limits of Excavation:** Sufficient setback shall be provided from all property lines and public highways, to assure adequate, lateral support. Minimum allowable setback shall be fifty (50) feet from any property line and seventy-five (75) feet from any public highway or road.
2. **Placement of Processing Plants:** The processing plant and its accessory structures shall not be closer than 250 feet from any property line or public highway or road.
3. **Elevation of Plant Site:** Wherever practicable, the processing plant shall be located within the excavation area, at a point lower than the general level of the surrounding terrain, in order to reduce the visual impact of the plant structure.
4. **Management of Storage Piles and Overburden:** Storage piles of processed material and overburden stripped from mining areas shall not be located closer than fifty (50) feet from any property line, or one hundred (100) feet from any public highway or road.
5. Minimum site area for natural resource extraction sites under this Ordinance shall be twenty (20) acres.

D. General Requirements

Natural resource excavation operations shall be carried out under the conditions of a Mining Permit, issued and maintained under the following requirements:

1. Before commencement of mining operations, the operating company shall file an operational plan with the Township Planning Commission, which plan and any necessary subsequent revisions shall be approved by the Commission, setting forth the area or areas to be mined, the location of permanent structures, the points of access upon public highways, and the highway routes to be followed in the transportation of finished materials. This plan, and any approved necessary subsequent revisions, shall be filed with the Zoning Administrator by the Planning Commission.
2. The operational plan, which shall be submitted to and approved by the Planning Commission, shall include a determination of the net operational areas, i.e., the area stripped of overburden, the area being mined, the area used for structures and storage piles, and worked-out areas which have not been reclaimed. Performance bonds, hereinafter considered in relation to the reclamation of the area, shall be calculated on the basis of the net excavation and operational area as measured in acres.
3. Upon commencement of mining operations, perimeter controls shall be established for the mining area:
 - (a) The mining area shall be enclosed within a five (5) foot high continuous wall or fence or by a screen planting or hedge fence of similar capability.
 - (b) The property shall be posted against trespass, with conventional signs placed not more than 100 feet apart.
4. Sight barriers shall be provided along all boundaries adjacent to roads which lack natural vegetative or terrain conditions which provide effective screening of mining operations. Sight barriers shall consist of one (1) or more of the following:
 - (a) Earth berms, which shall be constructed to a height of five (5) feet above the mean elevation of the center line of the public highway

adjacent to the mining property, or five (5) feet above the general level of terrain along property lines. These berms shall have slopes not in excess of one (1) foot vertical to four (4) feet horizontal, and shall be planted with grass, trees, and shrubs.

- (b) Screen plantings of coniferous or other suitable species at least five (5) feet in height, in rows parallel to the boundary of the property, with the spacing of rows and the spacing of trees within rows which shall be sufficient to provide effective screening.
 - (c) Masonry walls or solid fences which shall be constructed to a height of five (5) feet.
5. Noise and vibration shall be minimized in their effect on adjacent properties by the proper use of berms, walls, and screen plantings. In addition, all equipment used for the production of sand and gravel shall be constructed, maintained, and operated in such a manner as to eliminate, as far as is practicable, noises and vibrations which are injurious or substantially annoying to persons living in the vicinity.
 6. Air pollution in the form of dust and dirt shall be kept at a minimum. All equipment used for production of sand and gravel shall be operated in such a manner as to minimize, insofar as is practicable, dust conditions which are injurious or substantially annoying to persons living in the vicinity. Interior roads serving the mining operation shall be paved, treated, or watered, insofar as is practicable, to minimize dust conditions.
 7. No mining of sand or gravel shall take place within the specified distance from the margin of any stream or waterway as established by the Michigan Water Resource Commission, Department of Natural Resources.

E. Reclamation of Mined Areas

1. All natural resource extraction areas shall be reclaimed and rehabilitated as soon as may be practicable after each mining phase has been completed in accordance with the plan approved by the Planning Commission. Wherever the operational plan shall permit, reclamation shall be accomplished concurrently with phased mining operations, i.e., a mined-out phase section of the area may be undergoing rehabilitation while a second phase may be undergoing active mining, and a third phase area may be being stripped of overburden. Substantial completion of reclamation shall be effected for one phase of the three (3) permitted to be opened at any one time for extraction purposes prior to the proceeding with the next approved phase. After all extraction operations are completed, the final phases of extraction shall be reclaimed in accordance with the approved final reclamation plan within one (1) year after all extraction has been completed.
2. Before commencement of mining operations, the operating company shall submit a generalized reclamation plan to the Planning Commission, setting forth the intended disposition of all land and water areas, the proposed configuration of the terrain as shown on a topographic map, a plat of any proposed streets or other improvements to be made upon the property, and a general statement of the intended final utilization of the mined property. This plan, and any subsequent revisions, shall be approved by the Planning Commission before any zoning permit is issued by the Zoning Administrator.
3. Rehabilitation and Reclamation of natural resource extraction areas shall be in accordance with the following standards:

