

ARTICLE XV

PERFORMANCE STANDARDS FOR INDUSTRIAL ZONES

SECTION 15.0 APPLICATION OF PERFORMANCE STANDARDS: After the effective date of this ordinance, any use established or changed to, and any building, structure, or tract of land, developed, constructed, or used for any permitted use or accessory use in all industrial zones shall comply with all of the performance standards herein set forth for the district involved. If any existing use, building, or other structure is extended, enlarged, or reconstructed, the performance standards for the district involved shall apply with respect to such extended, enlarged, or reconstructed portion, or portions, of such use, building, or other structure.

SECTION 15.1 TIME SCHEDULE FOR COMPLIANCE OF PERFORMANCE STANDARDS: Except for standards regulated and enforced by the state of Kentucky, compliance with the provisions of this article of the ordinance shall be according to the following time schedule:

- A. All new installations shall comply as of going into operation.
- B. All existing installations not in compliance as of the effective date of the ordinance shall be in compliance within one (1) calendar year of the effective date of this ordinance unless the owner or person responsible for the operation of the installation shall have submitted to the zoning administrator a program and schedule for achieving compliance. Such program and schedule shall contain a date on or before which full compliance will be attained and such other information as the zoning administrator may require. If approved by the zoning administrator, such date will be the date on which the installation shall comply.

The zoning administrator may require persons submitting such program to submit subsequent periodic reports on progress in achieving compliance.

SECTION 15.2 PERFORMANCE STANDARDS

- A. **BUILDING ENCLOSURES:** Except as herein provided, every use in any industrial zone shall be operated in its entirety within a completely enclosed building.
- B. **LANDSCAPING:** In all industrial zones, all required yards shall either be landscaped or be left in a natural state if acceptable to the Planning Commission. If said area is to be landscaped, it shall be landscaped with lawn, trees, shrubs, etc.

Any landscaped areas shall be maintained in a sightly and well kept condition.

Any areas left in a natural state shall be properly maintained in a well kept condition.

- C. NOISE: For the purpose of measuring the intensity and frequencies of a sound, a sound level meter and an octave band analyzer which conforms to specifications published by the American National Standards Institute (specifications for Sound Level Meters S1.4 - 1971, and Specifications for Octave, Half Octave, and Third Octave Band Filter Sets S1.11 - 1966, American National Standards Institute, 1430 Broadway, New York, New York, 10018, or the latest edition of such standards) shall be employed. In the enforcement of the regulation, noises produced by the operation of motor vehicles or other transportation facilities shall not be included in determining the maximum permitted decibel level. The sound pressure of noise radiated continuously from any activity shall not exceed the value given in Tables 15-1 and 15-2 of this section of this ordinance, at the location of the receiving land use. If the noise is not smooth and continuous, one or more of the corrections in Table 15-2 of this section of this ordinance shall be added to or subtracted from each of the decibel levels given in Table 15-1 of this section of this ordinance.

In any industrial zone, the sound pressure of noise radiated from any activity shall not exceed the values given in Table 4 of this section in any octave band frequency at any point on or beyond any property line.

In any industrial zone, industrial noise shall be muffled so as not to become objectionable due to intermittence, beat, frequency, or shrillness.

- D. ODOROUS MATTER: No emission of odorous matter shall be allowed in excess of ambient air quality standards as set forth by regulations adopted by the Kentucky Department for Natural Resources and Environmental Protection, Division of Air Pollution, Cincinnati Air Quality Region.
- E. HUMIDITY, HEAT OR GLARE: In all industrial zones, any activity producing humidity, in the form of steam or moist air, heat, or glare, shall be carried on in such a manner that the humidity, heat, or glare is not perceptible at any lot line. Detailed plans for the elimination of humidity, heat, or glare may be required before the issuance of a building permit.
- F. EXTERIOR LIGHTING: Any lights used for exterior illumination, except for overhead street lighting, warning, or traffic signals shall direct light away from the adjoining zones.
- G. VIBRATION: Vibrations shall be measured at the lot line in all industrial zones. No vibration is permitted which is discernible to the human sense of feeling for three minutes or more duration in any one hour. Vibration shall not produce, at any time, an acceleration of more than 0.1 gravities or shall result in any

