

STATE OF SOUTH CAROLINA

)

ORDINANCE NUMBER 20-17

COUNTY OF DORCHESTER

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AN ORDINANCE TO AMEND DORCHESTER COUNTY ZONING AND LAND DEVELOPMENT STANDARDS ORDINANCE NUMBER 04-13, AS PREVIOUSLY AMENDED, WITH RESPECT TO ARTICLE IX, TO AMEND SECTION 9.1.3.2 "CONDITIONAL USES" AND CREATE NEW SECTION 9.1.3.3 "SPECIAL EXCEPTION USES", TO REVISE ARTICLE X, SECTION 10.4.11 "MINERAL RESOURCE EXTRACTION OPERATIONS", AND TO REVISE ARTICLE XIII, SECTION 13.2 "SCREENING AND BUFFERING USES" (The purpose of this is to amend the regulations for mineral resource extraction operations)

WHEREAS, Dorchester County has been regulating mining activity through the Special Exception process; and

WHEREAS, Dorchester County recently adopted its ten-year Comprehensive Plan update which recommends developing regulations to mitigate the effects of sand mining; and

WHEREAS, in 2019, Dorchester County created an ad hoc committee comprised of board members, local residents, mining industry representatives, and environmental representatives to develop regulations for mining activities; and

WHEREAS, that committee has prepared a set of regulations for mining intended to replace the Special Exception process;

NOW, THEREFORE, BE IT ORDAINED by Dorchester County Council, duly assembled that the Dorchester County Zoning and Land Development Standards Ordinance Number 04-13, as previously amended, is further amended by deleting Section 9.1.3.2, Section 10.4.11, and 13.2 "Buffer Matrix", and substituting in lieu thereof the below sections bearing the same numbers, and by adding new Section 9.1.3.3 below:

9.1.3.2 Conditional Uses

Use Group No.	Group Name
1(d)	Agriculture, Mineral Resource Extraction

9.1.3.3 Special Exception Uses

The following uses may be developed in the AC zoning district subject to conformance with any conditions in Section 10.4 and approval of a special exception pursuant to the criteria in Section 10.5 and provisions of Section 14.5.

Use Group No.	Group Name
7	Business, Accommodation and Food Services
8	Business, Primary Retail

9	Business, Secondary Retail
10	Business, Convenience Retail
11	Business, Communication and Information
12	Business, Wholesale
13(a),(c),(d),(e)	Business, Recreation
14(a)	Business, Personal Services
15	Business, Professional Services
16	Business, Office Services
17	Business, General Services
18	Business, Beverage and/or 'Quick Stop' Services
19	Transportation
20	Manufacturing
21	Manufacturing Services
22	Outdoor Storage

10.4.11 Mineral Resource Extraction Operations

(a) **Applications.** All applications for mineral resource extractions shall include the following:

- (1) Copy of the DHEC application and permit (if issued)
- (2) Copy of the SCDOT or Dorchester County Encroachment Permit
- (3) Site plan indicating compliance with the site requirement provisions in section (b) below.

(b) **Site Requirements.** All mineral resource extraction operations shall comply with the following requirements:

(1) Apron. To keep mud/dirt off the roadways, all sites shall provide a 100' apron of clean, demudding, non-limestone aggregate such as slag or granite at the entrance drive. The first 25' shall be #57, after that, #4 can be used. SCDOT or Dorchester County may require additional improvements as part of the Encroachment Permit.

(2) Entrance gate. Gates at the entrance to the site shall be located at least 100' from the roadway.

(3) Signage. An emergency contact sign not to exceed four square feet with light reflective and minimum four inch letters that includes the name of the operator and an after-hours monitored phone number must be erected at the entrance. The sign must be placed a minimum of 10' but no more than 25' from the road right-of-way, and must be appropriately maintained throughout the operation of the mine site. In addition, temporary directional and warning signage at/near points of ingress/egress shall be installed for the duration of the mining activity.

(4) Buffers.

i. Where adjacent to developed properties (non-industrial), a 50' natural buffer, to include a 15' berm, is required along property lines. The berm must be installed within 12 months after initiating operations and shall be installed on the portion of the site closest to residences first.

ii. Where adjacent to undeveloped properties, a 100' Type C buffer is required. A 50' natural buffer, to include a 15' berm, can be substituted for the Type C buffer. If no or insufficient buffer vegetation exists, the 50' natural buffer, to include a 15' berm, shall be required in lieu of the 100' Type C buffer. Berms must be installed within 12 months after initiating operations.

iii. Where adjacent to industrial, agriculture, timber, or protected property, a 50' natural buffer is required.

iv. A natural buffer is defined as land left in its natural state and allowed to grow undisturbed. Clearing within the buffer for a berm is allowed.

(5) Fences. Mines abutting obvious gathering places for children, such as but not limited to, a public or private school, a public park or public recreation area, a youth activity center, a public library, or a licensed child care facility shall be secured by installing a 6' fence. Fence must run along the affected property line and turn at the corners. SC DHEC may require additional improvements as part of their Mine Operating Permit.

