

COPY

TOWNSHIP OF ARMADA

MACOMB COUNTY, MICHIGAN

AMENDMENT OF ARMADA TOWNSHIP ZONING ORDINANCE

ORDINANCE NO. 06-114-01

TITLE

AN ORDINANCE amending the Armada Township Zoning Ordinance, being Ordinance No. 06-114, of the Armada Township Ordinances, to set forth procedures, specifications and requirements for yard composting facilities, and repealing any and all ordinances and/or resolutions in conflict therewith.

THE TOWNSHIP BOARD OF THE TOWNSHIP OF  
ARMADA, MACOMB COUNTY, MICHIGAN ORDAINS:

**SECTION 1. AMENDMENTS**

The Armada Township Zoning Ordinance, being Ordinance No. 06-114, of the Armada Township Ordinances is amended as follows:

Section 16.37 is repealed in its entirety and the following substituted therefor:

**Section 16.37 YARD COMPOSTING FACILITIES.**

**A. Specific Requirements and Conditions.**

- a. The minimum site shall be twenty (20) acres.
- b. A minimum area of one (1) acre shall be provided for each three thousand (3,000) cubic yards of organic material to be composted.
- c. All ingress and egress shall be directly to a proposed major thoroughfare of at least one hundred twenty (120) feet of right-of-way or an approved industrial collector road.
- d. The public road servicing the site must be paved. The access or service roads on the site shall be paved for at least the first two hundred fifty (250) feet from the public road. This portion of the access road shall be a minimum of twenty-four (24) feet in pavement.
- e. Only typical yard waste shall be composted or stored on site. These yard wastes typically include leaves, grass clippings, brush or shrub trimmings.
- f. The portion of the site actively being utilized for composting shall be designed to include a clay lining, acceptable to the Township Engineer in terms of composition, thickness and degree of imperviousness.

- B. **Application Requirements** (may be shown on the site plan or as an addendum to the plan).
- a. A site plan meeting the requirements of this Ordinance.
  - b. Name, address and telephone number of the person, firm or corporation who or which will be conducting the actual composting operation.
  - c. Types of materials to be composted.
  - d. Types and number of equipment used (i.e., shredders, front-end loaders, windrow turning machines, screening and shakers).
  - e. Location and sizes of staging area, windrows, curing area, screening area, finished product, shipping and loading.
  - f. Location and dimensions of office, control booths, maintenance and storage buildings. Plans shall show the location of all fuel storage facilities and shall detail all primary and secondary containment for all hazardous materials.
  - g. Location, numbers, types and cross-sections for landscaping, screening, berms and buffers.
  - h. Location of any adjacent wetland or floodplain.
  - i. On-site topography with elevations or contours not greater than two (2) feet. (Sites with significant slopes should be avoided.)
  - j. A site drainage plan addressing the method of storm water runoff shall be provided for review and approval by the Township Engineer. Pondered water shall not be permitted to collect on site. An appropriate stormwater quality facility or similar device shall be installed prior to the discharge off site.
  - k. Soil types and water table.
  - l. Water source.
  - m. Personnel, number and classifications.

C. **Ground and Surface Water Quality.**

- a. A composting facility shall not be allowed in any 100-year or 500-year floodplain, unless the Michigan Department of Environmental Quality (MDEQ) has approved the area for such operations. Permission from the MDEQ, stating where composting operations will be allowed in the floodplain, shall be necessary before site plan review.
- b. A composting facility shall not be allowed in any protected wetland. A Level III Wetland Assessment shall be made by the MDEQ prior to site plan review.
- c. The site shall be compacted, graded and/or ditched to prevent contaminants from exiting to the site via surface or groundwater.
- d. Sanitary facilities shall be provided in accordance with the requirements of the Township, Macomb County, or the State of Michigan.

