

ARTICLE 19
EI - EXTRACTIVE INDUSTRIAL DISTRICT

SECTION 19.00 INTENT

The EI extractive industrial district is designated with the recognition that the sand and gravel deposits within the township's land area are nonrenewable natural resources necessary and beneficial to the economy of the township and the region, and the welfare of its citizens. To provide for the utilization of this resource in a manner compatible with nearby residential areas and to insure complete reclamation of the sand and gravel areas for other land uses at the conclusion of excavation and treatment, the EI district is hereby established.

Site plan review, as defined in Article 23, shall be required for all uses in the EI district.

SECTION 19.01 PERMITTED PRINCIPAL USES

- A. Extraction.** Extraction of sand and gravel.
- B. Processing.** Processing of sand and gravel, including but not limited to washing, sorting and grading.
- C. Mining.** Mining of deposits of limestone or other similar material.

SECTION 19.02 PERMITTED ACCESSORY USES

Buildings, structures, and uses customarily accessory to any of the permitted principal uses. See also Section 21.02.

SECTION 19.03 SPECIAL LAND USES

Application for and approval of a special land use permit consistent with the requirements of Article 22 and the standards below, shall be required for the following uses.

- A. Concrete Crushing.**
 - 1. Accessory Use.** Crushing of concrete shall be permitted only in conjunction with an approved active, operating sand and gravel extraction or mining

operation. The intent of this Ordinance is that crushing shall not be permitted in the E1 District as a principal use, therefore the amount of rubble being crushed shall not exceed the amount of material being extracted or mined from the site. The operator shall maintain an annual log reporting the volume of material extracted and volume of material crushed as separate measures. That log shall be submitted to the Township with the annual permit renewal application. At such time as the extraction or mining operation produces less material by volume than the amount of concrete crushed based on a three year average, the permit for the concrete crushing operation shall not be renewed. If at any time the annual mining permit is not approved, all operations including crushing shall cease.

2. **Operating Requirements.** All requirements of Section 19.07 Specific Operating Requirements applying to excavation and reclamation shall also apply to concrete crushing operations, except as may be more specifically provided under this subsection 19.03.A.
3. **Separation of Extraneous Materials.** All extraneous material shall be separated from the concrete. The extraneous material shall be removed from the site to a properly approved disposal area for recycling or disposal.
4. **Stockpiles.** Piles of rubble either crushed or awaiting crushing, and extraneous material shall not exceed 50 feet in height. The maximum pile height permitted may be modified by the Township Board upon recommendation of the Planning Commission following review of the surrounding topography, uses, vegetation, setbacks, and other factors so as to ensure protection of the neighbors. All such piles shall be setback no less than two hundred (200) feet from the lot line, and shall otherwise comply with Section 19.07.B. The location, size and maximum height of all piles shall be shown on the site plan.
5. **Dust Reduction.** Throughout the process of crushing concrete, the airborne dust shall be minimized as required under federal, state and county regulations.
6. **Screening.** The concrete crushing operation shall be screened to minimize view from the public right-of-way and all abutting residentially zoned lots, taking into account factors such as the distance from viewers, topography, existing vegetation and other mitigating conditions. Screening may be in the form of berms, walls, landscaped greenbelts, dense plantings and other means subject to the approval of the Township Board upon recommendation of the Planning Commission. At the discretion of the Township, landscape plantings or other means of sound absorption shall be

required to mitigate noise impacts, as required by Zoning Ordinance Section 21.16.

7. **Agency Approvals.** The crushing operation shall obtain required approvals from all federal, state and county agencies having jurisdiction. Evidence of approvals from these agencies shall be submitted to the Township prior to final approval and with any request for permit renewal.
8. **Hours of Operation.** The Township Board may limit the hours of crushing operations so as to minimize disruption to the neighbors.
9. **Special Land Use Permit.** The special land use permit for any crushing operation shall be subject to the site maintaining a valid natural resource extraction permit pursuant to Tyrone Township Ordinance 21 Extractive Industrial Regulatory Ordinance.
10. **Reclamation Plan Required.** The site plan shall include a plan for reclamation of the site upon cessation of crushing operations.

