

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 and industrial park 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 SCHEDULED 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 this 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:** Every permitted use in the industrial park zones shall be operated in its entirety within a completely enclosed building. In the other industrial zones, permitted uses shall be operated either within a completely enclosed building or within an area screened from view at the nearest zone boundary, as regulated by Section 9.17 and Article XIII of this ordinance.
- B. **LANDSCAPING:** In all industrial and industrial park 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., per a landscape plan approved by the Planning Commission

- 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 (specification for Sound Level Meters SI.4 – 1971, and Specifications for Octave, Half Octave, and Third Octave Band Filter Sets S1.11 - 1966, American National Standards Institute, 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 operating off-site 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 of this section of the 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 of the industrial park or urban industrial zones, the sound pressure of noise radiated from any activity shall not exceed the values given in Table 15-1 of this section in any octave band frequency at any point on or beyond any property line.

In any industrial zone, other than an industrial park or urban industrial zone, the sound pressure of noise radiated from any activity shall not exceed the value given in Table 15-1 of this section in any octave band frequency at any point on or beyond the nearest zone boundary.

In all industrial or industrial park zones, 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 industrial park 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. In any other industrial zone, any activity producing humidity, heat, or glare shall be carried on in such a manner that the humidity, heat, or glare is not perceptible at or beyond any residential or commercial zone 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, warning, or traffic signals shall direct light away from adjoining zones.
- G. VIBRATION: Vibrations shall be measured at the lot line in the industrial park zones and at the nearest zone boundary in any of the other industrial zones. No vibration is permitted which is discernible of the human sense of feeling for three (3) minutes or more duration in any one (1) 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.
- 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 or industrial park 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 any industrial or industrial park 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 any industrial or industrial park 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: The storage of any materials, supplies, or products outside of a completely enclosed building shall be prohibited within any industrial park zone. In any of the other industrial zones, outdoor storage of materials, supplies, and products is permitted in side and rear yards, provided that the storage of materials, supplies, and products are within an area screened from view at the nearest zone boundary, as regulated by Section 9.17 and Article XIV of this ordinance.
- L. FIRE AND EXPLOSIVE HAZARDS: In the I-1, I-2, and I-3 zones only, storage, utilization, or manufacture of solid materials which requires free burning and intense burning may be allowed if permitted in said zones, provided that said materials or products shall be stored, utilized, or manufactured within completely enclosed buildings having incombustible walls and protected throughout by an

automatic fire extinguishing system. In the I-1, I-2, and I-3 – zones only, the storage, utilization, or manufacture of flammable liquids, or materials which produce flammable or explosive vapors or gases, may be allowed if permitted in said zones, provided that storage, handling, and use shall be in accordance with Standards of American Insurance Association for Storage, Handling, and Use of Flammable Liquids, "American Insurance Association", Pamphlet No. 30, June 1959, or any subsequent revision or amendment thereto.

- M. WASTE: Within any industrial park or urban 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 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 any of the other industrial zones, 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 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 (1) hour period	plus 5*
Noise source operates less than five (5) percent of any one (1) hour period	plus 10*
Noise source operates less than one (1) percent of any one (1) hour period	plus 15*
Noise of impulsive character (hammering, etc.)	minus 5
Noise of periodic character (hum, screech, etc.)	minus 5

* Apply one of these corrections only