
ARTICLE

11

EMPLOYMENT DISTRICTS

SECTION 1110

OFFICE ONE (O-1)

The purpose of the Office One district is to create a low density, low rise office environment and to provide professional and personal services and employment opportunities in close proximity to and compatible with residential districts. The Office One district shall accommodate smaller scale and independent office uses, which are not located within a larger Office Two district or which do not need or desire to be located in a commercial district. Office One districts are located on suitable lands within established or planned urban entities where adequate infrastructure and services are available or proposed.

SECTION 1111

Principally Permitted Uses

The following uses are permitted:

1. Bank related services or credit unions;
2. Business and personal credit services and title services;
3. Security brokers, investment services and finance companies;
4. Insurance agents, brokers and services;
5. Real estate agents, brokers and management services;
6. Real estate management services and builders offices excluding any outside storage equipment and the like;
7. Photographic services;
8. Eating and drinking establishments including alcoholic beverages;
9. Direct mail and advertising services;
10. Stenographic services and other duplicating and mailing services;
11. News syndicate services and employment services;
12. Research, development and testing services of an office nature;
13. Business and management consulting services and associations;

14. Motion picture, audio-visual and similar media production and distribution services;
15. Physician and dental services including medical, dental laboratories and clinics;
16. Legal, engineering, architectural, education and scientific research services;
17. Accounting, auditing and bookkeeping services;
18. Charitable and social services administration offices;
19. Professional membership organizations and labor organizations and civic associations;
20. Telephone exchange stations, telegraph message centers, radio broadcasting studios, television broadcasting studios and other communication centers and offices excluding any relay, transmitting or receiving towers or similar unattached, erected equipment;
21. The administration, management and any related office use or activity of commercial, business, service, professional, industrial, religious, private institutional, or similar organization, incorporation, companies, associations and such uses. Includes all integral stenographic reproduction, mailing, research, sales and similar office functions, as determined by the Zoning Administrator;
22. Veterinary services not including the boarding of animals;
23. Business colleges or schools;
24. Recreation centers, gymnasiums and other related recreational facilities;
25. The retail sale of office supplies and equipment;
26. Funeral homes and crematoriums excluding cemeteries or mausoleums.
27. Sexually Oriented Business as defined in Article 40 and applicable standards in Article 31.

SECTION 1112

Accessory Uses

Accessory uses, buildings, and structures customarily incidental and subordinate to the purposes of the district including:

1. Recreation uses or spaces of integral relation to the developed portions of the district including:
 - a. Temporary exhibit spaces;
 - b. Aquariums, botanical gardens and other natural exhibitions;
 - c. Stages and similar assembly areas;
2. Accessory uses for an office facility:
 - a. Garages and parking;
 - b. Structures such as fences and walls;
 - c. Buildings such as storage sheds;
3. Signage (See Article 34);

4. Parking (See Article 33);
5. Automatic teller machines;
6. Single-family dwelling unit;
7. Drive-through facilities operated in conjunction with a permitted use, and which are conducted in accordance with Section 3155;
8. Recycling collection containers.

SECTION 1113

Conditional Uses

The following uses and appropriate accessories subject to the approval and qualifications of the Board of Adjustment and Zoning Appeals provided; a) the activity is an integral and subordinate function of a permitted office use; or b) the arrangement of uses, buildings, or structures will be compatible with the organization of permitted and accessory uses to be protected in the district:

1. Child and adult care centers;
2. Convenient stores;
3. Beauty and barber services and tanning salons;
4. Laundering, dry cleaning and dyeing services, including self-service;
5. Shoe repair, shoe shining and hat cleaning services;
6. Florists, excluding greenhouses;
7. Horse related uses, including riding and boarding stables, as defined by KRS 100.111 (2)(C).

SECTION 1114

Intensity

The maximum total intensity of all uses in an Office One district shall not exceed 16,000 square feet of gross floor area per acre.

SECTION 1115

Minimum Size

The minimum size or extent required of an Office One District is one acre.

SECTION 1116

Minimum Standards

See Article 31 for dimensional standards. (Site Plan Review is required for all permitted uses) (See Article 30).

THE FOLLOWING PASSAGE APPLIES TO THE CITY OF FLORENCE CITY LIMITS ONLY.

No dwelling used as a residence can be altered, converted or remodeled to satisfy any of the standards as uses authorized in the Office One (O-1) zone as permitted uses or conditional uses. Newly constructed structures are necessary to satisfy the requirements and standards of the Office One (O-1) zone.

SECTION 1120

OFFICE TWO (O-2)

The purpose of the Office Two District is to consolidate those types of professional, research, business, service and similar uses which are based in office structures and which require and desire high levels of personal interaction. Such districts will be organized to provide employment labor markets. Districts will be located on suitable lands with convenient access from expressways, arterials or collectors. District plans will be organized to provide direct, central, convenient and safe collection of vehicles and pedestrian circulation.

SECTION 1121

Principally Permitted Uses

The following uses are permitted:

1. All principally permitted uses of an Office One (O-1) District;
2. Retail sales of newspapers and magazines, drugs, and proprietary goods;
3. Banking and credit union services, including drive-through teller services.
4. Convenient stores;
5. Beauty and barber services and tanning salons;
6. Laundering, dry cleaning and dyeing services, including self-service;
7. Shoe repair, shoe shining and hat cleaning services;
8. Florists, excluding greenhouses.
9. Sexually Oriented Business as defined in Article 40 and applicable standards in Article 31.

SECTION 1122

Accessory Uses

Accessory uses, buildings and structures customarily incidental and subordinate to the purposes of the district including:

1. Recreation uses or spaces of integral relation to the purpose of the district defined to be:
 - a. Museum, art and craft galleries, conservatories and other cultural exhibits;
 - b. Aquariums, botanical gardens and arboretums, nature preserves, wildlife sanctuaries and other natural exhibitions;
 - c. Historic sites, structures, monuments and other exhibits available for public viewing;
 - d. Amphitheaters, motion picture theaters, legitimate theaters, playhouses and other entertainment assemblies;
 - e. Auditoriums, exhibition halls and other public or miscellaneous assembly;
 - f. Golf courses, tennis courts, ice and roller skating, bowling and other sports activities;
 - g. Play lots or tot lots, playfields or athletic fields, recreation centers, gymnasiums, clubs and other athletic uses and structures;
 - h. Swimming beaches and swimming pools;
 - i. Picnicking, hiking areas, exercise trails and other recreational uses;
 - j. General, leisure, ornamental and other parks, spaces, trails, bikeway systems and similar uses;

2. Public transit stations and terminals;
3. Postal, travel and transportation ticket or forwarding services;
4. Detective, protective and other police services;
5. Signage (See Article 34);
6. Parking (See Article 33);
7. Automatic teller machines;
8. Retail defined as:
 - a. Books and stationery;
 - b. Florists excluding greenhouse or outdoor storage or growing areas;
 - c. Cigars and cigarettes;
 - d. Beauty and barber services;
9. Drive-through facilities operated in conjunction with a permitted use, and which are conducted in accordance with Section 3155;
10. Recycling collection containers.

SECTION 1123

Conditional Uses and Criteria

The following uses and appropriate accessories subject to the approval and qualifications of the Board of Adjustments and Zoning Appeals provided: a) the activity is provided primarily and obtains the bulk of its trade from the use and support of the public employed in the district; or b) the activity is of integral relation to the purposes of the district; c) the use, building or structure is subservient to and not of scale, nature, trade or other character which will compete, detract or conflict with the purpose and permitted uses of the district; and d) provided the arrangement of uses, buildings or structures is mutually compatible with the organization of permitted accessory uses to be protected in the district:

1. Hotels, tourist courts and motels only where the primary trade is of direct relation or support of the uses and purposes of the district;
2. The writing, publishing of newspapers, periodicals and books provided any printing operation is subservient to the writing and publishing activity and does not conflict with the purposes of permitted uses of the district;
3. Telephone, telegraph, radio and television relay, transmitting and receiving equipment provided the equipment is in direct support of the defined accessory use and does not physically or visually overpower, detract or conflict with the building design, scale or character proposed in this district;
4. Gasoline filling stations and auto repair facilities provided the use is in direct support of and primarily trades from the employees of the district;
5. Blueprinting and photocopying services;
6. Window cleaning, disinfecting and exterminating, dwelling and building services;
7. Automobile leasing or rental agencies (maximum storage of 50 vehicles);

8. Adult and child care centers;
9. Horse related uses, including riding and boarding stables, as defined by KRS 100.111 (2)(C).

SECTION 1124

Intensity

The maximum total intensity of all uses in an Office Two district shall not exceed 30,000 square feet of gross floor area per acre.

SECTION 1125

Minimum Size

The minimum size or extent required of an Office Two district is three (3) acres.

SECTION 1126

Minimum Standards

See Article 31 for dimensional standards. (Site Plan Review required for all permitted uses) (See Article 30)

SECTION 1130

INDUSTRIAL ONE (I-1)

The purpose of the Industrial One district is to allow different types of small to large scale light manufacturing, warehouse, distribution and related service uses, which require direct accessibility to a regional transportation system. Manufacturing operations in this district will generally not utilize unrefined raw materials, whose processing may potentially create undesirable noise, odors, dust, smoke, hazardous materials or waste or be delivered in large bulk transportation forms. Such districts are located in areas which provide employment opportunities for community and regional labor markets. Districts will be located on suitable lands accessible from expressways and/or arterials. In addition, this zoning district allows for integrated office campus and/or industrial/warehouse developments with a business park setting, characterized by landscaped entrances, boulevard streets, large amounts of green space and low building coverage ratio, multi-level buildings, constant architectural and signage theme, parking structures, and integrated pedestrian and recreation facilities. This district is also to provide for appropriate public facilities and/or services to the permitted uses identified in the district.

This zoning classification can range from a compact multi-level office development on several acres to an extensive mixed office/warehouse/distribution development that is located on many acres. This zoning classification often includes some limited commercial wholesale and retail uses intended to serve the district and constructed to blend in visually with the character of the area.

SECTION 1131

Principally Permitted Uses

Permitted are the wholesale distribution, storage, manufacturing and assembly of industrial products:

1. All principally permitted uses in an Office Two (O-2) zone;
2. Food and kindred products, including the manufacture or processing of grain, sugar, oil, fat, glues, grease, tallow, lard, gelatin, vinegar, yeast, starch, dextrin, glucose and sauerkraut but excluding the primary manufacture of meat and fish, which includes the stocking and storing of live animals or garbage, offal or dead animal reduction or dumping or any tanning, curing or storage of rawhides or skins;
3. Textile mill products except primary manufacture of dyes, fibers, felt, rubber goods;
4. Apparel and other finished products made from fabrics, leather and similar materials except primary manufacture of rubber;

5. Fabricated wood products including containers, building components, structural members, but excluding the primary manufacture of wood or wood products;
6. Furniture and fixtures;
7. Paper products including envelopes, bags, boxes and containers, but excluding the primary manufacture of pulp, paper, paperboard or paper products;
8. Printing industries;
9. Pharmaceutical preparations, perfumes, cosmetics and other toiletry preparations;
10. Soaps and other detergents;
11. Fabrication of metal products except firearms and accessories, large scale machinery, and transportation vehicles;
12. Professional, scientific and controlling instruments, photographic and optical goods, watches and clocks;
13. Electric and electronic equipment;
14. Jewelry and precious metals, musical instruments and parts, toys, amusement, sporting and athletic goods, pens, pencils and other office and artists materials, brooms and brushes, lamp shades, signs and advertising displays, umbrellas, parasols and canes and other miscellaneous fabrication activities.
15. Technology and research centers including medical and hospital research establishments;
16. Educational and governmental institutions;
17. Wholesale trade of automobile accessories and parts;
18. Wholesale trade of drugs, drug proprietaries and sundries;
19. Wholesale trade of dry goods and apparel;
20. Wholesale trade of groceries and related products in enclosed facilities except animals or raw farm materials or products;
21. Wholesale trade of electrical and electronic parts;
22. Wholesale trade of hardware, plumbing, heating, equipment and supplies;
23. Wholesale trade of small machinery, equipment (light) and supplies except transportation or farm vehicles;
24. Other wholesale trade except non-containerized or bulk raw metals and minerals, petroleum products, scrap and waste materials;
25. Laundering, dry cleaning and dyeing services including rugs, linen supply and industrial laundry services;
26. Window cleaning, disinfecting, exterminating, grounds keeping, and other dwelling and building services;
27. Refrigerated, household goods (mini-warehouses) and other general refrigerated warehousing and storage;

