

Proposed for 8/20

PROPOSED TEXT AMENDMENTS

§223-2 Definitions

EXTRACTIVE OPERATIONS:

A. The breaking of the surface soil in order to facilitate or accomplish the extraction or removal of minerals; or

B. Any activity or process constituting all or part of a process for the extraction or removal of minerals from their original location; or

C. The extraction of sand, gravel, rock, stone, earth, for highway construction purposes or other public facilities.

D. Storage of excavated material shall not be considered an extractive operation.

MINERAL RESOURCE RECOVERY OPERATION -- An operation composed of extractive operations, processing operations, and/or storage and removal of excavated material. ~~processing operations.~~

PROCESSING OPERATIONS -- The crushing, polishing, washing, screening, and customer truck loading of extracted minerals.

§ 223-143. Mineral Resource Overlay.

A. Within Carroll County, there is hereby established an area designated a Mineral Resource Overlay (MRO). This MRO includes areas identified as containing a Mineral Resource (MR), a Viable Resource Area (VRA), and those areas surrounding the resource, identified as Mineral Resource Notification (MRN). This overlay shall exist only in the Agricultural District (A), Industrial General District (I-G) or Industrial Restricted District (I-R) on the Zoning Maps as adopted or amended. There shall be no new Agricultural Land Preservation Districts created pursuant to the Maryland Agricultural Land Preservation Program on any portion of a parcel assigned an MR or a VRA designation. [Amended 04/07/09 by Ord. No. 09-02: 12/01/10 by Ord. No. 2010-12]

B. The owner of property which is not identified as being within an MR may petition the County to place an MR designation on that person's property subject to the following: [Amended 04/07/09 by Ord. No. 09-02: 12/01/10 by Ord. No. 2010-12]

(1) The applicant for an MR designation shall submit for the property a delineation of the extent of the mineral resource as mapped by the Maryland Geologic Survey on the Mineral Resource Quadrangle Maps, scale 1:24,000. The applicant may request a modification of the MR boundaries based upon an analysis performed by a qualified geologist which identifies, locates, and estimates the amount and quality of the resource proposed for recovery. This analysis may include a literature search, well logs, existing geologic maps, flood control studies, historic aerial

photographs, or other relevant data. [Amended 04/07/09 by Ord. No. 09-02; 12/01/10 by Ord. No. 2010-12]

(2) Lands with an agricultural land preservation easement are not eligible for the MR designation. [Amended 04/07/09 by Ord. No. 09-02; 12/01/10 by Ord. No. 2010-12]

(3) To establish the MR boundary, the minimum horizontal distances between the following features and the mapped limit of the resource shall be:

(a) 1,000 feet from the nearest boundary of a Village of Historic Importance as defined in Article XXV, which has been designated at the time of approval of the petition for the MR boundary.

(b) 700 feet from the nearest boundary of an area zoned for residential use (R-40,000, R-20,000, R-10,000, R-7,500) at the time of establishment of the MR boundary.

(c) 700 feet from the nearest property lines of schools, hospitals, religious establishments, sewage pumping stations, sewage treatment plants, reservoirs, and water filtration plants which are in existence at the time of establishment of the MR boundary. [Amended 04/07/09 by Ord. No. 09-02; 12/01/10 by Ord. No. 2010-12]

(4) In addition to the criteria in § 223-143B(3), the Planning and Zoning Commission may use such additional criteria as it deems applicable in recommending the MR boundary.

(5) The Planning and Zoning Commission shall review the information submitted by the applicant and make a recommendation to the Board of County Commissioners. The Board of County Commissioners, after holding a public hearing, shall approve, approve with modifications, or deny the petition for an MRO designation.

C. In a Mineral Resource Recovery Area (MR), all uses which are or may be permitted in the underlying zone are prohibited except the following which are regulated as designated in the underlying zone:

(1) Mineral resource recovery operations as defined in § 223-2.

(2) Agriculture as defined in § 223-2.

(3) Commercial and noncommercial nurseries and greenhouses, provided that any greenhouse heating plant, or any building or feeding pens in which farm animals are kept, shall comply with the distance requirements specified in § 223-16.

(4) Borrow pits as defined in § 223-2.

(5) Riding academies and boarding stables in existing structures. [Amended 04/07/09 by Ord. No. 09-02]

(6) Manufacture of brick or clay products.

