ORDINANCE NO. 316

AN ORDINANCE AMENDING ARTICLE III OF THE TAYLORSVILLE SPENCER COUNTY JOINT PLANNING AND ZONING REGULATIONS REGARDING AGRICULTURAL ZONING CLASSIFICATIONS AND GUIDELINES.

WHEREAS, a public hearing was held before the Taylorsville-Spencer County Joint Planning and Zoning Commission on the 1st day of July, 2010 after appropriate legal notice and,

WHEREAS, pursuant to KRS 100.211 (2) and Article XIII, Section 1301 of the regulations, the Taylorsville-Spencer County Joint Planning and Zoning Commission took the following action which was to recommend the proposed addition,

WHEREAS, the City of Taylorsville held a hearing on the 14th day of September, 2010 , after appropriate legal notice, in regard to the proposed amendment and,

THEREFORE, BE IT ORDAINED by the City of Taylorsville that Article III of the Taylorsville-Spencer County Joint Planning and Zoning regulations is amended to read as follows:

ARTICLE III

PROVISIONS GOVERNING AGRICULTURAL DISTRICTS

Preamble: The Agriculture District is intended to (1) conserve agricultural lands for continued farm use, and (2) minimize urban-type development in rural areas (3) preserve the natural beauty and open space character of the Spencer County rural countryside and (4) protect the public health, safety and welfare from hazardous and/or unsafe waste,

whether solid, semi-solid or liquid generated or disintegrate from a municipal commercial or industrial waste water treatment plant, water supply treatment plant, air pollution control facility or any other such waste having similar characteristics and effects; due to the presence of sinkholes, losing streams and sinking streams associated with the karsts topography of Spencer County.

AG-1 Agricultural District : 10 acres or more

Section 501 Uses permitted in the AG-1 Agriculture District

a.) One Principle Single Family Dwelling of site built construction and limited to one manufactured home or site built home per farm used as a dwelling, which is permanently occupied by members of the immediate family of the farm owner or by full-time employees working on the farm.

b.) Agricultural uses including one principle farm dwelling and storage of farm products.

c.) Roadside stand for sale of agricultural products produced on the premises.

d.) Churches, parish halls, temples, convents, monasteries, educational or similar institutions.

e.) Renting of sleeping rooms by a resident owner, provided that two sleeping rooms is the maximum that shall be rented in any residence

f.) Communication towers including but not limited to Public Utility Substations, booster stations, radio and television relay towers, repeater stations, etc., but not including power generation or gas manufacturing plants. All Cellular Antenna Towers are subject to Art. II, Sect. 218.

g.) Accessory buildings and uses

h.) Riding academies and stables subject to KRS 100.111pertaining to agricultural uses

i.) Non-commercial kennels

Section 502 Height Regulations in Agriculture District

a.) The maximum building height shall be 3 stories not including basements.

b.) Educational institutions, or schools may be erected to a height not exceeding 45 feet, and churches and temples may be erected to a height not exceeding 75 feet.

Section 503 Yards Required in Agriculture District

a.) Road Frontage - 50 feet

b.) Front Yard - 50 feet from right-of-way

c.) Side Yard - 15 feet*

d.) Street Side yard - 30 feet

e.) Rear Yard - 40 feet *

Section 504 Watershed Lake areas and Floodwall Setback *

a.) When property adjoins the floodwall, a setback of 10 feet shall be maintained free and clear of any type of structure from the easement or boundary line of said floodwall. All applicable floodwall regulations shall apply.

b.) Any building to be located in possible flood lands or natural drainage areas shall be so placed in accordance with the Local Flood Damage Prevention Ordinance with proper permitting obtained through the Division of Water and the local Floodplain Coordinator.

c.) Watershed Lake guidelines as indicated in Article X, Section 1003.

Section 505 Exceptions and Modifications

Exceptions and Modifications as indicated in Article VII.

Section 506 Parking Regulations for Agriculture District

Three All-weather off-street automobile parking, paved with bituminous, concrete, crushed stone, gravel, or slag shall be provided on all lots on which any of the following uses are established such space shall be provided with vehicular access to a street or alley.

All other parking shall be provided as indicated in Article II, Section 206, Page 11.

Parking Exceptions Article VIII, Section 805, Page 84.

Section 507 Signage

On-premises signs permitted as indicated in Article II, Section 215. Electronic Signs are prohibited as indicated in Article II, Section 215.

SPECIAL NOTE: on land used solely for agriculture, stock raising, dairying or similar purposes, the regulations as to construction permits, certifications of occupancy, height, yard, location, or Courts Requirements is not applicable for Agriculture Buildings other than the residence, except that set-back lines required for protection of existing or proposed streets or highways must be observed; and no structure may be built in a designated floodway or flood plain which would tend to increase flood heights or obstruct water flow unless permitted by the Division of Water. An agricultural construction permit exemption affidavit is to be acquired for all agricultural structures stating that all buildings are being used as farm buildings incidental to the farming operation.