28. Research, development and testing services;
29. Detective and protective services;
30. Photo finishing and other photographic laboratories;
31. Electrical repair and armature rewinding services;
32. Reupholstery and furniture repairing and refinishing services;
33. Scientific research services and laboratories;
34. Building construction, general contractor, plumbing, heating, air conditioning, painting, paper handling, decorating, electrical, masonry, stonework, tile setting, plastering, carpentry, wood flooring, roofing and sheetmetal, water-well drilling, septic and other special construction trade offices, supply, storage and related activities;
35. Postal services and related storage, distribution and transfer activities;
36. Agricultural contract sorting, grading and packaging services of fruits and vegetables;
37. Motor freight terminals, public warehousing, freight garaging and equipment maintenance;
38. Freight forwarding, packing and crating services;
39. Blueprinting and photocopying services, stenographic services and other duplicating, mailing and delivering services;
40. Equipment (light) rental and leasing services including automobiles and trucks, and sales of tractor-trailers and other commercial trucks and trailers;
41. Wholesale trade of containerized paints, varnishes, chemicals and allied products;
42. Manufacture of plastic products but not the primary manufacture of plastics;
43. Welding shops for the repair of industrial machinery and heavy equipment;
44. Truck stops;
45. Recycling centers;
46. Fire stations or fire related or protective services including rescue services;
47. Auto repair facilities, repair for tractor-trailers and other trucks, and towing and vehicle impound services excluding junkyards and wrecking;
48. Commercial parking facilities and commercial recreational vehicle parking facilities;
49. Landscape contracting and wholesale nurseries;
50. Sexually Oriented Business as defined in Article 40 and applicable standards in Article 31.
51. Crematoriums.

SECTION 1132

Accessory Uses

Accessory uses, buildings and structures customarily incidental and subordinate to the purpose of the district including:

1. Recreational uses or spaces of integral relation to the purposes of the district defined to be:
 - a. Nature preserves, wildlife sanctuaries, open spaces and other natural areas;
 - b. Historic sites, structures, monuments and other exhibits available public viewing;
 - c. Auditoriums, exhibition halls and other public or miscellaneous assembly;
 - d. Golf course and tennis courts;
 - e. Swimming beaches and swimming pools;
 - f. Picnicking, hiking areas, exercise trails and other recreational uses;
 - g. General, leisure, ornamental and other parks, spaces, trails, bikeway systems and similar uses;
 - h. Recreation/Health centers.
2. The administration management, stenographic reproductions, research, sales (including industrial retail sales, exhibit or display) and any related or integral office use or activity of the permitted use;
3. Railroad right-of-way including switching and marshaling trackage and freight terminals;
4. Marine freight terminals;
5. Employment services;
6. Signage (See Article 34);
7. Parking (See Article 33);
8. Outside storage, display, loading, uncrating or unpacking areas which are an integral function of a permitted use, and which are conducted in accordance with Section 3154;
9. Food service for office, manufacturing or distribution uses;
10. Drive-through facilities operated in conjunction with a permitted use, and which are conducted in accordance with Section 3155;
11. Recycling collection containers.

SECTION 1133

Conditional Uses and Criteria

The following uses and appropriate accessories subject to the approval and qualifications of the Board of Adjustment and Zoning Appeals provided: a) the activity is provided primarily in support of and obtains its trade from the employees of the district; or b) the activity is of integral relation to the purpose of the district; c) the use, building or structure is subservient to and not of scale, nature, trade or other character which will compete, detract or conflict with the purpose and permitted uses of the district; and d) provided the arrangement of uses, buildings or structures is mutually compatible with the organization of permitted and accessory uses to be protected in the district:

1. Uses in which the primary business activity involves the following:
 - a. the storage of explosives or fireworks according to State law, gas, or petroleum;
 - b. bag cleaning;

- c. blast furnaces, cupolas, rolling mills, coke ovens, forging, foundering, refining or smelting;
- d. creosote treatment;
- e. distillation of bones, coal or wood;
- f. enameling, japanning or lacquering;
- g. radium or radioactive elements;
- h. crushing or other reduction or waterproofing;
- l. the storage of chemicals;

The permission of such uses will be decided on an individual basis;

- 2. Poultry and small game dressing and packing;
- 3. Wholesale trade of non-containerized paints, varnishes, chemicals and allied products;
- 4. Telephone, telegraph, radio, television or other communication relay, transmitting and receiving uses, centers and equipment of a permitted use provided the structure does not physically or visually overpower, detract from or conflict with the building design, scale or character proposed in the district;
- 5. Gasoline filling stations and wash services;
- 6. Labor unions and similar labor associations;
- 7. Nursery and child care centers;
- 8. Hotels and motels;
- 9. Commercial recreation such as bowling centers, roller skating rinks, miniature golf courses, golf driving ranges, soccer fields and baseball fields;
- 10. Retail sales or leasing of new and used motor vehicles;
- 11. Wholesale vehicle sales or auctions;
- 12. Churches, synagogues, temples and other places of religious assembly for worship;
- 13. Kennels for household pets; "City of Florence only - kennels for household pets only when not adjoining a residential zoned property."
- 14. Horse related uses, including riding and boarding stables, as defined by KRS 100.111 (2)(C).
- 15. Fireworks retail sales.

SECTION 1134

Intensity

The maximum intensity of all uses in an Industrial One district shall not exceed 25,000 square feet of gross floor area per acre.

SECTION 1135

Minimum Size

The minimum size and extent of an Industrial One district, including all the contiguous private property so designated, shall not be less than five (5) acres.

SECTION 1136

Performance Standards

Each development in the Industrial One district shall meet the following applicable performance standards pertaining to noise, vibration, air pollution, dust control, heat, lighting and landscaping (See Article 31):

General: No land or structure in an I-1 district shall be used or occupied in any manner so as to create any dangerous, injurious, noxious, or otherwise objectionable condition which may affect any other property, including, but not limited to a) noise, b) vibration or shock, c) air pollution, d) dust control, e) heat, f) lighting, g) landscaping & buffering.

SECTION 1137

Supplemental Zoning Map Amendment Standards

Zoning Map Amendment applications which request the I-1 zone, and which involve sites that are located within areas designated as "Business Park" by the Boone County Comprehensive Plan's Future Land Use Map, shall be assessed relative to the standards in Section 1609 "Design Standards" in conjunction with the provisions of Article 3 "Amendment."

SECTION 1140

INDUSTRIAL TWO (I-2)

The purpose of the Industrial Two district is to provide for those types of heavy industrial uses, which are of a warehouse and manufacturing type and such uses are significant in size, which cannot be accommodated in an Industrial One district since they involve heavy equipment, machinery, or other products which requires sufficient infrastructure and results in a substantial economic impact. Such districts will be organized to provide employment opportunities for regional and extra regional labor markets. Districts will be located on lands with direct access to expressways and/or arterials.

SECTION 1141

Principally Permitted Uses

The following uses are permitted:

1. Any principally permitted use of an Industrial One (I-1) district.

Also permitted are uses which involve the manufacture, assembly, processing, treatment, or storage of the following:

2. Acids, creosote, or petroleum products;
3. Bag cleaning;
4. Blast furnaces, cupolas, rolling mill, coke oven, forging, foundries, refining, and smelting;
5. Corrosion of aluminum, copper, iron, tin, lead or zinc;
6. Distillation of alcohol, coal, or wood;
7. Electroplating;
8. Enameling, japanning, or lacquering;
9. Grinding, sandblasting, cutting, washing, or other reduction or waterproofing;
10. Poultry and small game products;
11. Sawmills and planing mills, hardwood products and flooring, millwork, veneer and plywood and prefabricated wooden buildings and other lumber and wood products;

12. Stone, clay, and glass products including cement, lime, gypsum, plaster of paris, abrasives, and cut stone excluding extraction;
13. Heavy machinery, transportation vehicles and equipment (heavy);
14. Tobacco products;
15. Chemicals and allied products;
16. Petroleum and coal products;
17. Rubber and plastics products;
18. Leather and leather products.

Also permitted are:

19. Wholesale trade of heavy machinery, equipment, and supplies, including transportation and farm equipment;
20. Wholesale trade of paints, varnishes, chemicals, and allied products;
21. Railroad and marine craft rights-of-way including switching and marshaling yards;
22. Electric generating plants and regulating substations and water treatment storage, and distribution plants;
23. Asphalt and concrete plants;
24. Commercial stockyards;
25. Sexually Oriented Business as defined in Article 40 and applicable standards in Article 31.
26. Kennels for household pets; "City of Florence only - kennels for household pets only when not adjoining a residential zoned property."

SECTION 1142

Accessory Uses

Accessory uses, buildings and structures customarily incidental and subordinate to the purposes of the district including:

1. Recreation uses or spaces of integral relation to the purposes of the district defined to be:
 - a. Nature preserves, wildlife sanctuaries, open spaces and other natural areas;
 - b. Auditorium exhibition halls and other public or miscellaneous assembly;
 - c. Golf courses and tennis courts;
 - d. Play lots or tot lots, playfields or athletic fields, recreation centers, gymnasiums, clubs and other athletic uses and structures;
 - e. Swimming beaches and swimming pools;
 - f. Picnicking, hiking areas, exercise trails and other recreational uses;
 - g. General, leisure, ornamental and other parks, spaces, trails, bikeway systems and similar uses;

2. The administration, management, stenographic, reproduction, research, sales (including sales exhibit or display) and any related or integral office use or activity of the permitted use;
3. Public transit stations and terminals;
4. Signage (See Article 34);
5. Parking (See Article 33);
6. Outside storage, display, loading, uncrating or unpacking areas which are an integral function of a permitted use, and which are conducted in accordance with Section 3154;
7. Drive-through facilities operated in conjunction with a permitted use, and which are conducted in accordance with Section 3155;
8. Recycling collection containers.

SECTION 1143

Conditional Uses and Criteria

The following uses and appropriate accessories subject to the approval and qualifications of the Board of Adjustment and Zoning Appeals provided: a) the activity is provided primarily in support of and obtains its trade from the employees of the district; or b) the activity is of integral relation to the purpose of the district; c) the use, building or structure is subservient to and not of scale, nature, trade or other character which will compete, detract or conflict with the purpose and permitted uses of the district; and d) provided the arrangement of uses, buildings or structures is mutually compatible with the organization of permitted and accessory uses to be protected in the district:

1. Uses involving the use, manufacture, assembly, processing, treatment or storage of acetylene gas, ammonia, explosives or fireworks as permitted under State law;
2. Refuse and solid waste disposal when conducted incidental and subordinate to a principally permitted use;
3. Gas production plants, natural or manufactured gas storage and distribution points, gas pressure control stations;
4. Telephone, telegraph, radio, television or other communication relay, transmitting and receiving uses, centers and equipment of a permitted use provided the structures do not physically or visually overpower, detract or conflict with the buffering provisions specified within and between the district uses and other districts;
5. Gasoline filling stations and wash services;
6. Labor unions and similar labor associations;
7. Nursery and day care centers;
8. Retail sales and service of new and used motor vehicles including tires, batteries and accessories, auto body services including junkyards, wrecking or other storage.
9. Wholesale vehicle sales or auctions;
10. Concentrated animal feeding operations;
11. Commercial recreation such as bowling centers, roller skating rinks, miniature golf courses, golf driving ranges, soccer fields and baseball fields;
12. Horse related uses, including riding and boarding stables, as defined by KRS 100.111 (2)(C).
13. Fireworks retail sales.