- (a) All excavation shall have either a water depth of not less than ten (10) feet below the average summer level of water in the excavation, or shall be graded or backfilled with non-noxious, non-inflammable, and non-combustible solids in accordance with the approved Reclamation Plan in order to insure:
 - (1) that the excavated area shall not collect and retain stagnant water, or
 - (2) that the surface of such area which is not permanently submerged is graded or back-filled as necessary to produce gently rolling surface that will minimize wind and water erosion, and which will be generally compatible with the adjoining land area.
 - (b) The finished grade of all slopes resulting from excavations shall not be steeper than one (1) foot vertical to three (3) feet horizontal.
 - (c) Topsoil of a quality equal to that occurring naturally in the surrounding area shall be replaced on all excavated areas not covered by water, except those areas where roads, beaches, or other planned improvements are planned. Top soil shall be applied to a depth of at least four (4) inches.
 - (d) Vegetation shall be restored by the appropriate planting of grass, trees, and shrubs, in order to establish a permanent vegetative cover on the land surface, and to minimize erosion.
 - (e) Upon cessation of mining operations by abandonment or otherwise, the operating company, within a reasonable period of time, not to exceed twelve (12) months thereafter, shall remove all plant structures, buildings, stockpiles, and equipment.
4. The operating company shall post a minimum financial guarantee in the amount of \$5,000 for the first five (5) net operational acres. The financial guarantee shall be increased in the yearly anniversary date of the mining permit at the rate of \$1,000 per each additional operational acre which exceeds the first five (5) net operational acres. The guarantee shall be provided in one of the following forms: (1) cash, (2) certified check, (3) irrevocable bank letter of credit, or (4) surety bond acceptable to the Township Board. Upon rehabilitation of mined acreage, and reduction of net operational area, the bond or security shall be released in accordance with the amount of security required per acre.

F. Administration of Mining Districts

- 1. The following procedures shall be followed before establishing a mining operation:
 - a) The operating company shall file an operational plan, in accordance with the requirements of Section 13,15E. of this Ordinance. This plan may be in the form of a written statement and maps, and shall carry evidence of review and approval, if required, by any County or State agency of competent jurisdiction, in addition to the required approval of the Township Planning Commission. On the basis of this plan, the operating company shall file a statement of net area to be excavated as measured in acres.
 - b) The operating company shall file a reclamation and rehabilitation plan, subject to the requirements of Section 13.15 F.2. and shall

- provide a financial guarantee in accordance with the requirements of Section 13.15 E.4. of this Ordinance.
- c) The Township Planning Commission shall review the Operations and Reclamation plans and make its recommendation to the Township Board.
 - d) The Township Board will review the recommendation and accept or reject the plan. Upon acceptance of the plan, the Township Board will receive the financial guarantee of reclamation in accordance with Section 13.15 E.4. of this Ordinance.
2. Before commencement of mining operations, a Mining Permit shall be issued by the Zoning Administrator upon payment of an annual fee in accordance with the established Hillsdale Township "Fee Schedule". This fee shall defray any administrative expense rising out of the mining operation.
3. **Inspections and Conformance**
- a) Inspections shall be made of the mining site, not less often than twice in each calendar year by the Zoning Administrator in order to insure conformance with the requirements of the approved Special Use Permits.
 - b) Any violations shall be reported in writing to the Township Board. The report shall be forwarded with a request for compliance, to the operating company by the Zoning Administrator.
 - c) Failure on the part of the operating company to correct a reported violation within thirty (30) days after such request is made by the Zoning Administrator shall be reason for revocation of the permit. Additional time for correction of the cited violation may be allowed upon submission to the Zoning Administrator of proof of good and sufficient cause by the operating company, otherwise the operating company shall be declared to be in violation of this Ordinance and subject to the penalties of both the Ordinance and the Special Use Permit approved for the natural resource extraction operation.

G. Special Requirements

1. Waiver of excavation limits

The Township Zoning Board of Appeals may approve a reduction of the setback limits required for excavations in Section 13.15 C.1. under the following conditions:

- a) The operating company shall have provided the Zoning Board of Appeals with acceptable proofs that lateral support shall not be endangered.
- b) Adjacent property owner or owners shall have given written consent to the waiver of limits for excavation.
- c) All other requirements of this Ordinance have been met and maintained at the time of applying for and receiving approval of any waiver.

Section 13.16 - Single Family Earth Homes

Single family earth homes are permitted in the AR, RR, LFR, and MDR districts, as long as they meet all of the requirements of the district in which they are located and the bottom edge of the earth berms surrounding the building or structure meet the height and yard setback requirements for all yards.

Section 13.17 - Solar Buildings

Solar buildings are permitted in all districts as long as their glare from exterior reflective solar panels is deflected so as not to cause glare to be transmitted to adjacent properties below the maximum height established for each district.

Section 13.18 - Windmills

Windmills are permitted in all districts as long as the height of the windmill does not exceed the setback distance of the point of the base of the windmill from nearest property line.

Section 13.19 - Housing of the Elderly in Detached Single Family Homes- Current State laws and permits shall prevail

~~Housing of the elderly aged 55 or older at two (2) per bedroom, up to a maximum of six (6), per detached single family dwelling is permitted; provided that the bedrooms so used shall be in excess of the bedroom needs of the family occupying the detached single family home. The family needs shall be computed at two (2) family members per bedroom. Further, each two (2) bedrooms designed for the elderly shall be provided with a full bathroom for sanitary and bathing purposes which shall be located within ten (10) feet of the most accessible door of the respective bedroom it is to serve.~~