

ORDINANCE NO. ^d02-05

AN ORDINANCE RELATING TO ESTABLISHMENT OF LIGHT INDUSTRIAL AND HAZARDOUS INDUSTRIES IN THE UNINCORPORATED AREA OF MADISON COUNTY, KENTUCKY

WHEREAS, the Madison County Fiscal Court has the authority pursuant to KRS 100, to enact ordinances to cause the zoning of Light Industrial and Hazardous Industries; and,

WHEREAS, this ordinance will establish areas of the unincorporated areas of Madison County, Kentucky, to be zoned as Light Industrial and Hazardous Industries so as not to diminish the value of residential or commercial properties or cause detrimental or adverse health or welfare of the residents of Madison County, Kentucky;

WHEREAS, this ordinance authorizes the amending of the current Madison County, Kentucky, Land Use Regulations to incorporate the following Light Industrial and Hazardous Industries classifications;

NOW, THEREFORE, be it ordained by the Fiscal Court of the County of Madison, Commonwealth of Kentucky, as follows:

Each section of this Ordinance shall be considered severally, and the invalidity of any portion of it shall not affect the validity or enforcement of any other portion.

That the County Clerk cause this ordinance to be published in accordance with the appropriate Kentucky Revised Statutes.

This Ordinance No. *02-05* shall become effective on the date of the second reading and adoption.

DATE OF FIRST READING: March 26, 2002

MOTION BY: Forniss Park

SECONDED BY: Billy Ray Hughes

VOTE:	YES	NO
JUDGE, KENT CLARK	✓	
MAGISTRATE LARRY COMBS	✓	
MAGISTRATE FORNISS PARK	✓	
MAGISTRATE WILLIAM TUDOR	✓	
MAGISTRATE BILLY RAY HUGHES	✓	


DATE OF SECOND READING: April 9, 2002


MOTION BY: Larry Combs

SECONDED BY: William Tudor

VOTE: YES NO

JUDGE, KENT CLARK	✓	
MAGISTRATE LARRY COMBS	✓	
MAGISTRATE FORNISS PARK	✓	
MAGISTRATE WILLIAM TUDOR	✓	
MAGISTRATE BILLY RAY HUGHES	✓	


MADISON COUNTY JUDGE EXECUTIVE

Attest:

MADISON COUNTY CLERK

402.7 LIGHT INDUSTRIAL & HAZARDOUS INDUSTRIES

Section 402.7.1 - Industrial Zoning Districts

Section 402.7.2 - Hazardous Industries Zoning Districts

Section 402.7.3 – Use Tables, Codes, Symbols and Restrictions

Section 402.7.4 – Hazardous Waste Industries – Special Requirements

402.7.1 INDUSTRIAL ZONING DISTRICTS

Purposes of Industrial Land Use (UC-5, RC-5) zoning districts.

The purposes of Industrial Land Use Zoning Districts are to provide areas in appropriate locations where industrial processes and warehousing producing objectionable effects may be established, maintained and protected. The regulations of this district are designed to protect environmental and aesthetic quality of the district and adjacent areas. Industrial activities take up a relatively small portion of the total land being used in Madison County. Most of the industrial activities are confined to large industrial parks in Richmond and Berea, where the public infrastructure is adequate and there is reasonable access to major highways and possible railroads. Industrial activities generally concentrate large numbers of workers in small areas or create an objectionable atmosphere and need to be separated from other uses to reduce potential negative impacts on surrounding land.

Site requirements for Industrial Land Use zoning districts generally

Most manufacturers desire to locate on a site that is relatively flat with ample room for future expansion. The plant will likely be constructed on one level and may take up several acres of land. Industrial sites require a higher level of public services in terms of water, sewage disposal, electric, gas, and other utilities, than is true of other land uses. Soils should be capable of supporting all structures.

Improvements required by the planning commission may include:

- (a) street grading;
- (b) street base;
- (c) curb and gutter;
- (d) sidewalk;
- (e) on-site surface drainage facilities;
- (f) culinary water facilities;
- (g) wastewater disposal;
- (h) street monuments; and
- (i) any other infrastructure deemed necessary.

Relative Location

The most desirable location is in an industrial park with other similar land use activities. However, it is realized that some manufacturers may find other locations more desirable. Manufacturing must have sufficient access to move raw materials and employees to the site, and to ship out finished products. Access to local protective services may be an

important consideration as well. Accordingly, these sites shall be located on a highway or major collector road adjacent to existing industrial or commercial activities.

Types of Industrial Areas

As described above, there are several different types of industrial areas:

1. Planned industrial parks
2. Small industrial clusters outside industrial parks
3. Dispersed individual industrial sites

These areas can also be classified as heavy or light depending upon the extent of activity, size and volume of goods, required storage areas, and scale of processing involved. Heavy industries shall be confined to industrial parks.

Maximum building heights.

The maximum building height in industrial zoning districts shall be 35 feet except as otherwise provided in the applicable building codes.

SECTION 402.7.2 HAZARDOUS INDUSTRIES ZONING DISTRICTS

Purposes of Hazardous Industries Land Use

(UC-10, RC-10) zoning districts.

The purposes of Hazardous Industries (UC-10, RC-10) zoning districts are to provide areas in appropriate remote locations where hazardous and/or radioactive wastes may be stored, treated and disposed of in a safe manner. For the purpose of these regulations, "Hazardous Wastes" are those as defined in KRS 224. The regulations of this district are designed to protect the environmental quality of the district and adjoining areas. The use and control of hazardous materials in Madison County, Kentucky shall be subject to the requirements and conditions listed in Madison County Ordinance number 00-16

Permits - Compliance.

(1) All conditional use permits for development located in the UC-10, RC-10 district shall be reviewed and approved by the Madison County Board of Zoning Adjustments and Madison Fiscal Court prior to taking effect.

(2) All activities relating to storage, treatment and disposal of wastes classified as hazardous wastes shall be subject to the requirements listed in Madison County Ordinance number 00-16 or other subsequent ordinances, as well as all federal and state regulations relating to hazardous materials.

(3) All wastes regulated by Madison County Ordinance number 00-16 and its referenced regulations, as low-level waste or mixed wastes, or those wastes defined as such in 10 CFR 61.55, may be stored, treated, or disposed of in an UC-10 or RC-10 zoning district but only upon strict compliance with all industrial performance standards, ordinances, regulations, laws and permits of Madison County, the Commonwealth of Kentucky, and the United States of America. Such storage, treatment or disposal shall be approved only upon compliance with the application procedure in this Part and in the

Land Use and Subdivision Regulations of Madison County. Any industry desiring to store, treat or dispose of radioactive wastes, having a prior-approved hazardous waste permit from all regulatory agencies, must nevertheless make separate application for a radioactive waste storage, treatment or disposal permit, with no regard to prior permitting or studies made in that process.

(4) Whenever an applicant proposes that a new hazardous waste or radioactive waste storage, treatment or disposal facility be located within an existing UC-10 or RC-10 zone or whenever a new UC-10 or RC-10 zone is proposed, the applicant shall indicate how it will implement the special performance standards listed in Section 402.7.4 of the Land Use Regulations of Madison County, as they relate to the specific waste activity the applicant intends to conduct. The responses and information relative to the special performance standards shall accompany each request for the establishment of a new UC-10 or RC-10 district and each request for a conditional use permit. The planning commission shall ensure that each item specified in Section 402.7.4 has been fully responded to by the applicant prior to making any recommendation concerning a proposed UC-10 or RC-10 zoning district amendment or prior to issuing a conditional use permit for a waste activity to be located in an UC-10 or RC-10 zone. If an UC-10 or RC-10 zone is established in response to the information provided pursuant to Section 402.7.4, such information shall establish the basis of an application for a conditional use permit but shall be updated or supplemented by additional relevant information if so required by the planning commission or Madison County Fiscal Court.

Development restrictions.

In Hazardous Industries (UC-10, RC-10) zoning districts:

(1) Minimum yard setback requirements shall be established in section 402.5 (5) of these, except that no building or structure shall be located closer than 300 feet to any district boundary line.

(3) There shall be no maximum building height.

(4) Buildings and structures shall cover no more than 50% of the lot area except as may be allowed through planned commission approval.

(5) Improvements required by the planning commission may include:

- (a) street grading;
- (b) street base;
- (c) curb and gutter;
- (d) sidewalk;
- (e) on-site surface drainage facilities;
- (f) culinary water facilities;
- (g) wastewater disposal;
- (h) any other infrastructure deemed necessary.

SECTION 402.7.3 USE TABLES, CODES, SYMBOLS AND RESTRICTIONS

Codes and symbols

Uses

Use tables

Agriculture, forestry and keeping of animals

**Automobile, truck and recreational vehicle sales
and service**

Commercial sales and service

**Dwellings, living quarters and long- or short-term
residences**

Industrial uses

**Manufacturing, curing, compounding, processing,
packaging, production and treatment**

Public and quasi-public uses

Recreation, camping and amusement

Storage, shipping, transporting and warehousing

Utilities and utility services

Codes and symbols

In this Part are tables describing uses of land or buildings that are allowed in the various districts as shown. Permitted uses are indicated by "P" in the appropriate column. Uses that may be permitted by a conditional use permit issued by the Board of Zoning Adjustments are indicated by a "C" in the appropriate column.

- (1) If a use is not allowed in a given district, it is either not named in the use list or there is no indication in the appropriate column.

Uses

No building, structure or land shall be used and no building or structure shall be hereafter erected, structurally altered, enlarged or maintained in the commercial, industrial or hazardous industries zoning districts except as provided in this regulation.