SECTION 19.04 REQUIREMENTS FOR ALL EI DISTRICT USES

- A. **EI Use Restrictions.** All extraction from new pits begun subsequent to the effective date of this ordinance shall be washed, graded and further processed and/or stored within the limits of the EI district. Natural resources extracted outside the limits of this district shall not be brought in for washing, grading or further processing, except for clay needed to process sand and gravel extracted on the site to produce road gravel and in the event of a public emergency as declared by the Tyrone Township Board, requiring use of said resource. Conditional approvals and standards as set forth by county, state and federal requirements will also be followed as a minimum standard.
- B. **Related Uses.** Resource related industries including, but not limited to, concrete batching plants and asphalt mix plants shall not be permitted as a part of this extractive industrial district. However, subject to special land use approval as recommended by the Planning Commission and approved by the Township Board, and the requirements herein, limited crushing of concrete may be permitted.
- C. **Required Approvals.**
 1. **Site Plan and Special Land Use.** All uses permitted in the EI district are subject to approval of the Township Board, subject to the review and recommendation of the Planning Commission, consistent with Article 23 of

this Ordinance. Further, any use permitted as a special land use in the EI district shall also require application for and special land use approval, consistent with Article 22 of this Ordinance.

- 2. Natural Resource Excavation Permit.** In addition, all EI district uses are subject to approval of an excavation permit in accordance with Tyrone Township Ordinance No. 21 Extractive Industrial Regulatory Ordinance.

SECTION 19.05 REVIEW AND APPROVAL PROCESS

- A. Filing of Application.** Application for site plan approval of a use permitted in the EI district shall be filed with the Planning Commission by the owners and lease holders, if any, of the land proposed for natural resources development.
- B. Site Plan Review.** The Township Planning Commission shall review the excavation site plan for compliance with requirements in this Article 19 and all other applicable ordinance provisions. The Planning Commission shall complete its review and site plan recommendation prior to a new use in the EI district receiving permit review by the Township Board. Any Planning Commission recommendation for approval of a site plan in the EI district shall be contingent upon the approval of a natural resource excavation permit by the Township Board.
- C. Planning Commission Recommendation.** The Planning Commission shall review and determine whether the site plan is in conformance with the Specific Operating Requirements listed in Section 19.07.

The Planning Commission also shall determine if the proposed excavation complies with other sections in the Zoning Ordinance, and whether the excavation is in conformance with the adopted township land use policies in the Tyrone Township Master Plan. Based on its determinations, the Planning Commission shall recommend approval, disapproval or conditional approval to the Township Board.

- D. Approvals.** The Township Board has final authority for approval, denial or conditional approval of any site plan application in the EI District. In order to assure compliance with the terms of approval, the Board may require a periodic review of the approved facilities. If such review is included in the approval, the dates for reviews must be indicated.
- E. Annual Renewals.** Changes to a site plan that are directly related to the removal of product under an approved annual Township extraction permit shall not require a new site plan review, if the changes are consistent with both of the following:

1. The operational requirements stated in Tyrone Township Ordinance No. 21 Extractive Industrial Regulatory Ordinance, and
2. The approved extraction and reclamation plan.

SECTION 19.06 APPLICATION INFORMATION

A. Site Plan Application Materials. The application for site plan approval shall be submitted as required under Section 23.06 of this Ordinance, fully supplemented by all required data and maps, and shall be accompanied by a fee as established by resolution of the Township Board. In addition to the materials required for site plan applications under Section 23.02., applications shall be accompanied by the following:

1. **Existing Topography.** A five (5) foot contour interval topographic map of the site, including the proposed location of access drives, parking and loading areas, excavation equipment, and existing streets, buildings, and drainage facilities located within two hundred (200) feet of the perimeter of the site.
2. **Watershed Impact Evaluation.** Report by a qualified soils engineer regarding the effect the proposed operation will have upon the watershed of the area, with particular attention being devoted to the water table, and if water bodies are to be created, the anticipated permanence of such.
3. **Extraction and Reclamation Plans.** A detailed plan for the extraction of the natural deposits. Such plan shall include a timetable for various stages of the operation and shall be accompanied by a reclamation plan indicating how the natural resources area will be reused in a manner compatible with the Tyrone Township Master Plan. The reclamation plan shall include:
 - a. **Proposed Use.** Proposed use of the reclaimed natural resources area;
 - b. **Proposed Topography.** Proposed topography drawn as contours at an interval of two (2) feet and indicating water bodies or other major physical features;
 - c. **Area Delineation.** Delineation of areas intended to be partitioned or subdivided, including the proposed layout as a site plan;

- d. Proposed Schedule.** A timetable shall be submitted, identifying the various phases of the operation, the phased reclamation of the site, and the end use.

