



COUNTY OF LEXINGTON, SOUTH CAROLINA

**Community Development**

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ZONING TEXT AMENDMENT APPLICATION # **T13-04**

Section(s) of the Zoning Ordinance that are affected:

ARTICLE 2--APPLICATION OF REGULATIONS and ARTICLE 8--MINING OPERATIONS

Reason for the request: To address compatibility of mining operations with surrounding areas

Submitted on behalf of:  County Council  Planning Commission

Printed Name: Charles M. Compton Title: Secretary

Signature: signature on file

12/19/2013	Application Received	04/24/2014	Newspaper Advertisement
	Planning Commission		

Planning Commission Recommendation: \_\_\_\_\_

01/14/14	First Reading	05/13/14	Public Hearing	Second Reading	Third Reading
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Results: \_\_\_\_\_

Make the following changes and additions to this Article:

## ARTICLE 8 – MINING OPERATIONS

### Chapter 1. General Provisions

#### 81.00 Purpose

The purpose of this article is to address the unique needs of Mining Operations in order that these activities function in a manner that is compatible with the surrounding area.

#### 81.10 Jurisdiction

The regulations set forth herein shall apply to any property located within the jurisdiction of this Ordinance that is now or is proposed to be developed as a Mining Operation.

#### 81.20 Definitions

Minerals are solids, liquids, or gases found in natural deposits on or in the earth, including, but not limited to, soil, sand, clay, gravel, stone, rock, coal, phosphate, metallic ore, petroleum, or natural gas.

Mining Area is the area of land from which overburden or minerals have been removed, or upon which overburden has been deposited, including the location of on-site mineral processing, stockpiles, settling ponds, mining vehicle operation, and active reclamation areas. The mining area does not include land which has been reclaimed, the access road or ~~overburden deposits~~ and earthen berms which are part of County approved screening.

Mining includes the extraction or removal of minerals for sale, processing, or consumption even if the mining activity is not required to obtain a mining permit from the South Carolina Department of Health and Environmental Control (SCDHEC). It does not include grading, backfilling, plowing, or excavating areas for agriculture or on-site construction, unless the extraction or removal of materials exceeds 25,000 cubic yards or the activity continues for longer than six months.

Mining (Limited) includes all mining operations where the mining area does not exceed five (5) acres. This activity category does not permit on-site mineral processing, including, but not limited to, milling, crushing, screening, washing, flotation, or refining. This activity category does not include chemical leaching of minerals, hard rock quarrying, or blasting.

Mining (Intermediate) includes all mining operations where the mining area does not exceed twenty-five (25) acres. This activity category permits on-site mineral processing, chemical leaching of minerals, hard rock quarrying, or blasting, provided that the blasting or chemical leaching of minerals meets the buffering restrictions of the Mining (Extensive) category.

Mining (Extensive) includes all other mining activities not included within the definition of Mining (Limited) or Mining (Intermediate). This activity category permits on-site mineral processing, chemical leaching, and blasting.

#### 81.30 Application of Regulations

Upon the effective date of these regulations, Mining Operations can be developed or expanded only in accordance with the applicable restrictions contained herein. Legally nonconforming Mining Operations are subject to the provisions found in Article 11.

#### **81.40 Zoning Permit**

It shall be the sole responsibility of a Mining Operation owner to establish and operate a Mining Operation in accordance with the regulations as set forth in this article. The zoning permit shall be issued on the basis of compliance with all applicable state and local regulations.

## Chapter 2. Mining Regulations

### 82.10 Adherence to Other Regulations

The Mining Operation regulations contained herein are in addition to any applicable regulations from the South Carolina Department of Health and Environmental Control (SCDHEC) and any other state or federal agencies. If a Mining Operation is regulated by SCDHEC it shall be issued a zoning permit after meeting all zoning requirements and after receiving a mining permit from that agency. There may be Mining Operations that are governed only by this ordinance and other regulations of Lexington County.

### 82.20 Buffering Restrictions

Each Mining Operation shall adhere to the Buffering Restrictions covering height regulations, buffers, setbacks, and screening as outlined in Chapter 3 of Article 2, **except where more restrictive regulations exist in this Article or elsewhere in this Ordinance. Where an existing residence is located less than 500 feet from the property line of a mining activity, the required buffering restrictions shall be doubled. Where an existing residence is located between 500 and 1000 feet from the property line of a mining activity, the required buffering restrictions shall be increased 1½ times.**

#### 82.21 Buffers

In the event that an encroachment appears to be within the buffer area, and/or the buffer area is likely to be encroached unintentionally, the designated area may be required to be clearly delineated by a material approved by the Zoning Administrator.

