

CHAPTER 161.00

MINERAL EXTRACTION

161.01 The following information shall be submitted with the application for Special Exception for mineral extraction operations including borrow pits, topsoil removal and storage areas, when located in "Urban Area" as defined in Ind. Code 8-12-2.5-1(i). a

1.
 - a. For purposes of this chapter, "plant area" shall mean the territory planned for extraction of sand, gravel or other earth materials and the operational installation, if any, for the excavating, processing and distribution of the minerals.
 - b. "Excavation Unit" means the sub-areas into which the entire tract is subdivided for operational purposes.
2. A Map of Existing Conditions showing the lands proposed to be included in the Plant Area and the lands within 1000 feet in all directions. This map shall show the boundaries of the Plan Area and existing conditions on the mapped lands including:
 - a. existing contours (with a contour interval appropriate to the site which accurately reflects the topographic condition).
 - b. water bodies and drainage courses--depth of water table below existing terrain.
 - c. estimate of depth and extent of deposit.
 - d. the present use of adjoining lands (residential, commercial, industrial, institutional, recreation, agricultural, etc.).
 - e. the present zoning classification of subject and adjoining lands and setback requirements.
 - f. all publicly owned lands
 - g. public rights-of-way--road types
 - h. easements and railroad lines.
3. A Plan of Operational Areas showing:
 - a. area proposed for excavation
 - b. area proposed for settling ponds and wash water outlets
 - c. area proposed for processing facilities and storage
 - d. area proposed for production facilities (if any) for resource-related industry

- e. area proposed for plant entrance, office, dispatcher headquarters, off-street parking and equipment storage
4. A Plan of Excavation showing:
 - a. division of the area proposed for excavation into one or more Excavation Units which are to be excavated and rehabilitated in sequence. Estimated dates for the rehabilitation of the Excavation Units should be given;
 - b. methods to be used to minimize the effect of erosion by wind and water on the entire tract, such as the planting of ground cover vegetation.
 - c. methods of screening the area of operations from view, such as planting screens or the use of earth mounds.
 - d. the access or haul road system.
 5. A conceptual Plan of Development for the rehabilitation and re-use of the entire Plant Area following extraction showing:
 - a. a proposed plan for landscape rehabilitation including grading, drainage, planting, and similar appropriate installations.
 - b. the proposed water area (if any) resulting from excavation;
 - c. a proposed plan of functional re-use of the total Plant Area showing, diagrammatically, future locations of residential, commercial, industrial, public, semi-public, and other land uses, if any, and the principal elements of a future traffic circulation system to service the area. Sufficient information shall be provided to determine the general characteristics of proposed development such as population density ranges, types of commercial or industrial usage, and kinds of public areas.
 6. A bond with surety satisfactory to the Board in the amount of \$500 per acre of area proposed to be excavated, which shall run to the Town Board to insure the satisfactory completion of the landscape rehabilitation shown in the plan of Development following the extraction process.

161.02 The Plant Area will be used primarily for the excavation of sand, gravel, rock and other earth materials, and the processing, storage, stockpiling, distribution, and sale thereof.

161.03 The following uses may be permitted when they are determined to be functionally beneficial to the extraction activity, appropriate to the location and environs, and not detrimental to adjoining lands:

1. concrete batching plants;

2. mixing plants for either portland cement or asphaltic concrete;
3. concrete block, pipe, beam, slab or panel plants.

161.04 The uses referred to in Sections 115.03 and 115.04 are subject to the performance standards, prescribed in Sections 112.12(3)J(1) to 112.12(3)J(9).

161.05 Other Plant Area requirements:

1. Slopes: No production from an open pit shall be permitted which creates a finished slope steeper than 1_ feet horizontal to 1 foot vertical for the excavation of sand and gravel, of which creates a finished slope steeper than 1 foot horizontal to 1 foot vertical for the excavation of products other than sand, except that in locations where the soil or rock content is such that vertical cuts are proven to be safe, a vertical cut up to 8 feet in depth from ground level with a shelf no less than 12 feet wide followed by a vertical cut thereafter of any depth shall be allowed.
2. Fencing: Prior to the commencement of any operations in a Plant Area or part thereof located within 500 feet of a developed residential area, public park or other institution or public highway, a fence shall be constructed enclosing the Plant Area or part within that prescribed distance. Shops, garages, warehouses, storage areas, offices, dwelling units and other areas which have not been excavated and are not used by the plant, need not be fenced. Said fence shall be of: (a) - woven wire, not capable of receiving a child's foot and be at least 4 feet in height, or (b) - a planting of shrubs capable of producing a tight, practically impenetrable hedge (i.e. multiflora rose). The bottom of the fence shall conform to the ground surface so as to prevent any opening between it and the ground surface exceeding 4 inches. Gates of the same height as the fence shall be installed at all points of vehicular or pedestrian ingress and egress. Said gates shall be equipped with keyed locks and shall be kept locked at all times when the Plant Area operations are shut down. Said fence, gates and locks shall be maintained in good condition.
3. Hours of Operation: Extraction and material processing activities permitted in the Plant Area shall be limited to the hours of 6:00 a.m. to 10:00 p.m., except in the following situations:
 - a. Where required by public authorities,
 - b. Where work requires a continuous flow of materials,
 - c. Where necessary due to public emergencies,
 - d. Where any necessary and reasonable repairs to equipment are required.
4. Ingress, Egress and Traffic Safety: Access roads to any Plant

Area shall be limited to one, or at most two points and shall be constructed on a level with the pavement of any public street or highway for a distance of not less than 80 feet therefrom, and said 80 feet of road shall be improved with a dust proof all weather surface. Adequate sight distance shall be maintained for traffic safety in compliance with the standards and requirements of the local highway authorities.

5. Off-Street Parking: Off-street parking shall be provided for all equipment and for cars of employees.
6. Screens: Screen planting consisting of a variety of trees, shrubs or both in the same planting area, or a combination of seeded earth mounds and plant material screens shall be constructed and planted so as to form dense screens to a height appropriate to block-out objectionable features and maintained along the perimeter of any area being operated where said perimeter abuts a public thoroughfare or a developed residential area.
7. Drainage: Upon the completion of operations, the land shall be left in a safe condition so that sufficient drainage shall be provided so as to prevent water pockets or undue erosion, with all grading and drainage such that both natural storm water leaves the entire property at the original, natural drainage points, and that the area drainage to any one such point is not increased.
8. Excavations made to water producing depths, and proposed as water areas in the Plan of Development should have a minimum depth at some point of not less than 6 feet measured from low water mark.
9. The rehabilitation of the Plant Area is in conformance with the Plan of Development submitted with the application.

161.06

Land Rehabilitation Provisions.

1. In cases where land is used for such purposes as landfills, dumps, or junk yards or other such uses where the physical characteristics of the land are substantially changed as a result of the operation, a proposed plan of functional re-use of the land is required at the time of application for Special Exception permit. The plan shall show future locations of residential, commercial, industrial, public, semi-public, and other land uses, if any, and the principal elements of a future traffic circulation system to service the area. Furthermore, sufficient information shall be provided to determine the general characteristics of proposed development such as population density ranges, types of commercial or industrial usage, and kinds of public areas.
2. A bond with surety satisfactory to the Board in the amount of \$500 per acre of area proposed to be physically altered is required. The bond shall run to the Town Board to insure that the land is capable of re-use after the operation is completed.