

08/31/1989

Ordinance

154-89

ORDINANCE NO. 154-89

AN ORDINANCE AMENDING ARTICLES 1-11, 8-1, 8-20 and 8-21 OF THE ZONING ORDINANCE SO AS TO DEFINE COMMERCIAL COMPOSTING AND MAKE COMMERCIAL COMPOSTING A CONDITIONAL USE IN THE AGRICULTURAL-RURAL (A-R), LIGHT INDUSTRIAL (I-1) AND HEAVY INDUSTRIAL (I-2) ZONES, SUBJECT TO CERTAIN CONDITIONS.

WHEREAS, the Lexington-Fayette Urban County Planning Commission has considered various text amendments proposed to it so as to define commercial composting and make composting a conditional use in the agricultural-rural (A-R), light industrial (I-1) and heavy industrial (I-2) zones subject to certain conditions all as more fully set out on Exhibit "A" attached hereto and incorporated by reference herein; and

WHEREAS, the Planning Commission held a public hearing on these proposed text amendments on July 27, 1989; and

WHEREAS, the Planning Commission recommended approval of these proposed text amendments by a vote of 7-0; and

WHEREAS, this Council agrees with the recommendation of the Planning Commission; and

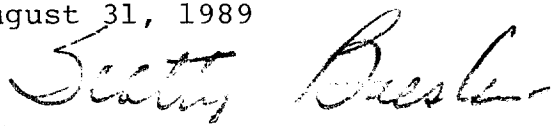
WHEREAS, the recommendation form of the Planning Commission is attached hereto and incorporated by reference herein.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 - That Articles 1-11, 8-1, 8-20 and 8-21 of the Zoning Ordinance are hereby amended as shown in the Staff Report attached hereto and incorporated herein by reference as Exhibit "A".

Section 2 - That this Ordinance shall be effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL: August 31, 1989



Mayor

ATTEST:



Clerk of the Urban County Council

PUBLISHED: September 7, 1989 - 1t

STAFF REPORT ON PETITION FOR ZONING ORDINANCE TEXT AMENDMENTZOTA 89-3: COMMERCIAL COMPOSTING AS A CONDITIONAL USEIN THE A-R, I-1 AND I-2 ZONES

Initiated by: Urban County Council on June 1, 1989 by Resolution No. 234-89.

Proposed Text: The following is the proposed text to be added to the Zoning Ordinance.

Article 1-11 of the Zoning Ordinance, the general definitional section, should be amended to include the following definition of composting:

Commercial Composting - the aerobic or anaerobic decomposition of solid, organic materials to produce a stabilized, humus-like material that can be recycled to the land as a soil conditioner and low grade fertilizer and primarily for use or distribution off the production site.

Article 8-1 of the Zoning Ordinance concerning the agricultural-rural (A-R) zone should be amended to add commercial composting as a conditional use subject to the following conditions:

- a. That only the open windrow or static pile method of aerobic processing using plant material, soils and animal manure, be permitted.
- b. That a permit by rule or letter of intent from the Division of Waste Management of the Kentucky Natural Resources and Environmental Protection Cabinet be obtained prior to submission of any application to the Board of Adjustment for a conditional use permit.
- c. That no commercial composting operation be conducted closer than 1000 feet to any existing residence.
- d. That a development plan indicating access points and circulation routes, proposed signage, screening and landscaping, fencing and other significant geological or physical features of the property be submitted as part of any application.
- e. That the Board specifically consider and be able to find that the proposed use will not constitute a public nuisance by creating excessive noise, odor, traffic or dust.

That Article 8-20 of the Zoning Ordinance concerning the Light Industrial (I-1) Zone be amended to include Commercial Composting as a conditional use subject to the following conditions:

- a. That all such composting shall be conducted in a fully enclosed building.
- b. That a permit by rule or letter of intent from the Division of Waste Management of the Kentucky Natural Resources and Environmental Protection Cabinet be obtained prior to submission of any application to the Board of Adjustment for a conditional use permit.

Exhibit A

- c. That a development plan indicating access points and circulation routes, proposed signage, screening and landscaping, fencing and other significant geological or physical features of the property be submitted as part of any application.
- d. That the Board specifically consider and be able to find that the proposed use will not constitute a public nuisance by creating excessive noise, odor, traffic or dust.

