

**SUMMARY
OF
ORDINANCE
OF
THE FISCAL COURT OF PENDLETON COUNTY
COMMONWEALTH OF KENTUCKY
ORDINANCE NO. 920.0A**

AN ORDINANCE amending the zoning ordinance known as Ordinance 920.0 relating to the regulation of mining and underground mining in Pendleton County.

BE IT ORDAINED by the Fiscal Court of the County of Pendleton, Commonwealth of Kentucky that the text of the Zoning Ordinance No. 920.0 be amended as follows: addressing mining and underground mining in Pendleton County, including changing the definitions of mining and underground mining, changing zones permitting mining and underground mining, changing permit procedures and requirements for mining and underground mining, and addressing noise from mines and mining operations.

Unchanged in the Ordinance is Article 11 which imposes penalties for violation of the zoning ordinance in accordance with KRS 100.991, providing that violation of the zoning ordinance is a class B misdemeanor, and each day of violation is a separate offense.

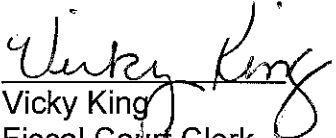
Provision for summary reading and publication is made as follows:

This Ordinance received first read on September 9, 2008 and is published in summary form, the full text being available for public inspection in the office of the County Judge-Executive and/or the County Clerk. A second reading will be held at a regularly scheduled fiscal court meeting at 7:00 PM on September 23, 2008 in the courthouse community room, 233 Main Street, Falmouth, Kentucky. Public Invited. This ordinance will become effective upon final publication on September 30, 2008.

Dated this 23rd day of September, 2008.



HENRY W. BERTRAM
Pendleton County Judge-Executive

Attest: 
Vicky King
Fiscal Court Clerk

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ORDINANCE NO. 920.0A**

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BE IT ORDAINED by the Fiscal Court of the County of Pendleton, Commonwealth of Kentucky that the text of the Zoning Ordinance No. 920.0 be amended as follows (Words to be added are underlined. Words to be deleted are lined through):

AMENDMENT ONE:

SECTION 6.4 EXCAVATION, MOVEMENT OF SOIL, TREE REMOVAL, AND EROSION AND SEDIMENTATION CONTROL

- A. Except for Agricultural use, Mining use, Underground Mining use, and use as a Sanitary Landfill in accordance with proper permits issued by the Commonwealth of Kentucky and operated in accordance with Section 6.18 of this Ordinance, no person or entity shall undertake grading (as defined below for use in this Section ~~alone and Section 11.1, A., of this Ordinance~~), without first insuring that all requirements of the Subdivision Regulations, if applicable, and other requirements of this Ordinance have been fulfilled and then obtaining a permit from the Zoning Administrator. The primary purpose of this permit requirement is to engage a builder or developer early in the project of their need to come into compliance with this Ordinance and alert the Zoning Administrator of a planned project. "Grading" as used in this Section shall be defined as stripping, excavating, filling, or otherwise moving soil, trees, or other vegetation of a parcel of land for the purpose of preparing the lot for development of the property or construction of buildings or structures, excluding minor changes such as: the filling of small depressions, removal of vegetation which is diseased or endangering the public safety, or minor earth moving projects for drainage improvement, lawn maintenance or beautification.

AMENDMENT TWO:

**SECTION 6.8 NONCONFORMING LOTS, NONCONFORMING USES,
NONCONFORMING STRUCTURES, REPAIRS AND MAINTENANCE:**

...

- D. **REPAIRS AND MAINTENANCE:** On any building devoted in whole, or in part, to any nonconforming use, work may be done on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring, or plumbing, provided that the

cubic content of the building, as it existed at the time of passage or amendment of this Ordinance which rendered it nonconforming, shall not be increased. Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring, to a safe condition, of any building, structure, or part thereof, declared to be unsafe by any official charged with protecting the public health and safety or the construction or expansion of any building or structure required to comply with a law, regulations, order or directive of the state or federal government.

E. VESTED RIGHTS: Nothing in this Ordinance shall be deemed to prevent the lawful use of land or the construction or expansion of any building or structure where prior to the enactment of this Ordinance the property owner has in good faith substantially entered upon the performance of the series of acts necessary to the accomplishments of the end intended.

AMENDMENT THREE:

SECTION 6.9 EXCEPTIONS TO HEIGHT LIMITS: The height limitations of this Ordinance shall not apply to such things as church spires, various types of towers, stacks, other related structures, and necessary mechanical appurtenances, etc., or mining related buildings or structures, provided their construction is in accordance with existing or hereafter adopted ordinances of the legislative body, and is approved, when required, by the Federal Aviation Agency and the Federal Communication Commission, or state or federal regulatory agencies, if applicable.