- B. Operational Considerations.** Extraction, processing and mining operations in this district are subject to the natural resource excavation permit requirements of Tyrone Township Ordinance No. 21 Extractive Industrial Regulatory Ordinance. Each active site is required to maintain a valid excavation permit and shall be reviewed annually by the Township Board. The general operating requirements of Ordinance No. 21 are hereby referenced as additional considerations for Planning Commission site plan review under Article 23.

SECTION 19.07 SPECIFIC REQUIREMENTS

- A. Excavation and Reclamation Plans.** The Township Board is authorized to approve the manner and order of reclamation of proposed excavations. So as to assure faithful reclamation of the excavated area and removal of all crushing and other equipment, the applicant shall deposit a financial guarantee with the Township Clerk acceptable to the Township Board. The amount of such financial guarantee shall be established by the Township Board on recommendation from the Township Engineer, and shall be sufficient to finance reclamation of the disturbed area.

This financial guarantee shall be submitted by the applicant prior to the issuance of any permit, and shall be held in escrow by the township until reclamation is completed and has been approved by the Township Board. So as to prevent undue hardship, the Township Board may, at its discretion, approve bonds for areas less than the total acreage applied for. However, at no time shall any excavation be undertaken unless, and until, sufficient bond has been deposited to insure restoration of the area to be disturbed. In the event of deviation from an approved extractive and/or reclamation plan as determined by the Township Engineer, the Zoning Administrator shall notify the permit holder of a violation. Failure to correct said violation within thirty (30) days shall automatically void any permits issued and/or prevent the issuance of new permits until such time as the deviation has been corrected in keeping with requirements set forth by the Township Board. Appeals from a decision of the Zoning Administrator, regarding all alleged violations, shall be directed to the Township Board.

- B. Setbacks.** Excavation, washing and stockpiling of extracted material shall not be conducted closer than two hundred (200) feet to the outer boundary of the EI District. The setback area shall not be used for any use related to the extractive operation, except access roads and public notice signs identifying the use as an

excavation. Greenbelt plantings, berms and other landscaping shall be provided in the setback area as required by the Township Board. The two hundred (200) foot setback may be modified by the Township Board upon recommendation of the Planning Commission when the outer boundary of the EI District abuts a body of water or wetlands, or in consideration of surrounding topography and land uses. In granting the modification, the Township Board shall establish a specific setback so as to secure public safety.

- C. Building Line for Stationary or Movable Operational Structures.** To reduce the effects of airborne dust, dirt and noise, all operational structures, such as but not limited to crushers, conveyers, and other operational structures for sorting, crushing, loading, weighing and other operations, shall not be built closer than four hundred (400) feet from any public street right-of-way or any adjoining residential lot line. The four hundred (400) foot setback may be modified by the Township Board upon recommendation of the Planning Commission when the outer boundary of the EI District abuts a body of water or wetlands, or in consideration of surrounding topography and land uses.

D. Frontage and Access.

- 1. Frontage.** Each tract of land for extractive development shall have a minimum frontage of at least 250 feet on a county primary road designated as a haul route, except that the Township Board may approve:
 - a. Frontage Exception.** A lesser frontage if written consent of the owner in fee of adjoining property is first secured;
 - b. Adjacent Use.** A tract with no road frontage but which is fronted by a properly zoned, active natural resource extractive operation, if written permission for access to a primary or secondary road is first secured from the owner in fee and leaseholder, if any.
- 2. Access.** Each tract of land for extractive development shall have access to a county primary road via an approved single use private road or driveway. That private road or driveway shall have a minimum right-of-way of 66 feet.
- 3. Residential Access Prohibited.** All means of access to the property shall be from county primary roads and shall not be from residential streets.
- 4. Haul Route and Tarping.** A truck haul route shall be designated and subject to Township approval. Roadways and driveways used by the trucks shall be regularly cleaned by the excavation owner so as to maintain a clear surface for the safe transport of people and goods on the roads. At the discretion

of the Township, a schedule for cleaning and other necessary maintenance of roadways at the point of access may be required. Trucks hauling sand, gravel, mined or crushed materials to or from the site shall be loaded and covered in accordance with all state, county and local regulations.