(6) Noise.

i. Operations shall be limited to 90 dB during operational hours as measured at the property line.

ii. Dewatering pumps that run after operational hours shall utilize sound attenuated enclosures, sound attenuating materials or barriers, or other sound mitigation measures to limit noise levels to 50 dB as measured at the property line after operational hours.

(7) Hours of Operation. Operational hours are limited to 6:00am to 5:00pm Monday through Friday, and 7:00am to 3:00pm on Saturdays.

(c) **Reporting Requirements.** All mineral resource extraction operations shall submit copies of their Solid Waste and Mining Report and their Bureau of Water Report to the Department of Planning & Zoning on an annual basis. On a Quarterly basis, mines shall report to Dorchester County the volume of material mined.

Section 13.2 Screening and Buffering Uses

Buffer Matrix – Adjacent Use Category to Be Buffered

APA Function Code and Land Use	SFR	Other Res.	C	Ind.	Inst.	Ag.
1000 Residential						
1100-1 Single-family residence (attached & detached) and duplex	-	-	-	-	-	-
1100-3 Multi-family residence: 3-4 units	A	-	-	-	-	-
1100-5 Multi-family residence: 5-16 units	B	A	-	-	A	A
1100-17 Multi-family residence: 17+ units	BH	BH	A	-	A	BH
1100-M Manufactured housing community	C	B	B	B	B	B
1200 Congregate housing: 10+ beds	B	A	-	-	-	B
1300 Accommodation services: 10+ beds (e.g., hotel)	BH	BH	A	-	A	AH
1310 Accommodation services: 1-9 beds (e.g., bed-&-breakfast)	A	-	-	-	-	-
2000 General sales, services, rental, & leasing	B	A	-	-	-	A
2000-I Indoor sales/leasing: more than 10,000 SF GLA	BH	BH	A	-	B	AH
2000-O Outdoor sales/leasing: >10,000 SF active area	B	B	A	-	B	A
2110 Auto sales, service, rental, & leasing	BH	BH	A	-	B	B
2500 Food services	B	B	-	-	A	A
3000 Manufacturing and wholesale trade						
3000 Manufacturing	DH	DH	CH	-	DH	DH
3500 Wholesale trade establishment	BH	BH	-	-	BH	AH
3600 Warehouse and storage service	CH	CH	B	-	BH	CH
3610 Junkyard and salvage yard	DH	DH	DH	CH	DH	DH
4000 Transportation, communication, information, & utilities						
4110 Air transportation	DH	DH	DH	D	DH	DH
4120 Freight transportation - road and rail	DH	DH	C	-	D	D
4130 Passenger transportation	B	B	A	-	A	B
4170 Postal service	B	A	A	-	A	A
4200 Communications and information	B	B	-	-	A	A
4230 Telecommunications tower	BH	BH	AH	AH	AH	BH
4242 Library	A	A	-	-	-	-
4300 Utilities and utility services: 3,000 (or less) SF lot area	A	A	A	-	A	A
4300-3 Utilities and utility services: >3,000 SF lot area	BH	BH	B	A	B	BH
4340 Sewer, solid waste, and related services: >3,000 SF lot area	DH	DH	DH	C	DH	DH
5000 Arts, entertainment, and recreation	A	A	-	-	-	A
5000-I A&E, Rec. commercial - Indoor: >10,000 SF GLA	BH	BH	A	-	B	AH
5000-O A&E, Rec. commercial - Outdoor: >10,000 SF active area	B	B	A	-	B	A
6000 Education, public admin., health care, and other institutions	AH	A	-	-	-	A
6560 Social assistance, welfare, and charitable services	A	A	-	-	-	A
6700 Religious institutions	A	A	-	-	-	A
7000 Construction-related businesses	B	B	A	A	B	B
9000 Agriculture, forestry, fishing, and hunting						
9100 Crop production	A	A	A	A	A	A
9140 Greenhouse, nursery, and floriculture	H	H	-	-	-	-
9200 Support functions for agriculture	B	B	A	-	B	A
9300 Animal production	CH	CH	BH	A	BH	AH
9400 Forestry and logging	B	B	B	A	B	A
9500 Fishing, hunting and trapping, game preserves	-	-	-	-	-	-

This Ordinance shall be effective upon third and final reading.

Approved and adopted on this 2nd day of November, 2020.


George H. Bailey, Chairman
Dorchester County Council

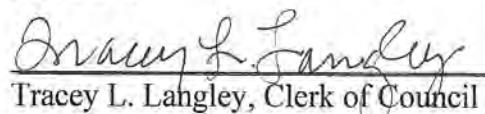
First Reading: October 05, 2020

Second Reading: October 19, 2020

Public Hearing: October 19, 2020

Third Reading: November 02, 2020

ATTEST:


Tracey L. Langley, Clerk of Council