SECTION 1144

Maximum Intensity

The maximum intensity of uses in an Industrial Two district shall not exceed 22,000 square feet of gross floor area per acre.

SECTION 1145

Minimum Size

The minimum size and extent of an Industrial Two district, including all the contiguous private property so designated, shall not be less than ten (10) acres.

SECTION 1146

Minimum Standards

All permitted, accessory and conditional uses, buildings and structures in this district are subject to the following:

1. The supplemental, parking and loading, signage regulations of this ordinance;
2. Resolutions or orders of Boone County, City ordinance, law of the Commonwealth of Kentucky or law of the United States regulating nuisances and environment;
3. Any condition which may be governed by Northern Kentucky Independent District Health Department;
4. Site plan review required for all permitted uses (See Article 30);
5. See Article 31 for dimensional standards.

SECTION 1147

Supplemental Zoning Map Amendment Standards

Zoning Map Amendment applications which request the I-2 zone, and which involve sites that are located within areas designated as "Business Park" by the Boone County Comprehensive Plan's Future Land Use Map, shall be assessed relative to the standards in Section 1609 "Design Standards" in conjunction with the provisions of Article 3 "Amendment."

SECTION 1150

INDUSTRIAL THREE (I-3)

Surface Mining District

The following regulations shall apply in all Industrial Three (I-3) districts. The intent of this district is to regulate surface mining excavation, extraction, processing, storage, loading, hauling, and unloading of sand, gravel, rock, clay, shale, stone, coal, and similar natural resources and for treatment and processing of such products which may be produced from such raw materials.

SECTION 1151

Principally Permitted Uses

The following uses are permitted:

1. Any customary agricultural use or structure, excluding dwellings;
2. Essential services and public utilities in accordance with applicable regulations of the Public Service commission, Department of Transportation, or Federal Power Commission;
3. Sand, gravel, rock, clay, silt, shale, stone, and other mineral extraction from pits upon to the surface in conformance with a Surface Mining Special Use Permit issued by the Planning Commission;

4. Operations appurtenant to the treatment and processing of sand, gravel, rock, clay, silt, shale, stone, coal, and other natural resources including washing and screening, cement and lime manufacturing, drying, crushing, concrete batching and mixing, storage, loading and unloading from rail, river or highway vehicles in conformance with a Surface Mining Special Use Permit issued by the Planning Commission.
5. Sexually Oriented Business as defined in Article 40 and applicable standards in Article 31.

SECTION 1152

Accessory Uses

Customary accessory uses and structures including operations required to maintain or support any use permitted in this zone on the same site as the permitted use such as maintenance shops, power plants, offices, food service facilities and caretaker or watchman quarters.

SECTION 1154

Conditional Uses and Criteria

The following uses are permitted as geographic transitions between the uses Principally Permitted in the I-3 District and the existing and permitted uses of adjoining districts. Conditional Uses are subject to the approval and qualifications of the Board of Adjustment and Zoning Appeals provided: a) the activity is provided primarily in support of and obtains its trade from the employees of the district and employees and residents of the adjoining areas; b) the activity represents an appropriate land use transition between the mining related activities in the I-3 District and the existing and permitted uses of adjoining areas and districts; c) the use, building or structure is subservient to and not of scale, nature, trade or character which will compete, detract or conflict with the purpose and permitted uses of the I-3 District and adjoining districts; and d) provided the arrangement of uses, buildings or structures is mutually compatible with the organization of permitted and accessory uses to be protected in the adjoining districts:

1. All Principally Permitted Uses and Conditional Uses in the Small Community (SC) Overlay District except residential uses and Bed and Breakfast Inns;
2. Historic sites and structures, and other monuments and exhibits available for public viewing;
3. Miniature golf, arcades, golf driving ranges, batting cages, go-cart tracks and other specialized amusement facilities;
4. Tennis courts, ice skating, roller skating, riding stables, and bowling;
5. Play lots or tot lots, playgrounds, play fields or athletic fields, recreation centers, gymnasiums, and other athletic uses and structures;
6. Fishing lakes and fishing lake access, and indoor target ranges;
7. General leisure, ornamental and other parks, spaces, trails, bikeway systems and similar uses;
8. Landscape and plant nurseries including greenhouses, garden and landscape sales, but excluding outdoor display and storage of equipment and vehicles.

SECTION 1156

Application and Process

Applications for Industrial Three District zoning shall be processed in three stages as follows:

A. STAGE I - APPLICATION

If a site is not currently zoned I-3, then a Zoning Map Amendment application must be submitted in accordance with Article 3 of this document. Applications for Industrial Three (I-3) District zoning shall include a development plan with the following information in triplicate:

1. A vicinity map showing the area within a three mile radius of the center of the proposed site. Current 7-1/2 minute topographic at a scale of 1 inch equal to 2000 feet shall be used as the base map with existing zoning drawn thereon. Proposed routes for shipping and receiving materials and equipment shall be indicated along with daily, monthly and yearly average and maximum quantities of materials transported to and from the site. Recorded historical and archaeological sites, public facilities such as parks, schools, churches, cemeteries, fire stations and government offices and the boundaries of cities, counties and states shall be identified. The boundary of the proposed site shall be shown;
2. A site plan of the site drawn to a scale of 1 inch equal not more than 100 feet showing:
 - a. The total area of the property owned or leased by the applicant;
 - b. Names of abutting property owners;
 - c. All public and private right-of-ways and easements on or abutting the property with notation as to proposed continuation, creation, enlargement, relocation or abandonment;
 - d. Existing and proposed contours shown with intervals sufficient to show existing and proposed drainage, but not more than 10 feet;
 - e. All existing structures on the property and within 200 feet of the property lines on adjacent property;
 - f. General layout of proposed development showing proposed limits of excavation and all proposed structures;
 - g. Location, dimension, and description of proposed buffer strips, screening, and embankments;
 - h. All existing public roads abutting the site with width and type of pavement, existing and proposed right-of-way width, and existing and proposed drainage structures;
 - i. Existing drainage courses with proposed relocations, channel changes, diversions, retention basins, sedimentation basins, and drainage structures;
 - j. Schedule of development showing estimated time frame for development and reclamation of the site; including a description of maximum active area for operation, on-going reclamation area, and design of site work to minimize active area and minimize the time unreclaimed non-active area exists;
 - k. Routes of anticipated hauling travel on public roads with descriptions of maximum load weight limits of each public road, or road section anticipated to be utilized for transportation of the materials;
 - l. Proposed ultimate land use after full reclamation;
3. A written description of the proposed operation addressing each of the following:
 - a. Hours of operation: hours of operation within proposed operational boundaries, and hours of operation of off-site hauling, using public roads;
 - b. Dust control: detailed design plan including a list of equipment to be used for dust abatement along with a written summary of operator's fugitive dust requirements pursuant to current U.S. EPA, and Kentucky Department of Natural Resources and Environmental Protection as they specifically apply to the proposed operation;
 - c. Noise control: detailed design plan including a list of equipment to be used that may impact noise pollution. Projections of average and maximum decibel levels at site boundaries, adjacent public roads and all adjacent property owners buildings and/or dwellings;

- d. Erosion control: description of surface soil quantities and proposed stockpiling of such for subsequent reclamation after closure of each active area, as set forth in item f. below;
- e. Water pollution control: summary of the operator's requirements of all water pollution monitoring and waste handling requirements pursuant to U.S. EPA's and Kentucky Department of Natural Resources and Environmental Protection's National Pollutant Discharge Elimination System (NPDES) permit, groundwater, hazardous waste, hazardous substance regulations, and any other applicable environmental regulations. Details of any anticipated use or disturbance of any lakes, ponds, streams, rivers, creeks, or the creation of any dikes, impoundments, settling ponds, or other method for water retention for the purpose of operation, water supply, reclamation, treatment, ultimate land use, or otherwise, including but not limited to any such activity that requires application and approval from the U.S. Army Corps of Engineers. Details of any underground storage tanks including description of use and methods of compliance under U.S. EPA, the Kentucky Department of Natural Resources and Environmental Protection regulations;
- f. Contemporaneous Reclamation Plan: a written description, prepared by a Professional Engineer licensed in the State of Kentucky, which establishes operational design plans for keeping reclamation operations, including backfilling, grading, soil preparations, and revegetation, contemporaneous with operations. This Plan which promotes the protection of people, property, land, water and other natural resources and aesthetic values, during operations shall include the following:
 - 1. A detailed site description and overview of the operations;
 - 2. General reclamation operations including but not limited to, backfilling, grading, top soil redistribution, liming, fertilization, other soil preparation, seeding, planting, mulching and revegetation of all land that is disturbed by the operations;
 - 3. A description of the "Active Area" which is defined as "the maximum quantity of acreage that shall have surface disturbance." "Surface disturbance" is that condition of land after initial disturbance of top soil and before reclamation has begun. The Active Area minimization efforts shall be described in detail in this Plan;
 - 4. A description of the "Reclamation Area" which is defined as that quantity of land no longer producing material, (i.e. inactive) until final reclamation is complete;
 - 5. A detailed description of the division of property into sections (each section no larger than the maximum "Active Area" under paragraph 3. of this section) and the design plan of the time frame and reclamation plans of each section through the Active Area phase and Reclamation Area phase, along with other details such as erosion controls and preparation for the Ultimate Land Use Plan upon final reclamation as described below;
- g. Ultimate Land Use Plan: the use of the land after final reclamation. This plan shall describe the use of the land after final reclamation. This plan shall be prepared by a Professional Engineer, licensed in the State of Kentucky, and shall include the following:
 - 1. A detailed design of final reclaimed topography, drainage and solid content of the site. This information shall include survey plats, topographical drawings, and soil content core thickness assays;
 - 2. The time frame of proposed final closure plans;
 - 3. A detailed description of any additional work; whether construction of structures, earthwork or any other requirements that are necessary to make the ultimate land use possible;
 - 4. The detailed cost estimate to finalize reclamation and complete the site for ultimate use. Such estimates shall be based on the costs to the owner or operator of hiring a third party to complete final reclamation and site preparation for ultimate land use. Bonding under Article 4.83E shall include these costs;

4. A list of the names and current mailing addresses of all abutting property owners. Property located on public right-of-ways opposite the site are considered to be abutting the site. Current mailing address is the address on file at the Property Valuation Office at the Boone County Courthouse;
5. Metes and bounds description of the property for which the zone change is required;
6. Applications for Surface Mining District zoning shall be made on forms available at the Boone County Planning Commission office. The application shall be signed by the owner of the property described in the application. Where the developer is other than the owner, the developer must also sign the application;
7. A written consent by the applicant and owner of the property that notice of conditions of any development plan or other restrictions are to be recorded in the records of the Boone County Clerk's office and the applicant and owner of the property agree to furnish all necessary information to properly record the notice, it being understood the recording is to subject the property to such conditions and restrictions to successors in title to the property.

B. STAGE II - PUBLIC HEARING

Upon receipt of the application, development plan, and required fees, the Planning Commission will conduct a public hearing in accordance with Kentucky Revised Statutes. The development plan shall be available for public inspection at the Planning Commission office during the required public notice time period and shall be presented at the public hearing.

C. STAGE III - DEVELOPMENT PLAN APPROVAL AND/OR RECOMMENDATION

Following the public hearing, the Planning Commission shall approve or disapprove the development plan. When the Planning Commission finds that changes in the development plan are necessary prior to approval, and based on information developed in the public hearing, the applicant shall be given thirty days in which to submit a revised development plan. No revisions shall be made other than those discussed at the public hearing and ordered by the Planning Commission. If the development plan is approved, the Planning Commission shall make a recommendation for a Zoning Map Amendment to the appropriate legislative body. The recommendation shall contain the findings of fact developed at the public hearing in support of the zone change. If the development plan is disapproved, the Planning Commission shall make a recommendation to deny the zone change to the appropriate legislative body with a copy of the recommendation to the applicant. The recommendation shall contain the reasons for denying the zone change.

