

NORWOOD TOWNSHIP
Ordinance No. ____ of 2013

AN ORDINANCE TO AMEND THE NORWOOD TOWNSHIP ZONING
ORDINANCE CONCERNING DEFINITIONS AND MINERAL
RESOURCES DISTRICT

THE TOWNSHIP OF NORWOOD HEREBY ORDAINS:

Section 1. Amendment to Article II, Section 2.02 Definitions.

Article II, Section 2.02 of the Norwood Township Zoning Ordinance is hereby amended to add the following new definitions to be inserted in their appropriate alphabetic location, which new definitions shall read in their entirety as follows:

Architectural Features: Any prehistoric or historic deposit of archaeological value as determined by a representative of a State agency that is duly authorized to evaluate such findings and render such judgments. An archaeological feature deposit may include aboriginal habitations, ceremonial sites, abandoned settlements, treasure troves, artifacts, or other objects with intrinsic archaeological value relating to the history and culture of the State of Michigan.

Berm: An earthen barrier with native vegetative screening or other suitable designs with properties that mitigate the visual and acoustical impacts of a quarrying operation, mining operation, excavation operation, mineral extraction operation or an industrial use.

Excavating: Excavating means the removal or movement of topsoil, clay, sand stone, nonmetallic minerals, aggregates or gravel, except for common household gardening, landscaping, building foundation construction, construction grading, farming, farm operations, and general ground care.

Excavation Operation: means the excavation from the earth of aggregates, nonmetallic minerals, gravel, topsoil, subsoil, or sand for sale or use and includes the use of mining equipment or techniques to remove materials from the earth, as well as associated activities such as excavation, grading, and dredging. It also includes processes carried out at a mineral and nonmetallic mineral mining site that are related to the preparation, storage, loading/unloading, or processing of mineral aggregates or nonmetallic minerals obtained from the mining site.

Gravel-Naturally Occuring: means the unconsolidated, natural accumulation of rounded rock or rock created through erosion, glaciation or the natural movement of water consisting predominantly of particles larger than sand, having a diameter of between 2.0 mm (0.08 inches) to 7.6 cm (3 inches) as defined by the USDA textural classification system.

Gravel-Manufactured: means particles larger than sand manufactured by blasting, crushing or similar means having a diameter of 2.0 mm (0.08 inches) to 7.6 mm (3 inches) as defined by the USDA textural classification.

Mineral: means a naturally occurring solid chemical substance formed through biogeochemical processes, having characteristic chemical composition, highly ordered atomic structures, and specific chemical properties.

Mining Operation: means the excavation, excavation operation, removal, movement, loading/unloading or processing, storage of soil, subsoil, sand, stone, gravel, minerals or nonmetallic minerals. Mining operation does not include the following activities:

1. Excavation of a limited scope and duration undertaken primarily for the immediate use and development of land for the construction of buildings, structures or the installation of water wells, septic and sewage facilities, landscaping, activities within a cemetery, and construction which is otherwise ancillary to a land use.
2. Excavation done as part of a farm or farming operation as defined by the Michigan Right to Farm Act, P.A. 93 of 1971, as amended.

Mining Permit Inspector: means a qualified individual hired by the Township with the ability to access, provide advice and inspect new and existing mining and mineral extraction operations.

Natural Resource(s): means and includes topsoil, clay, sand, gravel, cobble, stone, bedrock, regolith, mineral or non-mineral as such terms are used in this Ordinance.

Nonmetallic mineral: means a product, commodity or material consisting principally of naturally occurring inorganic, nonmetallic, nonrenewable material. Nonmetallic minerals include, but are not limited to stone, sand, gravel, clay, cobbles, gypsum, limestone and topsoil.

Owner/Operator: means an owner, lessee or any other person engaged in or preparing to engage in quarrying operations, mining operations, excavation operations or mineral extraction operations, or any other person engaged in or preparing to engage in these activities.