- e. To assure that ground or surface waters are not contaminated, monitoring wells shall be installed by the owner/operator and/or lessee on site prior to construction of the composting facility in accordance with MDEQ standards.
- f. If any stream or swale is present on the site, it shall be buffered by a twenty five 25-foot undisturbed setback, measured from the outer edge of the floodplain or all alluvial soils. Approval from the Macomb County Health Department and the designated agent responsible for the enforcement of the Soil Erosion Control Act shall be required, ensuring the stream is adequately protected from pollution.
- g. The surface and groundwater at a composting facility shall comply with the water quality requirements of Act 245 of Public Acts of 1929, as amended, being Section 323.1 et. seq. of the Michigan Compiled Laws and the State Administrative Rules promulgated thereunder, being Section 323.1001 et. seq. of the Michigan Administrative Code.
- h. Sampling of groundwater monitoring wells must start before operations begin, continue quarterly during the active life of operations, and quarterly for a two-year period after operations cease. The monitoring shall be done under the supervision of the MDEQ. All costs for such monitoring shall be assumed by the owner/operator and/or lessee.
- i. Should test wells reveal the presence of contamination, the petitioner shall be required to install a groundwater remediation system. The system shall be based on one of the following:
  - 1) Purge well system, in which water is pumped at a sufficient volume to capture contaminated groundwater by creating a cone of influence.
  - 2) Cutoff trench system, in which the trench intercepts contaminated groundwater.
- j. Either system shall be installed to MDEQ specifications. Contaminated water collected by either system shall be treated in accordance with MDEQ specification to remove contaminants before discharge to a storm or sanitary system. Periodic monitoring of the system shall also conform to MDEQ specifications. All costs associated with these procedures shall be assumed by the owner/operator and/or lessee.
- k. Surface water monitoring shall also be required in addition to groundwater monitoring to assess the adequacy of leachate containment and runoff control. Such monitoring shall be required quarterly. The monitoring shall be done by a professional acceptable to the Township. All costs for such monitoring shall be assumed by the owner/operator and/or lessee.
- l. Analysis for all ground and surface water monitoring events shall be submitted to the Health Department within sixty (60) days after analysis.

**D. Operational Requirements.**

- a. Composting shall be aerobic in nature.
- b. Operation cycle and timetable from acceptance of material on site to disposition of the final product. This shall include shredding, aeration, moisture control, mechanical turning and screening.
- c. Proposed methods of disposing of the final product. The applicant shall show that sufficient contracts exist for the sale of the final product. The plan shall show the

size and height of the storage area. The plan shall indicate the type of sales or distribution of products (i.e., retail, individual bags, truckloads or wholesale).

- d. All operational details shall be clearly delineated. The hours of operation and days of week the facility is open shall be stated. The hours of operation for active composting shall be limited to 7 a.m. to 6 p.m. Site preparation and clean up may extend one hour earlier and one hour later than the stated times.
- e. Use of any chemicals or accelerating agents, including bacteria, fungi, nitrogen or sewage and how such use will not effect the general health, safety and welfare of the subject property but also those adjacent to such property.
- f. Monitoring and control methods for environmental protection (odor, dust, anaerobic problems, methane production). Prior to the start of operation, the owner or operator shall provide a written control plan to the Township which shall outline the steps necessary to reverse a breakdown in the system or a pollution problem. Upon a declaration by the Township that such a problem exists, the owner and operator shall be notified and given a reasonable amount of time (not to exceed one (1) year unless otherwise extended by the Township Board for just cause) to correct the problem. If the problem is not corrected, the Township shall have the right to intervene, correct the problem, and use the performance bond to pay for the services.
- g. Plan to ensure that trash and contaminants are not brought onto the site or, if they are, that there is a plan for proper disposal of non-yard wastes at an approved sanitary landfill.
- h. Plan for disposition of unmarketable compost.
- i. Demonstration by operators that the operation is capable of success (profitable).
- j. Yard waste shall be actively rotated. There shall be a maximum accumulation period of three (3) years.

#### **E. Area, Height and Placement Requirements.**

- a. **Front Yard Setbacks** (measured from the road centerline): One hundred and ten (110) feet for all local, collector and major roadways, one hundred and twenty five (125) feet along 32 Mile Road, Capac Road, Old Farm Trail, and Wolcott Road. No stockpiling shall be located closer than one hundred and twenty five (125) feet for all local, collector and major roadways, one hundred and fifty (150) feet along 32 Mile Road, Capac Road, Old Farm Trail and Wolcott Road.
- b. **Side and Rear.** No composted material, stockpiling or processing shall be located closer than fifty (50) feet from side or rear property lines.
- c. **Height.** The height of any composted material (windrows or stockpiling) shall be limited to eight (8) feet.
- d. **Distance to Housing.** No stockpiling, storage, transfer, loading or unloading, processing, windrows or composting shall take place within one thousand (1,000) feet of an existing residential dwelling unit.

#### **F. Other Requirements.**

- a. **Screening.** That portion of the site used for composting or stockpiling which is visible from the street or an adjacent residence shall be enclosed, screened or buffered as follows: a six (6) foot high berm with a four (4<sup>1</sup>) foot wide flat crown, shall be constructed along the entire perimeter of the site or the area being actively utilized for composting. A double row of evergreens (6'-8'in height at planting) shall

be planted atop the berm fifteen (15') feet on center for each row. The rows shall be offset a minimum of eight feet. This requirement may be altered as determined by the Planning Commission based on a finding that a more suitable alternative is available which accomplishes the intent of this section.

