

AMENDMENTS TO THE REGULATIONS FOR REMOVAL AND PROCESSING OF TOP SOIL,  
SAND, GRAVEL, OR OTHER SUCH MINERALS OR EARTH MATERIALS

MARTIN TOWNSHIP  
COUNTY OF ALLEGAN, MICHIGAN

At a regular meeting of the Township Board of the Township of Martin, Allegan County, Michigan,  
held in the Martin Township Community Building, 998 Templeton Street, within the Village of Martin, on  
the 10<sup>th</sup> day of November, 2010 at 7:30 p.m.

PRESENT: Members: Tiemeyer, Sturgis, Brenner, Sipple & Coburn

ABSENT: Members: None

The following ordinance was offered by Member Tiemeyer and supported by  
Member Sturgis.

ORDINANCE NO. 98

AN ORDINANCE TO AMEND THE MARTIN ZONING ORDINANCE  
(ORDINANCE NO. 30 OF 1986, AS AMENDED)

THE TOWNSHIP OF MARTIN ORDAINS:

SECTION 1: Article IV of the Zoning Ordinance of the Township of Martin is hereby amended to read as follows:

4.27 REMOVAL AND PROCESSING OF TOP SOIL, SAND, GRAVEL, OR OTHER SUCH MINERALS OR EARTH MATERIALS: Removal and processing of top soil, gravel or other such minerals or earth materials, is permitted as a Special Exception Use in the AG Agricultural, R-1 Rural Estates, and the I-1 Industrial Districts and shall be operated in accordance with all of the following conditions and limitations:

10. RESTRICTIONS AND LIMITATIONS ON SPECIAL EXCEPTION USE DISTRICTS: In any zoning district where top soil, sand, gravel or other such minerals or earth materials is permitted as a Special Exception Use, then said use shall not exceed:

- a. 1000 cubic yards from AG zoned parcels in any calendar year;
- b. 1000 cubic yards from I-1 zoned parcels as a total amount from that parcel; and,
- c. 500 cubic yards from R-1 zoned parcels as a total amount from that parcel.

Additionally, excavation and/or removal of top soil, sand, gravel, or other such minerals or earth materials is only permitted in these zoning districts as a Special Exception Use, if such excavation and/or removal:

d. is complete in and of itself;

e. does not constitute a part, portion or phase of some other larger, different, or recurring top soil, sand, gravel or other such minerals or earth material removal operation, plan or activity;

**f. is not for sale, except as allowed in paragraph 12 of this section for site preparation of approved land uses;**

g. does not repeat or combine successive excavation and/or removal operations from the same parcel for the purpose of excavating and/or removing a larger total quantity of such material; and,

h. does not result in hazardous or unsafe conditions or create adverse consequences to adjacent or nearby lands.

**11. MOVING EARTH MATERIALS:** In any zoning district where excavation and/or removal of top soil, sand, gravel or other such mineral or earth materials is permitted as a Special Exception Use, these earth materials may be moved from one part of said permitted parcel to another part of the same parcel without complying with provisions in this section, provided that such movement will not cause, or be likely to cause hazardous or unsafe conditions or create adverse consequences to adjacent or nearby lands such as sand blows, stagnant waters, bogs, or alteration of ground water tables. **Landowners in AG districts are permitted to excavate and/or remove earth material from one AG zoned parcel and move it to a different AG zoned parcel provided the use of the earth material is used solely for AG purposes, is not for sale and, complies with the limitations and restrictions in paragraph 10 of this section.**

**12. SITE PREPARATION FOR AN APPROVED LAND USE:** The excavation and/or removal of top soil, sand, gravel, earth mineral and/or other such earth material from any zoning district is not subject to the provisions of this section if all such excavation and/or removal is solely for the purpose of site preparation for an approved land use. Site preparation for permitted building construction or other approved land use must not exceed 10,000 cubic yards. It is permitted to sell to another party top soil, sand, gravel, earth mineral or other earth material excavated and/or removed for the purposes of site preparation for an approved land use. Excavation and/or removal of earth material for the purpose of site preparation for an approved land use shall be limited to that which is necessary to reconfigure or otherwise prepare the site for permitted building construction or other approved lands uses.

## SECTION 2: Severability.

The various parts, sections, and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section, or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

**SECTION 3: Effective Date.**

This Ordinance shall become effective seven days after its publication or seven days after the publication of a summary of its provisions in a local newspaper of general circulation.

YEAS: Members: Brenner, Sipple, Coburn, Tremeyer + Storgis

NAYS: Members: \_\_\_\_\_

ORDINANCE DECLARED ADOPTED.

Carrie Coburn  
Carrie Coburn  
Martin Township Clerk

Ordinance becomes effective: November 22, 2010

I hereby certify the foregoing to be a true copy of an ordinance adopted at a regular meeting of the Township Board of the Township of Martin held on November 10<sup>th</sup>, 2010. Public notice of such meeting was given as provided by law.

Carrie Coburn  
Carrie Coburn  
Martin Township Clerk