combination of amplitudes and frequencies beyond the "safe" range of Table 7, United States Bureau of Mines Bulletin No. 442, "Seismic Efforts of Quarry Blasting", on any structure. The methods and equations of said Bulletin No. 442, or any subsequent revision or amendment thereto, shall be used to compute all values for the enforcement of these provisions. Detailed plans for the elimination of vibrations may be required before the issuance of any building permit.

- H. EMISSIONS AND OPEN BURNING: No emission of particulate matter, sulfur, compound, carbon monoxide, hydrocarbon, nitrogen oxide, and open burning shall be allowed in any industrial zone in excess of regulations adopted by the Kentucky Department for Natural Resources and Environmental Protection, Division of Air Pollution, Cincinnati Air Quality Region.
- I. RADIATION: In any industrial zone, all sources of ionizing radiation shall be registered or licensed by the Kentucky State Department of Health and operated in accordance with their regulations.
- J. ELECTRICAL RADIATION: In any industrial zone, any electrical radiation shall not adversely affect, at any point on or beyond the lot line, any operation or equipment other than those of the creation of the radiation. Avoidance of adverse effects from electrical radiation by appropriate single or mutual scheduling of operations is permitted.
- K. STORAGE: The storage of any materials, supplies, or products outside of a completely enclosed building shall be prohibited within any industrial zone.
- L. FIRE AND EXPLOSIVE HAZARDS: The storage, utilization, or manufacture of solid materials or products, including free burning and intense burning shall be prohibited within any industrial zone.
- M. WASTE: Within any industrial zone, no waste material or refuse shall be dumped upon, or permitted to remain upon, any part of the property outside of the buildings constructed thereon. All sewage and industrial waste shall be treated and disposed of in such manner so as to comply with the standards of the appropriate authority. All plans for waste disposal facilities shall be required before the issuance of any building permit.
- N. MINING AND RECLAMATION: All methods of operation, construction of roads, back-filling, grading, blasting, water impoundments, treatment facilities, and reclamation must be in conformance with the regulations adopted by the Department for Natural Resources and Environmental Protection, Division of Reclamation. Any excavation or processing operations shall be subject to the regulations of the Kentucky Water Pollution Control Commission.

- O. **BLASTING AND EXPLOSIVES:** All blasting and the use of explosives must be conducted in accordance with the regulations set forth by the Department of Mines and Minerals, Division of Explosives and Blasting (pursuant to the authority of KRS 351.310 to 351.340 and 351.990) and in accordance with the Standards of Safety for Explosives, for the state of Kentucky, prepared by the Department of Public Safety, Division of Fire Prevention (pursuant to the authority of KRS 227.300).

TABLE 15-1

MAXIMUM PERMISSIBLE SOUND PRESSURE LEVEL (DECIBELS) AT
SPECIFIED POINTS OF MEASUREMENT FOR NOISE RADIATED
CONTINUOUSLY FROM A FACILITY

RECEIVING LAND USE	7:00 AM - 10:00 PM	10:00 PM - 7:00 AM
Residential	55	50
Commercial and Industrial Park	60	55
Industrial	65	65

TABLE 15-2

CORRECTION IN MAXIMUM PERMITTED SOUND PRESSURE LEVEL
IN DECIBELS TO BE APPLIED TO TABLE 15-1

TYPE OF OPERATION OF CHARACTER OF NOISE	CORRECTION IN DECIBELS
Noise source operates less than twenty (20) percent of any one hour period	plus 5*
Noise source operates less than five (5) percent of any one hour period	plus 10*
Noise source operates less than one (1) percent of any one hour period	plus 15*
Noise of impulse character (hammering, etc.)	minus 5
Noise of periodic character (hum, screech, etc.)	minus 5

* Apply one of these corrections only