(7) Coal yards.

(8) Copperage works.

(9) ~~The use of heavy machinery for refining and processing other than for removing of overburden, extracting, crushing, moving, washing, and screening.~~ The use of heavy machinery for extracting, refining, processing, removing and storing of excavated material, crushing, moving, washing, and screening.

(10) Bituminous concrete (blacktop) mixing plants.

(11) Concrete and ceramic products manufacture, including ready-mix concrete plants.

(12) Cement, lime, gypsum, or plaster of paris manufacturing.

(13) Public buildings, structures, and properties of the recreational, cultural, administrative, or public service type, including fire, ambulance, or rescue services. [Added 04/07/09 by Ord. No. 09-02]

D. Permitted uses.

(1) In the Mineral Resource Notification Area (MRN), processing operations as defined in § 223-2 shall be a permitted use, provided that the distances outlined in § 223-143B(3) are met and provided that the processing operation is contiguous to an extractive operation in an adjacent MR. In the MRN, extractive operations are not permitted.

(2) In the MRN, the uses allowed in the underlying district are permitted, with special recommendations for clustering away from the resource and for notification.

(3) Excavated material stockpile areas are permitted in the MR and MRN, and shall always be constructed behind landscaping, berms and visual buffers.

(4) Landscaping, berms, and visual buffers shall comply with the provisions of the Carroll County Landscape Manual as adopted by Chapter 134-2.

E. In a Viable Resource Area, uses shall be clustered away from the mineral resource when possible. If such clustering is not possible, then a transfer of development rights, as provided for in § 103-29, or development of the property as provided for in § 103-19, may occur at the owners' option.

§ 223-144. General regulations for the Mineral Resource Recovery Area.

Extractive operations are allowed only in an area designated MR; storage and removal of excavated material is allowed in the MR and in the MRN; processing operations are allowed in the MR, and may be allowed in the MRN, subject to the provisions of § 223-143D(1) of this chapter. All mineral resource recovery operations are subject to the following:

A. Mineral resource recovery operations, except for storage and removal of excavated material, shall be no closer than 200 feet to all adjoining property lines or any existing or proposed public road right-of-way and 400 feet from any existing principal building on an adjoining property. The Planning and Zoning Commission may increase the distance requirements if it determines that adjacent land uses, geological, hydrogeological, topographical, natural vegetative, or any other environmental feature causes a greater adverse effect at the proposed site than desired.

B. The minimum setback distances shall not apply to the common boundary where the adjoining lot is used or planned for mineral resource recovery operations. Setbacks on the remaining property lines shall meet the setback requirements in Subsection A of this section.

C. A person engaging in mineral resource recovery operations shall locate and conduct those operations on the site in a way that minimizes visual, auditory, and other sensory effects on surrounding property owners.

D. Processing operations outside the pit perimeter shall be housed in a covered structure unless the Planning and Zoning Commission determines, because of specific site conditions, this is unnecessary based on the effects of the use on nearby properties.

E. The site shall be developed and maintained in compliance with Chapter 134 and the Carroll County Landscaping Manual. [Amended 04/07/09 by Ord. No. 09-02]

F. The line of sight shall be interrupted to the extent possible between mineral resource recovery operations and adjacent properties zoned for residential use, or improved by a residential dwelling, so as to reduce the visual intrusion of the operation on adjacent and nearby properties.

G. All permanent access roads shall be paved for a distance of at least 200 feet from the adjoining public road. The paved cartway width shall be a minimum of 22 feet, and the pavement type must be approved by the Carroll County Department of Public Works. Roads marked on a site plan and approved by the Planning and Zoning Commission as temporary may be of a stone construction type (i.e., crusher run).

CONVEYOR SYSTEM TEXT AMENDMENT

§223-2 Definitions

CONVEYOR SYSTEM-Mechanical handling equipment that moves materials from one location to another which may cross over one or more property lines utilizing a covered and enclosed conveyor, which may run on the ground, underground, or above the ground depending on terrain or other site conditions. Conveyor System does not include mechanical handling equipment utilized on-site that is accessory to any industrial, commercial, or extractive use. ~~in an industrial or business zoned facility pursuant to an approved site plan or a mining operation pursuant to an approved mining permit.~~

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