

119 – M-3 SURFACE EXTRACTION OF SAND, GRAVEL, OR OTHER EARTH MATERIALS

Surface extraction of sand, gravel or other earth materials may be permitted only if re-zoning of the proposed site is granted with consideration given to the overall effect on surrounding lands. Such extraction shall not be permitted by right; such use may be permitted under the following conditions and stipulations in any district or may be prohibited by the Zoning Commission and Board of Trustees after making a determination for conformance with the following procedures standards and requirements:

119.1 The minimum total land area proposed shall be ten (10) contiguous acres. Area for extraction can be any percentage of this area.

119.2 That this section does not apply to county subdivision regulations, excavation of basements or the construction of oil, water and gas wells in conjunction with structures otherwise permitted by the Resolution.

119.3 That this section applies to the removal of overburden for the purpose of determining the location, quality, or quantity of a mineral deposit.

119.4 That for purposes of enforcing this section an operator is defined as any person or corporation engaged in surface mining or who removes or intends to remove sand, gravel, earth materials, minerals, incidental coal, or overburden.

119.5 All permanent above ground structures shall conform as to location, size and use with the structures allowable in the district in which the excavation is located.

119.6 That no sand, gravel, or other earth materials shall be removed or extracted nearer than two hundred (200) feet of horizontal distance from any street or highway right of way, or from any property lines unless specific area (s) are approved as part of the overall site grading plan. In no case shall the horizontal distance be less than fifty (50) feet.

119.7 That a green strip with a minimum depth of fifty (50) feet shall be planted with grass and landscaped with a year round vertical green combination of shrubs and trees so as to shield the extraction operation from any adjacent property. In the event that the terrain or other natural features serve the intended purpose of providing a visual screen year round, then no other planting screen and landscaping shall be required.

119.8 That there shall be no processing or manufacturing of such sand, gravel and earth materials on the premises.

119.9 That the maximum exposed area not exceed five (5) acres at any one time, including areas used for storage, haul outs, staging and operations.

119.10 That the excavated area shall be replanted after the excavation has been completed with sufficient cover of grass, trees, or shrubs to cover the land and prevent erosion. Replanting shall be completed within thirty (30) days after completion of excavation.

119.11 That the applicant who proposes to extract sand, gravel or other earth materials shall file with the Zoning Inspector, along with the Application for the re-zoning of the property, detailed plans and maps prepared by a registered engineer or surveyor which clearly show the following:

119.11.1 The total property of which the excavated area is a part.

119.11.2 The owner of the property as shown on the recorded plat.

119.11.3 The location and owners of record of all properties within five hundred (500) feet of the applicant property. Names and location of roads and natural features within five hundred (500) feet of the applicant property.

119.11.4 Soil borings of sufficient number and depth to reasonably describe the subsurface conditions on the property, i.e. soil type, water table and bearing capacity. This report shall be prepared by a registered geo-technical engineer.

119.11.5 The depth of such excavation below the natural grade.

119.11.6 The amount of materials to be removed in each phase and over the total duration of the operation.

119.11.7 A work schedule setting forth the proposed time limits within which the operation will be commenced and completed, showing the daily hours of operation, proposed haul roads if over the road vehicles are employed, methods of traffic control, methods of maintenance to insure that public right of ways are kept undisturbed, clean and safe along or in the vicinity of the proposed haul roads from or to the land involved.

119.11.8 The proposed final topography of the land after excavation has been completed, indicated by contour lines of no greater interval than two (2) feet, on a map with a scale of one (1) inch equals two hundred (200) feet.

119.11.9 The drainage plan on, above, below, and away from the area of land to be affected, indicating the directional flow of water, constructed drain ways, natural water ways used for drainage, and the streams or tributaries receiving or to receive this drainage.

119.11.10 A plan describing the manner in which erosion control is to be provided during excavation and until final restoration is completed.

119.11.11 A plan for reclamation showing the grass, both in amount and type, trees and shrubs and other ground cover to be planted in the excavated area.

119.11.12 The dates that the land or any portion thereof will be fully restored in accordance with the plans submitted.

119.12 The applicant for such a permit shall also file with the Zoning Inspector a bond payable to the Madison Township Trustees, with the sureties approved by the Trustees in the amount of five hundred dollars (\$500.00) per acre or any portion of the land to be excavated and conditioned upon the applicant faithfully restoring the land to be excavated as the contour map submitted with the application as indicated, and upon the applicant providing the drainage shown upon the map submitted with the application and upon the applicant planting grass, trees, and shrubs as shown on the plan submitted with the application.

On each annual anniversary of the granting of the M-3 zoning, and the filing of the bond required herein and when the land has been restored in accordance with the application and plans, the permit holder shall file with the Zoning Inspector a report showing the amount of sand, gravel or other earth material removed and the depth and extent of the excavation. Such report shall further set forth that portion of the land that has been restored in accordance with the approved plan, submitted with the application for a permit; he shall recommend to the Trustees the release of the bond for each acre or portion thereof so restored.

Upon finding that the restoration has been completed in accordance with the approved plan, the Township Trustees shall release the bond for each acre or portion thereof so restored.

119.13 In the event that the land is not restored in accordance with the approved plans as determined by the Zoning Inspector, at the time stated in the permit or any extension thereof granted by the Zoning Commission and Township Trustees for good cause shown or if the applicant fails to file the annual report required in Section 119.12 above, or if the applicant deviated from the approved plan or above regulations or special requirements, the Board of Township Trustees shall declare the conditions of the bond forfeited and proceed to cause the land to be restored in accordance with the approved plan submitted by the applicant charging such cost to the bond. In the event the cost of restoring the land under the conditions of this paragraph exceeds the bond covering such restoration, the additional cost shall be charged as a lien against the property.

119.14 The Zoning Commission and Township Trustees, in addition to the other powers granted to it by this Resolution, shall have the authority to allow the permanent impounding of water in such an excavation upon a finding that such a pond or lake will not be a health danger or safety hazard, and as a condition to allowing such a pond or lake may require that it be fenced or otherwise protected so that it will not become a nuisance.

119.15 The Zoning Commission and Township Trustees shall consider hours of operation based on location to surrounding residences.