Use Tables

Use Agriculture, Forestry	Industrial		Hazardous Industrial
	UC-5, RC-5		UC-10, RC-10
Accessory buildings and uses customarily incidental to permitted uses	P		P
Accessory uses buildings customarily incidental to conditional uses	P		C
Agricultural industries	P		-
Tilling of the soil, raising of crops, horticulture and gardening	P		-

Use Automobile & Vehicle Services	Industrial			Hazardous Industrial
	UC-5, RC-5		UC-10, RC-10	
Accessory buildings and uses customarily incidental to permitted uses	P	P	P	
Automobile Salvage Yards	C	C	C	
Automatic car wash	P	P	-	
Automobile service station	P	P	-	
Body and fender shop; tire recapping, motor vehicle, bicycle, and recreation vehicle assembling, painting, upholstering and rebuilding.	P	C	-	
Indoor auto parts sales	C	C	-	
Recreation vehicles, rentals, leases, sales and service, outdoor and	P	C	-	

	Use Automobile & Vehicle Services	Industrial		Hazardous Industrial
		UC-5, RC-5		UC-10, RC-10
	indoor			
	Truck and heavy equipment service station and repair facility	P	C	C
	Truck wash	P	C	C

	Commercial Sales & Service	Industrial		Hazardous Industrial
		UC-5, RC-5		UC-10, RC-10
	Addressograph shop	P	P	-
	Animal hospital	P	C	-
	Building material sales, enclosed area	P	P	-
	Building material sales yard, outside, with sale of rock, sand, gravel and the like as an incidental part of the main business, but excluding concrete mixing	P	P	-
	Clothes cleaning, dyeing, pressing, dry cleaners	P	C	-
	Coal/fuel sales office	P	C	-
	Convenience store with gasoline sales	P	P	-
	Drive-ins; refreshment stand, eating and/or drinking place	C	C	-
	Electrical, appliances and fixtures,	P	P	-

	Commercial Sales & Service	Industrial		Hazardous
		UC-5, RC-5	UC-10, RC-10	Industrial
	electronic instruments sales, repair and/or service			
	Frozen food lockers	P	C	-
	Fountain equipment supply, restaurant supply	P	C	-
	Greenhouse, nursery; plant materials; soil & lawn service	P	P	-
	Hardware store, including the sale of lumber providing all lumber storage is in completely enclosed in a building	P	C	-
	Heating, ventilating, air conditioning; equipment (HVAC), sales/repair	P	P	C
	Hospital supplies	P	C	-
	Ice manufacture, storage, and wholesale sales	P	P	-
	Ice vendor units and/or reach-in ice merchandise units, electric ice-maker; ice storage, not more than five (5) tons capacity	P	P	-
	Insulation sales	P	P	P
	Kennel, conducted entirely within a soundproof and air conditioned building	P	C	-
	Lithographing, including engraving, photo engraving	P	C	-
	Manufactured home sales and storage	P	C	-
	Medical/dental clinic, laboratories	P	-	-
	Military store	C	C	-

Commercial Sales & Service	Industrial		Hazardous
	UC-5, RC-5	UC-10, RC-10	Industrial
Monument sales, retail	P	P	-
Office, supply; office machines sales, repair	P	-	-
Oil burner shop	P	-	-
Pest extermination and control office	P	P	-
Plumbing shop	P	-	-
Radio and television station	C	P	-
Seed/feed store	P	P	-
I. Sexually oriented businesses, providing: (2) they are located at least 1000 feet as measured from property line on which the sexually oriented businesses are located to property line of the following: A. Schools, B. Churches, C. Recreational areas frequented by the general public, D. Day care and preschools, E. Establishments that sell beer or liquor for on or off premise consumption, F. Motels or hotels G. residential (dwellings, lodging houses, dormitory congregate residences, etc)	P	P	-
Sign painting shop	P	P	-

	Commercial Sales & Service	Industrial		Hazardous
				Industrial
		UC-5, RC-5		UC-10, RC-10
	Taxidermist	P	P	-
	Towel and linen supply service	P	P	-
	Wholesale business	P	P	-
	Upholstery shop	P	P	-
	Veterinary	P	P	-
	Veterinary - providing operations are completely enclosed within an air-conditioned and soundproof building	P	P	-

	Use Dwellings, Living Quarters	Industrial		Hazardous
				Industrial
		UC-5, RC-5		UC-10, RC-10
	Temporary buildings for uses incidental to construction work, including living quarters for a guard or night watchman, which buildings must be removed upon completion or abandonment of the construction work	C	C	C

	Use Industrial Uses	Industrial		Hazardous
				Industrial
		UC-5, RC-5		UC-10, RC-10
	Baking, ice cream making, and/or candy making	P	P	-
	Blacksmith shop	P	P	-

Use Industrial Uses	Industrial		Hazardous Industrial
	UC-5, RC-5	UC-5, RC-5	UC-10, RC-10
Boiler works	P	P	-
Bottling works	P	P	P
Bookbinding	P	P	-
Breweries	C	C	-
Central mixing plant, related to construction industry for cement, mortar, plaster, or paving materials	P	C	C
Construction of buildings to be sold and moved off the premise	P	C	-
Dairy	P	P	-
Egg candling, sales, or processing	P	P	-
Fertilizer and soil conditioner manufacture, processing and/or sales, providing only non-animal products & by-products are used	P	C	C
Forage plant	P	P	-
Foundry, casting light-weight non-ferrous metal	P	C	C
Hatchery	P	P	-
Honey extraction	P	P	-
Incinerator, non-accessory	C	C	C
Laboratories	C	C	C
Machine shop	P	P	C
Power generation (electrical) for on-site use:	C	C	C
1. solar	P	P	P
2. wind under 5.9 kva	P	P	C

Use Industrial Uses	Industrial		Hazardous Industrial
	UC-5, RC-5	UC-5, RC-5	UC-10, RC-10
3. auxiliary, temporary, wind, with more than 6 kva, but less than 10 kva output	P	P	C
4. steam, hydro, or reciprocating engine with more than 10.05 kva, but less than 150 kva output	P	P	P
5. steam, hydro, or reciprocating engine with more than 150 kva	C	C	C
Tire, recycling into fuels and useable products	C	C	C
Tire retreading, or vulcanizing	C	-	C
Tire storage or land filling not incidental to recycling facilities located in Madison county	C	-	C
Treatment of materials from sand and grease interceptors, resulting in inert materials	C	-	C
Upholstering, including mattress manufacture rebuilding or renovating	P	P	-
Welding shop	P	P	C
Storage, treatment and disposal of wastes classified as "hazardous wastes" or "wastes" as defined in KRS 224.	-	-	C

Use Manufacturing, Processing, Etc.	Industrial		Hazardous Industrial
	UC-5, RC-5	UC-5, RC-5	UC-10, RC-10

Use Manufacturing, Processing, Etc.	Industrial		Hazardous Industrial
	UC-5, RC-5		UC-10, RC-10
Acetylene gas	C		C
Acid	C		C
Alcohol	C		C-
Ammonia	C		C
Animal by-products, offal or dead, reduction or dumping, fat rendering, grease or lard located at least 300 feet from any district boundary	C		C
Batteries	C		C
Blast furnace or foundry located at least 300 feet from any district boundary	C		C
Canvas, cloth, textiles, wool or yarn	C	C	-
Cast stone, cement, cinder, terra cotta, tile, brick, synthetic cast stone, pumice stone and gypsum products	C		C
Chemicals of an objectionable or dangerous nature	-	-	C
Explosives and fireworks	C		C
Fertilizer and soil conditioner located at least 300 feet from any district boundary	C	-	C
Garbage, refuse maintenance or disposal site for materials classified as solid wastes under KRS 224, and located at least 300 feet from any district boundary	C		C
Sheet metal products, light,	P	P	-

Use	Industrial		Hazardous Industrial
	UC-5, RC-5		UC-10, RC-10
Manufacturing, Processing, Etc. (including heating and ventilation ducts and equipment, cornices and eaves, venetian blinds, window shades, awnings)			

Use	Industrial		Hazardous Industrial
	UC-5, RC-5		UC-10, RC-10
Accessory buildings and uses customarily incidental to permitted uses	P	P	P
Accessory uses buildings customarily incidental to conditional uses	C	C	C
Cemeteries	C	-	-
Correctional facilities (public and private) providing: (1) they are located at least 600 feet from any district boundary; (2) they are located at least 600 feet as measured from the property line on which the correctional facility is located to the property line of the following: A. Schools; B. Churches; C. Day care and preschools; D. Establishments that sell beer or liquor for on or off premise consumption; E. Motels or hotels; F. Residential (dwellings, lodging houses, dormitory, congregate residences, etc.	C	-	-

Use Public & Quasi-Public	Industrial		Hazardous Industrial
	UC-5, RC-5		UC-10, RC-10
Dams and reservoirs	P	P	C
Public buildings	C	C	C
Public, quasi-public, and private service utility lines, pipelines, power lines, roads and etc., which extend more than 500 feet, that transport the material, service or supplies from one service area to another	C	C	C
Radio/television transmitting towers	C	P	C
Private road	C	C	C
Private schools	C	-	-

Use Recreation & Amusement	Industrial		Hazardous Industrial
	UC-5, RC-5		UC-10, RC-10
Accessory buildings and uses customarily incidental to permitted uses	P	P	P
Accessory uses buildings customarily incidental to conditional uses	C	C	C
Bus terminal	P	-	-
Coal, fuel and wood yards	C	C	-
Contractors' equipment storage yard	P	C	-
Drive-it-yourself agency, car, equipment rental	C	-	-
Explosives, class a, b, and c	C	-	C
Express office	P	-	-
Freight or trucking yard or terminal	P	C	-
Garage, public	P	-	-
Hazardous material with in the threshold planning qualities of SARA Title III	C	C	C
Hazardous material over the threshold planning qualities of SARA Title III, CERCLA, RCRA	-	-	C
Junk yard	C	C	-
Non-hazardous solid waste landfills in accordance with current regulations.	C	C	-
Railroad yards; shop and/or roundhouse for railroads	P	P	C
Storage units, self storage	P	P	-
Taxi stand	P	P	-
Terminal, parking and maintenance facilities	C	C	-
Transfer company	P	P	-

Use Utilities & Services Storage, Shipping & Warehousing	Industrial		Hazardous Industrial
	UC-5, RC-5		UC-10, RC-10
Accessory buildings and uses customarily incidental to permitted uses	P	P	P
Accessory uses buildings customarily incidental to conditional uses	C	C	C
Essential service facilities	C	C	C
Public, quasi-public, and public service utility lines, pipelines, power lines and etc., which extend more than 500 feet; that are used to transport their material, service or supply	C	C	C
Substations or transmission lines of fifty KV or greater capacity	C	C	C

SECTION 402.7.4 Hazardous Waste Industries -Special Requirements

HAZARDOUS WASTE INDUSTRIES

All activities relating to the storage, treatment or disposal of wastes classified as "hazardous wastes" under Section 402.7 of this Ordinance and KRS 224 shall be subject to the following special requirements in addition to all other requirements of this Chapter and those requirements of the district in which such use is situated.

A. Location Criteria:

All hazardous waste industries regulated under Article 6 thereafter referred to as facility shall be located in those areas allowed by Madison County's Land Use Regulations, as amended, and shall conform to the stricter of the following location standards or those promulgated by the Commonwealth of Kentucky:

1. The facility shall not be established or constructed in a wetland as defined by the Army Corp of Engineers under Section 404 of the Clean Water Act or in the recharge zone of an aquifer.

