

Sec. 20.3-42. Excavation (Zone EX).

- (a) *Intent.* It is the intent of this district to provide for the control of excavation activities within Clay County in order to protect the natural resources of the County. It is the further intent of this district to further the clearly articulated, affirmatively expressed and actively supervised state police as expressed in Chapter 211, Florida Statutes. The criteria within this district are declared to be the minimum necessary to protect the health, safety and welfare of the citizens of Clay County.
- (b) *Definitions.*
- (1) *Mine* shall mean an area of land on which mining operations have been conducted, are being conducted, or are planned to be conducted, as the term is commonly in the trade.
 - (2) *Mining operation* shall mean all functions, work, facilities, and activities in connection with the development, extraction - whether primary or secondary - or processing of mineral deposits on lands subject to the provisions of Chapter 211, Part II, Florida Statutes, and all uses reasonable incident thereto, such as the construction of roads or other means of access, pipelines, waste disposal and storage, and recirculating water systems. The term "processing" shall not include rock drying or the processing of rock in a chemical processing plant.
 - (3) *Mining unit* shall mean the number of acres which an operator will disturb or affect as part of the mining operation during the year's period covered by a reclamation application.
 - (4) *Operator* shall mean the person engaged, or seeking to be engaged, in a mining or reclamation operation or any other person who is obligated to reclaim mined lands pursuant to Chapter 211.32, Florida Statutes.
 - (5) *Overburden* shall mean the earth and other minerals which overlie the ore and which must be removed to gain access to the ore body.
 - (6) *Reclamation* shall mean the reshaping of land disturbed or affected by mining operations to an appropriate contour considering the type of use prior to mining operations, during the mining operations, and planned use after reclamation, and the surrounding topography and shall include revegetation of the lands in an approved manner.
 - (7) *Restoration* shall mean the return of the natural function of lands, waters, or a particular habitat condition as nearly as possible to the state in which it existed prior to mining operation being commenced.

- (8) *Revegetation* shall mean providing either a diverse vegetation, native to the area, capable of self-regeneration at least equal in permanence to the natural vegetation or an agricultural or silvicultural crop suitable to the reclamation program and the surrounding areas.
 - (9) *Wetland* means those areas identified by Rule of the Department of Environmental Protection and/or the St. Johns River Water Management District. (Amended 2/03 – Ord. 03-20)
 - (10) *Excavation* shall mean the digging, stripping, or removal by any process of natural materials or deposits from their natural state and location, said materials, and deposits to include rock, stone, minerals, shell, sand, marl, muck, and soil, but not including sod. Excavation shall not include the creation of water bodies undertaken as a part of a planned unit development or other subdivision nor shall it include activities associated with the construction of stormwater management facilities.
 - (11) *Environmentally Sensitive Area* is an area identified as a biological “hot spot” which may provide habitat for more than seven listed wildlife and plant species, as identified by an accredited biologist. Also ecologically sensitive vegetative communities including longleaf pine, turkey oak, or sand hill communities that are at least two acres in size. (Amended 2/03 – Ord. 03-20)
- (c) *Uses Permitted.* Activities associated with normal excavation and mining activities as defined herein; notwithstanding the provisions hereof, an incinerator or industrial furnace as an accessory use for such excavation and mining activities only is permitted, provided the incineration is incident to such excavation and mining activities, and provided that such incineration is fully permitted by all applicable state and federal regulatory agencies.
- (d) *Conditional Uses.* The following uses are permitted in the EX Zoning District, subject to the conditions provided in Section 20.3-5.
- (1) Communication Antennas and Communication Towers, including accessory buildings, tower support and peripheral anchors as governed by the provisions of Section 20.3-46 of the Clay County Land Development Code. (Amended 11/26/96 - Ord. 96- 58).
 - (2) Radio, Television, Microwave Relay Stations or Towers and Accessory Equipment Buildings constructed for public or private use provided that the parcel ownership shall be public. (Ord. 95-53 - 11/28/95)
 - (3) Land Clearing Debris Disposal Facility (Amended 6/98 - Ord. 98-27)