SECTION 1158

Special Use Permit Application

After zoning approval has been granted by the legislative unit or if a site is currently zoned I-3, the developer shall file an application for a Surface Mining Special Use Permit. The application shall include the following information in triplicate:

- A. A site plan of the site drawn to a scale of 1 inch equal to not more than 100 feet showing:
 1. All information shown on the approved site plan of the Development Plan;
 2. Dimension, location of all proposed structures;
 3. Typical cross-section through site showing limits of excavation, location of embankments, location of buffer strips, species and density of proposed plantings;
 4. Erosion control measures;
 5. Location, width and surface types of access road to public road;

6. Description of Active Area minimization, and time frame of contemporaneous reclamation of each section. This includes an itemized cost estimate of the reclamation of all property to be disturbed. Estimate will include cost of removing and disposing of structures, grading, fertilizing, seeding, mulching, and planting costs of the final preparations for the Ultimate Land Use Plan.
- B. Copies of applications for permits and/or licenses from local, State and Federal agencies having jurisdiction;
 - C. Statement that the Planning Commission shall be furnished a copy of all inspection reports from the Kentucky Department of Natural Resources and Environmental Protection;
 - D. Contemporaneous Reclamation Plan, which is a written description, prepared by a professional engineer licensed in the State of Kentucky, which establishes operation design plans for keeping reclamation operations, including backfilling, grading, soil preparations and revegetation, contemporaneous with operations. This Plan which promotes the protection of people, property, land, water and other natural resources and aesthetic values, during operations shall include the following:
 1. A detailed site description and overview of the operations;
 2. General reclamation operations including but not limited to, backfilling, grading, top soil redistribution, liming, fertilization, other soil preparation, seeding, planting, mulching and revegetation of all land that is disturbed by the operations;
 3. A description of the "Active Area" which is defined as "the maximum quantity of acreage that shall have surface disturbance." "Surface disturbance" is that condition of land after initial disturbance of top soil and before reclamation has begun. The Active Area minimization efforts shall be described in detail in this Plan;
 4. A description of the "Reclamation Area" which is defined as that quantity of land no longer producing material, (i.e. inactive) until final reclamation is complete;
 5. A detailed description of the division of property into sections (each section no larger than the maximum "Active Area" under paragraph 3 of this section) and the design plan of the time frame and reclamation plans of each section through the Active Area phase and Reclamation Area phase, along with other details such as erosion controls and preparation for the Ultimate Land Use Plan upon final reclamation as described below.
 - E. Ultimate Land Use Plan, which is the use of land after final reclamation. This plan shall describe the use of the land after final reclamation. This plan shall be prepared by a professional engineer, licensed in the State of Kentucky, and shall include the following:
 1. A detailed design of final reclaimed topography, drainage and solid content of the site. This information shall include survey plats, topographical drawings, and soil content core thickness assays;
 2. The time frame of proposed final closure plans;
 3. A detailed description of any additional work; whether construction of structures, earthwork or any other requirements that are necessary to make the ultimate land use possible;
 4. The detailed cost estimate to finalize reclamation and complete the site for ultimate use. Such estimates shall be based on the costs to the owner or operator of hiring a third party to complete final reclamation and site preparation for ultimate land use. Bonding under Section 1158.F shall include these costs.
 - F. A bond, payable to the legislative body having jurisdiction, in an amount equal to the estimated cost of reclamation times an escalation factor approved by the Planning Commission. The escalation factor shall be based on the average annual rate of inflation as published by the U.S. Bureau of Labor Statistics for the preceding five years times the number of years or fraction thereof proposed in the schedule of development. The bond shall be in a form approved by the legislative body having jurisdiction. Additional bond may be required during the course of the operation of the site when time extensions are granted by the Planning

Commission, revisions are made to the development plan, or when the Planning Commission or the legislative body having jurisdiction has reasonable cause to believe the reclamation cannot be completed with the amount of bond posted;

- G. Applications for Surface Mining Special Use Permits shall be made on forms available at the Boone County Planning Commission office. The application shall be signed by the owner of the property described in the application. Where the developer is other than the owner, the developer must also sign the application;
- H. A written consent by the applicant and owner of the property that notice of conditions of any development plan or other restrictions are to be recorded in the records of the Boone County Clerk's office and the applicant and owner of the property agree to furnish all necessary information to properly record the notice, it being understood the recording is to subject the property to such conditions and restrictions to successors in title to the property.

SECTION 1160

Performance Requirements

Development and reclamation of the site shall be in accordance with the following definitions and criteria:

- A. Time Limit: The approved facility shall be in substantial operation one year after approval of the Surface Mining Special Use Permit. The applicant, or permittee, shall be subject to annual review by the Planning Commission to assure the permittee's compliance with the Development Plan, Contemporaneous Reclamation Plan, and the Ultimate Land Use Plan as approved by the Planning Commission.

The active mining area, as defined in the Development Plan, shall be maintained at or below the approved permitted size. The reclamation area, as described in the Development Plan, shall be reclaimed contemporaneously as set forth in the Contemporaneous Reclamation Plan and as expeditiously as possible. A map shall be submitted annually by the permittee to the Planning Commission showing the status of the affected area and reclamation.

Failure to complete contemporaneous reclamation of inactive areas will result in disallowance of advancement. If the Planning Commission determines that the development and reclamation of the site has not proceeded in accordance with the approved or amended time frames and plans, the Planning Commission shall notify the permittee of its finding. If the noncompliant activity is not corrected within forty five (45) days of written notification, the Surface Mining Special Use Permit shall be revoked. If revoked, the permittee shall apply for a Surface Mining Special Use Permit. In addition, a public hearing may be held to rezone the site based upon the recommendation from the Planning Commission and action from the legislative body.

All mining operations and reclamation activity shall be completed no later than twelve (12) years after approval of the Surface Mining Special Use Permit. The Special Use Permit shall be extended for another 12 years depending on the following criteria:

- 1) The site is in compliance with its currently approved plans,
- 2) No pending violations, either in the past or currently, still exist on the site.

All provisions in the Industrial Three (I-3) zoning classification still apply in the above extension process. Also, any unapproved changes on the site or to the approved plans shall require a new application submittal. Major amendments to the scope of the operation as permitted by the current Surface Mining Special Use Permit shall be submitted for review and approval by the Planning Commission in accordance with Section 1154. Major amendments include exceeding the scope or size of the operation beyond that approved through the current Surface Mining Special Use Permit, altering supplemental conditions of approval, or altering any plan element of substantive effect. Minor amendments do not involve exceeding the scope or size of the operation beyond that currently approved, do not involve alterations in any supplemental conditions of approval, and do not involve altering any plan element of substantive effect. Minor amendments may be approved by the Zoning Administrator.

- B. Operations: The approved facility shall be operated at all times in accordance with the following rules and regulations:
1. Contemporaneous Reclamation Plan: All operations must be conducted in a manner consistent with the Contemporaneous Reclamation Plan. In addition, hours of operation designations must be maintained. Any request for modification must be made in writing to the Planning Commission. Failure to do so could result in revocation of the Zoning Permit;
 2. Ultimate Land Use Plan: The operations must be maintained in a manner consistent with the Ultimate Land Use Plan including but not limited to soil conservation etc. Any request for modification must be made in writing to the Planning Commission. Failure to do so could result in revocation of the Zoning Permit;
 3. Solid Waste Disposal: All solid waste generated by operations on this site shall be disposed of in accordance with the current regulations of the Kentucky Division of Solid Waste which are incorporated herein by reference;
 4. Air Pollution: All operations on the site shall be in compliance with the regulations and standards of the Kentucky Division of Air Pollution which are incorporated herein by reference;
 5. Water Pollution: All operations on the site shall be in compliance with the rules and regulations and standards of the Kentucky Division of Water Quality and the Corps of Engineers, Department of the Army, which are incorporated by reference;
 6. Noise Pollution: All operations on the site shall be in compliance with the rules, regulations and standards of the Kentucky Department of Natural Resources and Environmental Protection and the Kentucky Department of Mines and Minerals;
 7. Blasting: All operations involving the use of explosives shall be conducted in accordance with the rules and regulations of the Kentucky Department of Mines and Minerals which are incorporated herein by reference;
 8. Operations: No land, building or structure shall be used or occupied in any manner which causes injury, detriment, nuisance or annoyance to any considerable number of people. Operations which endanger the comfort, repose, health or safety of any person or which causes or has a natural tendency to cause injury or danger to residences, business or other properly zoned uses shall not be conducted. All operations shall employ recognized equipment and procedures of the industry in question to minimize objectionable elements or conditions adversely affecting the surrounding properties. Operation of equipment shall be in accordance with the standards of the industry and the Kentucky Department of Labor;
 9. Drainage: Natural drainways in the area of land affected by the operation shall be kept free from over burden. Such drainways shall be identified on the map submitted with the application. If, in the operation it is necessary to cross such a drainway, proper drainage structures shall be provided. Sufficient water retarding structures and silt dams constructed to the approval of the Planning Commission shall be placed in all natural drainways on every operation before the work begins. The proposed location of such dams and structures shall be indicated on the map submitted as part of the special use permit application;
 10. Highwalls: Where the operation produces a bench or solid rock highwall, at least one suitable access shall be provided to lands above the highwall within each four thousand (4,000) feet of distance along the bench. Any water accumulating on a bench where the drainage is off the operation shall be pumped or siphoned into a natural or constructed drainway. The moving of over burden to release such water shall be prohibited unless a drainway can be constructed with the approval of the Commission;

11. **Revegetation and Restoration:** Requirements for revegetation and demonstration of successful restoration of soil productivity are set forth in "Kentucky Prime Farmland and Crop Production Restoration After Mining," Kentucky Department for Surface Mining Reclamation and Enforcement in consultation with the U.S. Soil Conservation Service, June 1985. This document is incorporated herein by reference;
12. **Spoil:** Spoil or over burden removed shall be placed, graded and stabilized so that soil erosion, surface disturbance and stream sedimentation will be minimized. All grading must be kept current and shall be completed before necessary equipment is removed from the operation;
13. **Adjacent Property:** The conduct of mining and the handling of refuse and other mining wastes shall be done in such a way as to reduce adverse effects in the area and to protect the public and adjoining landowners from damage to their lands, streams, and property;
14. **Final Cleanup:** Upon final abandonment, all buildings, structures, metal, lumber and other refuse resulting from the operation shall be removed or buried, and shall be consistent with the Ultimate Land Use Plan;
15. **Plan Revisions:** Where conditions develop in the operation which show that the approved reclamation plan cannot be carried out as planned, modifications of the plan shall be submitted by the operator to the Planning Commission for approval;
16. **Access Roads:** The access road shall be that section of road beginning at its junction with any public road and ending at the pit which the operator uses as a haul road. Use of a pre-existing private road or any portion thereof by the operator requires:
 - a. That the haul road be kept open and in condition that local traffic can use it without damage to their means of transportation;
 - b. That if disturbance by the operator shall make the road impassable, a detour of comparable usability shall be provided;

Paths or trails between pits for the temporary movement of equipment shall not be considered as access roads but nevertheless shall be part of the area affected;

No road shall be constructed up a stream channel proper. Where it is necessary to locate a road parallel to a stream, it should be placed as far as possible from the stream so as to leave a filter strip between road and stream. A filter strip shall be defined as an area of forest or field left untouched and undisturbed by the operator during road construction and road maintenance;

The grading of an access road shall be such that:

- a. No sustained grade shall exceed 10%;
- b. The maximum pitch grade shall not exceed 10% for 300 feet;
- c. There shall not be more than 300 feet of maximum pitch grade for each 1,000 feet of road construction;

The grade on switch back curves must be reduced to less than the approach grade and shall not be greater than 5%;

A ditch shall be provided on both sides of a through-cut and on the inside shoulder of a cut-fill sections, with ditch relief cross drains being spaced according to grade. Water shall be intercepted before reaching a switch back or large fill and led off. Water on a fill or switch back shall be released below the fill, not over it;

Ditch relief structures will be installed, where possible, according to the following table of spacing in terms of percent of ditch line grade on the basis of 100 sq. in. opening per culvert; (12" dia. round corrugated metal pipes have 113 sq. in. open area)