Processing: means the washing, sorting, crushing, aggregating, grinding, blending, mixing, loading/unloading, storage or cutting of soil, clay, sand, gravel, cobbles, stone, minerals or nonmetallic minerals.

Quarrying Operation: means the excavation, mining, excavation operation, mineral extraction and/or processing of stone, minerals or nonmetallic minerals whether solid or fractured and/or which require excavation, blasting, cutting, pounding, drilling or other processing.

Regolith: means unconsolidated, mineral material that is not capable of supporting life and which is not topsoil or sand.

Sand: means the unconsolidated, natural accumulation of granular material created through erosion, glaciation or the natural movement of water consisting predominantly of particles having a diameter of between 0.05 mm to 2.0 mm as defined by the USDA textural classification system.

Sand and gravel: means a mixture that primarily consists of sand and gravel as individually defined in this Ordinance. Sand and gravel may contain lesser amounts of silt and/or clay.

Surface waters: means drains, streams, rivers, creeks, ponds, lakes and other water bodies as defined by Michigan's Part 301: Inland Lakes and Streams Act of the P.A. 451 of 1994, as amended. The definition applies to public and private lands regardless of zoning classification or type of ownership.

Topsoil: means the unconsolidated, natural material that supports or is capable of supporting plant life, and naturally covers subsurface layers of regolith, glacial drift, and/or bedrock.

Section 2. Amendment to Section 3.02.5.D.

Section 3.02.5.D of the Norwood Township Zoning Ordinance is hereby amended to read in its entirety:

- D. If an existing quarrying operation, mining operation, excavation operation or mineral extraction operation outside Mineral Resources (MRD) District is designated a nonconforming use, existing holes, shafts may be worked or enlarged on the land which constituted the lot on which operations shall be established. Any holes or shafts which are expanded shall adhere to all setback requirements and screening requirements.

Section 3. Amendment to Section 3.36.

Section 3.36 of the Norwood Township Zoning Ordinance is hereby amended to read in its entirety:

3.36 Regulations Pertaining to Quarrying Operations, Mining Operations, Excavation Operations and Mineral Extraction Operations

All lands on which a quarrying operation, mining operation, excavation operation or mineral extraction operation is undertaken shall be subject to the following regulations,

which regulations shall be interpreted and administered in accordance with all applicable provisions contained within this Zoning Ordinance.

1. The Owner/Operator shall not cause or permit air pollution, noise pollution or water pollution in a manner that exceeds or violates any federal, state, county or township permits or blasting pollution or violations which violate existing law or which exceed what is allowed for existing permits within the District.
2. The Owner/Operator shall berm or screen between an open pit of any type and any part of a property boundary within two hundred (200') feet of any open pit area, except adjacent to a public or private right-of-way in which case such berm or screen shall border any such right-of-way.
3. The Owner/Operator shall post the operation of any adjoining property boundary within two hundred (200') feet of an open pit operation.
4. The Owner/Operator shall berm and screen that portion of any boundary contiguous to any lands zoned "residential" and/or occupied for residential purposes within two hundred (200') feet of disturbed lands, and shall berm or screen that portion of any boundary or public thoroughfare between a structure occupied for residential purposes if such structure is within two hundred (200') feet of disturbed lands.
5. No land shall be disturbed nor any structure (except berm or screen) erected within one hundred (100') feet of any boundary or adjacent to any public or private right-of-way.
6. The Owner/Operator shall install groundwater monitoring wells as indicated and necessary pursuant to a hydrogeological study and plan. The location and depth of any such wells shall be dictated by the hydrogeological study. The Owner/Operator shall submit to the Mining Permit Inspector data regarding water levels and water quality gathered at such wells at least annually, and more frequently at the request of the Township Planning Commission or Zoning Administrator.
7. Annual Plans. The Owner/Operator shall submit Annual Plans to the Township Zoning Administrator for review based upon approved Site, Operational and Reclamation Plans. The Annual Plan shall contain the following:
 - A. Location and perimeter of disturbed mining land;
 - B. Location and perimeter of abandoned mining land;
 - C. Location and perimeter of inactive and/or reserved mining land;
 - D. Open mining pit(s);
 - E. Stockpile(s);
 - F. Road(s) internal to the mining operation;
 - G. Changes in open pit and stockpile areas during the preceding year indicated by vertical (north-south) cross-hatching;
 - H. Anticipated changes in open pit and stockpile areas during the following year indicated by horizontal (east-west) cross-hatching;
 - I. Date of operation;
 - J. Name of and contact information for the individual responsible for the preparation of the Annual Plan;