- (e) *Uses Prohibited.* Any use not described herein, or as determined by the Directors of the Planning and Zoning Department. (Amended 2/03 – Ord. 03-20)
- (f) *Minimum Size and Other ~~Location~~ Criteria.* (Amended 2/03 – Ord. 03-20)
 - (1) Minimum lot size is three (3) acres.
 - (2) Access to a paved public right-of-way.
 - (3) Located outside an identified floodplain, floodway, or wetland.
 - (4) The following buffers shall be required where active mining operations are less than 2,000 feet from affected properties:
 - (i) A 200 foot perimeter buffer shall be required where any active mining location is adjacent to residential land uses. The buffer shall include at a minimum:
 - a. A row of evergreen canopy trees which are not less than ten feet high at the time of planting, a minimum of two inch caliper, spaced not more than thirty feet apart, and planted within ten feet of the property line; and,
 - b. A privacy fence or masonry wall, architecturally finished on all sides, a minimum height of six feet, and if a block wall, painted on all sides; and,
 - c. Turf grass, low growing evergreen plants or evergreen ground cover planted over the balance of the buffer.
 - d. In lieu of the requirements of A, B, and C above, a naturally vegetative undisturbed wooded area shall be preserved. This wooded buffer shall maintain an 85% opacity during all seasons and a minimum width of one hundred feet, and may be permitted with the Zoning Director's approval. Sections lacking opacity can be planted to achieve a continuous visual screen, or a landscaped berm of at least six feet in height that obscures the view from adjacent property at the time of planting.
 - e. If D, above is not a feasible option due to the lack of wooded areas along property lines, a 125 foot buffer of the following type may be allowed, also in lieu of the requirements of A, B, and C above. This buffer includes a 50 foot buffer along the property line with an additional

zone that is at least 75 feet in width provided landward of the buffer area. This additional zone shall include a topsoil pile that will direct drainage away from wetlands. The topsoil pile shall be naturally revegetated within 30 days of their construction or they will be seeded and mulched. An erosion preventive vegetative cover must be established within 3 months of seeding, be adequately vegetated with grass or some other form of ground cover and the topsoil pile zone shall include a silt screen placed where the zone and fifty foot buffer meet.

- (ii) A one hundred foot perimeter buffer shall be required where any active mining location is adjacent to commercial and agricultural (excluding silviculture) land uses. The buffer shall include at a minimum:
 - a. A row of evergreen canopy trees which are not less than ten feet high at the time of planting, a minimum of two-inch caliper, spaced not more than thirty feet apart, and planted within ten feet of the property line; and,
 - b. A masonry wall, architecturally finished on all sides, a minimum height of six feet, and if a block wall, painted on all sides; and,
 - c. Turf grass, low growing evergreen plants or evergreen ground cover planted over the balance of the buffer.
 - d. In lieu of the requirements of A, B, and C above, a naturally vegetative undisturbed wooded area shall be preserved. This wooded buffer shall maintain an opacity of at least 85% during all seasons and a minimum width of seventy-five feet, and may be permitted with the Zoning Director's approval. Sections lacking opacity can be planted to achieve a continuous visual screen.
 - d. If D above is not a feasible option due to the lack of wooded areas along property lines, a 125 foot buffer of the following type may be allowed, also in lieu of the requirements of A, B, and C above. This buffer includes a 50 foot buffer along the property line with an additional zone that is at least 75 feet in width provided landward of the buffer area. This additional zone shall include a topsoil pile that will direct drainage away from wetlands. The topsoil pile shall be naturally revegetated within 30 days of their construction or they will be seeded and mulched. An

erosion preventive vegetative cover must be established within 3 months of seeding, be adequately vegetated with grass or some other form of ground cover and the topsoil pile zone shall include a silt screen placed where the zone and fifty foot buffer meet.