<u>DITCH LINE GRADIENT</u>	<u>SPACING OF CULVERTS</u>
	(shall not exceed)
2%	600'
3%	500'
4%	400'
5%	320'
6%	275'

If drainage structures are required in order to cross a stream channel, they shall be such as not to affect the normal flow of the stream. Consideration will be given to the time of year the stream is crossed and the length of time the stream channel is used, but in no event, and under no condition, will the normal flow of the stream be affected or the sediment load of the stream be materially increased;

Cut slopes shall not be more than 2:1 in soil and more than 0:1 in rock;

All fill and cut slopes shall be seeded during the first planting and/or seeding season after the construction of the road;

If a berm is produced in skimming the road, it shall not be left on the ditch side;

Roads shall not be surfaced on top with any acid producing material which will produce a runoff of acid, the surface being that part of the road exposed to the elements of wind, rain, and sun;

No bridges, culverts, stream crossings, etc. may be removed until the reclamation is completed;

When an access road is to be abandoned and shall no longer be used as a road by the operator, the landowners, or the state or national forest services, surface drainage to minimize erosion and vegetative cover shall be provided. Regardless of the future use of the road, adequate surface drainage shall be provided. Abandoned means that the operator has ceased to use the road and has not turned the road over to another party for their use. When adequate surface drainage and vegetative cover has been provided, the operator shall be relieved of all further obligations in maintaining said road;

Should the Planning Commission determine that modifications are necessary because of topography or particular watershed situations, the Planning Commission may make such modification;

All grades referred to in this regulation shall be subject to a tolerance of two percent (2%) grade. All measurements referred to in this regulation shall be subject to a tolerance of ten percent (10%) of measurement;

17. Excavation: No excavation shall be done outside the limit established by projecting a line sloping inward from a property line or right-of-way line at one foot horizontal to one foot vertical;

18. Embankment: All excavation in excess of 10 feet below original ground elevation shall be surrounded by embankments of not less than 10 feet high and 10 feet wide at the top. Exterior slopes of this embankment shall be no steeper than three feet horizontal to one foot vertical. The top and slopes of the embankment shall be promptly fertilized and seeded to legumes and perennial grasses;
19. Sign: An appropriate sign shall be displayed at the points of access to each operation adjacent to the nearest public highway. The sign shall be at least two feet by four feet (2' x 4'), constructed of a wooden or other durable material, and clearly identify the name of the operator and number of his mining permit. Such sign shall be maintained during the life of the operation. Failure to post such sign shall be grounds for the revocation of the permit;
20. Succession of Operators: Where an operator succeeds another at an operation, either by sale, assignment, lease or otherwise, the Planning Commission may release the first operator from all liability under this regulation as to that particular operation. However, both operators must have otherwise complied with the requirements of this regulation and the successor operator assumes as part of his obligation under this regulation, all liability for the reclamation of the area of land affected by the former operator;

SECTION 1162

I-3 District Compatibility Standards

All Principally Permitted Uses are subject to the following compatibility standards:

1. Setbacks/Buffer Yards from Adjoining Zones and Uses: A minimum 200 foot buffer yard shall be maintained where the I-3 zone adjoins any residential zone, agricultural zones where there is an existing residence on the lot adjoining the I-3 zone, and the Small Community (SC) overlay zone; no activity may occur within this 200 foot buffer yard. A minimum 100 foot buffer yard shall be maintained from all other zones (except the I-3 and I-4 zones) and agricultural zones where there is no existing residence on the lot adjoining the I-3 zone; no activity may occur within this 100 foot buffer yard. Processing plants and other structures used for materials handling and related purposes shall be setback an additional 150 feet from the 100 foot and 200 foot buffer yards; other mining activities may occur within this 150 foot additional set back. A minimum 50 foot buffer yard shall be maintained from Conditional Uses within the I-3 zone, and along public streets where an I-3 district is the adjoining zone across a public street or road. Tree cover shall be maintained and/or provided throughout the entire buffer yard area. Existing tree cover shall be retained and incorporated into required buffer yards. Where there is not continuous forest cover in a buffer yard, the following shall be provided:
 - A. Berms which are at least 10 feet high from the centerline of the adjoining public street when the buffer yard adjoins a street, or from the property line when the buffer yard adjoins another tract, shall be constructed, unless such construction would necessitate the removal of existing forest cover. If construction of 10 foot high berming would necessitate the removal of existing forest cover, berms shall be constructed to the highest height possible without removing existing forest cover or exceeding a 3:1 slope. Berming shall meander in the buffer yard when viewed from plan view.
 - B. Native hardwood trees which are a minimum of 2 inch caliper at planting shall be installed at a minimum density of one tree per 150 square feet for the first 50 feet of a buffer yard from the adjoining zone or use; the hardwood tree seedling mixture outlined in Section 1164 shall also be provided in this area. For any remaining area in a buffer yard, at least one tree shall be installed per 250 square feet of area - between 50 and 70 percent of these trees shall be evergreen trees that are a minimum of 6 feet in height at planting and the remainder shall be hardwood trees that are a minimum of 2 inch caliper at planting; either tree mixture in Section 1164, or a combination of both tree seedling mixtures, shall also be provided for any remaining area in a buffer yard. All planting materials shall be evenly distributed within a buffer yard from a quantitative standpoint, although formal, rectilinear planting configurations are prohibited. Planting materials shall be selected based on compatibility with soil types, and at least four different species of trees shall be provided for each tree group (hardwood and evergreen).

- C. Where the difference in topographical elevation between the area to be mined and an adjoining, upslope residential zone, or agricultural zone where there is an existing residence on the adjoining lot, is 50 feet or greater, berming shall be provided at the top of the slope in accordance with the standards in subsection A above. In this instance, the minimum planting size for the hardwood trees within the first 50 feet of the buffer yard shall be increased to 4 inch caliper.

All required buffer improvements adjoining a specific phase of mining work shall be completed before any mining work within said phase commences, however, overburden may be removed and used in the construction of the required berms within such phase.

2. Setback/Buffer Yards from Adjoining Mining Uses in I-3 and I-4 Zones: Buffer Yard A as per Article 36 shall be provided.
3. Ohio River frontage: Where an I-3 zoned site adjoins the Ohio River, a buffer yard that is at least 25 feet wide shall be maintained along the shoreline, outside of the 100 year flood plain. A line of hardwood trees which are a minimum of 2 inch caliper at planting shall be installed along the shoreline at a minimum ratio of one tree per 10 linear feet, and the hardwood seedling mixture from Section 1164 shall also be provided in the minimum 25 foot wide buffer yard. Any existing tree cover along the shoreline shall be maintained and credited towards the tree planting requirements. These requirements do not apply in instances where port activities occur directly on the Ohio River.
4. Height: The maximum building height for a mining operation is 50 feet from the original ground elevation.
5. Maximum Intensity: There are no minimum or average building intensities for Principally Permitted Uses in the I-3 district.
6. Dust Control and Driveways: Dust control on the site shall include truck wheel washing facilities. Recycled or reused water must be as free from sediment as possible. The facility must meet the minimum requirements of the Kentucky Division of Water Quality regarding runoff and sediment control. The truck washing facility must be a minimum of 200 feet from the nearest public roadway, and the entrance driveway or road must be paved and kept clean and dust free for this 200 feet. Driveways shall be angled through the buffer yard adjoining the street frontage as to not create a direct viewshed into the mining area from a public road. Curb cuts/driveways shall be constructed as per the standards in Article 32 for industrial uses. All exiting trucks will be covered with tarps that will control dust emissions.

All state, federal, and EPA regulations pertaining to dust control are herein incorporated by reference into this order and are Special Use Permit requirements.

7. Clearing: Clearing of existing vegetation within a specific phase of mining work shall not occur more than six (6) months prior to planned excavation of said phase.

All Conditional Uses are subject to the following compatibility standards:

1. Building Setbacks, Height, and Intensity: All Conditional Uses in the I-3 district shall be subject to the Commercial One (C-1) district standards for building setbacks and height. Building intensity shall not exceed 8,000 square feet of gross building area per acre of land.
2. Landscaping: All Conditional Uses in the I-3 district shall be subject to the landscaping requirements in Article 36. For the purposes of the Buffer Yard requirements in Section 3645, the Commercial One (C-1) district standards shall be used for the "developing use zone" requirements, except that Buffer Yard A shall be used when a Conditional Use in the I-3 zone abuts any other part of an I-3 zone.

Signage: Principally Permitted and Conditional Uses in the I-3 district shall be subject to the signage requirements in Section 3460 Small Community Overlay District Signage.

SECTION 1164

Reclamation

Restoration of land shall be subject to all regulations of the Kentucky Department of Natural Resources and Environmental Protection, Division of Reclamation (Title XXVIII, Mines and Minerals KRS Chapter 350 Strip Mining) and additionally, the Boone County Planning Commission.

A. Criteria

1. Slopes: All earthen banks shall be left with a slope of no greater than three feet horizontal to one foot vertical;
2. Vegetative Cover: The type and number per acre of trees, shrubs, ground cover or legumes to be planted shall be approved by the Planning Commission in conjunction with the County Agricultural Extension Agent and the following guidelines:
 - a. The objective in re-vegetation is to stabilize the area as quickly as possible after it has been disturbed. Plants that will give a quick, protective cover and enrich the soil shall be given priority. These plants should be considered only as a tool in obtaining productive land use and not the end result;
 - b. Appropriate re-vegetation shall be seeded and/or planted as soon after grading as possible, provided that seeding and/or planting shall be performed in the proper season in accordance with accepted agricultural and reforestation practices;
 - c. When planting is completed, the operator shall file a copy of the planting report with the Planning Commission on a form to be furnished by the Division of Reclamation;
 - d. The Planning Commission finding that some flexibility is required in the administration of regulations, where special conditions warrant, may provide for exceptions to the regulation, consistent with the requirements of the Division of Reclamation. All such exceptions shall be presented to the Planning Commission for its approval or rejection;
 - e. On all lands disturbed during the course of operation, the entire disturbed area shall be fertilized, seeded and planted to legumes, perennial grasses, and trees, except as hereinafter provided:
 - I. Roads shall be seeded to legumes and perennial grasses only - no trees being required. This vegetative requirement for roads may be modified if, in the opinion of the Commission, the roadway will not contribute serious off-site damage to the public or to adjacent property owners;
 - II. On very stony areas that cannot be hand planted without difficulty, direct seeding of trees will be permitted by the Commission;
 - III. Shrubs for wildlife may be planted to include border plantings, clump planting and intervening strips, at a 6' x 6' spacing. These plantings shall not exceed twenty percent (20%) of the total area planted;
 - IV. Where a seam or stratum of solid rock makes vegetation impractical, none shall be required;
 - f. Re-vegetation of the area shall be subject to the following requirements:
 - I. All legume seed, except Black Locust, shall be inoculated;
 - II. All Black Locust and Serices Lespedeza seed shall be scarified except when used in fall and winter seeding;

- III. Experimental planting and/or seeding of trees, shrubs, legumes and perennial grasses not normally recommended, is encouraged in limited quantities provided that no more than twenty percent (20%) of the total area shall be planted in these species;
- IV. Scarification of the soil, when it has become crusted and hard, is required prior to the seeding of legumes and perennial grasses;
- V. The application of fertilizer shall be required as set out in subsection (X) below;
- VI. Tree seedling mixtures shall be as follows:

Hardwood mixtures shall consist of two or more of the following:	
European Alder	Red Gum
Sycamore	Cottonwood
Red or Silver Maple	River Birch
Green or White Ash	Red Oak
Black Locust	Hybrid Poplar

The use of European alder and Black locust nurse trees are encouraged but the Black locust shall not exceed twenty-five percent (25%) and/or the European alder fifty percent (50%) of the total mixture. Black locust shall not be mixed with Sycamore and Cottonwood except in a block or belt type of plantings.