- K. Proof of liability insurance, pollution liability insurance or the ability to obtain such insurance in the total amount of at least \$5 million dollars, with at least one million dollars (\$1,000,000.00) per occurrence covering the proposed or existing operation;
 - L. A description of any major equipment or operational changes to the operation in the preceding or following annual period, including a detailed listing of any environmental letter or notices;
 - M. Surface water drainage on or away from the mine area, including routes;
 - N. Disturbed wetlands or wetlands created with accompanying permits allowing for the same from all applicable federal, state and local agencies;
 - O. The plan will be submitted each year on the anniversary of the original land use approval date.
8. Changes in Plans. The Owner/Operator may alter, change, or amend a site plan, reclamation plan or operational plan at any time by submission of the same in the same manner as the original site plan, reclamation plan or operational plan was submitted. Upon such submittal of any changed site plan, reclamation plan or operational plan the process for reviewing the same shall be identical to the processes contained in this Ordinance for the submission of an original, new site plan, reclamation plan or operational plan.

Section 4. Amendment of the title to Section 3.37.

The title to Section 3.37 of the Norwood Township Zoning Ordinance is hereby amended to read as:

Section 3.37 Site Reclamation for Quarrying Operations, Mining Operations, Excavation Operations and Mineral Extraction Operations

Section 5. Amendment to Section 3.37.1.C and Section 3.37.1.D.

Section 3.37.1.C and Section 3.37.1.D of the Norwood Township Zoning Ordinance are hereby amended to read in their entirety as follows:

- C. The applicant shall be required to post one of the following acceptable performance guarantees pursuant to Section 8.06 of this Ordinance in the amount of the estimated reclamation costs, as approved by the Township:
 - 1) An assignment of funds;
 - 2) Cash account; or
 - 3) Surety bond guarantee
- D. Site activities shall not be initiated on any location of the site until such performance guarantee as provided in subparagraph C above has been posted for that area of the site. The performance guarantee shall be held by the Township for one year from date of completion of the restoration to ensure that site restoration is established. For long-term projects, a re-

evaluation of the performance guarantee shall be required every three (3) years to ensure the performance guarantee is still a sufficient amount for adequately covering the restoration cost for the site.

Section 6. Amendment to Section 3.37.2.A.

Section 3.37.2.A of the Norwood Township Zoning Ordinance is hereby amended to read in its entirety as follows:

- A. All pits from all types of operations covered Reclamation: For an open pit, reclamation concurrent with operations within the pit shall be undertaken to the extent that the reclamation activities will not interfere with the operations within the pit or if the activity will damage the reclaimed area. Areas shall be reclaimed to a reclamation plan approved by the Planning Commission and shall comply with the following additional standards:
 - 1.) Excavation which has created or extended lakes, ponds or other bodies of water shall meet standards and specifications (particularly with respect to underwater slopes and drop-offs) promulgated by the U.S. Department of Agriculture, Natural Resources Conservation Services and shall be approved by that agency. Any bodies of water over five (5) acres shall obtain appropriate permits from the MDEQ or its successor in interest. In no manner shall the creation of any ponds or bodies of water divert or impact waters as they naturally occur and flow in wetlands, streams or the flowage of water below the surface of the land.
 - 2.) Where excavation operations result in a body of water, the owner or operator shall place appropriate “Keep Out – Danger” signs around said premises not more than one-hundred-fifty (150) feet apart.
 - 3.) Fencing for public safety may be required by the Planning Commission, based on site specific conditions such as proximity of the excavation area to a property line, or road right-of-way.