That Article 8-21 of the Zoning Ordinance concerning the Heavy Industrial (I-2) Zone be amended to include commercial composting as a conditional use subject to the following conditions:

- a. That all such composting shall be conducted in a fully enclosed building.
- b. That a permit by rule or letter of intent from the Division of Waste Management of the Kentucky Natural Resources and Environmental Protection Cabinet be obtained prior to submission of any application to the Board of Adjustment for a conditional use permit.
- c. That a development plan indicating access points and circulation routes, proposed signage, screening and landscaping, fencing and other significant geological or physical features of the property be submitted as part of any application.
- d. That the Board specifically consider and be able to find that the proposed use will not constitute a public nuisance by creating excessive noise, odor, traffic or dust.

STAFF REPORT

Early in 1988 the Board of Adjustment was requested by Con and Ann Robinson/Con Robinson Contracting to consider an administrative review to determine if the composting of muck (horse manure and straw) was an agricultural activity. The Board found that composting was not similar to the agricultural uses listed in the zoning ordinance definition of "agricultural use" and denied the request.

Then the Robinsons submitted a text amendment to the Zoning Ordinance in order to permit composting operations as a conditional use in the agricultural-rural (A-R) zone. That amendment was recommended for approval by the Planning Commission but was denied by the Council at their meeting on 6/16/88.

On September 20, 1988, the Mayor appointed a 13-member committee to study the issue of commercial composting in Fayette County and what, if any, zoning ordinance text amendments should be adopted relative to this issue. The committee, after working on the composting issue for five months made the following findings:

- 1. A need exists for a commercial composting operation in Fayette County. This is particularly due to the large volume of horse muck produced in Fayette County (123,000 tons annually) of which only 50%-60% is currently being processed in an environmentally responsible fashion. The disposal of

horse muck by stockpiling it, depositing it in sink holes or storing it along creeks and streams can contribute to high nitrate loading in surface and ground water supplies.

2. Given attention to a variety of technical details, an environmentally safe composting operation can be satisfactorily carried out on land in either of the industrial zones or in the agricultural-rural (A-R) zone. Commercial composting on property located in an agricultural-urban (A-U) zone would be inappropriate due to the potential for nearby residential, professional or business uses.
3. It is appropriate to permit commercial composting using the open windrow method, which may require many acres, in the agricultural-rural (A-R) zone, but composting in either of the industrial zones should be conducted within a fully enclosed building in order to conserve land for more urban uses and due to the potential for close proximity to residential or professional areas.
4. The Division of Waste Management of the Kentucky Natural Resources and Environmental Protection Cabinet currently has an open-ended mechanism for regulating commercial compost operations. Further, the State is currently reviewing additional regulatory measures which will address this type of use.

In light of their findings, the Compost Committee suggested that the Council initiate the above amendments to the text of the Zoning Ordinance which they did by resolution No. 234-89 on June 1, 1989.

The Staff Recommended: Approval, for the following reasons:

1. A compost operation would allow the recycling of an agricultural by-product into an agricultural product.
2. The Board of Adjustment would have the authority to consider the various problems that may arise in a specific location and has the authority to require that appropriate conditions be satisfied prior to initiating the use, as well as establishing conditions of an on-going nature.
3. A need exists for a commercial composting operation in Fayette County. This is particularly due to the large volume of horse muck produced in Fayette County (123,000 tons annually) of which only 50%-60% is currently being processed in an environmentally responsible fashion. The disposal of horse muck by stockpiling it, depositing it in sink holes or storing it along creeks and streams can contribute to high nitrate loading in surface and ground water supplies.
4. Given attention to a variety of technical details, an environmentally safe composting operation can be satisfactorily carried out on land in either of the industrial zones or in the agricultural-rural (A-R) zone. Commercial composting on property located in an agricultural-urban (A-U) zone would be inappropriate due to the potential for nearby residential, professional or business uses.
5. It is appropriate to permit commercial composting using the open windrow method, which may require many acres, in the agricultural-rural (A-R) zone, but composting in either of the industrial zones should be conducted within a fully enclosed building in order to conserve land for more urban uses and due to the potential for close proximity to residential or professional areas.