2. The facility shall not be established in a 100-year flood plain. This information may be obtained from 100-year flood plain maps or other supportive documents.
3. For protection of waters of the State, the following factors shall be considered to include:
 - a) The distance from waters of the State so that an unintentional release or discharge of hazardous waste will not contaminate such waters.
 - b) Hydro geological characteristics of the site and surrounding land, i.e., soil type, groundwater table, geology, topography, etc.
 - c) The quantity, quality and direction of flow of groundwater.
 - d) Proximity to and withdrawal rates from nearby wells. Consultation with public water suppliers and ASCS Offices and KY Division of Water.
 - e) Availability of alternative water supplies.
4. Consideration must be given to the type and permeability of the soil and depth to bedrock at the proposed site.
5. The facility shall not be established, constructed or operated on an active Holocene Fault or within a recognized zone of deformation along that fault.
6. Transportation routes to the site must be addressed. The following items shall be considered:
 7. Methods by which wastes will be transported to and from the site
 8. The types of roads that will provide principal access to the site.
 9. The extent to which weather renders such roads hazardous.
 10. The number of residential, school and hospital structures along access routes.
 11. Safety, noise and traffic disruption.
8. The number of intersections per linear mile between the entrance of a facility and the nearest arterial highway.
9. The location of facilities shall avoid watershed management areas and agricultural lands that are available for crop production.
10. The location of facilities shall comply with State and Federal Wildlife regulations.
11. Historical significance of the location and aesthetics, including visual and noise level aspects, shall be considered. Natural areas designated as having county, state, regional or national significance due to their recreational, historical, educational, aesthetic value or importance as a natural resource or a value to

the economy shall be avoided.

15. The economic and environmental impact of the proposed facility upon local government, adjacent to, or within which, the facility is proposed for location shall be considered.
16. Capability with current land use plans shall be considered, to include the following:
 - a) Existing land use adjacent to and in the general area of the site. (No facility shall be located closer than 10.0 miles from any existing dwelling).
 - b) Areas with existing compatible industrial development and areas that are planned or zoned for hazardous industrial development.
 - c) Densities Of population near proposed site.
17. Any exception to these guidelines will be considered by the Planning Commission and the Madison County Fiscal Court on a case-by-case basis. The following shall be considered in granting an exception to the foregoing provisions:
 - a) Protection of public health and the environment.
 - b) Type of hazardous waste activity, I.E., treatment, storage or disposal.
 - c) Types and volumes of hazardous wastes to be managed.
 - d) Other information that may be submitted or required.

B. Environmental Impact Statement (EIS):

Each facility shall be reviewed on its own site specific merits by means of an environmental impact statement conforming to and including all elements required under the National Environmental policy Act (NEPA) for natural and human resources, and shall address in detail each of the following items:

Natural Environment Resources

Mining Claims and Natural Resources, Surface Water (Flood and Erosion), Aquatic Species, Natural Hazards, Groundwater, Air Quality, Rare Plants, Wilderness, Wildlife, Geology.

Human Environment Resources

Closure and Post-Closure Assurances, Description of Wastes, Treatments and processes, Monitoring and Quality Assurance, Infrastructure (Utilities and Services), Public Finance and Services, Public Safety and Emergency, Employment and Labor Force, Paleontological Resources, Grazing and Agriculture, Construction Resources, Economic Feasibility, Response Services, Health Services, Quality of Life, Transportation, Archaeological, Evaporation, Population, Recreation, Education, Earnings, Land Use, Housing, Energy

The analysis of impacts under this section may be more or less intensive than that required by other permitting agencies, i.e., the EPA Toxic Substance Control Act (TSCA) review. The principal objective of these requirements shall be to identify and quantify those impacts that affect the local community and units of government.

C. Application Procedures

The applicant shall make application for a temporary conditional use permit for interim approval. Upon approval by the Madison County Planning Commission, and under the recommendation of the Madison County Solid Waste Department, the applicant shall be permitted to proceed with the application process, which must be initiated before the expiration of the temporary conditional use permit. The Madison County Planning Commission and/or the Madison County Fiscal Court reserves the right to review the permit requirements and fees required for small quantity hazardous waste generators. Upon payment of the \$50,000.00 fee, the Madison County Fiscal Court shall organize an Environmental Impact Board, consisting of a representative from the Madison County Planning & Development Office, Madison County Health Department, Madison County Attorney, and other applicable state and federal agencies. Madison County Environmental Impact Board representing Madison County shall be the Environmental Impact Statement (EIS) manager, and shall select a third party consultant by a request for proposal (RFP). The third party consultant shall perform such studies and investigations deemed reasonable and necessary as outlined in the temporary conditional use permit by the Planning Commission. Upon selection of the third party consultant, the applicant shall deposit with Madison County the sum of the contract plus ten (10%) percent.

The applicant shall prepare a request for proposal (RFP) with which the Madison County Environmental Impact Board will send to a list of qualified consultants, from which it will make its selection of a consultant to perform the EIS. The applicant shall be responsible to pay for the costs of the EIS in addition to the fees required in the next selection.

1. Fees:

- a) The applicant shall pay the commercial rate for a temporary conditional use permit. Upon Madison County Planning Commission approval with conditions, the applicant shall have six months to pay the fees outlined below. Up to three extensions of no more than six months may be granted by the Madison County Planning Commission, but in no case shall the temporary conditional use permit extend beyond a total time of two (2) years.
- b) With temporary conditional use permit approval, the applicant shall make a joint application for a permanent conditional use permit and UC-11 or RC-11 zoning district amendment, or for a conditional use permit for a hazardous industrial activity to be located within an existing UC-11 or RC-11 zone, which shall be accompanied by a \$50,000 application fee, \$2,500 of which shall be non-refundable. The application fee shall be used by Madison County to facilitate its review of the proposal and to pay for the expenses it incurs in managing the required Environmental Impact Statement. Upon selection by the Madison County Environmental Impact Board, the applicant

shall make deposit of funds with Madison County to cover the cost of the contract plus ten (10%) percent, before the contract is consummated with the consultant and any further action ensues.

- c) With the exception of the non-refundable portion, all amounts not expended by Madison County shall be reimbursed to applicant. If the County's costs of reviewing and managing the EIS exceeds the initial fee, the applicant shall remit to the County such additional amounts as are necessary to cover the entire expenses incurred by the County.

2. Financial Capability:

Each applicant for a facility shall demonstrate its financial capability to construct, and operate, and properly close said facility to the satisfaction of the County, together with a demonstration of the need for such a facility to be located within Madison County. Financial statements shall be submitted for the business, financial supporters. Statements showing the cost estimates for construction, first year of operation and closing costs shall be submitted with financial statements. Need shall be demonstrated by evidence that the proposed facility has a proven market of hazardous material, including information on the source, quantity, and price of potential hazardous materials, and a review of other existing and proposed commercial facilities regionally and nationally that would compete for the disposal of the hazardous materials.

3. Impact Mitigation:

No facility shall be permitted until such time as a properly executed and binding impact mitigation agreement and bond is accepted by the Madison County Fiscal Court. Prior to the execution of such an agreement, the applicant shall identify, with the concurrence of Madison County, the impacts that the proposed facility or new UC-11 or RC-11 zone will have upon Madison County, and will submit a plan to mitigate such impacts. All amendments to the use permits authorized under this section or other sections dealing with the UC-11 or RC-11 zone shall also be reviewed and approved by the Madison County Fiscal Court.

4. Compliance:

All hazardous waste facilities shall comply with Commonwealth of Kentucky waste Management Regulations, Madison County Ordinance number 00-16 and other applicable State and Federal Regulations pertaining to the siting of such facilities.

402.7
LIGHT INDUSTRIAL &
HAZARDOUS INDUSTRIES

Section 402.7.1 - Industrial Zoning Districts.

Section 402.7.2 - Hazardous Industries Zoning Districts.

Section 402.7.3 – Use Tables, Codes, Symbols and Restrictions.

Section 402.7.4 – Hazardous Waste Industries – Special Requirements

SECTION 402.7.1
INDUSTRIAL ZONING DISTRICTS

Purposes of Industrial Land Use (UC-5, RC-5) zoning districts.

The purposes of Industrial Land Use Zoning Districts are to provide areas in appropriate locations where industrial processes and warehousing producing objectionable effects may be established, maintained and protected. The regulations of this district are designed to protect environmental and aesthetic quality of the district and adjacent areas.

Industrial activities take up a relatively small portion of the total land being used in Madison County. Most of the industrial activities are confined to large industrial parks in Richmond and Berea, where the public infrastructure is adequate and there is reasonable access to major highways and possible railroads. Industrial activities generally concentrate large numbers of workers in small areas or create an objectionable atmosphere and need to be separated from other uses to reduce potential negative impacts on surrounding land.

Site requirements for Industrial Land Use zoning districts generally.

Most manufacturers desire to locate on a site that is relatively flat with ample room for future expansion. The plant will likely be constructed on one level and may take up several acres of land. Industrial sites require a higher level of public services in terms of water, sewage disposal, electric, gas, and other utilities, than is true of other land uses. Soils should be capable of supporting all structures.

Improvements required by the planning commission may include:

- (a) street grading;
- (b) street base;
- (c) curb and gutter;
- (d) sidewalk;
- (e) on-site surface drainage facilities;
- (f) culinary water facilities;
- (g) wastewater disposal;
- (h) street monuments; and
- (i) any other infrastructure deemed necessary.

Relative Location

The most desirable location is in an industrial park with other similar land use activities. However, it is realized that some manufacturers may find other locations more desirable. Manufacturing must have sufficient access to move raw materials and employees to the site, and to ship out finished products. Access to local protective services may be an important consideration as well. Accordingly, these sites shall be located on a highway or major collector road adjacent to existing industrial or commercial activities.

Types of Industrial Areas

As described above, there are several different types of industrial areas:

1. Planned industrial parks
2. Small industrial clusters outside industrial parks
3. Dispersed individual industrial sites

These areas can also be classified as heavy or light depending upon the extent of activity, size and volume of goods, required storage areas, and scale of processing involved. Heavy industries shall be confined to industrial parks.

Maximum building heights.

The maximum building height in industrial zoning districts shall be 35 feet except as otherwise provided in the applicable building codes.

SECTION 402.7.2
HAZARDOUS INDUSTRIES
ZONING DISTRICTS

Purposes of Hazardous Industries Land Use (UC-10, RC-10) zoning districts.

The purposes of Hazardous Industries (UC-10, RC-10) zoning districts are to provide areas in appropriate remote locations where hazardous and/or radioactive wastes may be stored, treated and disposed of in a safe manner. For the purpose of these regulations, "Hazardous Wastes" are those as defined in KRS 224. The regulations of this district are designed to protect the environmental quality of the district and adjoining areas. The use and control of hazardous materials in Madison County, Kentucky shall be subject to the requirements and conditions listed in Madison County Ordinance number 00-16

Permits - Compliance.

(1) All conditional use permits for development located in the UC-10, RC-10 district shall be reviewed and approved by the Madison County Board of Zoning Adjustments and Madison Fiscal Court prior to taking effect.