Section 7. Amendment to Section 5.

Section 5 of the Norwood Township Zoning Ordinance is hereby amended to add a new subsection 5.07a, which shall read in its entirety as follows:

Section 5.07a – Mineral Resources District (MRD)

The following provisions shall apply to the Mineral Resources District (MRD).

Section 5.07a.1 – Intent

The Mineral Resources District (MRD) is designed to promote the orderly development of quarrying operations, mining operations, excavation operations and mineral extraction operations, including all onsite processing related thereto. Additionally, the District is designed to properly manage the effects of quarrying operations, mining operations, excavation operations and mineral extraction operations inclusive of all onsite processing related thereto and to encourage good practices for these uses while preserving for the future, the rural character and natural resources, proper reclamation and proper planning for future land use subsequent to the completion of all quarrying operations, mining operations, excavation operations and mineral extraction operations. Uses are both permitted by right as well as by special use within the District.

Section 5.07a.2 – Permitted Uses.

1. Production, processing, assembly, manufacturing or packaging of goods, or materials which do not emanate noise, smoke, odors, dust, dirt, noxious gases, glare, heat, vibration, electrical or any similar nuisances. Such facilities may include testing, repair, storage, distribution, and sales of such products.
2. Construction related services, sales and contracting offices
3. Machine shop
4. Quarrying operations, mining operations, excavation operations and mineral extraction operations, including all onsite processing related thereto.

Section 5.07a.3 – Uses Subject to Special Approval

1. Warehouses and storage buildings, but not including commercial bulk storage of flammable liquids and gases
2. Outdoor storage facilities, including self storage facilities
3. Sexually oriented businesses
4. Telecommunication tower/facility
5. Junkyard or salvage yards
6. Animal processing facilities, subject to United States Department of Agriculture and local District Health Department
7. Planned Unit Development (PUD)
8. Accessory buildings and uses customarily incidental to the above special approval uses
9. Meteorological Towers, Anemometer Towers and Test Towers
10. All permitted uses and uses subject to special approval in the Mobile Home Park District (MH) It is specifically intended that all permitted uses in the (MH) District are subject to special approval in the (MRD) District.

Section 5.07a.4 – Dimensional Regulations

Structures and uses in the Mineral Resources District are subject to the area, height, bulk and placement requirements in **Section 5.08** *Schedule of Regulations*.

Section 5.07a.5 – Continuation of All Lawful Nonconforming Uses Applicable to Land Within the Mineral Resources (MRD) District

All existing quarrying operations, mining operations, excavation operations and mineral extraction operations, including all onsite processing thereto and other existing lawful uses, but which become nonconforming as a result to the amendment of the Norwood Township Zoning Ordinance, creating the Mineral Resources District with definitions, shall be allowed to continue in the same manner as such operations have been at the time that the Ordinance amendment becomes effective. In the case of quarrying operations, mining operations, excavation operations and mineral extraction operations, including all onsite processing thereto, all existing pits or shafts shall be allowed to continue to be quarried, mined and excavated as applicable until the gravel, sand, topsoil, minerals and nonmetallic minerals have been taken. This includes the ability to expand any such quarry operation, mining operation, excavation operation and mineral extraction operation as well as onsite processing of minerals that exist on the date this Ordinance amendment is effective until the continuous, existing vein of gravel, sand, topsoil, minerals and nonmetallic minerals being extracted have been exhausted. Any new quarrying operation, mining operation, excavation operation and mineral extraction operation which requires ground to be broken outside the walls and floor of an existing quarry operation, mining operation, excavation operation and mineral extraction operation which is commenced after the effective date of this Ordinance amendment shall comply with all the provisions of the Mineral Resource District and other provisions of the Norwood Township Zoning Ordinance related thereto excepting operations which to continue, must go across existing private roads, public roads and existing easements. No new operation shall commence after adoption of this Ordinance until the Owner/Operator has complied with this Section and other applicable Articles and Sections of this Zoning Ordinance.