6. The Division of Waste Management of the Kentucky Natural Resources and Environmental Protection Cabinet currently has an open-ended mechanism for regulating commercial compost operations. Further, the State is currently reviewing additional regulatory measures which will address this type of use.

FT/ejh
7/6/89
stft88

Urban County Planning Commission
200 East Main Street, Lexington, Ky.

Rec'd By DC
Date: 8/12/89
Office of Director
Planning Commission Meeting

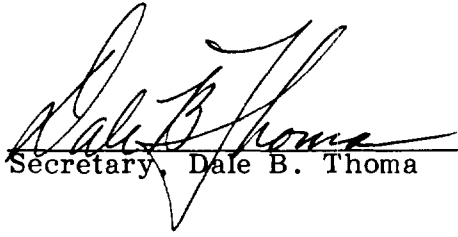
RECOMMENDATION OF THE
URBAN COUNTY PLANNING COMMISSION
OF LEXINGTON AND FAYETTE COUNTY, KENTUCKY

IN RE: ZOTA 89-3: COMMERCIAL COMPOSTING AS A CONDITIONAL USE IN THE A-R, I-1, & I-2 ZONES - The amendment adds a commercial composting definition to Article 1-11, and adds commercial composting as a conditional use to the Agricultural-Rural (A-R), Light Industrial (I-1) and Heavy Industrial (I-2) zones.

Having considered the above matter on July 27, 1989, at a Public Hearing and having voted 7-0 that this Recommendation be submitted to the Lexington-Fayette Urban County Council, the Urban County Planning Commission does hereby recommend APPROVAL of this matter for the following reasons:

- a. A compost operation would allow the recycling of an agricultural by-product into an agricultural product.
- b. The Board of Adjustment would have the authority to consider the various problems that may arise in a specific location and has the authority to require that appropriate conditions be satisfied prior to initiating the use, as well as establishing conditions of an on-going nature.
- c. A need exists for a commercial composting operation in Fayette County. This is particularly due to the large volume of horse muck produced in Fayette County (123,000 tons annually) of which only 50%-60% is currently being processed in an environmentally responsible fashion. The disposal of horse muck by stock-piling it, depositing it in sink holes or storing it along creeks and streams can contribute to high nitrate loading in surface and ground water supplies.
- d. Given attention to a variety of technical details, an environmentally safe composting operation can be satisfactorily carried out on land in either of the industrial zones or in the agricultural-rural (A-R) zone. Commercial composting on property located in an agricultural-urban (A-U) zone would be inappropriate due to the potential for nearby residential, professional or business uses.
- e. It is appropriate to permit commercial composting using the open windrow method, which may require many acres, in the agricultural-rural (A-R) zone, but composting in either of the industrial zones should be conducted within a fully enclosed building in order to conserve land for more urban uses and due to the potential for close proximity to residential or professional areas.
- f. The Division of Waste Management of the Kentucky Natural Resources and Environmental Protection Cabinet currently has an open-ended mechanism for regulating commercial compost operations. Further, the State is currently reviewing additional regulatory measures which will address this type of use.

ATTEST: This 17th day of August, 1989.



Secretary, Dale B. Thoma

W. RUSH MATHEWS
CHAIRMAN

Enclosures: Staff Report w/Text
Applicable excerpts of minutes of above meeting

KRS 100.211(7) requires Council action by ^{October 25}~~September 7~~, 1989.

At the Public Hearing before the Urban County Planning Commission, this Petitioner was represented by the Planning staff.

<u>OBJECTIONS</u>	<u>OBJECTORS</u>
None	None

VOTES WERE REGISTERED AS FOLLOWS:

AYES: (7) Cooper, Flynn, Lucas, Madden, May, Milner, Mathews
NAYS: (0)
ABSENT: (3) Boone, Brown, Howard, Walton
ABSTAINED: (0)
DISQUALIFIED: (0)

Motion for APPROVAL of ZOTA 89-3: COMMERCIAL COMPOSTING AS A CONDI-
TIONAL USE IN THE A-R, I-1, & I-2 ZONES carried.

