

**CITY OF OAK GROVE, KENTUCKY
ORDINANCE NO. 2008-03**

**AN ORDINANCE BY THE CITY OF OAK GROVE, KENTUCKY
PROHIBITING GREASE FROM ENTERING THE STORM SEWER
SYSTEM IN COMPLIANCE WITH THE MS4 PROGRAM.**

WHEREAS, the Commonwealth of Kentucky has implemented a storm water permit, known as the MS4 program; and

WHEREAS, the City of Oak Grove wishes to implement an ordinance protecting the storm sewer system from grease in accordance with the Minimum Control Measures as mandated by the MS4 program; and

WHEREAS, the Community Development Committee is recommending adoption by the Oak Grove City Council.

NOW THEREFORE, it is ordained by the City of Oak Grove, Kentucky as follows:

SECTION I - SCOPE AND PURPOSE

To aid in the prevention of storm sewer blockages, illicit discharges and obstructions from contributions and accumulation of fats, oils and greases into the storm water system from industrial or commercial establishments, particularly food preparation and serving facilities.

SECTION II- DEFINITIONS

1. **Fats, Oils, and Greases**. Organic polar compounds derived from animal and/or plant sources that contain multiple carbon chain triglyceride molecules. These substances are detectable and measurable using analytical test procedures established in 40 CFR 136, as may be amended from time to time. All are sometimes referred to herein as "Grease" or "Greases".
2. **Grease Trap or Interceptor**. A device for separating and retaining waterborne Greases and Grease complexes prior to the wastewater exiting the trap and entering the sanitary sewer collection and treatment system. These devices also serve to collect settleable solids, generated by and from food preparation activities, prior to the water exiting the trap and entering the sanitary sewer collection and treatment system. Grease Traps and Interceptors are sometimes referred to herein as "Grease Interceptors".
3. **Cooking Establishments**. Those establishments primarily engaged in activities of preparing, serving, or otherwise making available for consumption foodstuffs

and that use one or more of the following preparation activities: cooking by frying (all methods), baking (all methods), grilling, sautéing, rotisserie cooking, broiling (all methods), boiling, blanching, roasting, toasting, or poaching. Also included are infrared heating, searing, barbecuing, and any other food preparation activity that produces a hot, non-drinkable food product in or on a receptacle that requires washing.

4. **Non-Cooking Establishments.** Those establishments primarily engaged in the preparation of precooked foodstuffs that do not include any form of cooking. These include cold dairy and frozen foodstuffs preparation and serving establishments.
5. **Grease Interceptor Maintenance.** Any work performed on the grease interceptor including the pumping of waste from the interceptor.
6. **User.** Any person, including those located outside the jurisdictional limits of the City, who contributes, causes or permits the contribution or discharge of wastewater into the storm water system, including persons who contribute such wastewater from mobile sources, such as those who discharge hauled wastewater.

SECTION III - GREASE INTERCEPTOR MAINTENANCE, RECORD KEEPING, AND GREASE REMOVAL

Grease Interceptors shall be installed at all new commercial cooking establishments, existing facilities that were required under Oak Grove City Ordinance 1998-08, and any other Users as required by the City Representative or his designee. Grease Interceptors shall be installed at the User's expense. Installation of Grease Interceptors may also be required in non-cooking or cold dairy and frozen foodstuffs establishments and other industrial or commercial establishments when they are deemed necessary by the City Representative for the proper handling of liquid wastes containing Grease. No User shall allow wastewater discharge concentration from subject Grease Interceptor to exceed 100 milligrams per liter, as identified by method EPA Method 1664 or EPA method 413. All Grease Interceptors shall be of a type, design, and capacity approved by the City Representative or his designee and shall be readily and easily accessible for User cleaning and City inspection.

SECTION IV – STORM WATER SYSTEM

Any non-potable water containing grease shall not, under any circumstances, be placed or allow to be placed into the City of Oak Grove Storm Sewer system. The grease shall pass through a grease interceptor, as described above, and into the wastewater system. The water containing grease is treated and released through the City's Waste Water Treatment Plant, whereas water entering the Storm Sewer system will discharge into the waters of the Commonwealth. All commercial cooking or non-cooking establishments shall verify their grease trap is in good working order, so as to not overflow into the storm sewer system. Said verifications shall take place every two

years with supporting documentation presented to the Oak Grove Planning Office.

SECTION V – ENFORCEMENT

All enforcement of this ordinance shall be handled by the Code Enforcement Officer. Any violations shall be submitted to the Code Enforcement Board.

SECTION VI – PENALTIES

Any person violating any of the provisions of this section shall be fined in accordance with the following schedule:

First Offense: \$200.00
Second Offense: \$350.00
Third Offense and all Offenses thereafter: \$500.00

Any person choosing not to contest the charge for the Code Enforcement Board instead wishing to pre-pay their fine shall be allowed to pay an amount equal to fifty-percent (50%) of the fine for the applicable offense with which they have been charged for the first offense. Offenders who violate this ordinance more than one time must pay the full amount for offenses thereafter. Violators of this ordinance shall be subject to and be held liable for, the cost of any cleanup to the storm water appurtenances and mitigation thereof.