Conifer mixtures shall consist of two or more of the following:	
Virginia Pine	Loblolly Pine
Pitch Pine	White Pine
Shortleaf Pine	Scotch Pine

- VII. One of the following mixtures shall be used for direct seeding of trees:

Mixture One:	
Black Locust	2 lbs./acre
Serices Lespedeza	5 lbs./acre
Kobe and/or Korean Lespedeza	10 lbs./acre
KY 31 Fescue	10 lbs./acre

Mixture Two: (use at least two of the Pines)	
Loblolly Pine	1 lbs./acre
Virginia Pine	½ lb./acre
Shortleaf Pine	½ lb./acre
Kobe and/or Korean Lespedeza	15 lbs./acre
KY 31 Fescue	10 lbs./acre

Mixture Three:	
Black Locust	2 lbs./acre
Bi-color Lespedeza	5 lbs./acre
Kobe and/or Korean Lespedeza	10 lbs./acre
KY 31 Fescue	10 lbs./acre

Mixture Four: (use at least two of the Pines)	
Loblolly Pine	1 lbs./acre
Virginia Pine	½ lb./acre
Shortleaf Pine	½ lb./acre
Bi-color Lespedeza	5 lbs./acre
KY 31 Fescue	15 lbs./acre

VIII. Shrubs for wildlife planting shall be one or more of the following:

Mixture One:	
Bi-color Lespedeza	Arrowwood
Autumn Olive	Tatarian
Silky Dogwood	Honeysuckle
Japonica Lespedeza	Coral Berry

Additional species with demonstrated ability to survive as shown by planting tests will be allowed.

- IX. Legume and perennial grass seed mixture shall be in the following species and rates;

Mixture One: (for out slopes and other areas where herbaceous competition with trees is not a problem)	
KY 31 Tall Fescue	15 lbs./acre
Weeping Love	2 lbs./acre
Kobe and/or Korean Lespedeza	5 lbs./acre
Serices Lespedeza	15 lbs./acre

Note: Love grass will improve the chances of getting cover in dry years. One-half of the Fescue could be replaced with domestic rye grass.

Mixture Two: (for areas where herbaceous vegetation could compete with slow growing conifers and hardwoods)	
Kobe and/or Korean Lespedeza	10 lbs./acre
KY 31 Tall Fescue	15 lbs./acre

- X. Minimum fertilizer requirements for grasses and legumes at time of seeding shall be as follows:

100 lbs. of Phosphorus (P₂O₅) per acre
100 lbs. of Nitrogen (N) per acre

- XI. On selected sites a wide choice of other pasture and forage species and rates of seeding which will provide suitable cover are in accordance with acceptable agricultural practices shall be permitted. Information regarding approved species and mixtures may be obtained from the Division of Reclamation.
- g. Inspection and evaluation for vegetative cover shall be made as soon as it is possible to determine if a satisfactory stand has been achieved. In no instance shall this vegetative cover check be made until just prior to or after the completion of the first growing season;
- h. Annual grasses and small grains shall be considered only as a tool in establishing temporary vegetative cover for restoration. These types of annuals shall not be evaluated in the determination of vegetative cover;
- i. Standards for legumes and perennial grasses - there shall be established at least a seventy percent (70%) ground cover. Bare areas shall not exceed one-fourth (1/4) acre (100' x 100') in size nor total more than thirty percent (30%) of the area seeded;
- j. Standards for woody plants - there shall be six hundred (600) or more woody plants living per acre, including volunteers. Distribution of stems must be fairly uniform, with no areas larger than one-fourth (1/4) acre (100' x 100') in size of substandard stocking;

3. Time Limit: Restoration of disturbed areas shall begin as soon as possible. Except for areas in constant use such as haul roads, access roads, stock pile areas and processing areas, restoration shall begin according to the approved Development Plan but in no case any later than one year of final extraction;
4. Release of Bond: The bond required by Section 1158.F of these regulations will not be released until after the final inspection and evaluation for vegetative cover and inspection of the site for release to the Ultimate Use as set forth in the approved Development Plan. No more than 50% of this bond may be retained for a period of up to 18 months following the final inspection and evaluation to insure the completion of any requirements in the Development Plan regarding re-vegetation that may become necessary during this period.

SECTION 1168

Minimum Size

The minimum size and extent of an Industrial Three (I-3) district, including all the contiguous private property so designated, shall not be less than fifty (50) acres.

SECTION 1169

Minimum Standards

All permitted, accessory and conditional uses, buildings and structures in this district are subject to the following:

1. The supplemental parking and loading regulations of this ordinance;
2. Resolutions or orders of Boone County, City ordinance, law of the Commonwealth of Kentucky or law of the United States regulating nuisances and environment;
3. Any condition which may be governed by the Northern Kentucky Independent District Health Department;
4. Site Plan Review required for all permitted uses (See Article 30);

SECTION 1180

PROFESSIONAL OFFICE ONE (O-1A)

(THIS ZONING DISTRICT APPLIES TO THE CITY OF FLORENCE ONLY)

The purpose of the Professional Office One district is to create a low density, low rise office environment to provide professional and personal services and employment opportunities in close proximity to and compatible with residential districts. The Professional Office One district should accommodate smaller scale and independent office uses which need not be located within a larger, consolidated Office Two district or which do not need be located within a larger, consolidated Office Two district or which do not need or desire to locate in a commercial district. Professional Office One districts will be located on suitable lands within established or planned urban entities where adequate infrastructure and services are available or proposed.

No dwelling used as a residence can be altered, converted or remodeled to satisfy any of the standards as uses authorized in the Professional Office One (O-1A) zone as permitted uses or conditional uses. Newly constructed structures are necessary to satisfy the requirements and standards of the Professional Office One (O-1A) zone.

SECTION 1181

Principally Permitted Uses

The following uses are permitted:

1. Bank related services (including drive-thru facilities);
2. Business and personal credit services and title services;
3. Security brokers, dealers and flotation services and finance companies;

4. Insurance agents, brokers and services;
5. Real estate agents, brokers and management services;
6. Real estate services and builders offices excluding any outside storage equipment and the like;
7. Holding and investment services;
8. Photographic services;
9. Eating and drinking establishments including alcoholic beverages ;
10. Direct mail and advertising services;
11. Stenographic services and other duplicating and mailing services;
12. News syndicate services and employment services;
13. Research, development and testing services of an office nature;
14. Business and management consulting services and associations;
15. Motion picture, audio-visual and similar media production and distribution services;
16. Physician and dental services including medical, dental laboratories;
17. Legal, engineering, architectural, education and scientific research services;
18. Accounting, auditing and bookkeeping services;
19. Welfare and charitable administration offices;
20. Professional membership organizations and labor organizations and civic associations;
21. Telephone exchange stations, telegraph message centers, radio broadcasting studios, television broadcasting studios and other communication centers and offices excluding any relay, transmitting or receiving towers or similar unattached, erected equipment;
22. The administration, management and any related office use or activity of commercial, business, service, professional, industrial, religious, private institutional, or similar organization, incorporation, companies, associations and such uses. Includes all integral stenographic reproduction, mailing, research, sales and similar office functions, as determined by the Zoning Administrator;
23. Veterinary services not including the boarding of animals;
24. Business colleges or schools;
25. Recreation centers, gymnasiums and other related recreational facilities.

SECTION 1182

Accessory Uses

Accessory uses, buildings, and structures customarily incidental and subordinate to the purposes of the district including:

1. Recreation uses or spaces of integral relation to the developed portions of the district including:
 - a. Temporary exhibit spaces;
 - b. Aquariums, botanical gardens and other natural exhibitions;

- c. Stages and similar assembly areas;
- 2. Accessory uses for an office facility:
 - a. Garages and parking;
 - b. Structures such as fences and walls;
 - c. Buildings such as storage sheds;
- 3. Directional and incidental signage (See Article 34);
- 4. Parking (See Article 33);
- 5. Temporary buildings incidental to construction;
- 6. Drive-through facilities operated in conjunction with a permitted use, and which are conducted in accordance with Section 3155;
- 7. Recycling collection containers.

SECTION 1183

Conditional Uses

The following uses and appropriate accessories subject to the approval and qualifications of the Board of Adjustment and Zoning Appeals provided; a) the activity is an integral and subordinate function of a permitted office use; or b) the arrangement of uses, buildings, or structures will be compatible with the organization of permitted and accessory uses to be protected in the district:

- 1. Single-family or multi-family dwelling units provided the structure was originally designed for residential use, including:
 - a. Private garage and parking;
 - b. Structures such as fences and walls;
 - c. Buildings such as storage sheds;
- 2. Nursery and day care centers;
- 3. Retail and sales of drugs and proprietary goods;
- 4. Medical clinics--out patient services;
- 5. Horse related uses, including riding and boarding stables, as defined by KRS 100.111 (2)(C).

SECTION 1184

Intensity

The maximum total intensity of all uses in a Professional Office One district shall not exceed 20,000 square feet of gross floor area per acre.

SECTION 1185

Minimum Size

There is no minimum size or extent required of a Professional Office One District.

SECTION 1186

Minimum Standards

See Article 31 for dimensional standards. (Site Plan Review is required for all permitted uses) (See Article 30).

SECTION 1187

INDUSTRIAL FOUR (I-4)

(THIS ZONING DISTRICT APPLIES TO UNINCORPORATED BOONE COUNTY ONLY)

Subsurface Mining District

The purpose of this district is to regulate subsurface mining, excavation, extraction, processing, storage, conveying, loading, and hauling of stone and similar natural resources, as well as industrial processes using these natural resources as raw materials. These regulations are designed to protect the public health, safety, and welfare by ensuring that the subsurface mining and associated activity does not adversely impact the environment or surrounding land uses.

SECTION 1188

Applicability

The I-4 zone regulates both the underground mining and the associated surface activity of a subsurface mine. All mined areas, including those owned or leased by the mining operation and those where mining rights have been obtained are subject to these regulations.

SECTION 1189

Geographic Requirements

1. Any I-4 zoning district must be located within 1,500 feet of an existing interstate interchange ramp, as measured along the centerlines of the roadway route. The access driveway must directly access an arterial road as classified by the Boone County Zoning Regulations and the Boone County Transportation Plan. The Planning Commission may also allow access to an existing or planned collector or subcollector road within an industrial zoning district, as long as the affected roadways are constructed to standards of the Boone County Subdivision Regulations. All affected roadways must contain adequate lane width or shoulders, and full center and edge striping. The proposed access point must also be able to meet all requirements in Article 32, Transportation Management of the Boone County Zoning Regulations for trucks, including minimum spacing, corner clearance, and sight distance. If these conditions do not exist, the Planning Commission shall require that they be provided or constructed. Trucks must not exceed the posted weight limits for the affected roadways. The 1,500 feet requirement may be waived if a proposed I-4 zone is surrounded by the Airport (A) zoning district and the proposed development would not adversely affect public roadways between the site and the affected interchange.
2. Any I-4 zone shall not be located within 3,000 feet of an existing residential subdivision development, existing residential zoning, or planned (Future Land Use Map) Suburban Residential, High Suburban Density Residential, or Urban Density Residential area. Any part of the proposed I-4 zone district boundary that is designed to solely accommodate access to the I-4 zone is exempt from the 3,000 foot requirement. However, no mining or related activities may take place in any portion of an I-4 zone exempt from the 3,000 foot requirement for access purposes.
3. I-4 zoning shall not be placed where topographic conditions preclude a complete visual screen from a major public thoroughfare.

Geographic Guidelines

1. The location of an I-4 zone should not cause the provision of centralized water or sanitary sewer service in an area not planned in the current Comprehensive Plan for such services.
2. The I-4 zone should not be located near any existing high-tech industries that have sensitive manufacturing, processing, or handling operations affected by ground vibration, or near churches or other public land uses involving structures sensitive to vibration.

SECTION 1190

Principally Permitted Uses

The following uses are permitted:

1. Extraction of stone, sand, minerals from beneath the existing surface of the ground, not including oil, gas, or other flammable materials. Surface mining is not permitted.
2. River barge loading and unloading operations that are conducted in conjunction with permitted stone, sand, and mineral extraction activities.
3. Agriculture (A-1) zone principally permitted uses # 2- 14, and Conservation (Cons) zone principally permitted uses #1 and 2.