(2) All activities relating to storage, treatment and disposal of wastes classified as hazardous wastes shall be subject to the requirements listed in Madison

County Ordinance number 00-16 or other subsequent ordinances, as well as all federal and state regulations relating to hazardous materials.

(3) All wastes regulated by Madison County Ordinance number 00-16 and its referenced regulations, as low-level waste or mixed wastes, or those wastes defined as such in 10 CFR 61.55, may be stored, treated, or disposed of in an UC-10 or RC-10 zoning district but only upon strict compliance with all industrial performance standards, ordinances, regulations, laws and permits of Madison County, the Commonwealth of Kentucky, and the United States of America. Such storage, treatment or disposal shall be approved only upon compliance with the application procedure in this Part and in the Land Use and Subdivision Regulations of Madison County. Any industry desiring to store, treat or dispose of radioactive wastes, having a prior-approved hazardous waste permit from all regulatory agencies, must nevertheless make separate application for a radioactive waste storage, treatment or disposal permit, with no regard to prior permitting or studies made in that process.

(4) Whenever an applicant proposes that a new hazardous waste or radioactive waste storage, treatment or disposal facility be located within an existing UC-10 or RC-10 zone or whenever a new UC-10 or RC-10 zone is proposed, the applicant shall indicate how it will implement the special performance standards listed in Section 402.7.4 of the Land Use Regulations of Madison County, as they relate to the specific waste activity the applicant intends to conduct. The responses and information relative to the special performance standards shall accompany each request for the establishment of a new UC-10 or RC-10 district and each request for a conditional use permit. The planning commission shall ensure that each item specified in Section 402.7.4 has been fully responded to by the applicant prior to making any recommendation concerning a proposed UC-10 or RC-10 zoning district amendment or prior to issuing a conditional use permit for a waste activity to be located in an UC-10 or RC-10 zone. If an UC-10 or RC-10 zone is established in response to the information provided pursuant to Section 402.7.4, such information shall establish the basis of an application for a conditional use permit but shall be updated or supplemented by additional relevant information if so required by the planning commission or Madison County Fiscal Court.

Development restrictions.

In Hazardous Industries (UC-10, RC-10) zoning districts:

(1) Minimum yard setback requirements shall be established in section 402.5 (5) of these, except that no building or structure shall be located closer than 300 feet to any district boundary line.

(3) There shall be no maximum building height.

(4) Buildings and structures shall cover no more than 50% of the lot area except as may be allowed through planned commission approval.

(5) Improvements required by the planning commission may include:

- (a) street grading;
- (b) street base;
- (c) curb and gutter;
- (d) sidewalk;
- (e) on-site surface drainage facilities;
- (f) culinary water facilities;
- (g) wastewater disposal;
- (h) any other infrastructure deemed necessary.

SECTION 402.7.3 USE TABLES, CODES, SYMBOLS AND RESTRICTIONS

Codes and symbols.

Uses.

Use tables.

Agriculture, forestry and keeping of animals.

Automobile, truck and recreational vehicle sales and service.

Commercial sales and service.

Dwellings, living quarters and long- or short-term residences.

Industrial uses.

Manufacturing, curing, compounding, processing, packaging, production and treatment.

Public and quasi-public uses.

Recreation, camping and amusement.

Storage, shipping, transporting and warehousing.

Utilities and utility services.

Codes and symbols.

(1) In this Part are tables describing uses of land or buildings that are allowed in the various districts as shown.

Permitted uses are indicated by "P" in the appropriate column. Uses that may be permitted by a conditional use permit issued by the Board of Zoning Adjustments are indicated by a "C" in the appropriate column.

(2) If a use is not allowed in a given district, it is either not named in the use list or there is no indication in the appropriate column.

Uses.

No building, structure or land shall be used and no building or structure shall be hereafter erected, structurally altered, enlarged or maintained in the commercial, industrial or hazardous industries zoning districts except as provided in this regulation.

Use Tables

Use	Industrial		Hazardous Industrial
	UC-5, RC-5		UC-10, RC-10
Accessory buildings and uses customarily incidental to permitted uses	P		P
Accessory uses buildings customarily incidental to conditional uses	P		C
Agricultural industries	P		-
Tilling of the soil, raising of crops, horticulture and gardening	P		-

Use	Industrial		Hazardous Industrial
	UC-5, RC-5		UC-10, RC-10
Accessory buildings and uses customarily incidental to permitted uses	P	P	P
Automobile Salvage Yards	C	C	C
Automatic car wash	P	P	-
Automobile service station	P	P	-
Body and fender shop; tire recapping; motor vehicle, bicycle, and recreation vehicle assembling, painting, upholstering and rebuilding.	P	C	-
Indoor auto parts sales	C	C	-
Recreation vehicles, rentals, leases, sales and service, outdoor and indoor	P	C	-
Truck and heavy equipment service station and repair facility	P	C	C
Truck wash	P	C	C

Use	Industrial		Hazardous Industrial
	UC-5, RC-5		UC-10, RC-10
Addressograph shop	P	P	-
Animal hospital	P	C	-
Building material sales, enclosed area	P	P	-

Use	Industrial		Hazardous Industrial
	UC-5, RC-5		UC-10, RC-10
Building material sales yard, outside, with sale of rock, sand, gravel and the like as an incidental part of the main business, but excluding concrete mixing	P	P	-
Clothes cleaning, dyeing, pressing, dry cleaners	P	C	-
Coal/fuel sales office	P	C	-
Convenience store with gasoline sales	P	P	-
Drive-ins; refreshment stand, eating and/or drinking place	C	C	-
Electrical, appliances and fixtures, electronic instruments sales, repair and/or service	P	P	-
Frozen food lockers	P	C	-
Fountain equipment supply, restaurant supply	P	C	-
Greenhouse, nursery; plant materials; soil & lawn service	P	P	-
Hardware store, including the sale of lumber providing all lumber storage is in completely enclosed in a building	P	C	-
Heating, ventilating, air conditioning, equipment (HVAC), sales/repair	P	P	C
Hospital supplies	P	C	-
Ice manufacture, storage, and wholesale sales	P	P	-
Ice vendor units and/or reach-in ice merchandise units, electric ice-maker; ice storage, not more than five (5) tons capacity	P	P	-
Insulation sales	P	P	P
Kennel, conducted entirely within a soundproof and air conditioned building	P	C	-
Lithographing, including engraving, photo engraving	P	C	-
Manufactured home sales and storage	P	C	-
Medical/dental clinic, laboratories	P	-	-
Military store	C	C	-
Monument sales, retail	P	P	-

Use Commercial Sales & Service	Industrial		Hazardous Industrial
	UC-5, RC-5		UC-10, RC-10
Office, supply; office machines sales, repair	P	-	-
Oil burner shop	P	-	-
Pest extermination and control office	P	P	-
Plumbing shop	P	-	-
Radio and television station	C	P	-
Seed/feed store	P	P	-
1. Sexually oriented businesses, providing: (2) they are located at least 1000 feet as measured from property line on which the sexually oriented businesses are located to property line of the following: A. Schools, B. Churches, C. Recreational areas frequented by the general public, D. Day care and preschools, E. Establishments that sell beer or liquor for on or off premise consumption, F. Motels or hotels G. residential (dwellings, lodging houses, dormitory congregate residences, etc)	P	P	-
Sign painting shop	P	P	-
Taxidermist	P	P	-
Towel and linen supply service	P	P	-
Wholesale business	P	P	-
Upholstery shop	P	P	-
Veterinary	P	P	-
Veterinary - providing operations are completely enclosed within an air-conditioned and soundproof building	P	P	-

Use Dwellings, Living Quarters	Industrial		Hazardous Industrial
	UC-5, RC-5		UC-10, RC-10
Temporary buildings for uses incidental to construction work, including living quarters for a guard or night watchman, which buildings must be removed upon completion or abandonment of the construction work	C	C	C

Use Industrial Uses	Industrial		Hazardous Industrial
	UC-5, RC-5		UC-10, RC-10
Baking, ice cream making, and/or candy making	P	P	-
Blacksmith shop	P	P	-
Boiler works	P	P	-
Bottling works	P	P	P
Bookbinding	P	P	-
Breweries	C	C	-
Central mixing plant, related to construction industry for cement, mortar, plaster, or paving materials	P	C	C
Construction of buildings to be sold and moved off the premise	P	C	-
Dairy	P	P	-
Egg candling, sales, or processing	P	P	-
Fertilizer and soil conditioner manufacture, processing and/or sales, providing only non-animal products & by-products are used	P	C	C
Forage plant	P	P	-
Foundry, casting light-weight non-ferrous metal	P	C	C
Hatchery	P	P	-
Honey extraction	P	P	-
Incinerator, non-accessory	C	C	C
Laboratories	C	C	C
Machine shop	P	P	C

Use Industrial Uses	Industrial		Hazardous Industrial
	UC-5, RC-5		UC-10, RC-10
Power generation (electrical) for on-site use:	C	C	C
1. solar	P	P	P
2. wind under 5.9 kva	P	P	C
3. auxiliary, temporary, wind, with more than 6 kva, but less than 10 kva output	P	P	C
4. steam, hydro, or reciprocating engine with more than 10.05 kva, but less than 150 kva output	P	P	P
5. steam, hydro, or reciprocating engine with more than 150 kva	C	C	C
Tire, recycling into fuels and useable products	C	C	C
Tire retreading, or vulcanizing	C	-	C
Tire storage or land filling not incidental to recycling facilities located in Madison county	C	-	C
Treatment of materials from sand and grease interceptors, resulting in inert materials	C	-	C
Upholstering, including mattress manufacture rebuilding or renovating	P	P	-
Welding shop	P	P	C
Storage, treatment and disposal of wastes classified as "hazardous wastes" or "wastes" as defined in KRS 224.	-	-	C

Use Manufacturing, Processing, Etc.	Industrial		Hazardous Industrial
	UC-5, RC-5		UC-10, RC-10
Acetylene gas	C		C
Acid	C		C
Alcohol	C		C -
Ammonia	C		C
Animal by-products, offal or dead, reduction or dumping, fat rendering, grease or lard located at least 300 feet from any district boundary	C		C
Batteries	C		C

Use Manufacturing, Processing, Etc.	Industrial		Hazardous Industrial
	UC-5, RC-5		UC-10, RC-10
Blast furnace or foundry located at least 300 feet from any district boundary	C		C
Canvas, cloth, textiles, wool or yarn	C	C	-
Cast stone, cement, cinder, terra cotta; tile, brick, synthetic cast stone, pumice stone and gypsum products	C		C
Chemicals of an objectionable or dangerous nature	-	-	C
Explosives and fireworks	C		C
Fertilizer and soil conditioner located at least 300 feet from any district boundary	C	-	C
Garbage, refuse maintenance or disposal site for materials classified as solid wastes under KRS 224, and located at least 300 feet from any district boundary	C		C
Sheet metal products, light, (including heating and ventilation ducts and equipment, cornices and eaves, venetian blinds, window shades, awnings)	P	P	-

