

## 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 or permissible principal or accessory use in all industrial zones (IP-1, IP-2, IP-3, IP-4, and BP-1) shall comply with all of the performance standards herein set forth for the district involved. If any existing use or 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 or 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.

#### SECTION 15.2 PERFORMANCE STANDARDS

- A. **BUILDING ENCLOSURES:** Except as herein provided, every use permitted in the Industrial Zones shall be operated in its entirety within a completely enclosed building. In the IP-3 and IP-4 Zones, permitted uses shall be operated either within a completely enclosed building or within an area screened from view of the nearest lot line according to Section 9.17 and Article XIV of this ordinance.
- B. **LANDSCAPING:** In all industrial districts, all required yards shall either be open landscaped and grassed areas or be left in a natural state, if acceptable to the zoning administrator. If said area is to be landscaped, it shall be landscaped attractively with lawn, trees, shrubs, etc., according to the initially submitted plans which were first approved of for the development of such tract as a permitted use.

In areas to be used for off-street parking, the parking arrangement and surfacing must likewise have been approved of for the development of such tract as a permitted use. Any landscaped areas shall be poorly maintained thereafter in a sightly and well kept condition. Parking areas shall likewise be maintained in good 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 type 1 or type 2 sound level meter shall be employed that conforms to specifications published by the American National Standards Institute (specifications for Sound Level Meters S1.4 - 1971, or the latest edition of such standards, shall be used). 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 1 and 2 of this section, at the location of any receiving land use. If the noise is not smooth and continuous, one or more of the corrections in Table 2 of this section shall be added or subtracted from each of the decibel levels given in Table 1 of this ordinance.

In all districts, 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 the I-P districts, any activity producing humidity, in the form of steam or moist air, or producing heat or glare, shall be carried on in such a manner that the steam, humidity, heat, or glare is not perceptible at any lot line. In the BP-1 district, any activity producing heat or glare shall be carried on in such a manner that the steam, humidity, heat, or glare is not perceptible at or beyond any residential or commercial district boundary. 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 and warning, or traffic signals shall direct light away from the adjoining zones.
- G. VIBRATION: Vibrations shall be measured at the lot line in the I-P and BP-1 districts. 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 Effects 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.

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- H. EMISSIONS AND OPEN BURNING: No emission of particulate matter, sulfur compound, carbon monoxide, hydrocarbon, nitrogen oxide, and open burning shall be allowed in all industrial zones 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 all industrial zones, 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 all industrial zones, 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: Except as herein provided, in the IP-1, IP-2, and BP-1 Zones, no material, products or supplies shall be stored or permitted to remain on any part of the property outside the buildings constructed thereon. In the IP-3 and IP-4 Zones, storage of materials, supplies, and products on the property outside the building, constructed thereon, is permitted to the side and rear of the property providing that the storage of materials, supplies, and products are within an area screened from view of the nearest lot line in accordance with Section 9.17 and Article XIV.
- L. FIRE AND EXPLOSIVE HAZARDS: Storage, utilization, or manufacture of solid materials or products including free burning shall not be permitted in any zone nor shall the storage utilization, or manufacture of flammable or explosive vapors or gasses be permitted in any zone, unless written permission has been granted by the appropriate state and local agencies and the city Fire Department (i.e., the state fire marshall or his designee and the Erlanger Zoning Administrator and the Erlanger Fire Department Chief).
- M. WASTE: Within the I-P zones, 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 a 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. In the BP-1 zone, all waste shall be disposed of in accordance with the Solid Waste Regulations of the Kentucky Department of Natural Resources and Environmental Protection.
- 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 1

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

<u>RECEIVING LAND USE</u>	<u>7:00 A.M. - 10:00 P.M.</u>	<u>10:00 P.M. - 7:00 A.M.</u>
Residential	55	50
Commercial and Industrial Park	60	55
Industrial	65	65

TABLE 2

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

<u>TYPE OF OPERATION OF CHARACTER OF NOISE</u>	<u>CORRECTION IN DECIBELS</u>
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