Section 8. Amendment to Section 5.08

Section 5.08 of the Norwood Township Zoning Ordinance is hereby amended to read in its entirety as follows:

Zoning District	District Name	Minimum Lot Area		Maximum Height of Structure		Minimum Yard Setbacks (in feet)			Minimum Dwelling Unit <u>Width</u> <u>Floor</u> <u>Area</u>		Max % of Lot Coverage
		Area	Width	Stories	Feet	Front	Side	Rear			
A	Agricultural	5 acres	300'	2.5	35' (e)	50' (a)(c)(f)	25' (f)	100' (f)	23'	690 sq. ft.	10%
CR	Conservation Reserve	20,000 sf	150'	2.5	35'	50'	20'	50'	23'	690 sq. ft.	20%
R-1	Low Density Residential	20,000 sf	100'	2.5	35'	50' (c)	15' (d)	50'	23'	920 sq. ft.	25%
RR	Rural Residential	5 acres	300'	2.5	35'	50' (c)	15'	100'	23'	690 sq. ft.	10%
MH	Mobile Home										
C	Commercial	2 acres	150'	2.5	35'	100'	0 (b)	50'	-----		50%
I	Industrial	2 acres	150'	2.5	35'	100'	0 (b)	50'	-----		20% incl. Outdoor Storage
MRD	Mineral Resources District	20 acres, inclusive of smaller lots which are contiguous	400'	2.5 (e)	35' (e)	100'	100'	100'			20% structures only

* D.U. Dwelling Unit

Footnotes to Schedule of Regulations:

- a. For lots which border a lake or a stream, the minimum structure setback on the waterfront side shall be fifty (50) feet from the ordinary high water mark.
- b. Side yards shall be increased in the Commercial (C), Industrial (I) and Mineral Resource (MRD) districts, where adjacent to any Conservation Reserve or Residential District. In such cases the adjacent District regulations will apply.

- c. Planned Unit Development located on a major road shall be setback at least seventy (70) feet from the road right-of-way.
- d. For lots of record, less than one hundred fifty (150) feet wide, the side yard setback shall be reduced to ten (10) feet.
- e. Exceptions to height standards for Agricultural Uses and in the Mineral Resources District. The maximum height of permitted agricultural accessory structures or structures in the Mineral Resources District that are essential and customarily used in agricultural operations associated with a farm or operations allowed in the Mineral Resources District shall be forty-five (45) feet, except that the maximum height of silos or cylindrical structures shall be one hundred (100) feet, provided that all such accessory farm structures shall be located at least one hundred (100) feet from any residential dwelling other than the dwelling on the lot or parcel where the accessory farm structures are located.
- f. Agricultural accessory buildings shall be setback at least thirty five (35) feet or the height of the building from any lot line, whichever is greater, and shall be at least fifty (50) feet from the main dwelling.

Section 9. Amendment to Section 6.01.2.

Section 6.01.2 of the Norwood Township Zoning Ordinance is hereby amended to read in its entirety as follows:

- 2. Site Plan Data Required: Each site plan submitted shall contain the following information unless specifically waived, in whole or in part by the Township Planning Commission. The Planning Commission can waive any or all of the listed site plan requirements, when it finds those requirements are not applicable to the proposed development.
 - A. The name and address of the property owner.
 - B. The date, north arrow, scale and name of the individual or firm responsible for preparing said plan. The scale must be at least one (1) inch = fifty (50) feet for parcels under three (3) acres and not less than one (1) inch = one hundred (100) feet for parcels three (3) acres or more.
 - C. A scaled drawing of the property, showing at a minimum the boundary lines of the property including all dimensions. The drawing should show existing and proposed grades and drainage systems and structures. A certified survey of the property, prepared and sealed by a professional licensed surveyor, showing at a minimum the boundary lines of the property, to include all dimensions and legal description may be required for final approval
 - D. The location of all existing and proposed structures on the site, including the shape, size, location, height and floor area of all structures; the floor area and ground coverage ratios, and the finish ground and basement floor grades, as applicable. In addition, include proposed streets, roads, driveways, parking spaces, loading spaces, sidewalks, walkways, signs,

exterior lighting, parking for the proposed uses (show the dimensions of a typical parking stall and parking lot), loading and unloading areas, common use areas and recreational areas and facilities, as applicable to the proposed development.