Use Public & Quasi-Public	Industrial		Hazardous Industrial
	UC-5, RC-5		UC-10, RC-10
Accessory buildings and uses customarily incidental to permitted uses	P	P	P
Accessory uses buildings customarily incidental to conditional uses	C	C	C
Cemeteries	C	-	-
Correctional facilities (public and private) providing: (1) they are located at least 600 feet from any district boundary; (2) they are located at least 600 feet as measured from the property line on which the correctional facility is located to the property line of the following: A. Schools; B. Churches; C. Day care and preschools; D. Establishments that sell beer or liquor for on or off premise consumption; E. Motels or hotels; F. Residential (dwellings, lodging houses, dormitory,	C	-	-

Use Public & Quasi-Public	Industrial		Hazardous Industrial
	UC-5, RC-5		UC-10, RC-10
congregate residences, etc.			
Dams and reservoirs	P	P	C
Public buildings	C	C	C
Public, quasi-public, and private service utility lines, pipelines, power lines, roads and etc., which extend more than 500 feet, that transport the material, service or supplies from one service area to another	C	C	C
Radio/television transmitting towers	C	P	C
Private road	C	C	C
Private schools	C	-	-

Use Recreation & Amusement	Industrial		Hazardous Industrial
	UC-5, RC-5		UC-10, RC-10
Accessory buildings and uses customarily incidental to permitted uses	P	P	P
Accessory uses buildings customarily incidental to conditional uses	C	C	C
Bus terminal	P	-	-
Coal, fuel and wood yards	C	C	-
Contractors' equipment storage yard	P	C	-
Drive-it-yourself agency, car, equipment rental	C	-	-
Explosives, class a, b, and c	C	-	C
Express office	P	-	-
Freight or trucking yard or terminal	P	C	-
Garage, public	P	-	-
Hazardous material with in the threshold planning qualities of SARA Title III	C	C	C
Hazardous material over the threshold planning qualities of SARA Title III, CERCLA, RCRA	-	-	C
Junk yard	C	C	-
Non-hazardous solid waste landfills in accordance with current regulations.	C	C	-
Railroad yards; shop and/or roundhouse for	P	P	C

Use Recreation & Amusement	Industrial		Hazardous Industrial
	UC-5, RC-5		UC-10, RC-10
railroads			
Storage units, self storage	P	P	-
Taxi stand	P	P	-
Terminal, parking and maintenance facilities	C	C	-
Transfer company	P	P	-
Warehouse	P	P	-

Use Utilities & Services Storage, Shipping & Warehousing	Industrial		Hazardous Industrial
	UC-5, RC-5		UC-10, RC-10
Accessory buildings and uses customarily incidental to permitted uses	P	P	P
Accessory uses buildings customarily incidental to conditional uses	C	C	C
Essential service facilities	C	C	C
Public, quasi-public, and public service utility lines, pipelines, power lines and etc., which extend more than 500 feet; that are used to transport their material, service or supply	C	C	C
Substations or transmission lines of fifty KV or greater capacity	C	C	C

SECTION 402.7.4

**Hazardous Waste Industries -Special
Requirements**

HAZARDOUS WASTE INDUSTRIES

All activities relating to the storage, treatment or disposal of wastes classified as "hazardous wastes" under Section 402.7 of this Ordinance and KRS 224 shall be subject to the following special requirements in addition to all other requirements of this Chapter and those requirements of the district in which such use is situated.

A. Location Criteria:

All hazardous waste industries regulated under Article 6 thereafter referred to as facility shall be located in those areas allowed by Madison County's Land Use Regulations, as amended, and shall conform to the stricter of the following location standards or those promulgated by the Commonwealth of Kentucky:

1. The facility shall not be established or constructed in a wetland as defined by the Army Corp of Engineers under Section 404 of the Clean Water Act or in the recharge zone of an aquifer.
2. The facility shall not be established in a 100-year flood plain. This information may be obtained from 100-year flood plain maps or other supportive documents.
3. For protection of waters of the State, the following factors shall be considered to include:
 - a) The distance from waters of the State so that an unintentional release or discharge of hazardous waste will not contaminate such waters.
 - b) Hydro geological characteristics of the site and surrounding land, i.e., soil type, groundwater table, geology, topography, etc.
 - c) The quantity, quality and direction of flow of groundwater.
 - d) Proximity to and withdrawal rates from nearby wells. Consultation with public water suppliers and ASCS Offices and KY Division of Water.
4. Consideration must be given to the type and permeability of the soil and depth to bedrock at the proposed site.
5. The facility shall not be established, constructed or operated on an active Holocene Fault or within a recognized zone of deformation along that fault.
6. Transportation routes to the site must be addressed. The following items shall be considered:
 - a) Methods by which wastes will be transported to and from the site
 - b) The types of roads that will provide principal access to the site.
 - c) The extent to which weather renders such roads hazardous.
 - d) The number of residential, school and hospital structures along access routes.
 - e) Safety, noise and traffic disruption.
 - f) The number of intersections per linear mile between the entrance of a facility and the nearest arterial highway.
7. The location of facilities shall avoid watershed management areas and agricultural lands that are available for crop production.
8. The location of facilities shall comply with State and Federal Wildlife Regulations.
9. Historical significance of the location and aesthetics, including visual and noise level aspects, shall be considered. Natural areas designated as having county, state, regional or national significance due to their recreational, historical, educational, aesthetic value or importance as a natural resource or a value to the economy shall be avoided.
- e) Availability of alternative water supplies.

10. The economic and environmental impact of the proposed facility upon local government, adjacent to, or within which, the facility is proposed for location shall be considered.
11. Capability with current land use plans shall be considered, to include the following:
 - a) Existing land use adjacent to and in the general area of the site. (No facility shall be located closer than 10.0 miles from any existing dwelling).
 - b) Areas with existing compatible industrial development and areas that are planned or zoned for hazardous industrial development.
 - c) Densities Of population near proposed site.
12. Any exception to these guidelines will be considered by the Planning Commission and the Madison County Fiscal Court on a case-by-case basis. The following shall be considered in granting an exception to the foregoing provisions:
 - a) Protection of public health and the environment.
 - b) Type of hazardous waste activity, I.E., treatment, storage or disposal.
 - c) Types and volumes of hazardous wastes to be managed.
 - d) Other information that may be submitted or required.

B. Environmental Impact Statement (EIS):

Each facility shall be reviewed on its own site specific merits by means of an environmental impact statement conforming to and including all elements required under the National Environmental policy Act (NEPA) for natural and human resources, and shall address in detail each of the following items:

1. Natural Environment Resources

Mining Claims and Natural Resources, Surface Water (Flood and Erosion), Aquatic Species, Natural Hazards, Groundwater, Air Quality, Rare Plants, Wilderness, Wildlife, Geology.

2. Human Environment Resources

Closure and Post-Closure Assurances, Description of Wastes, Treatments and processes, Monitoring and Quality Assurance, Infrastructure (Utilities and Services), Public Finance and Services, Public Safety and Emergency, Employment and Labor Force, Paleontological Resources, Grazing and Agriculture, Construction Resources, Economic Feasibility, Response Services, Health Services, Quality of Life, Transportation, Archaeological, Evaporation, Population, Recreation, Education, Earnings, Land Use, Housing, Energy

The analysis of impacts under this section may be more or less intensive than that required by other permitting agencies, i.e., the EPA Toxic Substance Control Act (TSCA) review. The principal objective of these requirements shall be to identify and quantify those impacts that affect the local community and units of government.

C. Application Procedures

The applicant shall make application for a temporary conditional use permit for interim approval. Upon approval by the Madison County Planning Commission, and under the recommendation of the Madison County Solid Waste Department, the applicant shall be permitted to proceed with the application process, which must be initiated before the expiration of the temporary conditional use permit. The Madison County Planning Commission and/or the Madison County Fiscal Court reserves the right to review the permit requirements and fees required for small quantity hazardous waste generators. Upon payment of the \$50,000.00 fee, the Madison County Fiscal Court shall organize an Environmental Impact Board, consisting of a representative from the Madison County Planning & Development Office, Madison County Health Department, Madison County Attorney, and other applicable state and federal agencies. Madison County Environmental Impact Board representing Madison County shall be the Environmental Impact Statement (EIS) manager, and shall select a third party consultant by a request for proposal (RFP). The third party consultant shall perform such studies and investigations deemed reasonable

and necessary as outlined in the temporary conditional use permit by the Planning Commission. Upon selection of the third party consultant, the applicant shall deposit with Madison County the sum of the contract plus ten (10%) percent.

The applicant shall prepare a request for proposal (RFP) with which the Madison County Environmental Impact Board will send to a list of qualified consultants, from which it will make its selection of a consultant to perform the EIS. The applicant shall be responsible to pay for the costs of the EIS in addition to the fees required in the next selection.

1. Fees:

- a) The applicant shall pay the commercial rate for a temporary conditional use permit. Upon Madison County Planning Commission approval with conditions, the applicant shall have six months to pay the fees outlined below. Up to three extensions of no more than six months may be granted by the Madison County Planning Commission, but in no case shall the temporary conditional use permit extend beyond a total time of two (2) years.
- b) With temporary conditional use permit approval, the applicant shall make a joint application for a permanent conditional use permit and UC-11 or RC-11 zoning district amendment, or for a conditional use permit for a hazardous industrial activity to be located within an existing UC-11 or RC-11 zone, which shall be accompanied by a \$50,000 application fee, \$2,500 of which shall be non-refundable. The application fee shall be used by Madison County to facilitate its review of the proposal and to pay for the expenses it incurs in managing the required Environmental Impact Statement. Upon selection by the Madison County Environmental Impact Board, the applicant shall make deposit of funds with Madison County to cover the cost of the contract plus ten (10%) percent, before the contract is consummated with the consultant and any further action ensues.

- c) With the exception of the non-refundable portion, all amounts not expended by Madison County shall be reimbursed to applicant. If the County's costs of reviewing and managing the EIS exceeds the initial fee, the applicant shall remit to the County such additional amounts as are necessary to cover the entire expenses incurred by the County.

2. Financial Capability:

Each applicant for a facility shall demonstrate its financial capability to construct, and operate, and properly close said facility to the satisfaction of the County, together with a demonstration of the need for such a facility to be located within Madison County. Financial statements shall be submitted for the business, financial supporters. Statements showing the cost estimates for construction, first year of operation and closing costs shall be submitted with financial statements. Need shall be demonstrated by evidence that the proposed facility has a proven market of hazardous material, including information on the source, quantity, and price of potential hazardous materials, and a review of other existing and proposed commercial facilities regionally and nationally that would compete for the disposal of the hazardous materials.