- b. **Trash Receptacles.** Adequate trash receptacles shall be provided and shall be completely obscured from view by a screen, fence or wall.
- c. **Signs.** There shall be no more than one (1) freestanding or ground sign, not to exceed thirty-two (32) square feet of sign area.
- d. **Parking.** A minimum of three (3) off-street parking spaces shall be provided and shall be laid out in such a way that they can be safely and conveniently used. The Planning Commission shall determine the number of additional parking spaces necessary based on the number of employees and the anticipated traffic that will be generated.
- e. **Performance Standards.** All applicable performance standards specified in this Ordinance shall be observed.
- f. **Performance Guarantees.** The Commission shall require and establish the amount of any performance guarantees, such as bonds or letters of credit, to assure zoning and special approval compliance; to correct breakdowns in the composting system; and to guarantee restoration in the event of abandonment, hazardous waste or other environmental pollution.
- g. **Approvals.** The applicant shall provide letters from Macomb County and the State Department of Natural Resources (DNR) that this operation, based on the proposed site plan:
  - 1) is consistent with the Macomb County Solid Waste Plan (as applicable); and
  - 2) that the State DNR Waste Management Division has reviewed such plan and is not aware of any problems and does not have any environmental concerns from the proposed operation.
- h. **Licensing.** All yard waste composting operations shall be licensed yearly by the Township Board. Any violation of this Ordinance shall be grounds for the denial of a license.
- i. **Inspection.** As a condition of the composting license, the site shall be open for inspection within twenty four (24) hours per Township request. Further, the operator of the facility shall supply the Township with a monthly report including at a minimum the following information: the amount of material brought to the site, the amount of material taken from the site, results of groundwater and surface water monitoring, any issues with rodents or other health concerns, any indications of violations or potential violations of the license or this Ordinance and actions to correct such action, and any other information cited as a condition of the annual license as granted by the Township. Any and all cost associated with the monthly or annual review and/or inspection of the site shall be the responsibility of the applicant and/or holder of the permit.
- j. Those farming operations which are operating under a State approved compost management plan and the State's Generally Accepted Agricultural Management Practices, shall be exempt from the requirements of this Ordinance.

**SECTION 2.           REPEAL OF CONFLICTING PROVISIONS.**

All Resolutions, Ordinances or parts thereof in conflict with the provisions of this Ordinance are to the extent of such conflict repealed.

**SECTION 3.           SEVERABILITY.**

If any section, paragraph, clause or provision of this Ordinance is for any reason held to be invalid or unconstitutional, the invalidity or unconstitutionality of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

**SECTION 4.           PUBLICATION**

This Ordinance shall be published in The Armada Times, a newspaper of general circulation in the Township of Armada, within thirty (30) days after its adoption.

**SECTION 5.           EFFECTIVE DATE**

This Ordinance shall take effect thirty (30) days from and after publication of a true copy in The Armada Times, as provided by Section 4.


CERTIFICATE OF TOWNSHIP CLERK

I certify that the foregoing constitutes a true and complete copy of an Ordinance duly adopted by the Township Board of the Township of Armada, Macomb County, Michigan, at a meeting held on the 13<sup>th</sup> day of September, A.D., 2006, and was approved for publication.

I further certify that the following Township Board Members were present at the meeting: Eison, Ruthenberg, Hoxie, LeMieux, and the following Township Board members were absent: None

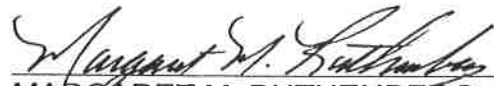
I further certify that Member Eison moved for the adoption of the Ordinance, and that motion was supported by Member Jacob.

I further certify that the following Township Board Members voted for the adoption of the Ordinance: Eison, Ruthenberg, Hoxie, LeMieux, Jacob, and that the following Township Board Members voted against adoption of the Ordinance: None.

  
MARGARET M. RUTHENBERG  
ARMADA TOWNSHIP CLERK

CERTIFICATE OF PUBLICATION

I, the undersigned Township Clerk of the Township of Armada, do hereby certify that on September 27, 2006, the foregoing Ordinance was duly published in The Armada Times, a newspaper having general circulation within the Township of Armada.

  
MARGARET M. RUTHENBERG  
ARMADA TOWNSHIP CLERK