

COUNTY OF KANE

**DEVELOPMENT & COMMUNITY
SERVICES DEPARTMENT**

Mark D. VanKerkhoff, AIA, Director



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MEMO

Dates: May 3, 2023

To: Zoning Board of Appeals and General Public

From: Mark VanKerkhoff, AIA, Director, Zoning Enforcing Officer

Re: **REVISED** Draft Text Amendments to the Kane County Zoning Ordinance

ARTICLE XV. RESTRICTIONS AND REGULATIONS GOVERNING MINING OF
TOPSOIL, EARTH, CLAY, GRAVEL, PEAT, SAND AND STONE

BACKGROUND:

The mining of gravel and other materials is a special use in the F Farming District. Once a special use for mining has been approved by the Kane County Board, the mining operator must apply for and be issued a mining license under ARTICLE XV. RESTRICTIONS AND REGULATIONS GOVERNING MINING OF TOPSOIL, EARTH, CLAY, GRAVEL, PEAT, SAND AND STONE.

Section 25-15-1-4: MINING OPERATION REQUIREMENTS, restricts mining operations between the hours of 6:00 Am and 6:00 PM. The limits on hours of operations were in respect to the noise generated by equipment used in the mining operation. The only provision for an exception is for extending hours due to a public emergency.

Since the time when the requirements for mining licenses were adopted, newer and quieter equipment and methods of mining have been developed and are being used by some mining operations. The proposed text amendment will provide for an operator to request extended hours up to 24/7 based on the types and noise levels of the equipment proposed to be used.

The revised draft amendment provide for such requests to be approved by the County Board after following the process used for approving Special Uses, including a public hearing before the Zoning Board of Appeals.

PROPOSED TEXT AMENDMENT:

25-15-1-4: MINING OPERATION REQUIREMENTS:

8. *Mining operations, not including maintenance of equipment used in the mining operation shall be conducted only during the hours from six o'clock (6:00) A.M. to six o'clock (6:00) P.M., except during a public emergency during which sand and gravel is needed and upon order of the county sheriff, the county engineer or the director of the county development department. The county board member representing the district in which the mining operation is located shall be notified as soon as permission is granted for extended hours of operation. Variations to the hours permitted for mining operations, including up to 24/7 operations for specific equipment, may be authorized by the Kane County Board as a change to the Special Use granted for mining and so amend any current or pending mining license and/or application. Such variations shall be requested in writing by the licensee and provide evidence as to how the types of equipment used in the mining operations and the proposed extended hours will not negatively impact public health, safety and welfare. Such requests shall be applied for and processed in accordance with 25-4-8: SPECIAL USES. The Kane County Board may amend or revoke, by resolution, any approved variations if conditions change so that mining operations do negatively impact public health, safety and welfare.*

Revised language is highlighted in yellow.