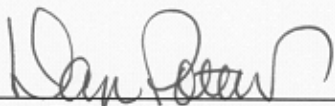
SECTION VII – UNCONSTITUTIONALITY

Any and all existing ordinances inconsistent with this ordinance are hereby repealed. Should any part of this ordinance be void or unconstitutional, the remaining ordinance shall remain in full force and effect.

Approved on First Reading this 4th day of March, 2008.

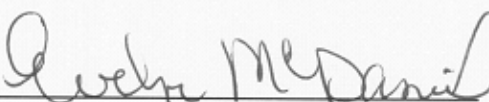
Approved on Second Reading this 18th day of March, 2008.

APPROVED:



Dan Potter, Mayor
City of Oak Grove, Kentucky

ATTEST:



Evelyn McDaniel, City Clerk
City of Oak Grove, Kentucky

PUBLISHED: In full in the Kentucky New Era this 21st day of March, 2008.

7.10 PUD; PLANNED UNIT DEVELOPMENT

A. Statement of Purpose

The intent of the Planned Unit Development (PUD) is to permit greater flexibility and consequently, more creative and imaginative design for development of residential areas than generally is possible under the conventional zoning regulation. It is further intended to promote more economic and efficient use of the land while providing a harmonious variety of housing choices, a higher level of urban amenities and preservation of natural qualities of open space.

B. Permitted Districts

1. Residential Planned Unit Developments are allowed by right in the R-1, R-1A, R-2 and R-3 districts, in accordance with the provisions of this Ordinance.
- ~~2. Residential Planning Unit Developments are allowed in R-1 residential districts after review and approval of the site plan by the Planning Commission in accordance with the provisions of this Ordinance.~~
3. 2. Residential/ Commercial Planned Unit Developments are allowed by right in the B-1 district in accordance with the provisions of this Ordinance.

C. Permitted Uses

1. Detached and attached single-family dwellings.
2. Two-family dwellings (duplexes)
3. Multi-family dwellings.
4. Accessory uses and structures provided that no such buildings or structures shall be designed or used for dwelling purposes.
5. Public uses and buildings including libraries, museums, parks and playgrounds, schools and community buildings, owned and controlled by the City or school district if their location is first approved by the City Council.
6. Any proposal which uses have been reviewed and recommended for approval by the Planning Commission.

D. Standards

1. Building Site Area:

The total minimum size of a PUD shall not be less than one (1) acre.

<u>Single-family detached in R-1, R-1A & R-2 zones</u>	<u>6,500 square feet per unit</u>
<u>Single family detached in R-3 and B-1 zones</u>	<u>4,500 square feet per unit</u>
<u>Two-family (duplexes)</u>	<u>7,000 square feet per two (2) units</u>
<u>Multi-family</u>	<u>2,170 square feet per three (3) or more units</u>
<u>Other permitted uses</u>	<u>7,000 square feet</u>

2. Building Site Coverage:

The total lot coverage for all buildings on the site shall not exceed sixty (60) percent of the lot area.

3. Building Height Limit:

The maximum building height limit shall not exceed seventy (70) feet in height.

4. Setback Requirements:

Front yard ~~One half the width of the right of way (ROW) not to exceed forty (40) feet or be less than twenty five (25) feet.~~

Side yard
(~~from adjoining property line~~) ~~Twenty (20) feet~~
Seven (7) feet

Rear yard
(~~from adjoining property line~~) Twenty (20) feet

The minimum requirement for yards fronting roads under the jurisdiction of the State of Kentucky or Hugh Hunter Road shall not be less than sixty (60) feet.

E. General Requirements

1. Platting Requirements

Each PUD shall be platted. The plat shall contain information as required in the site plan review found in Article 6, ADMINISTRATION. The plat shall also conform to the requirements set forth in this section. In the event that conflicts occur, this section shall prevail.

~~2. Density~~

~~The density for all approved PUD plans shall not exceed the density requirements found in an R-3 High Density Multi-family Residential district.~~

3. 2. Open Space

~~At least twenty (20) percent of the total gross area shall be devoted to properly planned, permanent, usable open space. The common open space shall be used for recreational, park or environmental amenity for common enjoyment by occupants of the development but shall not include public or private streets, driveways or utility easements.~~

The minimum open space required shall be owned and maintained under one of the alternatives listed in Subsection 4, as approved by the City of Oak Grove. The uses within the open space shall be accessible to the residents of the development. These uses may also be available to the general public providing the proper approvals are received. The required open space shall be undivided and restricted in perpetuity from future development.

- a. Open space shall be designated as part of the development. The minimum required open space is thirty percent (30%) of the gross acreage.
- b. Open Space Conservation Ranking (in order of significance).

The areas to be preserved shall be identified on a case-by-case basis in an effort to conserve and provide the best opportunities to restore and enlarge the best quality natural features of each particular site.

