

ORDINANCE No. # 3-2002

2002 SERIES

AN ORDINANCE AMENDING ORDINANCE #8, ADOPTED OCTOBER 23, 1987, FISCAL COURT ORDER BOOK 15, PAGE 31, RELATING TO THE ZONING ORDINANCE IN FRANKLIN COUNTY, KENTUCKY

WHEREAS, The Franklin County Fiscal Court, having heretofore enacted an Ordinance relating to zoning regulations and zoning district maps titled, "The Zoning Ordinance of Franklin County," in accordance with a Comprehensive Plan and KRS 100; and

WHEREAS, the aforesaid Ordinance provides for amendments to the zoning ordinance text and maps and requires the Frankfort/Franklin County Planning Commission to forward their recommendations for approval or denial of the text amendment to the Franklin County Fiscal Court for action; and

WHEREAS, The Frankfort/Franklin County Planning Commission held a public hearing on January 17, 2002 and adopted a summary of the evidence and recommended approval of the text amendment at their February 14, 2002 meeting, as required by K.R.S. 100; and

WHEREAS, The Franklin County Fiscal Court asked for and reviewed a transcript of the January 17, 2002 and February 14, 2002 Planning Commission Meetings;

NOW, THEREFORE, BE IT ORDAINED BY THE FISCAL COURT OF THE COUNTY OF FRANKLIN, COMMONWEALTH OF KENTUCKY, AS FOLLOWS:

The Zoning Ordinance of Franklin County, which contains the Zoning District Maps, adopted October 23, 1987, Ordinance #8, 1987 Series, Fiscal Court Book 15, Page 31, be and is hereby amended to include Section 4.60, Exclusive Use Zone for Landfill (EZ-L) within the Zoning Ordinance of Franklin County, as shown on the attachment.

INTRODUCED AND GIVEN FIRST READING IN SUMMARY at a duly convened meeting of the Fiscal Court of Franklin County, Kentucky, held on the 19 day of April, 2002.

GIVEN SECOND READING AND APPROVED at a duly convened meeting of the Fiscal Court of Franklin County, Kentucky, held on the 3 day of May, 2002 and of record in Fiscal Court Order Book 19, Page 83. This Ordinance shall take effect and be in full force when passed, published and recorded according to law.



Teresa A. Barton
County Judge/Executive

ATTESTED TO:



Berry Hammermeister
Fiscal Court Clerk

4.60 EXCLUSIVE USE ZONE FOR LANDFILL (E-ZL)

4.601 Purpose.

The purpose of the Exclusive Use Zone for landfills is to reclassify landfill activities from particular industrial zones to an exclusive use zone intended to:

- a. Protect Public Health: by preventing water pollution, rodent infestation, air pollution, or other health hazards as would occur as a result of improper location, design, or operation of a landfill.
- b. Protect Public Safety: by requiring proper design of access streets to accommodate the heavy equipment necessary for collection, transportation and disposal of solid wastes.
- c. Improve Compatibility with adjacent uses by requiring adequate screening and setbacks, regular policing of access roads and heavily traveled routes to the site, and careful review of subsequent uses allowed on the landfill site.
- d. Promote Public Welfare by providing a suitable location for the disposal of the solid wastes generated by the community.

4.602 Definition

A landfill is a community facility, which is a necessary part of the community's waste disposal system. The high volume of heavy truck traffic and the associated noise, odor and other potential nuisance-like characteristics suggest industrial zoning would be appropriate. However, the landfill is a limited duration use, and the filled land may not be suitable for industrial uses, which require substantial weight bearing foundations. This limitation makes industrial zoning inappropriate for subsequent uses to be located on this land. Major factors in determining proper site location are the suitability of the soil and underground drainage systems, and they are not usually factors in the location of industrial zones. There the site location criteria for a landfill must be defined separately.

4.603 Need for Specific Standards

If proper landfill standards are not adhered to, the operation may result in an open dump, and create a serious health hazard. A completed landfill will settle and will require periodic maintenance. Because of this settlement factor, special design and construction techniques must be utilized for building constructed on a completed landfill. As a result of the factors listed above, sanitary landfills must be placed in an exclusive use zone, which includes specific design standards and appropriate protection for subsequent use.