AMENDMENT FOUR:

SECTION 7.0 RURAL (R) ZONE:

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B. PERMITTED USES:

1. Single family, two family and multi-family dwelling units.
2. Farms of crops and livestock.
3. Hunting.
4. Riding and boarding stables.
5. Bed and Breakfast facilities, as regulated by Section 6.19 of this Ordinance.
6. Churches and other buildings for the purpose of religious worship.
7. Underground Mining.

...

F. OTHER DEVELOPMENT CONTROLS:

1. Off-street parking of two spaces for every dwelling unit shall be provided, and such additional spaces reasonably calculated to provide for the regular use of the property, or as otherwise required by this Ordinance.

2. No lighting shall be permitted which would glare onto any street.
3. Land used solely for agricultural purposes shall have a front yard depth of a minimum of fifty (50) feet, from any existing or proposed street or highway.
4. Any ventilation shafts, utilities, and related structures and equipment associated with underground mining shall be set back a minimum of one hundred (100) feet from any dwelling or other structure.
5. Noise from ventilation shafts and utilities related to underground mining shall be controlled by reasonably available controlled technology.

AMENDMENT FIVE:

SECTION 7.2 BUSINESS (B) ZONE:

...
 B. PERMITTED USES: The following uses are permitted in the Business Zone (except that Scrap Metal facilities, Salvage Yards, Material Recycling, and Landfills shall be specifically excluded from this Zone):

1. All commercial retail and service uses, including stores and shops.
2. All industrial uses, including manufacturing, processing and assembly.
3. All office uses.
4. Billboards.
5. Schools, government buildings, police and fire stations, libraries.
6. Community centers, including day care facilities.
7. Commercial recreation facilities.
8. Churches and other buildings for the purpose of religious worship.
9. All uses listed as conditional uses in the Rural Zone.
10. Underground Mining.

...
 F. OTHER DEVELOPMENT CONTROLS:

1. Off-street parking as regulated by Article 8.
2. No lighting shall be permitted which would glare onto any street or any adjacent property.
3. Except as otherwise permitted herein, no outdoor storage of any materials, supplies, or products shall be permitted in this zone.
4. All business activities permitted within this zone shall be conducted within a completely enclosed building, with the exception of recreational activities.
5. No use producing emissions or that otherwise impacts ambient air quality beyond the boundary lines of the property not otherwise allowed by existing federal, state or local regulations shall be permitted.
6. Off Street loading and unloading area as regulated by Article 9.
7. All business operations shall be screened from adjacent residential uses.

8. Any ventilation shafts, utilities, and related structures and equipment associated with underground mining shall be set back a minimum of one hundred (100) feet from any dwelling or other structure.

AMENDMENT SIX:

SECTION 7.3 INTENSIVE (I) ZONE:

...

B. PERMITTED USES:

1. All commercial retail and service uses, including stores and shops.
2. All industrial uses, including manufacturing, processing and assembly.
3. All office uses.
4. Billboards.
5. Schools, government buildings, police and fire stations, libraries.
6. Community centers, including day care facilities.
7. Commercial recreation facilities.
8. Churches and other buildings for the purpose of religious worship.
9. All uses listed as conditional uses in the Rural Zone and Business Zone.
10. Scrap Metal facilities, Salvage Yards, Material Recycling, and Landfills existing at the adoption of this Ordinance.
11. Mining and Underground Mining.

AMENDMENT SEVEN:

SECTION 15.0 WORDS AND PHRASES: For the purposes of this Ordinance, certain terms, phrases, words, and their derivatives are herewith defined as follows:

MINING: Mining includes the development, drilling, blasting, extraction, severing, milling, crushing, screening, conveying, sizing, washing and processing of minerals, limestone, sand, gravel, coal, and other materials; operation maintenance and repair of mining and processing equipment and facilities; transportation of materials within, to and from the mine property; processing, manufacturing, and production of products, byproducts, waste and other materials, including lime, lime products, and stone products; dredging; filling; grading; paving; research, development, and analysis; purchase and sale of materials; and storage and disposal, on the surface and underground, of products, byproducts, waste, and other materials generated at the mine property or generated by any source at any other location.

UNDERGROUND MINING: Underground Mining is Mining where all of the Mining activity is conducted three hundred (300) feet or more below the natural contour of the surface of the property except for ventilation shafts, utilities, and related structures to ventilation shafts and utilities, including fences, on or leading to the surface.


Unchanged in the Ordinance is Article 11 which imposes penalties for violation of the zoning ordinance in accordance with KRS 100.991, providing that violation of the zoning ordinance is a class B misdemeanor, and each day of violation is a separate offense.

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