- E. The location and width of all abutting rights-of-way.
- F. The location of existing environmental features, such as streams, wetlands, shorelands, mature specimen trees, wooded areas, archaeological features as defined under this Ordinance, and identification of existing manmade features such as roads or structures which are either to be retained, removed or altered, or any other unusual environmental features, as applicable.
- G. If evidence of archaeological features exist at a proposed mine site, the Township may request a State Archaeologist or accredited representative to evaluate the site. If significant archaeological or historic features are located within the area to be disturbed by the proposed excavation, a suitable mitigation plan must be negotiated with the Township.
- H. The location and identification of all existing structures within a two hundred (200) foot radius of the site.
- I. The existing zoning district in which the site is located and the zoning of adjacent parcels. In the case of a request for a zoning change, the classification of the proposed new district must be shown.
- J. The location of all existing and proposed landscaping as well as all existing and proposed fences or walls.
- K. A location sketch of the proposed use or structure.
- L. The type, location and size of all existing and proposed utilities.
- M. The location, size and slope of all surface and subsurface drainage facilities.
- N. Summary tables, cross-sections and/or floor plans should be included with site plans for proposed structures, giving the following information:
 - 1) The number of units proposed, by type, including a typical floor plan for each unit.
 - 2) The area of the proposed units in square feet, as well as area dimensions of driveways and staging areas.
 - 3) Typical elevation drawings of the front and rear of each building.
- O. The topography of the existing and finished site shall be shown by contours or spot elevations. Where the existing slope on any part of the site is ten percent (10%) or greater, contours shall be shown at height intervals of two (2) feet or less.
- P. Anticipated hours of operation for proposed use. The Planning Commission may impose reasonable limits to hours of operation as a condition of site plan approval when warranted to assure compatibility with surrounding land uses.

Section 10. Amendment to Section 6.01.4.

Section 6.01.4 of the Norwood Township Zoning Ordinance is hereby amended to read in its entirety as follows:

4. Additional Site Plan Requirements for Quarrying Operations, Mining Operations, Excavation Operations and Mineral Extraction Operations: In addition to the site plan data required under this Section 6.01, the following additional site plan data for quarrying operations, mining operations, excavation operations or mineral extraction operations is required:
 - A. A vicinity sketch showing the location of the site in relation to the surrounding street and road system.
 - B. The proposed location, with a plan view of the estimated depth and time table of extraction.
 - C. The proposed location of spoils piles, tailing ponds, sediment basins, material stockpiles, onsite processing areas, including but not limited to crushing and sorting equipment and other permanent or temporary facilities and structures utilized in the project.
 - D. An assessment of the proposed operation's impact on the natural, historic, economic and community features by an expert in these fields.
 - E. A hydrogeological study providing sufficient description of the general surface and groundwater conditions, including wetlands on and adjacent to the project site. Such study shall describe the surface-ground water connections and the chemical characteristics of water on the site. In addition, such study shall specify anticipated hydrological impacts of the operation, if any. As applicable, the Owner/Operator shall identify plans to alleviate possible problems in the water table supply to adjacent landowners in order to eliminate any adverse impacts.
 - F. Operation Plan:
 1. A description outlining the estimated life span which the operation will cover; the type of material to be extracted; the type of mining operation and processing equipment to be used; measures to control noise, vibration, dust and pollution from the operation; plans for blasting, if any; effect on groundwater flow; proposed frequency of and travel route to be used to transport the mined material to processing plants and markets, and the proposed steps to be taken to relieve adverse effects in accordance with Parts 31: Water Pollution Control Act; 201: Environmental Response Act; and 55: Air Pollution Control Act of Michigan's Natural Resources and Environmental Protection Act, PA 451 of 1994, as amended.
 2. A description of the social and economic impact on Norwood Township and Charlevoix County, including an estimate of the number of potential employees, proposed transportation routes for employees and product, and impacts or changes in the present

