

ORDINANCE NO. 2012-05
AN ORDINANCE AMENDING THE CARROLL COUNTY ZONING ORDINANCE
TO REGULATE THE CONSTRUCTION OF BORROW PITS

WHEREAS, the Carroll County Area Plan Commission has approved language for proposed regulations regarding the construction of Borrow Pits, and

WHEREAS, the Commissioners of the County of Carroll see an immediate need to establish such regulations due to the current construction of the Hoosier Heartland Corridor through the County.

NOW THEREFORE BE IT ORDAINED BY THE COMMISSIONERS OF THE COUNTY OF CARROLL, that the Carroll County Zoning Ordinance, Article 4. Supplementary District Regulations, be amended by adding a new Section 20.2 as follows:

20.2 Borrow Pits. Borrow pits, defined as a pit created to provide materials such as soil, gravel or sand to be used as fill at another site, shall be allowed in GA- General Agriculture Districts, provided a permit is obtained and the following conditions are met.

- (1) **Landowner Signature Required.** The permit shall require an application co-signed by the landowner and operator and shall be submitted to the Area Plan Administrator along with a fee and Site Plan which shall include the following information:
 - (a) Description. A clear description of the proposed operation, the duration of the use, and the schedule for reclamation.
 - (b) Site Map- Location of existing uses. The location of existing buildings, driveways, roads, and uses on the Site and surrounding properties.
 - (c) Site Map- Location of proposed uses. The location and description of service drives, haul roads, and processing equipment for the operation.
 - (d) Future Use Plan. A plan describing any contemplated future uses of the site.
- (2) **No Structures.** No structures shall be erected.
- (3) **Setback.** No activity shall take place within 100 feet of a property line or 300 feet of a residence.
- (4) **Operations Directed Away from Residences.** Truck operators shall be directed away from residences whenever practical.
- (5) **Compliance with Air Standards.** Air pollution in the form of dust and dirt shall be kept to standards and requirements of the Indiana Department of Environmental Management and the EPA.
- (6) **Hours of Operation.** The operation shall be restricted to the period from sunrise to sunset if county roads are used for transporting material. A Special Exception may be requested from the Board of Zoning Appeals for extended hours.

(7) **Reclamation Standards.** Upon reclamation the banks of all excavations shall be sloped to the pit floor at a slope not steeper than 4 feet horizontal to 1 foot vertical.

(8) **Replacement of Topsoil.** Topsoil of quality equal to that occurring naturally, shall be replaced within the period of the permit to a depth of a minimum of 3 inches when settled.

(9) **Replacement of Vegetation.** Vegetation similar to that existing prior to the excavation shall be restored to prevent erosion.

(10) **Compliance with IDNR Regulations.** All excavations shall also follow all rules and regulations of the Indiana Department of Natural Resources as applicable.


(11) **Restriction Near Existing Excavation.** No proposed Borrow Pit may be permitted within 1,000 feet of an existing Mineral Extraction Industry.

(12) **Expiration of Permit.** The permit shall be valid for a period of one year. All activities, including reclamation must be performed within the permitted period. The permit may be extended for up to 6 months for good cause upon written request. Subsequent activity at a reclaimed site shall require a Special Exception from the Board of Zoning Appeals.

Effective Date

This ordinance shall take effect upon its passage by the Board of Commissioners.

Passed and enacted by the Board of Commissioners, Carroll County, Indiana, on the 21st day of May, 2012.

 Board of Commissioners
Carroll County, Indiana

William R. Brown
In Show

Attest:

Elaine Hathaway
Auditor

Section 20.1 SCENIC AREA Scenic creek or river areas are shown on zoning maps. An improvement permit for a use or structure otherwise permitted on a lot in a zoning district, but within the scenic area shall not be issued unless and until the Zoning Administrator finds:

- a. that the use applied for is of a private landowner's property for temporary, non-commercial, personal camping usage to be totally removed at the end of the May 1 through October 31 season;
- b. that it is an improvement invisible within the scenic area from the water's edge at normal level between May 1 and October 15, or which will not detrimentally affect the natural and scenic features of the area; and
- c. that there will be no complete removal of natural vegetation or clear-cutting of timber within the scenic area.

Section 20.2. BORROW PITS. Borrow pits, as defined in Article IX, Glossary of Terms, shall be allowed in GA- General Agriculture Districts, provided a permit is obtained and the following conditions are met.

1. **Landowner Signature Required.** The permit shall require an application co-signed by the landowner and operator and shall be submitted to the Area Plan Administrator along with a fee and Site Plan which shall include the following information:

(a) **Description.** A clear description of the proposed operation, the duration of the use, and the schedule for reclamation.

(b) **Site Map - Location of existing uses.** The location of existing buildings, driveways, roads, and uses on the Site and surrounding properties.

(c) **Site Map - Location of proposed uses.** The location and description of service drives, haul roads and processing equipment for the operation.

(d) **Future Use Plan.** A plan describing any contemplated future uses of the site.

2. **No Structures.** No structures shall be erected.

3. **Setback.** No activity shall take place within 100 feet of a property line or road right-of-way, or within 300 feet of a residence.

4. **Operations Directed Away from Residences.** Truck operators shall be directed away from residences whenever practical.

5. **Compliance with Air Standards.** Air pollution in the form of dust and dirt shall be kept to standards and requirements of the Indiana Department of Environmental Management and the EPA.

6. **Hours of Operation.** The operation shall be restricted to the period from sunrise to sunset if county roads are used for transporting material. A Special Exception may be requested from the Board of Zoning Appeals for extended hours.

7. **Reclamation Standards.** Upon reclamation the banks of all excavations shall be sloped to the pit floor at a slope not steeper than 4 feet horizontal to 1 foot vertical.

8. **Replacement of Topsoil.** Topsoil of quality equal to that occurring naturally, shall be replaced within the period of the permit to a depth of a minimum of 3 inches when settled.

9. **Replacement of Vegetation.** Vegetation similar to that existing prior to the excavation shall be restored to prevent erosion.

10. **Compliance with IDNR Regulations.** All excavations shall also follow all rules and regulations of the Indiana Department of Natural Resources as applicable.

11. **Restriction Near Existing Excavation.** No proposed Borrow Pit may be allowed within 1,000 feet of an existing Mineral Extraction Industry or Borrow Pit.

12. **Expiration of Permit.** The permit shall be valid for a period of one year. All activities, including reclamation must be performed within the permitted period. The permit may be extended for up to 6 months for good cause upon written request. Subsequent activity at a reclaimed site shall require a Special Exception from the Board of Zoning Appeals.