3. Impact Mitigation:

No facility shall be permitted until such time as a properly executed and binding impact mitigation agreement and bond is accepted by the Madison County Fiscal Court. Prior to the execution of such an agreement, the applicant shall identify, with the concurrence of Madison County, the impacts that the proposed facility or new UC-11 or RC-11 zone will have upon Madison County, and will submit a plan to mitigate such impacts. All amendments to the use permits authorized under this section or other sections dealing with the UC-11 or RC-11 zone shall also be reviewed and approved by the Madison County Fiscal Court.

4. Compliance:

All hazardous waste facilities shall comply with Commonwealth of Kentucky waste Management Regulations, Madison County Ordinance number 00-16 and other applicable State and Federal Regulations pertaining to the siting of such facilities.

**Article VI
INDUSTRIAL AND HAZARDOUS
INDUSTRIES**

Section 600 - Industrial Zoning Districts.
Section 601 - Hazardous Industries Zoning Districts.
Section 602 - Exemption from Area Requirements.
Section 603 - Use Tables, Codes, Symbols and Restrictions.

**SECTION 600
INDUSTRIAL ZONING DISTRICTS**

Section 600.1 - Purposes of Industrial Land Use (UC-5, RC-5) zoning districts.
Section 600.2 - Purposes of Hazardous Industries Land Use (UC-11, RC-11) zoning districts.
Section 600.3 - Development restrictions to industrial zoning districts generally.
Section 600.4 - Development restrictions specific to UC-11, RC-11 zoning districts.
Section 600.5 - Maximum building heights.
Section 600.1 - Purposes of Industrial Land Use (UC-5, RC-5) zoning districts.

The purposes of Industrial Land Use Zoning Districts are to provide areas in appropriate locations where industrial processes and warehousing producing objectionable effects may be established, maintained and protected. The regulations of this district are designed to protect environmental and aesthetic quality of the district and adjacent areas.

Industrial activities take up a relatively small portion of the total land being used in Madison County. Most of the industrial activities are confined to large industrial parks in Richmond and Berea, where the public infrastructure is adequate and there is reasonable access to major highways and possible railroads. Industrial activities generally concentrate large numbers of workers in small areas or create an objectionable atmosphere and need to be separated from other uses to reduce potential negative impacts on surrounding land.

Site requirements for Industrial Land Use zoning districts generally.

Most manufacturers desire to locate on a site that is relatively flat with ample room for future expansion. The plant will likely be constructed on one level and may take up several acres of land. Industrial sites require a higher level of public services in terms of water, sewage disposal, electric, gas, and other utilities, than is true of other land uses. Soils should be capable of supporting all structures.

Improvements required by the planning commission may include:

- (a) street grading;
- (b) street base;
- (c) curb and gutter;
- (d) sidewalk;

- (e) on-site surface drainage facilities;
- (f) culinary water facilities;
- (g) wastewater disposal;
- (h) street monuments; and
- (i) any other infrastructure deemed necessary.

Relative Location

The most desirable location is in an industrial park with other similar land use activities. However, it is realized that some manufacturers may find other locations more desirable. Manufacturing must have sufficient access to move raw materials and employees to the site, and to ship out finished products. Access to local protective services may be an important consideration as well. Accordingly, these sites shall be located on a highway or major collector road adjacent to existing industrial or commercial activities.

Types of Industrial Areas

As described above, there are several different types of industrial areas:

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2. Small industrial clusters outside industrial parks
3. Dispersed individual industrial sites

These areas can also be classified as heavy or light depending upon the extent of activity, size and volume of goods, required storage areas, and scale of processing involved. Heavy industries shall be confined to industrial parks.

Maximum building heights.

The maximum building height in industrial zoning districts shall be 35 feet except as otherwise provided in the applicable building codes.

**HAZARDOUS INDUSTRIES
ZONING DISTRICTS**

Purposes of Hazardous Industries Land Use (UC-11, RC-11) zoning districts.

Permits - Compliance.

Development restrictions.

Hazardous Industries Land Use (UC-11, RC-11) zoning districts.

The purposes of Hazardous Industries (UC-11, RC-11) zoning districts are to provide areas in appropriate remote locations where hazardous and/or radioactive wastes may be stored, treated and disposed of in a safe manner. The regulations of this district are designed to protect the environmental quality of the district and adjoining areas. The use and control of hazardous materials in Madison County, Kentucky shall be subject to the requirements and conditions listed in Madison County Ordinance number 00-16

Permits - Compliance.

(1) All conditional use permits for development located in the UC-11, RC-11 district shall be reviewed and approved by the Madison County Board of Zoning Adjustments and Madison Fiscal Court prior to taking effect.

(2) All activities relating to storage, treatment and disposal of wastes classified as hazardous wastes shall be subject to the requirements listed in Madison County Ordinance number 00-16 or other subsequent ordinances, as well as all federal and state regulations relating to hazardous materials.

(3) All wastes regulated by Madison County Ordinance number 00-16 and its referenced regulations, as low-level waste or mixed wastes, or those wastes defined as such in 10 CFR 61.55, may be stored, treated, or disposed of in an UC-11 or RC-11 zoning district but only upon strict compliance with all industrial performance standards, ordinances, regulations, laws and permits of Madison County, the Commonwealth of Kentucky, and the United States of America. Such storage, treatment or disposal shall be approved only upon compliance with the application procedure in this Part and in the Land Use and Subdivision Regulations of Madison County. Any industry desiring to store, treat or dispose of radioactive wastes, having a prior-approved hazardous waste permit from all regulatory agencies, must nevertheless make separate application for a radioactive waste storage, treatment or disposal permit, with no regard to prior permitting or studies made in that process.

(4) Whenever an applicant proposes that a new hazardous waste or radioactive waste storage, treatment or disposal facility be located within an existing UC-11 or RC-11 zone or whenever a new UC-11 or RC-11 zone is proposed, the applicant shall indicate how it will implement the special performance standards listed in Article 7 of the Land Use Regulations of Madison County, as they relate to the specific waste activity the applicant intends to conduct. The responses and information relative to the special performance standards shall accompany each request for the establishment of a new UC-11 or RC-11 district and each request for a conditional use permit. The planning commission shall ensure that each item specified in Article 7 has been fully responded to by the applicant prior to making any recommendation concerning a proposed UC-11 or RC-11 zoning district amendment or prior to issuing a conditional use permit for a waste activity to be located in an UC-11 or RC-11 zone. If an UC-11 or RC-11 zone is established in response to the information provided pursuant to Article 7, such information shall establish the basis of an application for a conditional use permit but shall be updated or supplemented by additional relevant information if so required by the planning commission or Madison County Fiscal Court.

Development restrictions.

In Hazardous Industries (UC-11, RC-11) zoning districts:

(1) Minimum yard setback requirements shall be established in section 402.5 (5) of these, except that no building or structure shall be located closer than 300 feet to any district boundary line.

(3) There shall be no maximum building height.

(4) Buildings and structures shall cover no more than 50% of the lot area except as may be allowed through planned commission approval.

(5) Improvements required by the planning commission may include:

- (a) street grading;
- (b) street base;
- (c) curb and gutter;
- (d) sidewalk;
- (e) on-site surface drainage facilities;
- (f) culinary water facilities;
- (g) wastewater disposal;
- (h) any other infrastructure deemed necessary.

USE TABLES, CODES, SYMBOLS AND RESTRICTIONS

Codes and symbols.

Uses.

Use tables.

Agriculture, forestry and keeping of animals.

Automobile, truck and recreational vehicle sales and service.

Commercial sales and service.

Dwellings, living quarters and long- or short-term residences.

Industrial uses.

Manufacturing, curing, compounding, processing, packaging, production and treatment.

Public and quasi-public uses.

Recreation, camping and amusement.

Storage, shipping, transporting and warehousing.

Utilities and utility services.

Codes and symbols.

(1) In this Part are tables describing uses of land or buildings that are allowed in the various districts as shown.

Permitted uses are indicated by "AP" in the appropriate column. Uses that may be permitted by a conditional use permit issued by the Board of Zoning Adjustments are indicated by a "C" in the appropriate column.

(2) If a use is not allowed in a given district, it is either not named in the use list or there is no indication in the appropriate column.

Uses.

No building, structure or land shall be used and no building or structure shall be hereafter erected, structurally altered, enlarged or maintained in the commercial, industrial or hazardous industries zoning districts except as provided in this regulation.

Use Tables

Use	Industrial		Hazardous Industrial
	UC-5, RC-5		UC-11, RC-11
Accessory buildings and uses customarily incidental to permitted uses	P		P
Accessory uses buildings customarily incidental to conditional uses	P		C
Agricultural industries	P		-
Tilling of the soil, raising of crops, horticulture and gardening	P		-

Use	Industrial		Hazardous Industrial
	UC-5, RC-5		UC-11, RC-11
Accessory buildings and uses customarily incidental to permitted uses	P	P	P
Automobile Salvage Yards	P	P	P
Automatic car wash	C	C	-
Automobile service station	C	C	-
Body and fender shop; tire recapping; motor vehicle, bicycle, and recreation vehicle assembling, painting, upholstering and rebuilding.	P	P	-
Indoor auto parts sales	C	C	-
Parking lot incidental to a use conducted on the premises	P	P	P
Parking lot not incidental to a use conducted on the premises	C	C	C
Recreation vehicles, rentals, leases, sales and service, outdoor and indoor	P	-	-
Truck and heavy equipment service station and repair facility	P	P	C
Truck wash	P	P	C

Use Commercial Sales & Service	Industrial		Hazardous Industrial
	UC-5, RC-5		UC-11, RC-11
Accessory buildings and uses customarily incidental to permitted uses		P	P
Accessory uses buildings customarily incidental to conditional uses	C	C	C
Addressograph shop	P	P	-
Animal hospital	P	-	-
Art needlework shop; art shop; art supply	C	C	-
Bank	P	-	-
Building material sales, enclosed area	P	P	-
Building material sales yard, outside, with sale of rock, sand, gravel and the like as an incidental part of the main business, but excluding concrete mixing	P	P	-
Café, cafeteria, catering establishment, restaurant (not a drive-thru)	P	C	-
Carpet and/or rug cleaning	P	-	-
Clothes cleaning, dyeing, pressing, dry cleaners	P	-	-
Coal/fuel sales office	C	P	-
Convenience store with gasoline sales	P	P	-
Dressmaking	P	-	-
Drive-ins; refreshment stand, eating and/or drinking place	C	C	-
Electrical, appliances and fixtures, electronic instruments sales, repair and/or service	P	-	-
Frozen food lockers	P	-	-
Frozen food locker incidental to a main grocery store or food business	P	P	-
Fountain equipment supply, restaurant supply	P	-	-
Greenhouse, nursery; plant materials; soil & lawn service	C	-	-
Gunsmith	C	-	-
Hardware store, not including the sale of lumber	P	-	-
Hardware store, including the sale of lumber providing all lumber storage is in	P	-	-

