

CHAPTER 11 ZONING DISTRICTS AND DISTRICT PROVISIONS

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ORDINANCE 1190 MINING AND EXTRACTION

Section 1190.01: PURPOSE. The purpose of this section is to control mining and extraction and gravel operations so as to minimize conflicts with adjacent land uses and to ensure that the mining area is restored at the completion of the mining operation.

Section 1190.02: ADMINISTRATION. A Conditional Use Permit shall be required for all mining and gravel operations. Said permit shall be valid for a 3 year period, after which a permit renewal shall be required. All existing operations shall obtain a permit written 3 years after the date of adoption of this ordinance. The City Council may also require a performance bond or some other form of financial guarantee from the landowner to ensure that the conditions in this section are met. The following operations shall be covered by this section:

- (1) The removal, crushing, washing, refining, borrowing, or processing of material.
- (2) In stone quarries, the production or manufacturing of veneer stones, sills, lintels, cut flagstone, hearthstones, paving stone and similar architectural or structural stone and the storing or stockpiling of such products on the site.
- (3) The manufacture of concrete building blocks or other similar blocks, if conducted on the site, the production or manufacture of lime products, the production of ready-mixed concrete and any similar production or manufacturing process which might be related to the mining operations.

Section 1190.03: INFORMATION REQUIRED. The following information shall be provided by the person or agency requesting the permit:

- (1) Name and address of person or agency requesting the mining permit.
- (2) The exact legal property description and acreage of area to be mined.
- (3) The following maps of the entire site and to include all areas within 350 feet of the site. All maps shall be drawn at a scale of 1 inch to 100 feet unless otherwise stated below:

Map A - Existing conditions to include:

- contour map (2 ft. intervals)
- existing vegetation
- existing and permanent water areas
- existing structures
- existing wells

Map B - Proposed operations to include:

- structures to be erected
- location of sites to be mined showing depth of proposed excavation

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- location of tailings deposits showing maximum height of deposits
- location of stationary machinery to be used in the mining operation
- location of storage of mined materials, showing maximum height of storage deposits
- location of vehicle parking, access roads and local routes to truck routes
- location of storage of explosives
- erosion and sediment control structures

Map C - End use plan to include:

- final grade of proposed site showing elevations and contour lines at two (2) foot intervals
- location and species of vegetation to be replanted
- reclamation staging plan

- (4) A soil erosion and sediment control plan.
- (5) A plan for dust and noise control.
- (6) A full and adequate description of all phases of the proposed operation to include an estimate of duration of the mining operation.
- (7) Any other information requested by the Planning Commission or City Council.

Section 1190.04: RENEWAL OF MINING PERMITS. All property owners and residents within 350 feet of the mining operation shall be notified of a proposed mining permit renewal request.

Section 1190.05: PERFORMANCE STANDARDS. The following standards shall apply to all mining or extraction operations.

- (1) General Provisions. Weeds and any other unsightly or noxious vegetation shall be cut or trimmed as may be necessary to preserve a reasonably neat appearance and to minimize seeding on adjacent property.

All equipment used for mining operations shall be constructed, maintained and operated in such a manner as to minimize, as far as it is practicable, noises, dust and vibrations adversely affecting the surrounding property.

- (2) Water Resources. The mining operation shall be conducted in such a manner as to minimize interference with the surface water drainage outside of the boundaries of the mining operation.
- (3) Safety Fencing. Safety fencing may be required around all or portions of the mining operation at the discretion of the City Council.
- (4) Mining Access Roads. The location of the intersection of mining access roads with any public roads shall be selected such that traffic on the access roads will have a sufficient distance of public road in view so that any turns onto the public road can be completed with a margin of safety as determined by the City.
- (5) Screening Barrier. To minimize problems of dust and noise and to shield mining

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operations from public view, a screening barrier may be required between the mining site and adjacent residential and commercial properties. A screening barrier may also be required between the mining site and any public road located within 500 feet of any mining or processing operations. The screening barrier shall be planted with a species of fast growing trees.

- (6) Setback. Processing of minerals shall not be conducted closer than 100 feet to the property line nor closer than 100 feet to any residential or commercial structures without the written consent of all owners and residents of said structures. Mining operations shall not be conducted closer than 30 feet to the boundary of any zoning district where such operations are not permitted. Mining operations shall not be conducted closer than 30 feet to the right-of-way line of any existing or platted street, road or highway, except that excavating may be conducted within such limits in order to reduce the elevation thereof in conformity to the existing or platted street, road or highway.
- (7) Appearance. All buildings, structures and plants used for the production or processing of sand and gravel shall be maintained in such a manner as is practicable and according to acceptable industrial practice as to assure that such buildings, structures and plants will not become dilapidated.
- (8) Hours of Operation. All mining operations shall be conducted between the hours of 7:00 a.m. and 7:00 p.m. The City Council may allow operations at other hours if it can be demonstrated that the additional hours are necessary and are not detrimental to surrounding properties.
- (9) Road Surfaces. All access roads from mining operations to public highways, roads or streets or to adjoining property, shall be paved or surfaced to minimize dust conditions.

Section 1190.06: LAND REHABILITATION. All mining sites shall be rehabilitated immediately after mining operations cease. Rehabilitation shall be complete within 1 year. The following standards shall apply.

- (1) Within a period of 3 months after the final termination of a mining operation, or within 3 months after abandonment of such operation for a period of 6 months, or within 3 months after expiration of a mining permit, all buildings, structures and plants incidental to such operation shall be dismantled and removed by, and at the expense of, the mining operator last operating such buildings, structures and plants. A temporary variance may be granted for those buildings, structures, machinery and plants required to process previously mined materials stored on the site. Such variance may apply for only 1 year, after which said buildings, structures, machinery and plants shall be removed.
- (2) The peaks and depressions of the area shall be graded and backfilled to a surface which will result in a gently rolling topography in substantial conformity to the land area immediately surrounding, and which will minimize erosion due to rainfall. No finished slope shall exceed 18 percent in grade.
- (3) Reclaimed areas shall be needed or surfaced with soil of a quality at least equal to the topsoil of land areas immediately surrounding, and to a depth of at least 6 inches. The topsoil shall be planted with legumes and grasses. Trees and shrubs may also be planted but not as a substitute for legumes and grasses. Such planting shall adequately retard soil erosion.

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- (4) The finished grade shall be such that it will not adversely affect the surrounding land or future development of the site and which is consistent with the end use plan.