4.604 Planning for the Landfill

Due to the potentially adverse environmental impact of a landfill, Geologic and Soils Reports, a Topographic Map, and a preliminary operational plan shall be required with the application for appropriate zoning. The Planning Commission may recommend approval of and the Franklin County Fiscal Court may grant the change to the zoning for E-ZL zoning based on the information in the Geologic and Soils Reports and a preliminary operational plan showing how any site problems could be resolved, and provided that the site size requirements and the site design standards can be met.

Any application for an E-ZL zone district must also obtain the necessary permits from federal, state and local agencies having jurisdiction over any phase of operation. No landfill construction shall commence until a landfill construction permit has been issued by the Division of Waste Management of the Natural Resources and Environmental Protection Cabinet and no landfill

operation shall begin until the permit to operate has been issued by the Division of Waste Management of the Natural Resources and Environmental Protection Cabinet and submitted to the Frankfort/Franklin County Planning Commission, through the Franklin County Planning, Zoning & Building Code Enforcement office. The Planning Commission shall withhold any approval until the applicant has demonstrated compliance with the site development and operational standards contained herein.

4.605 Content of Reports and Site Development and Operational Plans

Detailed plans, specifications, maps and reports shall be submitted in triplicate to the Planning Commission for review. The data in the following reports should be prepared in a form, which facilitates its use in proper engineering design of the landfill. Problem areas must be delineated and recommendations for proper solution included in the report. The plans, specifications and maps for the operational plan may be submitted in the manner required by the permitting regulations of the Division of Waste Management of the Natural Resources and Environmental Protection Cabinet for solid waste landfills contained in 401 KAR 47:170.

4.6051 Operation Plan and Maps must be prepared including the following information:

- a. The proposed fill area;
- b. Any borrow area;
- c. Access roads;
- d. On-site drives;
- e. Grades for proper drainage of each lift required, and a typical cross-section of a lift;
- f. Special drainage devices, if necessary;
- g. Location and type of fencing;
- h. Structures existing or to be located on the site;
- i. Existing wooded areas, trees, ponds or other natural features to be preserved;
- j. Existing and proposed utilities;
- k. Phasing of landfill operations on the site;
- l. A plan and schedule for site restoration and completion;
- m. A plan for the ultimate land use of the site if possible;
- n. Method of operation including weighing of wastes, cross-sectioning the site at definite time intervals, thickness of cover material, depth of cells and lifts, compaction, wet weather procedures, cold weather procedures, amount, type and size of equipment and personnel;
- o. And all other pertinent information to indicate clearly the orderly development operation and completion of the landfill.

4.606 ENGINEER'S CERTIFICATION

Landfill facilities shall be designed in accordance with this ordinance by a registered civil engineer whose certification shall appear on all plans and specifications in the same manner as required by the Frankfort/Franklin County Subdivision Regulations.

4.607 OTHER PERMITS REQUIRED

Prior to the operation of the landfill, the Kentucky Natural Resources and Environmental Protection Cabinet must issue permits for disposal of all solid waste, except where a person is disposing of solid waste from his own household on his own property.

4.608 SITE LOCATION STANDARDS

The following site location standards must be met if at all possible, for they are designed to protect the public health, safety and welfare, and these standards must be balanced against the

community's need to dispose of its solid waste and the total environmental and economic costs of such disposal.

4.609 SOIL AND GEOLOGIC CRITERIA

Any landfill should be located on a site, which has suitable soil, hydrologic and geologic characteristics. Areas with karst topographic features may pose significant problems for proposed landfill sites. Any problems inherent in such a site must be demonstrated as capable of a satisfactory engineering solution. Therefore, there is a need for a Soil Report and a Geologic Report to determine if the soil, hydrologic and geologic characteristics meet required standards.

