

RESOLUTION NO. 5-2004

A RESOLUTION MODIFYING THE MORATORIUM ON ISSUING BUILDING PERMITS, IMPOSED BY RESOLUTION NO. 552-2000, FOR ALL PROPERTIES IN THE BLUE SKY RURAL ACTIVITY CENTER SERVED BY, OR CAPABLE OF BEING SERVED BY, THE BLUE SKY WASTEWATER TREATMENT PLANT, INCLUDING: 5521-5921 ATHENS BOONESBORO ROAD (ODD ADDRESSES ONLY), 5522-5600 ATHENS BOONESBORO ROAD (EVEN ADDRESSES ONLY), 100, 101 AND 125 CANE BRAKE DRIVE AND ALL PROPERTIES ON SWANTON DRIVE, BLUE SKY PARKWAY, JO MARS STREET, CUTTERS HILL COURT, UNITED COURT, KINGPOST COURT AND KASP COURT TO PROVIDE THAT THE DIVISION OF BUILDING INSPECTION MAY ISSUE BUILDING PERMITS FOR NEW OR EXPANDED STRUCTURES ON THESE PROPERTIES PROVIDED THE PERMITTED STRUCTURE DOES NOT CONTRIBUTE ADDITIONAL WASTEWATER TO THE BLUE SKY WASTEWATER TREATMENT PLANT; PROVIDING THAT EXCEPT AS MODIFIED HEREBY THE MORATORIUM SHALL REMAIN IN EFFECT UNTIL THE KENTUCKY DIVISION OF WATER LIFTS THE TAP-ON BAN IMPOSED ON THE BLUE SKY WASTEWATER TREATMENT PLANT.

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WHEREAS, the Blue Sky Wastewater Treatment Plant operates in the Blue Sky Rural Activity Center, a primarily industrial area; and

WHEREAS, Blue Sky Sewer Service Company, Inc., which operated the plant, filed for bankruptcy in August 2003 and thereafter the Urban County Government has been operating the plant pursuant to agreements with the Bankruptcy Trustee and court order; and

WHEREAS, because of sanctions previously issued by the Kentucky Natural Resources and Environmental Protection Cabinet and Division of Water, a moratorium on building permits for structures that would contribute additional wastewater to the Blue Sky Sewer Service Company's service area was imposed by Resolution No. 552-2000 to prevent discharge inconsistent with the sanctions; and

WHEREAS, modifying the moratorium to allow structures to be constructed provided the structures do not contribute additional wastewater to the sewer system would not adversely affect the environment because no additional flows to the wastewater treatment plant would result; and

WHEREAS, the Kentucky Division of Water has agreed that the moratorium can be modified as herein provided.

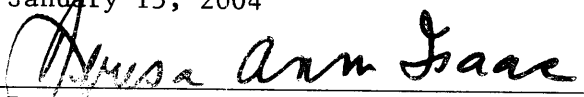
NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 - That the moratorium imposed by Resolution No. 552-2000 for all properties in the Blue Sky Rural Activity Center served by, or capable of being served by, the Blue Sky Wastewater Treatment Plant, including 5521-5921 Athens Boonesboro Road (odd addresses only), 5522-5600 Athens Boonesboro Road (even addresses only), 100, 101 and 125 Cane Brake Drive, and all properties on Swanton Drive, Blue Sky Parkway, Jo Mars Street, Cutters Hill Court, United Court, Kingspost Court and KASP Court be and the same is hereby modified to provide that the Division of Building Inspection may issue building permits for new or expanded structures on these properties provided the permitted structure does not contribute additional wastewater to the Blue Sky Wastewater Treatment Plant.

Section 2 - That except as herein modified the moratorium imposed by Resolution 552-2000 shall remain in full force and effect until the Kentucky Division of Water lifts the tap-on ban previously imposed on the Blue Sky Wastewater Treatment Plant.

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

PASSED URBAN COUNTY COUNCIL: January 15, 2004

  
MAYOR

ATTEST:

  
CLERK OF URBAN COUNTY COUNCIL

PUBLISHED: January 21, 2004-1t