SECTION 1191

Accessory Uses

Accessory uses, buildings, and structures customarily incidental and subordinate to the purposes of the district including:

1. Storage, crushing, washing, screening, sorting, drying, weighing, loading, unloading, and conveyance of raw materials excavated on site.
2. Trucking operations.
3. Rail loading and unloading facilities.
4. Electric generating and similar power plants to serve the site.
5. Dust and noise mitigation operations.
6. Temporary Buildings incidental to construction only.
7. Maintenance shops and facilities to serve equipment directly utilized for a principally permitted use.
8. The administration, management, stenographic, reproduction, research, sales (including sales exhibit or display) and any office activity related to a principally permitted use.
9. Food service facilities.
10. Caretaker or watchman quarters.

SECTION 1192

Conditional Uses

The following uses and appropriate accessories subject to the approval and qualifications of the Board of Adjustment and Zoning Appeals provided; a) the activity is an integral and subordinate function of a permitted use; or b) the arrangement of uses, buildings, or structures will be compatible with the organization of permitted and accessory uses to be protected in the district:

1. Asphalt mixing plants and concrete mixing plants.
2. Principally permitted and Conditional uses of the Industrial One (I-1) zone and Recreation ® zone.
3. Post-mining uses within a vacated room and pillar mine including:
 - a. Warehousing of non-hazardous materials.
 - b. Storage, computer tapes and other records
 - c. Climate controlled storage or manufacturing operations that do not involve hazardous materials.

SECTION 1193

Application for Zoning

Applications for a zoning map amendment to an I-4 zoning district shall undergo a public hearing, and contain a detailed Concept Development Plan. The application form shall contain signatures of all mine operators, property owners, and lessors party to the development.

SECTION 1194

Public Hearing by Planning Commission

A public hearing shall be scheduled and conducted in accordance with the public notice requirements and action requirements in Article 3 of this Code. In addition to these requirements, all property owners within 1 mile of the proposed I-4 zone will be notified by letter 14 days before the public hearing.

SECTION 1195

Approval by Planning Commission

Action on a zoning map amendment for the I-4 zone shall follow the pertinent sections in Article 3 of this code.

SECTION 1196

Required Contents of Concept Development Plan

1. A detailed vicinity map showing the area within a three mile radius of the center of the proposed site. Proposed routes for shipping and receiving materials and equipment shall be indicated along with daily, monthly and yearly average and maximum quantities of materials transported to and from the site. Recorded historical and archaeological sites, public facilities such as parks, schools, churches, cemeteries, fire stations and government offices, existing zoning, and the boundaries of cities, counties and states shall be identified. The boundary of the proposed site shall be shown;
2. A development plan of the site drawn to a scale of 1 inch equal to not more than 200 feet showing:
 - a. The total area of the property owned or leased by the applicant;
 - b. Names of abutting property owners;
 - c. All public and private right-of-ways and easements on or abutting the property with notation as to proposed continuation, creation, enlargement, relocation or abandonment;
 - d. Existing and proposed contours of the site and all property within 200 feet, shown with intervals sufficient to show existing and proposed drainage, but not more than 10 feet;
 - e. All existing structures on the property and within 200 feet of the property lines on adjacent property;
 - f. General layout of proposed development showing proposed limits of excavation and all proposed structures;
 - g. Clear delineation of which lands will be subject to ownership, lease, and mineral rights ownership.
 - h. Location, dimension, and description of proposed buffer strips, screening, and embankments;
 - i. All existing public roads abutting the site, width and type of pavement, existing and proposed right-of-way width, and existing and proposed drainage structures;
 - j. Schedule of development showing estimated time frame for development and reclamation of the site; including a description of maximum active area for operation, on-going reclamation area, and design of site work.

- k. Routes of anticipated hauling travel on public roads with descriptions of maximum load weight limits of each public road, or road section anticipated to be utilized for transportation of the materials;
 - l. Proposed interim and ultimate land uses;
3. A three dimensional computer generated model which depicts all surface and subsurface operations and a floppy disk which contains the model in digital format. The model shall be in a format that is compatible with the Planning Commission's geographic information system.
 4. A written description of the proposed operation addressing each of the following:
 - a. Noise control: detailed design plan including a list of equipment to be used that may impact noise pollution. Projections of average and maximum decibel levels at site boundaries, adjacent public roads and all adjacent property owners buildings and/or dwellings;
 - b. A detailed site description and overview of the operations;
 - c. General reclamation operations including but not limited to, backfilling, grading, top soil redistribution, liming, fertilization, other soil preparation, seeding, planting, mulching and revegetation of all land that is disturbed by the operations;
 5. Ultimate Land Use Plan: the use of the land after final reclamation. This plan shall describe the use of the land after final reclamation. This plan shall be prepared by a Professional Engineer, licensed in the State of Kentucky, and shall include the following:
 - a. A detailed design of final reclaimed topography, drainage and solid content of the site. This information shall include survey plats, topographical drawings, and soil content core thickness assays;
 - b. The time frame of proposed final closure plans;
 - c. A detailed description of any additional work; whether construction of structures, earthwork or any other requirements that are necessary to make the ultimate land use possible;
 - d. The detailed cost estimate to finalize reclamation and complete the site for ultimate use. Such estimates shall be based on the costs to the owner or operator of hiring a third party to complete final reclamation and site preparation for ultimate land use. Bonding under Section 11101 shall include these costs;
 6. Consistent with Article 3, a list of the names and current mailing addresses of all abutting property owners and all property owners whose property is within 1 mile of the proposed I-4 zone.
 7. Metes and bounds description of the property for which the zone change is required;
 8. A written consent by the applicant and owner of the property that a Certificate of Land Use Restriction describing the conditions of any development plan or other restrictions are to be recorded in the records of the Boone County Clerk's office and the applicant and owner of the property agree to furnish all necessary information to properly record the notice, it being understood the recording is to subject the property to such conditions and restrictions to successors in title to the property.
 9. The applicant shall provide sufficient information in order for the Planning Commission to contract an independent report on potential blasting impacts on surrounding land. This report shall project anticipated vibration conditions, measured by peak particle velocity and vibration frequency, for an area of 1 mile radius from the proposed mining site by taking into account the geology and topography of the area.
 10. The application shall include the names and addresses of any property owners, mineral rights owners, and operators party to the development. All persons signing the application shall also agree to all conditions and/or restrictions of any development plan or other restrictions placed upon the property.

SECTION 1197

Special Use Permit Application

Where an I-4 zoning district exists, a proposed subsurface mine or an expansion of a mine must undergo the review for a Subsurface Mining Special Use Permit. No application shall be approved until all requirements as described below are completed. The Special Use Permit application and any associated Site Plan application must be approved by the full Boone County Planning Commission at a regular Planning Commission business meeting.

SECTION 1198

Public Notification

Prior to application for a Subsurface Mining Special Use Permit, the applicant shall publish a Notice of Intent to Mine in the legal section of the local newspaper of largest circulation not less than 10 days or more than 30 days before application to the Planning Commission. This Notice shall identify the applicant, the property owner, the proposed location, extent of subject area, and that subsurface mining activity will be proposed.

SECTION 1199

Contents of Application

The application shall include the common name and geologic title of the mineral extracted and the following:

1. Vicinity Map - A vicinity map at a scale of one inch equals 2000 feet. The map shall include the site boundary as well as the area within a one-mile radius of the boundary. It shall also indicate any historical or archaeological sites, public facilities, and environmentally sensitive and geologic hazard areas.
2. Existing Conditions Map - An existing conditions plan, using a scale of at least 1 inch equals 100 feet, shall be submitted including the following information: The total area of the property owned (or leased) by the applicant shall be shown. It should also show all public and private rights-of-ways and easements of record on or abutting the property. Also, provide existing contours of the site and all property within 200 feet that show drainage courses, retention and detention basins, septic tanks, as well as the names and locations of all creeks, streams, or other bodies of water. Also show any wells. Show any existing structures and identify by type. Show the location of all existing structures on adjoining property within 1,500 feet of the common property lines and edge of leased area, as well as all roads within 200 feet of the property. Any existing above ground or underground storage tanks must be shown.
3. Mining Plan - A mining plan, using a scale of at least 1 inch equals 200 feet, shall be submitted including the following information: The total area of the property and mineral rights owned (or leased) by the applicant shall be shown with the area to be mined clearly labeled. Also, any proposed new or modified right-of-ways or easements are to be shown. Proposed contours are to be shown (including drainage, retention, storm water retention basins, septic tanks, etc.). All existing structures to be removed and any temporary structures (including roads and parking lots) are to be shown. A general layout of the development that includes a cross-section is to be shown. The location, dimension, and description of proposed buffer strips, screening, fencing, embankments, and stockpiles are to be included. A geologic section, ventilation shafts, mining boundary, and pillar layout is to be shown on the plan. Any proposed above-ground or underground storage tanks must be shown. The Planning Commission may request that specific areas of the site be shown at a scale of 1 inch equals 100 feet.
4. Operations Descriptions - A detailed written description of the proposed operations addressing each of the following: The method of mining and processing; estimated life of operation and reserves; hours of operation; dust control; noise control; equipment storage; maintenance areas; topsoil control; erosion control; existing hydrology (including ground water levels); water pollution control methods of surface and ground water; shipping and delivery spillage control; blasting timetable and method; disposal control for all solid wastes generated; subsidence control including roof support factor of safety calculation; and overburden and stockpile control.
5. Water pollution control: summary of the operator's requirements of all water pollution monitoring and waste handling requirements pursuant to U.S. EPA's and Kentucky Department of Natural Resources and Environmental Protection's National Pollutant Discharge Elimination System (NPDES) permit, groundwater, hazardous waste, hazardous substance regulations, and any other applicable environmental

regulations. Details of any anticipated use or disturbance of any lakes, ponds, streams, rivers, creeks, or the creation of any dikes, impoundments, settling ponds, or other method for water retention for the purpose of operation, water supply, reclamation, treatment, ultimate land use, or otherwise, including but not limited to any such activity that requires application and approval from the U.S. Army Corps of Engineers. Details of any underground storage tanks including description of use and methods of compliance under U.S. EPA, the Kentucky Department of Natural Resources and Environmental Protection regulations;

6. Transportation Plan - A transportation plan shall be planned in relationship to the adjoining roadway system and interchange to minimize the impact of traffic, dust, and vehicle noise on areas outside the mining site and shall include information on product shipping and operational deliveries.
7. Prior Permits - The applicant/owner/operator shall list mining permits of any type issued under the laws of Kentucky or any other state, or the Federal Government which have been revoked or had a bond (or other security deposit) forfeited within five years prior to the date of application.
8. Reclamation plan describing time frame for all land estimated to be affected by the operation; proposed land use after reclamation is complete; portal closure methods; surface grading including final drainage plans; final ground water elevation; revegetation techniques including plant species, seeding rates, tree species, and size; specific reclamation/revegetation techniques for coping with critical areas such as steep slopes, high drainage flow, or poor soil conditions. Revegetation efforts shall be carried out in accordance with Section 1166.
9. The application shall include the names and addresses of any property owners, mineral rights owners, and operators party to the development. All persons signing the application shall also agree to all conditions and/or restrictions of any development plan or other restrictions placed upon the property.

SECTION 11100

Performance Requirements

All subsurface mining operations in the I-4 zone shall meet the following requirements:

1. Time Limit: The approved facility shall be under substantial construction one year after approval of the Sub-Surface Mining Special Use Permit. If no work has taken place, the mine operator or property owner shall provide written explanation of the status of the project, and the Planning Commission may consider holding a public hearing to rezone the site. The Reclamation Areas as described in the Development Plan shall be reclaimed within one year of abandonment. Failure to complete reclamation of inactive areas shall result in disallowance of advancement until these inactive areas are reclaimed or are in the process of being reclaimed. Extensions of these time limits may be approved by the Planning Commission upon written request. If the Commission determines that development and reclamation of the site has not proceeded in accordance with the proposed time frame, a public hearing may be held to rezone the site and the appropriate recommendation made to the legislative body having jurisdiction;
2. Excess excavated stone and spoil shall be handled in either of the following manners, or a combination thereof:
 - a. As soon as adequate space exists within the mine, excess excavated stone and spoil shall be stored in the underground mine area, as opposed to on the surface. The mining operation shall be designed to accommodate this waste storage method.
 - b. Excess excavated stone and spoil shall be used as construction material for the construction of berms along the boundaries of the site that are visible to public view. The berming constructed under this requirement may be also used to fulfill berming requirements stated below.

