

## TITLE SEVEN – ZONING DISTRICT USE REGULATIONS

---

### CHAPTER 1173 “M-3” Mineral Extraction, Storage and Processing District.

- 1173.01 Permitted Uses.
  - 1173.02 Mineral Extraction, Storage and Processing Requirements.
  - 1173.03 Building Height.
  - 1173.04 Required Lot Area and Width.
  - 1173.05 Yards Required.
  - 1173.06 Percentage of Lot Coverage.
  - 1173.07 Permitted Signs.
  - 1173.08 Off-Street Parking and Loading Requirements.
  - 1173.09 General Regulations.
  - 1173.10 Wind Generator(s): Low and High Impact Regulations.
  - 1173.11 Storage.
  - 1173.12 Building Design.
- 

#### CROSS REFERENCES

- Computation of required yards - See P. & Z. 1133
  - General Regulations - See P. & Z. 1181
  - Off-street parking and loading requirements – See P. & Z. 1183
  - Signs - See P. & Z. 1185
  - Special provisions - See P. & Z. 1187
- 

#### **1173.01 PERMITTED USES.**

In a “M-3” Mineral, Extraction, Storage and Processing District, no land or building shall be used or changed in use and

No building shall be located, erected, or structurally altered,

Unless otherwise provided herein,

Except for one or more of the following:

- A. Extraction, storage and processing of minerals, including the removal of sand, gravel, clay and soils.
- B. Concrete mixing plant.
- C. Manufacture of concrete products.

D. Accessory buildings incidental to the principle use.  
(Ord. 5-97. Passed 2-4-97.)

**1173.02 MINERAL EXTRACTION, STORAGE AND PROCESSING REQUIREMENTS**

- A. The extraction, storage and processing shall not be conducted closer than:
  - 1. Fifty (50') feet to any property line,
  - 2. Five-hundred (500') feet away from any "R" District, and
  - 3. Two-hundred (200') feet from any structure used for human occupancy in any other district.
- B. The performance requirements of Chapter 1187 shall be met.
- C. Buildings and structures for which no future use is contemplated and for which no other acceptable use is practicable or feasible shall be demolished and removed within one year's time.
- D. The operator shall file with the Zoning Administrator a location map which clearly shows:
  - 1. Areas to be mined and
  - 2. The location of adjacent properties, roads and natural features.
- E. The operator shall submit information on the anticipated depth of excavations and

On depth and probable effect on the existing

Public utilities,

Roads,

Surface drainage, and

Water table.

- F. The operator shall file with the Zoning Administrator a detailed plan for the restoration of the area to be mined, which shall include the:

- 1. Future anticipated use of the restored land,

2. Proposed final topography indicated by the contour lines of not greater than interval than five (5') feet,
3. The type and number per acre of trees or shrubs to be planted, and
4. The location of future roads, drives, drainage courses, or other improvements contemplated.

G. The operator shall file with Council a bond:

1. Payable to the Village and conditioned on the faithful performance of all requirements contained in the approved restoration plan.
2. The rate, per acre of property to be mined, of the required bond shall be as fixed by ordinance of Council.
3. The bond shall be released upon written certification of the Zoning Administrator that the restoration is complete and in compliance with the restoration plan.

H. All other requirements of Chapter 1173 shall apply.  
(Ord. 5-97. Passed 2-4-97.)

**1173.03 BUILDING HEIGHT.**

Buildings shall not exceed fifty (50') feet in height.

Chimney, tanks, communication and other type towers may be permitted to a greater height.

(Ord. 5-97. Passed 2-4-97.)

**1173.04 REQUIRED LOT AREA AND WIDTH.**

A. Minimum lot area shall be two and one-half (2.5) acres.

B. Minimum lot width shall be one hundred, fifty (150') feet of frontage.

(Ord. 5-97. Passed 2-4-97.)

**1173.05 YARD REQUIREMENTS.**

Yards of the following widths and depths shall be provided for all uses unless otherwise permitted by this Ordinance.

Mineral extraction, storage and processing shall also meet the requirements of Section 1173.02 B.

A. Front yard:

1. Single lot frontage:
  - a. Minimum: One hundred (100') feet deep from the street right-of-way line, and
  - b. Shall be appropriately landscaped and maintained.
2. Corner lot frontage:
  - a. Minimum: One-hundred (100') feet deep each from both street right-of-way lines, and
  - b. Shall be appropriately landscaped and maintained.
3. Such minimum space shall remain open and unoccupied by:
  - a. Any principal or accessory building or
  - b. Use other than driveways, sidewalks and off-street parking facilities.

B. Rear yard:

1. Minimum: Fifty (50') feet.
2. Abutting any residential district: Minimum of seventy-five (75') feet.
3. Abutting a street right-of-way: Minimum one hundred (100') feet.

C. Side yard:

1. Minimum two (2): Each twenty-five (25') feet as measured from the side lot line to the nearest point of any structure.
2. Abutting any residential district: Buffer strip of fifty (50') feet on the side abutting the residential district.
3. Such space shall remain open and unoccupied by any principal or accessory building use.

(Ord. 5-97, Passed 2-4-97).

**1173.06 PERCENTAGE OF LOT COVERAGE.**

All buildings including accessory buildings shall not cover more than sixty (60%) percent of the area of the lot.

(Ord. 5-97. Passed 2-4-97.)

**1173.07 PERMITTED SIGNS.**

All buildings including accessory buildings shall not cover more than forty (40%) percent of the lot area.  
(Ord. 5-97. Passed 2-4-97.)

**1173.08 OFF STREET PARKING AND LOADING REQUIREMENTS.**

The provisions of Chapter 1183 shall apply to this district.  
(Ord. 5-97. Passed 2-4-97.)

**1173.09 GENERAL REGULATIONS.**

- A. Buffering or screening in compliance with the provisions of this Chapter shall be provided for any permitted use which:
  - 1. Abuts any residential district and/or
  - 2. A state, county or township right-of-way, in addition to the setback requirements.
  
- B. The Board of Zoning Appeals may consider an applicant's request for a variance from a yard setback requirement in conjunction with a plan for buffering or screening by weighing the relationship of the proposed buffering or screening plan and the requested dimensional variance with respect to the joint impact upon neighboring properties.
  
- C. Buffering or screening shall consist of a landscaped mounding, permanently maintained along the boundary line:
  - 1. Minimum of five and one half (5.5') feet in height,
  - 2. At least fifteen (15') feet wide.
  - 3. Buffering or screening facilities shall not obscure traffic visibility within the fifty (50') feet of an intersection.
  
- D. All buffering or screening shall be:
  - 1. Trimmed,
  - 2. Maintained in good condition, and
  - 3. Free of advertising or other signs.

(Ord. 5-97. Passed 2-4-97.)

**1171.10 WIND GENERATOR(S): LOW AND HIGH IMPACT REGULATIONS.**

The provisions of Chapter 1187 shall apply.

**1171.11 STORAGE.**

Storage of materials and/or equipment shall be within an enclosed building or

Within an area enclosed on all sides with a solid wall or uniformly painted privacy fence not less than eight (8') high.

(Ord. 5-97. Passed 2-4-97.)

**1173.12 BUILDING DESIGN**

Prior to the submission of a zoning permit application, the building design plans shall be submitted to the Planning Commission for approval.

The Planning Commission shall approve, approve with modification or disapprove the plans within thirty (30) days of submission.

(Ord. 5-97, Passed 2-4-97.)