road system that might be necessary by the proposed operation. The Planning Commission reserves the right to establish truck routes, number of vehicles per day and truck weight requirements for all vehicles entering, exiting and operating on Township public roads with respect to any quarrying operation, mining operation, excavation operation and/or mineral extraction operation.

3. Roads: Equipment used on roads must meet all federal, state and local guidelines, including any guidelines of the Charlevoix County Road Commission with respect to loads. Additionally, any private lanes, roads or driveways leading out of the site shall meet the requirements of the Charlevoix County Road Commission with respect to where they may require that the Owner/Operator use certain roads, routes, load limits and reasonable limitations on the daily amount of truck and heavy equipment traffic entering and leaving the site.

Additionally for the type of vehicles used, an opinion from the State Highway Commission (MDOT) or the County Road Commission, as applicable, that the existing roads, from point of egress from the site will utilize a road in each direction to connect to a Class A road and that such roads are suitable for the traffic. If the operation will use Class A roads only no such traffic study or opinion is required. The site plan application will include a study of the ability of all connecting roads to handle the projected traffic, including a study of the road bed, shoulders, road width, expected road bed deterioration, site distance analysis, expected daily traffic at peak times, in compliance with the applicable MDOT and county road standards.

4. Proof of required county, state and federal permits or affidavit of application for county, state and federal permits.
5. A description of the measures to be taken to ensure that any excavations, pits, pond areas, banks, or slopes are adequately guarded by rail and/or fences and posted with signs to prevent injury to individuals, inclusive of barrier.
6. A provision of a reclamation plan showing the following:
 - a. Final grading, anticipated final slope angles, wall reduction, benching and terracing of slopes, slope stabilization and re-vegetation, erosion control, and alternative future land uses.
 - b. Description of topsoil stripping, if any, storage/staging location, and conservation measures during storage and replacement.
 - c. Plan description of anticipated final topography, water impoundments and artificial lakes on the property.
 - d. Plans for disposition of surface structures, roads and related facilities after the cessation of mining.

- e. A plan for disposal or treatment of any harmful or toxic materials found in any formation penetrated by the mining operations or produced during processing or minerals, and of chemical or materials used during the mining or processing operations.

Any conditions or modifications required by the Planning Commission shall be recorded in the minutes of the appropriate Planning Commission meeting.

Section 11. Amendment of the title to Section 7.03.11.

The title to Section 7.03.11 of the Norwood Township Zoning Ordinance is hereby amended to read as follows:

- 11. Quarrying Operations, Mining Operations, Excavation Operations, and Mineral Extraction Operations Outside of the Mineral Resources (MRD) District.

Section 12. Amendment to Section 8.05.2.

Section 8.05.2 of the Norwood Township Zoning Ordinance is hereby amended to read as follows:

- 2. If the Planning Commission or Zoning Board of Appeals determines that the basic zoning fees will not cover the actual costs of the application review or appeal, or if the Planning Commission or Zoning Board of Appeals determines that review of the application and/or participation in the review process or appeal by qualified professional planners, engineers, attorneys, or other professionals is necessary, then the applicant shall deposit with the Township Treasurer such additional zoning fees in an amount determined by the Planning Commission or Zoning Board of Appeals equal to the estimated additional costs. The additional zoning fees shall be held in escrow in the applicant's name and shall be used solely to pay these additional costs. If the amount held in escrow becomes less than twenty-five percent (25%) of the initial escrow deposit or less than twenty-five percent (25%) of the latest additional escrow deposit and review of the application or decision on the appeal is not completed, then the Planning Commission or Zoning Board of Appeals shall require the applicant to deposit additional fees into escrow in an amount determined by the Planning Commission or Zoning Board of Appeals to be equal to the estimated costs to complete the review or decide the appeal. Failure of the applicant to make any escrow deposit required under this Ordinance shall be deemed to make the application incomplete or the appeal procedurally defective thereby justifying the denial of the application or the dismissal of the appeal. Any unexpended funds held in escrow shall be returned to the applicant following final action on the application or the final decision on the appeal. Any actual costs incurred by the Township in excess of the amount held in escrow shall be billed to the applicant and shall be paid by the applicant prior to the issuance of any permit