Section 508 Special Conditional Use

The following use is declared to possess such characteristics of unique or special form, nature of operation, extent or limited application that each specific use shall be considered an individual case and shall be subject to written approval of the Board of Zoning Adjustments in accordance with the provisions of this ordinance:

Land farming or land spreading of any sludge or special wastes may be established and maintained in an agricultural district as a Special Conditional Use in accordance with the following regulations:

A.) Land farming may be permitted by special Conditional Use of the following conditions:

1.) storage of any sludge or special waste shall be stored on the farm on which the sludge or special waste will be spread, provided it is not stored more than ten (10) days; and provided a plan which provides appropriate measures to prevent wind or water erosion or leaking of the sludge or special waste is submitted to the Board of Adjustments. The Board of Adjustments may grant a "Restricted Conditional Use~ permit for storage of any sludge or special waste for a period exceeding ten (10) days in an Industrial District.

2.) The applicant (landowner and sludge generator) shall submit to the Board of Adjustments the following:

(a) For informational purposes, a copy of the surface and ground water Quality Assurance Plan required by 401 KAR 48:200.

(b) The affidavit of a geologist, physical geographer, agricultural or civil engineer, with professional experience in karsts hydrogeology, certifying that the land farming site is not within the catchment / drainage area of a sinkhole, losing stream, or sinking stream; with citations to the sources used in preparing the certification which shall include but not be limited to a physical onsite inspection of the proposed land farming site.

Said affidavit shall detail the affiant's educational background and experience with karsts hydrogeology.

(c) Copies of all test results used to determine that the sludge is non-hazardous in accordance with all criteria to be considered for identifying hazardous waste as set forth in 401 KAR, Chapter 31of Natural Resources and the Environmental Protection Cabinet.

(d) Copies of all test results establishing that the sludge does not contain any pathogens, or toxic substances regulated by the Toxic Substances Control Act.

3.) The grant or denial by the Cabinet for Natural Resources and Environmental Protection of a request for determination of waste classification for a proposed land farming site prior to the applicant's submittal of a complete permit application pursuant to 401 KAR 48:200, Section 1 may be considered by the Board of Adjustments in approving or denying the Special Conditional Use Permit, but shall not be dispositive of that determination.

4.) Any Special Conditional Use permit granted shall be conditional upon the granting of a land farming permit pursuant to 401 KAR 48:200 and shall become effective upon date the land farming permit is issued by Kentucky's Cabinet for Natural Resources and Environmental Protection.

5.) For informational purposes, a copy of the permit application required by 401KAR 48:200, Section 3 to be submitted to Kentucky's Cabinet for Natural Resources and Environmental Protection shall be submitted simultaneously to the Board of Adjustments.

6.) For informational purposes, the Permit- tee shall provide to the Board of Adjustments a copy of the results of periodic soil sampling tests required by 401 KAR 48:200 section 8 (20), (a), (b) within 30 days of the date said sampling tests are conducted together with an affidavit by the applicant stating that said results are within the guidelines set by 401 KAR 48:200 Section 8. Applicant shall send copies of the sampling results and the affidavit described herein above to the Kentucky Cabinet for Natural Resources and Environmental Protection.

7.) For informational purposes, the Permit-tee shall provide the Board of Adjustment a copy of the written notice regarding excessive cumulative concentration of contaminants required by 401 KAR 48:200 section 8 (25) and a copy of any report describing corrective actions to be taken pursuant to 401 KAR 48:200 section 8.

8.) When a Special Conditional Use permit for land farming is revoked, notice of revocation shall be

provided by letter from the Board of Adjustments to the Kentucky Cabinet for Natural Resources and Environmental Protection. A Special Conditional Use Permit for land farming shall be revoked:

a) When permit-tee fails to provide copies of test results, affidavits or notices required by this article hereof to Board of Adjustment within 60 days of the date tests are taken or notice or report is due to be sent to the Cabinet for Natural Resources and Environmental Protection.

(b) When the area ceases to be used as a land farming site;

(c) When the permit-tee's land farming permit issued pursuant to KRS Chapter 224 and 401 KAR 48:200, and any amendments thereto, is revoked by the Kentucky Cabinet for Natural Resources and Environmental Protection;

(d) If the information on which the application for special Conditional use permit was granted is proved to have been false; or

(e) When the information contained in the hydro geologist affidavit becomes incorrect as a result of hydro geological changes in the land farming site which affect the site's capacity for removal and/or control of contaminants.

9.) No Special Conditional Use which has been revoked shall be reactivated or renewed until the Board of Adjustments has received from the Permit-tee a copy of the written authorization by the Kentucky Cabinet for Natural Resources and Environmental Protection to recommence land farming.

Section 509 <u>Prohibited Uses in Agricultural District</u>

No land farming or land spreading of special wastes or sludge shall be conducted in areas within the catchment / drainage area of a sinkhole, losing stream, or sinking stream; or on slopes greater than 8% based on slopes determination by the soil conservation service.

DON PAY, Mayor

ATTESTED BY:

STEVE BIVEN, City Clerk

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