RESOLUTION NO. 234-89

A RESOLUTION INITIATING VARIOUS AMENDMENTS TO THE TEXT OF THE ZONING ORDINANCE WHEREBY COMMERCIAL COMPOSTING WOULD BE DEFINED AND ESTABLISHED AS A CONDITIONAL USE IN THE AGRICULTURAL RURAL (A-R), LIGHT INDUSTRIAL (I-1) AND HEAVY INDUSTRIAL (I-2) ZONES, ALL AS RECOMMENDED TO THE COUNCIL BY THE COMPOSTING COMMITTEE.

WHEREAS, on September 20, 1988 the Mayor appointed a thirteen member committee to study the issue of commercial composting in Fayette County; and

WHEREAS, the composting committee has studied the matter and made its report and recommendations to the Urban County Council, a copy of which is attached hereto and incorporated herein by reference as Exhibit "A"; and

WHEREAS, the Council has reviewed and approved the report of the Compost Committee and desires to initiate various amendments to the text of the Zoning Ordinance all in keeping with the report and recommendation of the Compost Committee;

NOW THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT;

Section 1 - That pursuant to Section 6-2 of the Zoning Ordinance of the Lexington-Fayette Urban County Government, the Council hereby initiates various amendments to the text of the Zoning Ordinance as recommended by the Compost Committee and more fully set out below:

1. Article 1-11 of the Zoning Ordinance, the general definitional section, should be amended to include the following definition of composting:

Commercial Composting - the aerobic or anaerobic decomposition of solid, organic materials to produce a stabilized, humus-like material that can be recycled to the land as a soil conditioner and low grade fertilizer and primarily for use or distribution off the production site.

2. Article 8-1 of the Zoning Ordinance concerning the Agricultural (A-R) Zone should be amended to add Commercial Composting as a conditional use subject to the following conditions:

a. That only the open windrow or static pile method of aerobic processing using plant material, soils and animal manure, be permitted.

b. That a permit by rule or letter of intent from the Division of Waste Management of the Kentucky Natural Resources and Environmental Protection Cabinet be obtained prior to submission of any application to the Board of Adjustment for a conditional use permit.

c. That no commercial composting operation be conducted closer than 1000 feet to any existing residence.

d. That a development plan indicating access points and circulation routes, proposed signage, screening and landscaping, fencing and other significant geological or physical features of the property be submitted as part of any application.

e. That the Board specifically consider and be able to find that the proposed use will not constitute a public nuisance by creating excessive noise, odor, traffic or dust.

3. That Article 8-20 of the Zoning Ordinance concerning the Light Industrial (I-1) Zone be amended to include Commercial Composting as a conditional use subject to the following conditions:

a. That all such composting shall be conducted in a fully enclosed building.

b. That a permit by rule or letter of intent from the Division of Waste Management of the Kentucky Natural Resources and Environmental Protection Cabinet be obtained prior to submission of any application to the Board of Adjustment for a conditional use permit.

c. That a development plan indicating access points and circulation routes, proposed signage, screening and landscaping, fencing and other significant geological or physical features of the property be submitted as part of any application.

d. That the Board specifically consider and be able to find that the proposed use will not constitute a public nuisance by creating excessive noise, odor, traffic or dust.

4. That Article 8-21 of the Zoning Ordinance concerning the Heavy Industrial (I-2) Zone be amended to include commercial composting as a conditional zone subject to the following conditions:

a. That all such composting shall be conducted in a fully enclosed building.

b. That a permit by rule or letter of intent from the Division of Waste Management of the Kentucky Natural Resources and Environmental Protection Cabinet be obtained prior to submission of any application to the Board of Adjustment for a conditional use permit.

c. That a development plan indicating access points and circulation routes, proposed signage, screening and landscaping, fencing and other significant geological or physical features of the property be submitted as part of any application.

d. That the Board specifically consider and be able to find that the proposed use will not constitute a public nuisance by creating excessive noise, odor, traffic or dust.

Section 2 - That the Clerk of the Council is directed to submit a copy of this Resolution to the Planning Commission for its review and recommendation.