- (iii) A 200 foot buffer shall be required between any active mining location and any jurisdictional wetland. A 50 foot buffer may be permitted if an additional zone that is at least 75 feet in width is provided landward of the buffer area. This additional zone shall include a topsoil pile that will direct drainage away from wetlands. The topsoil pile shall be naturally revegetated within 30 days of their construction or they will be seeded and mulched. An erosion preventive vegetative cover must be established within 3 months of seeding, be adequately vegetated with grass or some other form of ground cover and the topsoil pile zone shall include a silt screen placed where the zone and fifty foot buffer meet.
- (iv) A 100 foot buffer shall be required where any active mining location is adjacent to a public road. The buffer shall include at a minimum:
 - A. A row of evergreen canopy trees which are not less than ten feet high at the time of planting, a minimum of two inch caliper, spaced not more than thirty feet apart, and planted within ten feet of the property line; and,
 - B. A wood privacy fence, chain link fence with slats and/or screen cloth, or masonry wall, architecturally finished to the outside, a minimum height of six feet.
 - C. In lieu of the requirements of A and B above, a naturally vegetative undisturbed wooded area shall be preserved. This wooded buffer shall maintain an opacity of at least 85% during all seasons and a minimum width of fifty feet, and may be permitted with the Zoning Director's approval. Sections lacking opacity can be planted to achieve a continuous visual screen.
 - D. If C above is not a feasible option due to the lack of wooded areas along property lines, a 125 foot buffer of the following type may be allowed, also in lieu of the requirements of A and B above. This buffer includes a 50 foot buffer along the property line with an additional zone that is at least 75 feet in width provided landward of the buffer area. This additional zone shall include a topsoil

pile that will direct drainage away from wetlands. The topsoil pile shall be naturally revegetated within 30 days of their construction or they will be seeded and mulched. An erosion preventive vegetative cover must be established within 3 months of seeding, be adequately vegetated with grass or some other form of ground cover and the topsoil pile zone shall include a silt screen placed where the zone and fifty foot buffer meet. (Amended 2/03 – Ord. 03-20)

- (5) Environmentally Sensitive Areas shall be left undisturbed to the greatest extent possible, and shall only be impacted if avoidance would substantively reduce the ability of the applicant to mine the site. If such areas are impacted, the applicant will demonstrate how such areas will be restored, and will also demonstrate through the phasing plan and site plan that travel corridors will exist to allow for wildlife movement across or around impacted areas throughout the mining process. (Amended 2/03 – Ord. 03-20)

(g) *Application Requirements.*

- (1) The applicant shall be required to attend a pre-application conference with the Directors of the Planning and Zoning Department. The Directors shall invite, as a minimum, representatives from the St. Johns River Water Management District and Department of Environmental Protection to attend the conference. (Amended 2/03 – Ord. 03-20)
- (2) The applicant shall complete the appropriate application forms as provided by the Zoning Department and pay the applicable fee. (Amended 2/03 – Ord. 03-20)
- (3) The applicant shall complete a site plan substantially in conformance with the requirements of this paragraph, with the rezoning application. The site plan shall show the following elements: Property boundaries, active mining areas, proposed mining areas, adjacent land uses, adjacent structures, environmentally sensitive areas, wildlife travel corridors (if any), and adjacent and vicinity roadways (public and private). Additionally, the applicant shall submit a phasing plan that will govern the timing of operations, buffer implementation, and the timing of impacts to generalized areas. This phasing plan may be updated with the approval of county staff, but at no time shall any mining operations occur that impact affected properties without the adoption of, or the amendment of an approved plan. The other specific requirements will be determined at the pre-application conference. The intent is not to duplicate state agency requirements. (Amended 2/03 – Ord. 03-20)
- (4) The applicant shall prepare an environmental assessment report with the

zoning application that demonstrates proposed operations on the ground water resources and the land uses within one mile of the site. This report shall specifically identify environmentally sensitive areas, shall indicate which of these areas are to be left undisturbed and which are to be impacted, and shall also identify any planned wildlife travel corridors. (Amended 2/03 – Ord. 03-20)

- (5) The applicant shall file all permits, performance bonds, and reclamation plans filed to state agencies to the County prior to the commencement of mining. In the event that a performance bond is not required by state agencies, the County will require a feasible form of financial assurance, e.g. certificates of deposit, corporate guarantee, etc., to ensure that needed reclamation occurs. Upon receipt of all required agency documentation and financial assurances, the County shall issue an Operations letter that will authorize commencement of mining activities. (Amended 2/03 – Ord. 03-20)
- (6) Copies of the annual progress reports required by the Department of Environmental Protection and those that may be required by other state agencies shall be submitted concurrently to the Director of the Zoning Department. (Amended 2/03 – Ord. 03-20)
- (7) Final approval of the mining application shall be made by the Directors of the Planning and Zoning Departments. (Amended 2/03 – Ord. 03-20)