Any site grading must be kept current and shall be completed before necessary equipment is removed from the operation;

3. All operations involving the use of explosives shall be conducted in accordance with the rules and regulations of the Kentucky Department of Mines and Minerals which are incorporated herein by reference. These regulations establish the Uniform Municipal Authority, which provide that local governments cannot adopt blasting limits more stringent than the Department of Mines and Minerals. Local blasting limits may be set during the permit or zone change review for each mining operation on case by case through agreement between the operator and local government and/or planning unit. These agreements must be reviewed in relationship to the Uniform Municipal Authority to determine if valid. Ongoing seismic monitoring both on-site and off site shall occur as required. All such records shall be provided to the Planning Commission upon request. The mine operator shall use precision blast initiators to control peak particle velocity, vibration frequency, and detonation intervals to closely control blast design.
4. Blasting shall be designed to comply with 805 KAR 4:020 which governs the amount of explosives a blaster can use based on the distance to the nearest structure. The Planning Commission or Fiscal Court may require a minimum distance between a blast and adjoining public or residential uses based on specific site considerations. Blasting shall take place only between the hours of 8:00 AM and 9:00 PM., Monday through Friday.
5. The mine operator shall produce accurate blast reports, prepared by a civil or mining engineer registered in Kentucky, as required in 805 KAR 4:050 and described in Department of Mines and Minerals publications. Copies of all documentation shall be provided to the Boone County Planning Commission office upon request.
6. A pre -blast survey, prepared by a licensed professional blasting engineer, to the generally accepted standards and with the normal public notification practices of the industry, shall be conducted if requested by a property owner within a 1 mile radius or by the Planning Commission. The Planning Commission shall have the right to hire consultants to review any pre-blast survey. The results of any pre-blast survey shall be filed with the Boone County Clerk's office.
7. The mine operator shall follow the Federal Mine Safety and Health Regulations 30 CFR 57.
8. No trucking activity shall occur on Saturday after daylight hours or on Sunday. The Planning Commission and Fiscal Court can impose additional restrictions on nighttime trucking activity depending on specific site considerations.
9. Dust Control on the site shall include truck wheel washing facilities. Recycled or reused water must be as free from sediment as possible. The facility must meet the minimum requirements of the Kentucky Division of Water Quality regarding water runoff and sediment control. The truck washing facility must be a minimum of 500 feet from the nearest public roadway, and the entrance driveway or road must be paved and kept clean and dust free for this 500 feet. All exiting trucks will be covered with tarps that will control dust emissions. All state, federal, and EPA regulations pertaining to dust control are herein incorporated by reference into this order and are Special Use Permit requirements.
10. The operator of each subsurface mine shall by January first of each year produce new or updated maps of all mine activities. The maps shall be accurate and of professional quality, prepared by a civil or mining engineer registered in Kentucky, and be prepared in digital format to be compatible with the Boone County Geographic Information System (GIS). Three paper copies and one digital copy of the Maps shall be submitted to the Planning Commission.
11. Berms shall be provided along all public roads and along all property lines where disturbed limits are located within 500 feet, unless the construction of such berms would necessitate the removal of existing forest cover. Berms shall be used to screen the mining operation and to mitigate the impacts of such operation from adjoining properties and public rights-of-way. Berms shall be a minimum of 10 feet in height. Existing forest or tree cover shall be maintained in all setback areas with the exception of the access road which connects surface operations to the public road. Additional berming requirements, including increased berm height, and/or retention of existing tree features or planting of additional landscape buffering, may be required through the Concept Development Plan review.

12. Points of entry to property containing a mining operation must be secured and monitored for both active and inactive operations. Upon closure of the mine, the owner shall take immediate steps to secure all underground mine openings.
13. Revegetation and Restoration: Requirements for revegetation, restoration, soil stabilization, and erosion control are outlined in the Industrial Three (I-3) zone requirements and the Boone County Subdivision Regulations.
14. Final Cleanup: Upon final abandonment, all buildings, structures, metal, lumber and other refuse resulting from the operation shall be removed, and shall be consistent with the Ultimate Land Use Plan. Restoration of land shall be subject to all regulations of the Kentucky Department of Natural Resources and Environmental Protection;
15. Plan Revisions: Where conditions develop in the operation which show that the approved reclamation plan cannot be carried out as planned, modifications of the plan shall be submitted by the operator to the Planning Commission for approval;
16. Sign: An appropriate sign shall be displayed at the points of access to each operation adjacent to the nearest public highway. The sign shall be at least two feet by four feet (2' x 4') with a maximum size of 32 square feet, constructed of wood or other durable material, and clearly identify the name of the operator and number of the mining permit. Such sign shall be maintained during the life of the operation.
17. Succession of Operators: Where an operator succeeds another at an operation, either by sale, assignment, lease or otherwise, the Commission may release the first operator from all liability under this regulation as to that particular operation. However, both operators must have otherwise complied with the requirements of this regulation and the successor operator assumes as part of his obligation under this regulation, all liability for the reclamation of the area of land affected by the former operator;

SECTION 11101

Bonding

A bond, payable to the legislative body having jurisdiction, in an amount equal to the estimated cost of reclamation shall be provided. The amount of the bond shall be adjusted at five(5) year intervals, on the date of the approval of the Special Use Permit, to reflect an updated estimate of reclamation costs. The bond shall be in a form approved by the legislative body having jurisdiction. Additional bonds may be required during the course of the operation of the site when time extensions are granted by the Planning Commission, revisions are made to the development plan, or when the Planning Commission or the legislative body having jurisdiction has reasonable cause to believe the reclamation cannot be completed with the amount of bond posted.

1. Bond - An applicant shall not disturb surface acreage or extend any underground shafts, tunnels, or operations prior to issuance of a permit and approval of a performance bond covering areas to be affected by the new and/or continued operation of mining.

After submission of a permit application in order to conduct mining operations has been approved, but before such a permit is issued, the applicant shall file a bond to the estimated cost of reclamation. The reclamation costs shall be determined based upon information submitted by the applicant and any other information available. The bond shall be approved by the Boone County Planning Commission.

2. Bond Forfeiture - A bond for a permit area shall be forfeited if the Planning Commission finds that:
 - a. The permittee has violated any of the terms, regulations, or conditions of the bond and has failed to take corrective action;
 - b. The permittee has failed to conduct the mining and reclamation operations in accordance with the regulations and/or conditions of the permit within the time required, and the Planning Commission has determined that it is necessary, in order to fulfill the requirements of the permit, to have someone other than the permittee correct or complete reclamation;

- c. The permit for the area or increment under bond has been revoked or the operation terminated, unless the permittee assumes liability to the satisfaction of the Planning Commission for completion of the reclamation work and is diligently and satisfactorily performing such work.
 - d. The permittee has failed to comply with an approved compliance schedule.
 - e. The permittee has become insolvent, been adjudicated as bankrupt, filed a petition in bankruptcy or for a receiver, or had a receiver appointed by any court.
3. Use of Forfeited Fund - The appropriate legislative body shall utilize funds collected from bond forfeiture to complete the reclamation plan on the permit area on which bond coverage applied, as well as covering administrative expenses. The owner shall be responsible for any deficiencies in funds required for completion of the reclamation. Funds remaining after reclamation shall be returned to the person from whom the forfeiture proceeds were received.
 4. Bond Release - No portion of the guarantee contained in the release of the bond will be released until after final inspection and evaluations of vegetation cover. There shall be allowed a reduction in the bond amount for all reclamation completed at that time. To release the bond, the operator shall file with the Planning Commission a written report stating under oath that reclamation has been completed on certain acreage and submit the following:
 - a. Identification of the operation, permit number and street address;
 - b. A description of the area of land affected by the operation within the period of time covered by such report with sufficient certainty to enable it to be located and distinguished from other lands;
 - c. A copy of the Reclamation Plan indicating the area that has been reclaimed and that is being submitted for bond release; The boundary shall be surveyed by a licensed surveyor and the completed reclamation shall be certified by licensed civil or mining engineer.
 5. Release of Bond: The bond required by these regulations will not be released until after the final inspection and evaluation for vegetative cover and inspection of the site for release to the Ultimate Use as set forth in the approved Development Plan. Up to 50% of this bond may be retained for a period of up to 18 months following the final inspection and evaluation to insure the completion of any requirements in the Development Plan regarding re-vegetation that may become necessary during this period.

SECTION 11102

General Requirements

1. The minimum front yard setback of any surface activity, including storage, stockpiling, buildings, accessories, excluding any entrance drive or roadway shall be 200 feet.
2. The minimum side and rear yard setbacks of any surface activity, including storage, stockpiling, buildings, accessory uses, and pavement shall be 200 feet.
3. The maximum building height permitted for a mining operation is 50 feet.
4. All permitted, accessory and conditional uses, buildings and structures in this district are subject to the following:
 - a. The supplemental, parking and loading, and signage regulations of this ordinance;
 - b. Resolutions or orders of Boone County, City ordinance, law of the Commonwealth of Kentucky or law of the United States regulating nuisances and environment;
 - c. Any condition which may be governed by the Northern Kentucky Independent District Health Department;
 - d. Site Plan Review is required for all permitted uses (See Article 30);

e. A-1, Conservation, Recreation, and I-1 uses permitted in the I-4 zone by reference shall follow the normal dimensional standards for said zones stated in Article 31.

5. Regulations regarding access road construction shall include the requirements described in Section 1155 (I-3) of this article.

SECTION 11103

Maximum Intensities

Not applicable.

SECTION 11104

Minimum Size

1. The minimum extent of an Industrial Four (I-4) district, including all the contiguous private property so designated, shall not be less than 200 acres, unless the operation is surrounded by the Airport (A) zoning district.

2. The maximum size of surface operations for any one mine operation, including circulation, storage, and accessory uses, shall be 250 acres.

SECTION 11105

Inspection and Enforcement

1. The mine operator(s) shall provide copies of all permits and approvals from all state and federal agencies which regulate the mine operation to the Planning Commission. On a monthly basis, the mine operator(s) shall submit copies of all geo-technical, blasting, water quality, air quality, noise emission, and seismic monitoring reports, that were prepared in the preceding month, to the Boone County Planning Commission. The mine operator(s) shall also submit a monthly report to the Boone County Planning Commission that describes the following matters for the preceding month: all inspections conducted by any state or federal agency(ies); any notices of violation or orders to take corrective action issued by any state or federal agency(ies); the number and nature of any citizen complaints made to the mine operator(s); the estimated volume of product and excavated material transported from the site in terms of gross tonnage; and, an estimate of the number of haul trucks used to transport product or excavated materials from the site.

2. Regular on-site inspections shall be conducted by the Planning Commission on a quarterly basis to ensure compliance with these regulations and the terms of the Subsurface Mining Special Use Permit. In addition, Planning Commission personnel may inspect a mine operation at any time during normal business hours. The mine operator(s) shall allow Planning Commission personnel access to all areas of a mine operation.

3. The role of the Zoning Administrator and/or Zoning Enforcement Officer regarding violations of the I-4 zone requirements shall be to inform the appropriate state or federal agency of possible violations of state and/or federal requirements, or to take enforcement action pursuant to Article 4 of this order to remedy any violation(s) of these regulations. In addition to the provisions of Article 4, a violation of any I-4 zone requirement can result in the revocation of the Special Use Permit by the full Boone County Planning Commission at a regular Planning Commission Business Meeting. The mine operator shall be notified of the Business Meeting by certified or registered mail at least 14 days prior to the Business Meeting.