4.6091 Soil Characteristics: A field survey must be made to determine that the site has:

- a. Sufficient impermeable material to form a seal between the base of the landfill and bedrock, and if the site is located above the kind of subsurface stratification which could leachate from the landfill to water sources, then impervious material must separate the landfill from unacceptable bedrock in accordance with the requirements and regulations of the Commonwealth of Kentucky.
- b. Sufficient soil suitable for cover material with good workability and compaction characteristics;
- c. Slopes of less than twelve (12) percent;
- d. No flooding problems and is not within either a 100-year or 500-year base flood elevation, as determined by the National Flood Insurance Program, Flood Insurance Rate Maps for Franklin County, Kentucky.

4.610 Geologic Characteristics

To prevent potential ground and surface water pollution, the site must be located in an area where no pollutants can enter the water supply. The ground water table must be located and the site designed to prevent its pollution. The site must be free of potential flooding problems and karst topographic features, which would erode the cover material or interfere with operation of the landfill. To eliminate the possibility of either surface or ground water pollution, the site should:

- a. Be located a safe distance from sinkholes, streams, lakes, wells and other water sources;
- b. Avoid being located above the kind of subsurface stratification that will lead the leachate from the landfill to water sources, i.e., fractured limestone;
- c. Use an earth cover that is nearly impervious;
- d. Provide suitable drainage to carry surface water away from the site. Grading, diking, terracing, diversion details or tiling may be approved, where appropriate.

4.611 Site Size Requirements

The volume of space required is primarily dependent upon the character and quantity of the solid wastes, the efficiency of compaction of the wastes, the depth of the fill and the desired life of the landfill. These factors must be weighed in determining the appropriate size of the landfill.

4.612 Yard Requirements

Minimum required depth of front, rear and side yards surrounding the waste boundary shall be two hundred fifty (250) feet. No waste boundary shall be permitted within seven hundred fifty (750) feet of any dwelling or mobile home.

4.613 Accessibility

The site should be easily reached by highways or arterial roads. All roads to the site should be of sufficient width and constructed to safely handle all sizes of trucks when fully loaded during all weather conditions. Problems such as narrow bridges, low underpasses, and steep grades on access routes must be avoided.

4.614 Site Design Standards

The following design features shall be incorporated into the site plans for a landfill:

- a. Access Design and On-Site Roads: Particular attention must be given to proper, safe design of entrances and exits, with provision for right turn deceleration lanes, protected left turn lanes, acceleration lanes and, if needed, signalization of the intersection.

Since the site should be accessible at all times, it is desirable to have several access routes so that if one route is temporarily unusable, the site can still be used.

Distance of driveway entrance or exit from any adjacent lot line should be at least one hundred and twenty-five (125) feet except for lots across the arterial road, off of which the access drive is located. Any portion of such access drive within one hundred and fifty (150) feet of the public street shall be paved or treated so as to be free of dust.

The on-site roads to within 200 feet of the unloading area should be of all-weather construction and wide enough to permit two-way truck travel. Road grades should be designed for the largest fully-loaded trucks to travel at a reasonable rate. It is particularly important at large sites that traffic in and out of the area flow smoothly.

- b. Fencing and Landscaping. The landfill area shall be enclosed with a substantial wall, fence or other adequate barrier at least five (5) feet in height, to control access to the landfill site. The entrance gate must be capable of being locked and posted. A landscape strip, at least fifty (50) feet in width shall be provided and maintained between the lot line and the waste boundary of the landfill. The Planning Commission may expand the size of the landscape strip to include a natural buffer such as an existing tree line. The required landscape strip shall consist of a triple row, staggered, planting of Evergreen Trees, at fifteen (15) feet on center, which are a minimum of six (6) feet in height at the time of planting. Existing tree stands may be considered by the Planning Commission as meeting this buffer requirement if, in the opinion of the County's engineer, the existing tree stands will provide the same amount or greater buffer than the required landscape planting strip.
- c. Signs and Directions: Only necessary identification and directional signs shall be permitted. If the site is open to the public, a sign shall be posted at the entrances to inform the public of the hours of operation, cost of disposal, and rules and regulations regarding disposal. At large landfill operations, signs should be used on the site to direct users to the appropriate unloading area.
- d. Site Operational Standards: Operating standards to prevent adverse health hazards and other nuisance like problems and by requirements and regulations of the Commonwealth of Kentucky.