Use	Industrial		Hazardous Industrial
	UC-5, RC-5	UC-11, RC-11	
completely enclosed in a building			
Heating, ventilating, air conditioning; equipment (HVAC), sales/repair	C	C	C
Hospital supplies	P	-	-
Ice manufacture, storage, and wholesale sales	P	P	-
Ice vendor units and/or reach-in ice merchandise units, electric ice-maker; ice storage, not more than five (5) tons capacity	P	P	-
Insulation sales	P	P	P
Kennel, conducted entirely within a soundproof and air conditioned building	C	-	-
Lithographing, including engraving, photo engraving	P	-	-
Lumber yard	P	P	-
Manufactured home sales and storage	P	C	-
Medical/dental clinic, laboratories	P	-	-
Military store	C	C	-
Monument sales, retail	P	P	-
Mobile home sales and storage	P	C	-
Motorboat sales	P	-	-
Office, business or professional	P	P	-
Office, supply; office machines sales, repair	P	-	-
Oil burner shop	P	-	-
Painter/paint store	P	-	-
Pest extermination and control office	P	P	-
Plumbing shop	P	-	-
Printing, including engraving, photo engraving	P	-	-
Printing and small paper reproduction service	P	-	-
Radio and television station	C	P	-
Roofing sales	P	-	-
Seed/feed store	P	P	-

Use	Industrial		Hazardous Industrial
	UC-5, RC-5		UC-11, RC-11
1. Sexually oriented businesses, providing: (2) they are located at least 1000 feet as measured from property line on which the sexually oriented businesses are located to property line of the following: A. Schools, B. Churches, C. Recreational areas frequented by the general public, D. Day care and preschools, E. Establishments that sell beer or liquor for on or off premise consumption, F. Motels or hotels G. residential (dwellings, lodging houses, dormitory congregate residences, etc)	P	P	-
Sign painting shop	P	-	-
Taxidermist	P	-	-
Towel and linen supply service	P	-	-
Wholesale business	P	P	-
Upholstery shop	C	C	-
Veterinary	C	-	-
Veterinary - providing operations are completely enclosed within an air-conditioned and soundproof building	C	-	-

Use	Industrial		Hazardous Industrial
	UC-5, RC-5		UC-11, RC-11
Dwellings, Living Quarters			
Accessory buildings and uses customarily incidental to permitted uses	P	P	P
Accessory uses buildings customarily incidental to conditional uses	C	C	C
Hotel, motel, inn	P	C	-
Temporary buildings for uses incidental to construction work, including living quarters for a guard or night watchman, which buildings must be removed upon completion or abandonment of the construction work	C	C	C

Use Industrial Uses	Industrial		Hazardous Industrial
	UC-5, RC-5		UC-11, RC-11
Accessory buildings and uses customarily incidental to permitted uses	P	P	P
Accessory uses buildings customarily incidental to conditional uses	C	C	C
Bag cleaning	P	P	-
Baking, ice cream making, and/or candy making	P	P	-
Blacksmith shop	P	P	-
Boiler works	P	P	-
Bottling works	P	P	P
Bookbinding	P	P	-
Breweries	C	C	-
Central mixing plant, related to construction industry for cement, mortar, plaster, or paving materials	-	C	-
Construction of buildings to be sold and moved off the premise	P	P	-
Dairy	P	P	-
Egg candling, sales, or processing	P	P	-
Fertilizer and soil conditioner manufacture, processing and/or sales, providing only non-animal products & by-products are used	C	C	-
Forage plant	P	P	-
Foundry, casting light-weight non-ferrous metal	-	C	-
Hatchery	P	P	-
Honey extraction	P	P	-
Incinerator, non-accessory	C	C	C
Knitting mill	P	P	-
Laboratories	C	C	C
Laundry	P	-	-
Machine shop	P	P	C
Mobile lunch service	P	P	C
Monument works	P	P	-

Use Industrial Uses	Industrial		Hazardous Industrial
	UC-5, RC-5	UC-5, RC-5	UC-11, RC-11
Motion picture studio	P	P	-
Planning mill	C	C	-
Power generation (electrical) for on-site use:	C	C	C
1. solar	P	P	P
2. wind under 5.9 kva	P	P	C
3. auxiliary, temporary, wind, with more than 6 kva, but less than 10 kva output	P	P	C
4. steam, hydro, or reciprocating engine with more than 10.05 kva, but less than 150 kva output	P	P	P
5. steam, hydro, or reciprocating engine with more than 150 kva	-	C	C
Printing - convenience for drop-in customers	P	P	-
Publishing and contract printing	P	P	-
Sandblasting	C	C	C
Saw mill	-	C	-
Tire, recycling into fuels and useable products	C	C	-
Tire retreading, or vulcanizing	C	P	-
Tire storage or land filling not incidental to recycling facilities located in Madison county	C	C	C
Treatment of materials from sand and grease interceptors, resulting in inert materials	-	C	C
Upholstering, including mattress manufacture rebuilding or renovating	P	P	-
Weaving	P	P	-
Welding shop	P	P	-
Storage, treatment and disposal of wastes classified as "hazardous wastes" or "wastes" as defined in section 17-1(g)	-	-	C
Production of salts in solid or liquid form by the collection, pumping and evaporation of naturally occurring brines and the processing of salts into salt products	-	P	-

Use Industrial Uses	Industrial		Hazardous Industrial
	UC-5, RC-5		UC-11, RC-11
Recycling, reformation, refinement and utilization of salts, and its byproducts, in solid or liquid form, to produce other materials, chemicals or products	-	C	-

Use Manufacturing, Processing, Etc.	Industrial		Hazardous Industrial
	UC-5, RC-5		UC-11, RC-11
Accessory buildings and uses customarily incidental to permitted uses	P	P	P
Accessory uses buildings customarily incidental to conditional uses	C	C	C
Acetylene gas	-	C	-
Acid	-	C	-
Airplane and associated parts	-	C	-
Alcohol	-	C	-
Ammonia	-	C	-
Animal by-products, offal or dead, reduction or dumping, fat rendering, grease or lard located at least 300 feet from any district boundary	-	C	C
Automobiles and their associated parts	-	C	-
Bakery goods	C	C	-
Batteries	C	C	-
Billboards and commercial advertising structures	P	P	-
Blast furnace or foundry located at least 300 feet from any district boundary	-	C	C
Bleaching powder	-	C	-
Boats	P	P	-
Bone	C	C	-
Brass	-	C	-
Business machines	P	P	-
Cameras and photo equipment, film	P	P	-
Candy	C	C	-
Candles	-	C	-

Use Manufacturing, Processing, Etc.	Industrial		Hazardous Industrial
	UC-5, RC-5	UC-11, RC-11	UC-11, RC-11
Canvas, cloth, textiles, wool or yarn	C	C	-
Cast stone, cement, cinder, terra cotta; tile, brick, synthetic cast stone, pumice stone and gypsum products	-	C	-
Cellophane	C	C	-
Celluloid	-	C	-
Cereal	C	C	-
Chemicals of an objectionable or dangerous nature	-	C	-
Chlorine	-	C	-
Coal	-	C	-
Copper	-	C	-
Cork	C	C	-
Cosmetics	C	C	-
Creosote	-	C	-
Dairy products	C	C	-
Detergents	-	C	-
Dyestuffs	-	C	-
Disinfectants	-	C	-
Electric or neon signs	P	P	-
Emery cloth	-	C	-
Excelsior	-	C	-
Explosives and fireworks	-	C	-
Feathers	C	C	-
Fertilizer and soil conditioner located at least 300 feet from any district boundary	-	C	C
Fish, sauerkraut, pickles, vinegar, yeast and the rendering of fat	-	C	-
Food products (excluding fish, sauerkraut, pickles, vinegar, yeast, and rendering of fat)	C	C	-
Garbage, refuse maintenance or disposal site for materials classified as solid wastes under Section 26-14-2(9) of the Utah Solid and Hazardous Waste Act, and located at least 300 feet from any	-	C	C

Use Manufacturing, Processing, Etc.	Industrial		Hazardous Industrial
	UC-5, RC-5		UC-11, RC-11
district boundary			
Gasoline and petroleum	-	C	-
Gelatin	-	C	-
Glass	-	C	-
Glucose	-	C	-
Glue	-	C	-
Hair and horn	C	C	-
Hardware	-	C	-
Ink	-	C	-
Insecticides	-	C	-
Iron	-	C	-
Lampblack	-	C	-
Leather or hides	C	C	-
Linoleum	-	C	-
Lime	-	C	-
Lubricating grease, oil, oilcloth and oiled rubber goods	C	C	-
Machinery	-	C	-
Malt	-	C	-
Matches	-	C	-
Meat products	C	C	-
Musical instruments	P	P	-
Novelties	P	P	-
Oxygen	-	C	-
Paper	C	C	-
Paint	C	C	-
Pharmaceuticals	C	C	-
Pickles	-	C	-
Pipe for use in building construction or for sewer or drainage purposes (excluding rock or gravel crushing of raw materials except that which is incidental to the manufacture or fabrication of the above-described products) provided that	C	C	-

Use Manufacturing, Processing, Etc.	Industrial		Hazardous Industrial
	UC-5, RC-5		UC-11, RC-11
such crushing facilities be located not closer than 200 feet to any property line			
Plastics	C	C	-
Pottery, plaster, incidental plaster, plaster of paris, ceramic, and clay	-	C	-
Pyroxylin	-	C	-
Roofing or water proofing material	-	C	-
Rubber or gutta-percha	C	C	-
Rubber and metal stamps	P	P	-
Sheet metal products, light, (including heating and ventilation ducts and equipment, cornices and eaves, venetian blinds, window shades, awnings)	P	P	-
Sheet metal heavy	-	C	-
Steel or metal crushing	-	C	-
Shell	C	C	-
Shellac, shoddy; and shoe polish	-	C	-
Straw	C	C	-
Soap	-	C	-
Soda	-	C	-
Starch	-	C	-
Tallow	-	C	-
Tar	-	C	-
Tobacco	C	C	-
Toiletries	C	C	-
Toys	P	P	-
Turpentine and varnish	-	C	-
Wood	C	C	-
Vinegar	-	C	-
Yeast	-	C	-