Section 3 - That this Resolution shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL: June 1, 1989

/s/ Scotty Baesler
Mayor

ATTEST:

/s/ Ann Sallee
Clerk of Urban County Council

PUBLISHED: June 7, 1989 - 1t
095/389

STAFF REPORT ON PETITION FOR ZONING ORDINANCE TEXT AMENDMENT

ZOTA 89-3: COMMERCIAL COMPOSTING AS A CONDITIONAL USE

IN THE A-R, I-1 AND I-2 ZONES

Initiated by: Urban County Council on June 1, 1989 by Resolution No. 234-89.

Proposed Text: The following is the proposed text to be added to the Zoning Ordinance.

Article 1-11 of the Zoning Ordinance, the general definitional section, should be amended to include the following definition of composting:

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Article 8-1 of the Zoning Ordinance concerning the agricultural-rural (A-R) zone should be amended to add commercial composting as a conditional use subject to the following conditions:

- a. That only the open windrow or static pile method of aerobic processing using plant material, soils and animal manure, be permitted.
- b. That a permit by rule or letter of intent from the Division of Waste Management of the Kentucky Natural Resources and Environmental Protection Cabinet be obtained prior to submission of any application to the Board of Adjustment for a conditional use permit.
- c. That no commercial composting operation be conducted closer than 1000 feet to any existing residence.
- d. That a development plan indicating access points and circulation routes, proposed signage, screening and landscaping, fencing and other significant geological or physical features of the property be submitted as part of any application.
- e. That the Board specifically consider and be able to find that the proposed use will not constitute a public nuisance by creating excessive noise, odor, traffic or dust.

That Article 8-20 of the Zoning Ordinance concerning the Light Industrial (I-1) Zone be amended to include Commercial Composting as a conditional use subject to the following conditions:

- a. That all such composting shall be conducted in a fully enclosed building.
- b. That a permit by rule or letter of intent from the Division of Waste Management of the Kentucky Natural Resources and Environmental Protection Cabinet be obtained prior to submission of any application to the Board of Adjustment for a conditional use permit.

- c. That a development plan indicating access points and circulation routes, proposed signage, screening and landscaping, fencing and other significant geological or physical features of the property be submitted as part of any application.
- d. That the Board specifically consider and be able to find that the proposed use will not constitute a public nuisance by creating excessive noise, odor, traffic or dust.

That Article 8-21 of the Zoning Ordinance concerning the Heavy Industrial (I-2) Zone be amended to include commercial composting as a conditional use subject to the following conditions:

- a. That all such composting shall be conducted in a fully enclosed building.
- b. That a permit by rule or letter of intent from the Division of Waste Management of the Kentucky Natural Resources and Environmental Protection Cabinet be obtained prior to submission of any application to the Board of Adjustment for a conditional use permit.
- c. That a development plan indicating access points and circulation routes, proposed signage, screening and landscaping, fencing and other significant geological or physical features of the property be submitted as part of any application.
- d. That the Board specifically consider and be able to find that the proposed use will not constitute a public nuisance by creating excessive noise, odor, traffic or dust.

STAFF REPORT

Early in 1988 the Board of Adjustment was requested by Con and Ann Robinson/Con Robinson Contracting to consider an administrative review to determine if the composting of muck (horse manure and straw) was an agricultural activity. The Board found that composting was not similar to the agricultural uses listed in the zoning ordinance definition of "agricultural use" and denied the request.

Then the Robinsons submitted a text amendment to the Zoning Ordinance in order to permit composting operations as a conditional use in the agricultural-rural (A-R) zone. That amendment was recommended for approval by the Planning Commission but was denied by the Council at their meeting on 6/16/88.

On September 20, 1988, the Mayor appointed a 13-member committee to study the issue of commercial composting in Fayette County and what, if any, zoning ordinance text amendments should be adopted relative to this issue. The committee, after working on the composting issue for five months made the following findings:

- 1. A need exists for a commercial composting operation in Fayette County. This is particularly due to the large volume of horse muck produced in Fayette County (123,000 tons annually) of which only 50%-60% is currently being processed in an environmentally responsible fashion. The disposal of

horse muck by stockpiling it, depositing it in sink holes or storing it along creeks and streams can contribute to high nitrate loading in surface and ground water supplies.