#### 82.22 Setbacks

While accessory activities such as driveways and parking and reclamation thereof can occur within the designated setback, mining operations may not encroach on any part of the setback area. ~~Sites with natural vegetation may qualify for a reduction as stated in Section 82.23, paragraph 1 below.~~

#### 82.23 Screening

- 1. In a Restrictive Development (RD) District none of the mining activity shall be visible from any adjoining property. This shall include, but is not limited to, buildings, structures, stockpiles, overburden storage areas, etc.**
- ~~1.2. All Mining operations must use natural or landscaped vegetation for screening. The screening shall also include the use of earthen berms to insure noise containment and does not exclude the use of fencing for safety reasons. In an Intensive Development (ID) District the berms must be located beyond the required buffer. In a Restrictive Development (RD) District the berms must be located beyond the required setback and be totally screened. Existing natural vegetation shall be left undisturbed in the buffer areas located in an Intensive Development District and in the setback areas in a Restrictive Development District. Additional vegetation must be added as necessary to meet the screening requirements and shall be planted in a random manner to replicate natural forest conditions. The vegetation used must include sufficient quantities that are evergreen, drought-tolerant, and disease resistant to insure that the screening requirements of the Ordinance are met during all seasons of the year. A setback reduction of 25% may be obtained if existing natural vegetation meeting the partial screening requirement, as determined by the Zoning Administrator, is left undisturbed.~~
- 2.3. Total road frontage screening is required in all districts, and the entrance shall be designed such that none of the mining activity shall be visible from the road.**

### 82.30 Access

A Mining (Intermediate) activity is allowed access by a local road provided that road is paved, and a Mining (Extensive) activity is allowed access by a collector road provided that road is paved.

### 82.40 Driveways

Driveway access to a paved road must consist of an asphalt apron 100 feet in length. Driveway access to an unpaved road must be stabilized in a manner to reduce excessive fugitive dust. Those driveways may also be required to have deceleration and/or acceleration lanes as a part of an encroachment permit from either Lexington County or the South Carolina Department of Transportation.

### 82.50 Hours of Operation

The following hours of operation restrictions shall apply:

Mining (Limited):	7am to 7pm, Monday through Friday
Mining (Intermediate):	7am to 7pm, Monday through Saturday
Mining (Extensive):	7am to 7pm, Monday through Saturday in an RD District No restriction for hours of operation in an ID District

### 82.60 Performance Standards

Each Mining Operation shall adhere to the Performance Standards as outlined in Chapter 4 of Article 2. In addition to those standards mining activities with on-site mineral processing or blasting shall not create vibrations on any off-site properties and shall not create any off-site noise when located in a Restrictive Development (RD) District.

### 82.70 Reclamation

An applicant for a mine not regulated by the SCDHEC shall submit a proposed Reclamation Plan with his application for a permit. The Plan must include as a minimum the following information:

- a. proposed practices to protect adjacent surface resources;
- b. specifications for surface gradient restoration to a surface suitable for the proposed use of the land after reclamation is completed, which must not exceed a 3 to 1 slope;
- c. manner and type of revegetation or other surface treatment of the affected areas;
- d. method of compliance with Lexington County's Stormwater Management and Sediment Control Ordinance;
- e. method of rehabilitation of settling ponds;
- f. method of restoration or establishment of stream channels and stream banks to a condition minimizing erosion, siltation, and other pollution;

To the extent feasible the Reclamation Plan must be conducted simultaneously with mining operations and be initiated at the earliest practicable time after completion or termination of mining on a segment of the permitted land. The Plan must provide that reclamation activities will be completed within six months after completion or termination of mining on each segment of the area for which a permit is requested.

### 82.80 Bonding

Each applicant for a zoning permit for a mine that is not regulated by the SCDHEC shall file with the Zoning Administrator, upon approval of the application, and maintain in force a performance bond to ensure the satisfactory completion of the Reclamation Plan. All bonds must be in favor of Lexington County with surety and procedures as determined by the County Council. The amount of each bond must be based upon the area of affected land to be reclaimed under the approved Plan to which it pertains, less any area whose reclamation has been complete and released from coverage by the County.

*Excerpt from Section 23.60 – Chart of Maximum Buffering Restrictions*

ACTIVITIES		HEIGHT (#/1)	BUFFER	SETBACKS from		SCREENING	
				Adjoining Property	Road R.O.W.	Total	Partial
Mining (Limited)	R	¼	50	150	30	700	1000
	I	1	20	75	20	300	600
Mining (Intermediate)	R	¼	100	200	50	900	1200
	I	1	30	100	20	400	700
Mining (Extensive)	R	¼	200	300	100	1200	1800
	I	1	70	100	50	600	900
Total road frontage screening is required in all districts.							