E. Fencing. All extraction operations shall be subject to the following safety requirements:

- 1. Slope Requirements.** Where slopes steeper than thirty (30) degrees exist for a period of one (1) month or more, access to such slopes shall be barred by a cyclone fence or similarly effective barrier at least six (6) feet high and at least fifty (50) feet outside the edge of the excavation, with suitable gates controlling access to the excavation area.
- 2. Ponding Requirements.** Where collections of water are one (1) foot or more in depth for any period of at least one (1) month, and occupying an area of two hundred (200) square feet or more, access to such collections shall be similarly fenced, as required in the preceding paragraph for slopes.
- 3. Swamps or Wetlands.** In those instances where the extractive industrial district is situated on marginal land areas consisting of swamps or wetland or is bounded by natural bodies of water, the fence shall be required only on those sides accessible to public rights-of-way, or as the Township Board may determine as required fencing so as to secure safety. The Township Board may require the posting of signs "Keep Out - Danger" or similar sign, as needed.
- 4. Site Perimeter Fence.** The installation of a six (6) foot high fence around the entire site with suitable gates shall be considered as compliance with the requirements of Sections 19.07.E.1 and 2 above.

F. Environmental Performance Standards. Each site plan reviewed by the Planning Commission in the EI district shall address compliance with all applicable environmental performance standards of the Township Zoning Ordinance, including Sections 21.16, 21.20, 21.37, and Article 21A , and shall be designed in a manner that ensures continuing compliance with this Ordinance.

G. Access Roads. All private access roads shall be treated so as to create dust-free surfaces.

H. Finished Slopes. Finished slopes of the excavations shall be no steeper than three (3) feet to one (1) foot (three feet horizontal to one foot vertical). Where ponded water results from the operations, the 3:1 slope must be maintained and extended into the water to a depth of five (5) feet. The time for completion of said slopes

shall not extend beyond one (1) year from the date of beginning the reclamation, provided that the Township Board may extend the above one (1) year period to such longer period as satisfactory under the circumstances. Sufficient top soil shall be stockpiled on the site so that the entire area, when excavating operations are completed, may be recovered with a minimum of six (6) inches of top soil, and that the replacement of top soil shall be made immediately following the termination of excavating operations. So as to prevent erosion of slopes, all replaced top soil shall immediately be planted with grass or other plant material acceptable to the Township Board.

- I. **Stockpiles.** Stockpiles of material excavated shall not exceed 50 feet in height. The maximum pile height permitted may be modified by the Township Board upon recommendation of the Planning Commission following review of the surrounding topography, uses, vegetation, setbacks, and other factors so as to ensure protection of the neighbors. All such piles shall be setback no less than two hundred (200) feet from the lot line, and shall otherwise comply with Section 19.07.B. The location, size and maximum height of all piles shall be shown on the site plan.

SECTION 19.08 REFERENCES TO ADDITIONAL STANDARDS AND REGULATIONS

The following list of references includes additional standards and regulations applicable to any proposed use in this district:

- A. Article 2: Definitions
- B. Article 20: Schedule of Regulations (minimum lot area, lot width, setbacks, max. height, etc.).
- C. Article 21: General Provisions: Regulations for single family dwellings; site condominiums; illegal dwellings; accessory uses, temporary buildings and structures; fences; noise; reception antennae; limitations on clearing and grading site, etc.
- D. Article 22: Special Land Uses
- E. Article 23: Site Plan Review and Impact Assessment
- F. Article 24: Private Road and Shared Private Driveway Standards
- G. Article 25: Off-Street Parking and Loading Regulations
- H. Article 27: Outdoor Advertising and Sign Regulations
- I. Ord. 21: Extractive Industrial Regulatory Ordinance
- J. Ord. 16: Subdivision Control Ordinance
- K. Ord. 25: Land Division Ordinance.

REVISIONS:

2007: July - Section 19.07.B

2010: September - General revision to permit concrete crushing (Section 19.03)