2. Given attention to a variety of technical details, an environmentally safe composting operation can be satisfactorily carried out on land in either of the industrial zones or in the agricultural-rural (A-R) zone. Commercial composting on property located in an agricultural-urban (A-U) zone would be inappropriate due to the potential for nearby residential, professional or business uses.
3. It is appropriate to permit commercial composting using the open windrow method, which may require many acres, in the agricultural-rural (A-R) zone, but composting in either of the industrial zones should be conducted within a fully enclosed building in order to conserve land for more urban uses and due to the potential for close proximity to residential or professional areas.
4. The Division of Waste Management of the Kentucky Natural Resources and Environmental Protection Cabinet currently has an open-ended mechanism for regulating commercial compost operations. Further, the State is currently reviewing additional regulatory measures which will address this type of use.

In light of their findings, the Compost Committee suggested that the Council initiate the above amendments to the text of the Zoning Ordinance which they did by resolution No. 234-89 on June 1, 1989.

The Staff Recommended: Approval, for the following reasons:

1. A compost operation would allow the recycling of an agricultural by-product into an agricultural product.
2. The Board of Adjustment would have the authority to consider the various problems that may arise in a specific location and has the authority to require that appropriate conditions be satisfied prior to initiating the use, as well as establishing conditions of an on-going nature.
3. A need exists for a commercial composting operation in Fayette County. This is particularly due to the large volume of horse muck produced in Fayette County (123,000 tons annually) of which only 50%-60% is currently being processed in an environmentally responsible fashion. The disposal of horse muck by stockpiling it, depositing it in sink holes or storing it along creeks and streams can contribute to high nitrate loading in surface and ground water supplies.
4. Given attention to a variety of technical details, an environmentally safe composting operation can be satisfactorily carried out on land in either of the industrial zones or in the agricultural-rural (A-R) zone. Commercial composting on property located in an agricultural-urban (A-U) zone would be inappropriate due to the potential for nearby residential, professional or business uses.
5. It is appropriate to permit commercial composting using the open windrow method, which may require many acres, in the agricultural-rural (A-R) zone, but composting in either of the industrial zones should be conducted within a fully enclosed building in order to conserve land for more urban uses and due to the potential for close proximity to residential or professional areas.

6. The Division of Waste Management of the Kentucky Natural Resources and Environmental Protection Cabinet currently has an open-ended mechanism for regulating commercial compost operations. Further, the State is currently reviewing additional regulatory measures which will address this type of use.

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- C. PUBLIC HEARING ON ZONING ORDINANCE TEXT AMENDMENTS AND LAND SUBDIVISION REGULATIONS AMENDMENTS - The Chairman announced that a public hearing on the following text and land subdivision regulation amendments would be held at this time:

1. ZOTA 89-3: COMMERCIAL COMPOSTING AS A CONDITIONAL USE IN THE A-R, I-1, & I-2 ZONES - This amendment was initiated by the Urban County Council upon receipt of a recommendation from the Mayor's "Compost Committee." The amendment adds a commercial composting definition to Article 1-11, and adds commercial composting as a conditional use to the Agricultural-Rural (A-R), Light Industrial (I-1) and Heavy Industrial (I-2) zones. A complete copy of the proposed text and staff report are available in the office of the Division of Planning.

The Staff Recommended: Approval, for the following reasons:

- a. A compost operation would allow the recycling of an agricultural by-product into an agricultural product.
- b. The Board of Adjustment would have the authority to consider the various problems that may arise in a specific location and has the authority to require that appropriate conditions be satisfied prior to initiating the use, as well as establishing conditions of an on-going nature.
- c. A need exists for a commercial composting operation in Fayette County. This is particularly due to the large volume of horse muck produced in Fayette County (123,000 tons annually) of which only 50%-60% is currently being processed in an environmentally responsible fashion. The disposal of horse muck by stockpiling it, depositing it in sink holes or storing it along creeks and streams can contribute to high nitrate loading in surface and ground water supplies.
- d. Given attention to a variety of technical details, an environmentally safe composting operation can be satisfactorily carried out on land in either of the industrial zones or in the agricultural-rural (A-R) zone. Commercial composting on property located in an agricultural-urban (A-U) zone would be inappropriate due to the potential for nearby residential, professional or business uses.
- e. It is appropriate to permit commercial composting using the open windrow method, which may require many acres, in the agricultural-rural (A-R) zone, but composting in either of the industrial zones should be conducted within a fully enclosed building in order to conserve land for more urban uses and due to the potential for close proximity to residential or professional areas.
- f. The Division of Waste Management of the Kentucky Natural Resources and Environmental Protection Cabinet currently has an open-ended mechanism for regulating commercial compost operations. Further, the State is currently reviewing additional regulatory measures which will address this type of use.