Use Public & Quasi-Public	Industrial		Hazardous Industrial
	UC-5, RC-5		UC-11, RC-11
Accessory buildings and uses customarily incidental to permitted uses	P	P	P
Accessory uses buildings customarily incidental to conditional uses	C	C	C
Cemeteries	C	-	-
Correctional facilities (public and private) providing: (1) they are located at least 600 feet from any district boundary; (2) they are located at least 600 feet as measured from the property line on which the correctional facility is located to the property line of the following: A. Schools; B. Churches; C. Day care and preschools; D. Establishments that sell beer or liquor for on or off premise consumption; E. Motels or hotels; F. Residential (dwellings, lodging houses, dormitory, congregate residences, etc.	-	C	-
Dams and reservoirs	C	P	C
Public buildings	C	C	C
Public, quasi-public, and private service utility lines, pipelines, power lines, roads and etc., which extend more than 500 feet, that transport the material, service or supplies from one service area to another	C	C	C
Radio/television transmitting towers	C	P	C
Private road	C	C	C
Private schools	C	-	-

Use Recreation & Amusement	Industrial		Hazardous Industrial
	UC-5, RC-5		UC-11, RC-11
Accessory buildings and uses customarily incidental to permitted uses	P	P	P
Accessory uses buildings customarily incidental to conditional uses	C	C	C
Bus terminal	P	-	-
Coal, fuel and wood yards	C	C	-
Contractors' equipment storage yard	-	P	-
Drive-it-yourself agency, car, equipment rental	C	-	-
Explosives, class a, b, and c	-	C	C
Express office	P	-	-
Freight or trucking yard or terminal	C	P	-
Garage, public	P	-	-
Hazardous material with in the threshold planning qualities of SARA Title III	C	C	C
Hazardous material over the threshold planning qualities of SARA Title III, CERCLA, RCRA	-	-	C
Junk yard	-	C	-
Non-hazardous solid waste landfills in accordance with current regulations.	C	C	-
Railroad yards; shop and/or roundhouse for railroads	P	P	C
Storage units, self storage	P	P	-
Taxi stand	P	P	-
Terminal, parking and maintenance facilities	C	C	-
Transfer company	P	P	-
Warehouse	P	P	-

Use Utilities & Services Storage, Shipping & Warehousing	Industrial		Hazardous Industrial
	UC-5, RC-5		UC-11, RC-11
Accessory buildings and uses customarily incidental to permitted uses	P	P	P
Accessory uses buildings customarily incidental to conditional uses	C	C	C
Essential service facilities	C	C	C
Public, quasi-public, and public service utility lines, pipelines, power lines and etc., which extend more than 500 feet; that are used to transport their material, service or supply	C	C	C
Substations or transmission lines of fifty KV or greater capacity	C	C	C

Article 7

Hazardous Waste Industries -Special Requirements

HAZARDOUS WASTE INDUSTRIES

All activities relating to the storage, treatment or disposal of wastes classified as "hazardous wastes" under Chapter 6 of this Ordinance shall be subject to the following special requirements in addition to all other requirements of this Chapter and those requirements of the district in which such use is situated.

A. Location Criteria:

All hazardous waste industries regulated under Article 6 thereafter referred to as facility shall be located in those areas allowed by Madison County's Land Use Regulations, as amended, and shall conform to the stricter of the following location standards or those promulgated by the Commonwealth of Kentucky:

1. The facility shall not be established or constructed in a wetland as defined by the Army Corp of Engineers under Section 404 of the Clean Water Act or in the recharge zone of an aquifer.
2. The facility shall not be established in a 100-year flood plain. This information may be obtained from 100-year flood plain maps or other supportive documents.
3. For protection of waters of the State, the following factors shall be considered to include:
 - a) The distance from waters of the State so that an unintentional release or discharge of hazardous waste will not contaminate such waters.
 - b) Hydro geological characteristics of the site and surrounding land, i.e., soil type, groundwater table, geology, topography, etc.
 - c) The quantity, quality and direction of flow of groundwater.
 - d) Proximity to and withdrawal rates from nearby wells. Consultation with

public water suppliers and ASCS Offices and KY Division of Water.

- e) Availability of alternative water supplies.
4. Consideration must be given to the type and permeability of the soil and depth to bedrock at the proposed site.
5. The facility shall not be established, constructed or operated on an active Holocene Fault or within a recognized zone of deformation along that fault.
6. Transportation routes to the site must be addressed. The following items shall be considered:
 - a) Methods by which wastes will be transported to and from the site
 - b) The types of roads that will provide principal access to the site.
 - c) The extent to which weather renders such roads hazardous.
 - d) The number of residential, school and hospital structures along access routes.
 - e) Safety, noise and traffic disruption.
 - f) The number of intersections per linear mile between the entrance of a facility and the nearest arterial highway.
7. The location of facilities shall avoid watershed management areas and agricultural lands that are available for crop production.
8. The location of facilities shall comply with State and Federal Wildlife Regulations.
9. Historical significance of the location and aesthetics, including visual and noise level aspects, shall be considered. Natural areas designated as having county, state, regional or national significance due to their recreational, historical, educational, aesthetic value or importance as a natural resource or a value to the economy shall be avoided.

10. The economic and environmental impact of the proposed facility upon local government, adjacent to, or within which, the facility is proposed for location shall be considered.
11. Capability with current land use plans shall be considered, to include the following:
 - a) Existing land use adjacent to and in the general area of the site. (No facility shall be located closer than 10.0 miles from any existing dwelling).
 - b) Areas with existing compatible industrial development and areas that are planned or zoned for hazardous industrial development.
 - c) Densities Of population near proposed site.
12. Any exception to these guidelines will be considered by the Planning Commission and the Madison County Fiscal Court on a case-by-case basis. The following shall be considered in granting an exception to the foregoing provisions:
 - a) Protection of public health and the environment.
 - b) Type of hazardous waste activity, I.E., treatment, storage or disposal.
 - c) Types and volumes of hazardous wastes to be managed.
 - d) Other information that may be submitted or required.

B. Environmental Impact Statement (EIS):

Each facility shall be reviewed on its own site specific merits by means of an environmental impact statement conforming to and including all elements required under the National Environmental policy Act (NEPA) for natural and human resources, and shall address in detail each of the following items:

1. Natural Environment Resources

Mining Claims and Natural Resources, Surface Water (Flood and Erosion), Aquatic Species, Natural Hazards, Groundwater, Air Quality, Rare Plants, Wilderness, Wildlife, Geology.

2. Human Environment Resources

Closure and Post-Closure Assurances, Description of Wastes, Treatments and processes, Monitoring and Quality Assurance, Infrastructure (Utilities and Services), Public Finance and Services, Public Safety and Emergency, Employment and Labor Force, Paleontological Resources, Grazing and Agriculture, Construction Resources, Economic Feasibility, Response Services, Health Services, Quality of Life, Transportation, Archaeological, Evaporation, Population, Recreation, Education, Earnings, Land Use, Housing, Energy

The analysis of impacts under this section may be more or less intensive than that required by other permitting agencies, i.e., the EPA Toxic Substance Control Act (TSCA) review. The principal objective of these requirements shall be to identify and quantify those impacts that affect the local community and units of government.

C. Application Procedures

The applicant shall make application for a temporary conditional use permit for interim approval. Upon approval by the Madison County Planning Commission, the applicant shall be permitted to proceed with the application process, which must be initiated before the expiration of the temporary conditional use permit. Upon payment of the \$50,000.00 fee, the Madison County Fiscal Court shall organize an Environmental Impact Board, consisting of a representative from the Madison County Planning & Development Office, Madison County Health Department, Madison County Attorney, and other applicable state and federal agencies. Madison County Environmental Impact Board representing Madison County shall be the Environmental Impact Statement (EIS) manager, and shall select a third party consultant by a request for proposal (RFP). The third party consultant shall perform such studies and investigations deemed reasonable and necessary as outlined in the temporary conditional use permit by the Planning Commission. Upon selection of the third party consultant, the applicant shall deposit with Madison County the sum of the contract plus ten (10%) percent.

The applicant shall prepare a request for proposal (RFP) with which the Madison County Environmental Impact Board will send to a list of qualified consultants, from which it will make its selection of a consultant to perform the EIS. The applicant shall be responsible to pay for the costs of the EIS in addition to the fees required in the next selection.

1. Fees:

- a) The applicant shall pay the commercial rate for a temporary conditional use permit. Upon Madison County Planning Commission approval with conditions, the applicant shall have six months to pay the fees outlined below. Up to three extensions of no more than six months may be granted by the Madison County Planning Commission, but in no case shall the temporary conditional use permit extend beyond a total time of two (2) years.
- b) With temporary conditional use permit approval, the applicant shall make a joint application for a permanent conditional use permit and UC-11 or RC-11 zoning district amendment, or for a conditional use permit for a hazardous industrial activity to be located within an existing UC-11 or RC-11 zone, which shall be accompanied by a \$50,000 application fee, \$2,500 of which shall be non-refundable. The application fee shall be used by Madison County to facilitate its review of the proposal and to pay for the expenses it incurs in managing the required Environmental Impact Statement. Upon selection by the Madison County Environmental Impact Board, the applicant shall make deposit of funds with Madison County to cover the cost of the contract plus ten (10%) percent, before the contract is consummated with the consultant and any further action ensues.
- c) With the exception of the non-refundable portion, all amounts not expended by Madison County shall be reimbursed to applicant. If the County's costs of reviewing and managing the EIS exceeds the initial

fee, the applicant shall remit to the County such additional amounts as are necessary to cover the entire expenses incurred by the County.

2. Financial Capability:

Each applicant for a facility shall demonstrate its financial capability to construct, and operate, and properly close said facility to the satisfaction of the County, together with a demonstration of the need for such a facility to be located within Madison County. Financial statements shall be submitted for the business, financial supporters. Statements showing the cost estimates for construction, first year of operation and closing costs shall be submitted with financial statements. Need shall be demonstrated by evidence that the proposed facility has a proven market of hazardous material, including information on the source, quantity, and price of potential hazardous materials, and a review of other existing and proposed commercial facilities regionally and nationally that would compete for the disposal of the hazardous materials.

3. Impact Mitigation:

No facility shall be permitted until such time as a properly executed and binding impact mitigation agreement and bond is accepted by the Madison County Fiscal Court. Prior to the execution of such an agreement, the applicant shall identify, with the concurrence of Madison County, the impacts that the proposed facility or new UC-11 or RC-11 zone will have upon Madison County, and will submit a plan to mitigate such impacts. All amendments to the use permits authorized under this section or other sections dealing with the UC-11 or RC-11 zone shall also be reviewed and approved by the Madison County Fiscal Court.

4. Compliance:

All hazardous waste facilities shall comply with Commonwealth of Kentucky waste Management Regulations, Madison County Ordinance number 00-16 and other applicable State and Federal Regulations pertaining to the siting of such facilities.