or the release of a final decision on an appeal. New applications from a previous Applicant whether for a special approval, site plan review or a variance request shall not be accepted or processed by the Township until unpaid Township fees, or escrow in arrears, if any, have been completely paid. The Township Clerk shall monitor the deposit and notify the applicant and the Planning Commission of the status of the escrow to ensure that the escrow is kept in compliance with this subsection 8.05.2.

Section 13. Amendment to Section 8.06.

Section 8.06 of the Norwood Township Zoning Ordinance is hereby amended to read as follows:

1. The Township is empowered to require a performance bond, letter of credit or certified check in an amount equal to the estimated cost of road, lighting, utility, sidewalk, landscaping and drainage improvements associated with the project. Such performance guarantee shall be deposited with the Clerk of the Township at the time of the issuance of the permit authorizing the activity or project to insure faithful completion of the improvements indicated with the approved site plan; if not, said performance guarantee deposits only when requested by the depositor, based on the percent of improvement completed, as attested to by the depositor and verified by the Zoning Administrator except as applicable for mining operations, etc., in the Mineral Resources District (MRD) as provided in subparagraph 2 below and under Article III, Section 3.37 of this Ordinance. In cases where provisions of this Ordinance have not been met, the amount of the aforementioned performance guarantee shall be used by the Township to complete the required improvements; and the balance, if any, shall be returned to the applicant.

2. Additional Requirements for Mineral Resources (MRD) District. In addition to the requirements provided in Section 8.06.1 above, Owner/Operator(s) of quarrying operations, mining operations, excavation operations and mineral extractions operations shall have their financial guarantee(s) utilized in a manner which establishes the method and time line for reclamation such that acreage or fraction thereof of land has an amount of security applied to it. This amount shall be reevaluated no less than every three (3) years. The amount shall be adjusted per acre or fraction thereof as determined by the Township Planning Commission or Zoning Administrator as the operation reclaims land and activity decreases on existing acreage or increases on previously undisturbed acreage. The Planning Commission or Zoning Administrator shall consult with an industry expert as to the appropriate amount of financial guarantee. In the event that the Planning Commission or Zoning Administrator determine that such bonding requirements are inadequate or excessive, a hearing will be scheduled before the Planning Commission regarding the amount of financial security and after input of facts by the Zoning Administrator and other professional staff as well as

the Owner/Operator having an opportunity to be heard and provide input on the same, such financial security may be adjusted by the Planning Commission upon conclusion of such hearing.

The Planning Commission shall certify to the Township Board, Owner/Operator and the issuer of any surety bond or other financial guarantee the filings of such bond or guarantee and the reclamation of any abandoned lands (or previously disturbed lands) and the number of acres so reclaimed within thirty (30) days following receipt of the Annual Plan and certification of such reclamation by the Owner/Operator.

Section 14. Severability.

If any section, clause, or provision of this Ordinance is declared unconstitutional or otherwise invalid by a court of competent jurisdiction, said declaration shall not affect the validity of the remainder of the Ordinance as a whole or any part thereof, other than the part so declared to be unconstitutional or invalid.

Section 15. Effective Date.

This Ordinance shall become effective eight (8) days after being published in a newspaper of general circulation within the Township.

NORWOOD TOWNSHIP

By: _____
Frank Hamilton

Its: Supervisor

By: _____
Dana Pajtas

Its: Clerk