Staff/Committee Reports - The report on this text amendment petition was presented by Mr. Thompson. (A copy of the staff report, including the proposed text, is attached as an appendix to these minutes.) Mr. Thompson stated that the requested amendment was the result of an investigation by the Mayor's committee on Composting, and was initiated by the Urban County Council.

Mr. Thompson stated that the text amendment would require applicants to go before the Board of Adjustment to obtain approval for a composting operation as a conditional use. This would allow neighborhoods and other interested parties to have an opportunity to express their concerns. In addition, the text amendment mandated the use of a permit by rule procedure that is available through the Kentucky Natural Resources and Environmental Protection Cabinet.

Objections - There were no objectors.

* - Denotes date by which Commission must either approve or disapprove plan.

** - Denotes at least a portion of the property contains an environmentally sensitive area.

Action on Text Amendment - A motion was made by Mrs. Lucas, seconded by Dr. Cooper, and carried 7-0 (Boone, Brown, Howard, and Walton absent), to approve ZOTA 89-3: Commercial Composting as a Conditional Use in the A-R, I-1, & I-2 Zones, for the reasons stated by the staff.

2. ZOTA 89-4: AMENDMENT TO ARTICLE 13 (HISTORIC DISTRICTS) - This series of text amendments to Article 13 of the Zoning Ordinance has arisen primarily from the process of adoption of design guidelines for the Board of Architectural Review. Earlier this year, at the request of the Historic Preservation Office, the Planning Commission initiated these amendments. A complete copy of the proposed text and staff report are available in the office of the Division of Planning.

The Staff Recommended: Approval. Adoption of these proposed text changes to Article 13 will provide for improved regulation within historic districts by:

- a. Improving the administration of applications for certificates of appropriateness, notice requirements related to them, and appeal procedures;
- b. clarifying definitions of terms used in the Ordinance; and,
- c. improving the overall cohesiveness of language so as to eliminate ambiguities and to make the Ordinance more effective in regulating historic districts.

Representation - Mr. Richard DeCamp, Historic Preservation Officer and Mr. Patrick Lucas, Historic Preservation Specialist, were present on behalf of the Historic Preservation Commission.

Staff/Committee Reports - The report on this text amendment was presented by Mr. Thompson. (A copy of the staff report is attached as an appendix to these minutes. The proposed text was also distributed to the Commission members and is attached as an appendix to these minutes.) He stated that the amendment resulted from the fact that this article, which was revised in late 1987, had been in use for over a year. The amendment revises the following sections in the article:

1. Board of Architectural Review guidelines - changes were made to give the Historic Preservation Office staff the authority to deal with minor requests without having a hearing before the BOAR. In addition, definitions of "exterior changes" and "ordinary maintenance and repair" adopted as part of the BOAR guidelines were included in Article 13 of the Zoning Ordinance.
2. Changes in the process of Planning Commission review of BOAR appeals - the Planning Commission was given broader discretion in the type of hearing it could hold, and the criteria for taking action on an appeal.
3. Other miscellaneous text changes - to remove ambiguities and conflicting sections in the current Article 13.

Mr. Thompson stated the staff's recommendation to approve the requested text amendment, and noted three reasons that were listed in the staff report and on the agenda.

Mr. Richard DeCamp, Historic Preservation Officer, stated that after one year of operation the Historic Preservation Commission had found elements of Article 13 that needed to be changed. He noted that a major change was the creation of a layer of approval by the staff for minor changes and renovations to properties in H-1 districts. He stated that this would speed up the process of approving projects for residents of those districts.

* - Denotes date by which Commission must either approve or disapprove plan.

** - Denotes at least a portion of the property contains an environmentally sensitive area.