4.615 Completed Landfill

- a. Inspection: An inspection of the entire site shall be made by the Kentucky Natural Resources and Environmental Protection Cabinet, Division of Waste Management to determine compliance with the approved plans and specifications before earthmoving equipment is removed from the site. Any necessary corrective work shall be performed before the landfill project is accepted as completed. The compliance notification from the Kentucky Natural Resources and Environmental Protection Cabinet shall be submitted to the Franklin County Planning and Zoning office.
- b. Subsequent Maintenance: Arrangements shall be made and appropriate bond or irrevocable letter of credit posted to assure the repair of all cracks, and eroded or uneven areas in the final cover following completion of the fill, the closure of the landfill, and the maintenance of the landfill after closure in accordance with the requirements and regulations of the Commonwealth of Kentucky. Care must be taken to maintain good drainage, and the surface contours as designed in the approved plans. Additional fill and cover material shall be used as necessary. The land shall be graded, backfilled, and finished to a surface which will:
1. Result in a level, sloping, or gently rolling topography in substantial conformity or desirable relationship to the original site, and land area immediately surrounding.
 2. Minimize erosion due to storm water runoff. Such graded or backfilled area shall be sodded or surfaced with soil of a quality at least equal to the topsoil of vegetation producing land areas immediately surrounding and to a depth of at least six (6) inches; and
 3. Trees, shrubs, legumes or grasses shall be planted as approved on the Site Development and Operational plans.
- c. Decomposition, Settlement and Underground Fires are problems, which can occur after completion of the landfill operation. Precautions must be taken to prevent gases produced during decomposition from concentrating in sewers or other structures. The designer of structures to be placed on the site must provide the means to allow the gas to dissipate to the atmosphere and not into the structure.
- Concentrated foundation loading must be avoided to prevent foundation cracking in structures placed on the completed fill area. However, special engineering design such as use of pilings, may be included in the plans for subsequent structures.
- Provisions for extinguishing underground fire must be made, and the possibility of such an occurrence considered in the design of structures placed on the site.
- d. Subsequent Land Use: The subsequent land use of the completed landfill site may be determined at the time of initial approval of the landfill. However, in cases where the location of the site, duration of its operation or transitory nature of surrounding uses make a decision concerning subsequent use premature, this decision may be made at the time of completion of the landfill operation.

In all cases, the future uses determination shall be based on consideration of the following factors:

1. The relationship of the proposed use to the adopted Comprehensive Plan and other adopted community plans.
2. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.

3. The susceptibility of the proposed use to damage resulting from settlement and other hazards inherent in the area filled.
4. The community need for the proposed use.
5. The availability of alternative locations for uses proposed.

4.616 Definitions

- a. Solid Waste(s): All putrescible and non-putrescible refuse in solid form. Solid includes, but is not limited to, garbage, rubbish, ashes, incinerator residue, street refuse, dead animals, demolition wastes, construction wastes, solid commercial and industrial wastes and special wastes including explosives, pathological wastes and radioactive materials.
- b. Landfill: A method of disposing of refuse on land without creating nuisances or hazards to public health or safety by utilizing the principles of engineering to confine the refuse to the smallest practical area, to reduce it to the smallest practical volume, and to cover it with a layer of suitable cover material at the conclusion of each day's operation or at more or less frequent intervals as necessary and in compliance with all requirements and regulations of this ordinance, and with all requirements and regulations of the Commonwealth of Kentucky. This includes sanitary "contained" landfills, "construction/demolition debris" landfills, "residual" landfills, and "incinerator" facilities, as defined by the regulations of the Commonwealth of Kentucky.
- c. Open Dump: A site where refuse is dumped which, due to lack of control, may create a breeding places for flies and rates, may cause air or water pollution or my catch fire.
- d. Qualified Geologist: A qualified geologist shall have a masters degree in geology from an accredited university or college and have experience in hydrogeology.
- e. Sanitary (Contained) Landfill: A type of landfill which may accept for disposal all non-hazardous solid wastes and limited quantities of household hazardous waste, industrial waste and generator hazardous waste. Sanitary landfills shall operate in compliance with all requirements and regulations of this ordinance and with all requirements and regulations of the Commonwealth of Kentucky.