- ❖ First priority will be given to intact natural communities, rare and endangered species, developments adjacent or near to Fort Campbell Military Installation or any United States Avigational Easements, environmental corridors, natural and restored grasslands or forests, flood plain and flood way areas and steep slopes.
- ❖ Second priority will be given to areas providing some plant and wildlife habitat, open space values and significant historic and archaeological properties.

- ❖ Third priority will be given to areas providing little habitat but providing viewshed, recreation or a sense of open space.
 - c. The following areas or structures may be located within the open space and shall be counted toward the overall open space percentage required:
 - ❖ Parking areas for access to and use of the open space developed at a scale limited to the potential users of the open space.
 - ❖ Privately-held buildings or structures provided they are accessory to the use of the open space.
 - ❖ Public utility or drainage easements.
 - d. Road right-of-way shall not be counted towards the required minimum open space.
 - e. No more than fifty percent (50%) of the required open space may consist of water bodies, ponds, flood plains, flood way or wetlands.
 - f. The portion of open space designed to provide plant and animal habitat shall be kept as intact as possible. Trails shall be designed to avoid fragmenting these areas.
 - g. A pathway system connecting open space areas accessible to neighborhood residents and connecting these areas to neighborhood streets and to planned or developed trails on adjacent parcels shall be identified in the plan.
4. 3. Maintenance of Common Open Space

~~Planned Unit Developments shall be approved subject to the submission of a legal instrument or instruments setting forth a plan or manner of permanent care and maintenance of such open spaces, recreational areas and community owned facilities. No such instruments shall be accepted until approval by the City Attorney as to legal form and effect and the Planning Commission as to suitability for the proposed use of open space.~~

The designated common open space and common facilities may be owned and managed by one or a combination of the following:

- a. A non-profit conservation organization.

If the common open space is to be held by a nonprofit conservation organization, the organization must be acceptable to the City of Oak Grove. The conveyance to the nonprofit conservation organization

must contain appropriate provisions for reversion in the event that the organization becomes unwilling or unable to uphold the terms of the conveyance.

- b. The City of Oak Grove or another governmental body empowered to hold an interest in real property.

The City of Oak Grove or another governmental body empowered to hold an interest in real property may accept the dedication of fee title or dedication of a conservation easement to the common open space. The City of Oak Grove may accept the common open space provided:

1. The common open space is publicly accessible; and
 2. The City of Oak Grove agrees to and has access to maintain the common open space.
- c. An individual who will use the land for open space purposes provided by a conservation easement.

An individual may hold fee title to the land while a nonprofit or other qualified organization holds a conservation easement for the common open space.

Every PUD must include a plan that provides evidence of a means to properly manage the common open space in perpetuity and evidence of the long-term means to properly manage and maintain all common facilities, including any storm water facilities. The plan shall be approved by the Oak Grove City Council prior to final plat approval.

- a. The plan shall do the following:
 1. Designate ownership of the open space and common facilities.
 2. Establish necessary regular and periodic operation and maintenance responsibilities.
 3. Estimate staffing needs, insurance requirements and other associated costs and define the means for funding the same on an on-going basis.
 4. Include a land stewardship plan specifically focusing on the long-term management of common open space lands. The land stewardship plan shall include a narrative describing:

- ❖ Existing conditions including all natural, cultural, historic, military-related and scenic elements in the landscape.
 - ❖ The proposed end state for each common open space area and the measures proposed for achieving the end state.
 - ❖ Proposed restoration measures, including measures for correcting increasingly destructive conditions (such as erosion) and measures for restoring historic features, habitats or ecosystems.
 - ❖ The operations needed for maintaining the stability of the resources, including, but not limited to, mowing schedules, weed control, planting schedules, mosquito and other pest control and clearing and clean-up. At the City of Oak Grove's discretion, the applicant may be required to place in escrow sufficient funds for the maintenance and operation costs of common facilities for a maximum of one (1) year.
- b. In the event the organization established to own and maintain the open space and common facilities, or any successor organization, fails to maintain any or all portions of the common facilities in reasonable order and condition, the City of Oak Grove Code Enforcement Officer shall begin the process of notification and abatement, in accordance with Ordinance 2001-13. Upon failure to comply within the time specified, the organization, or any successor organization, shall be considered in violation of these guidelines, in which case the bond, if any, may be forfeited and any permits may be revoked or suspended. The City of Oak Grove may enter the premises and take corrective action.

The costs of corrective action by the City of Oak Grove Code Enforcement Board shall be levied against the properties that have the right of enjoyment of the common facilities and shall become a lien on said properties. The City of Oak Grove, at the time of entering upon such common facilities for the purpose of maintenance, shall file a notice of such lien in the office of the Christian County Clerk upon the properties affected by such lien.

- c. Management plans can be amended by the owner identified under Subsection 4 with the approval of the Oak Grove City Council.
5. 4. Landscaping and Drainage

- a. A landscaping plan shall be required at a time of initial submission, showing the spacing, sizes and specific types of landscaping material.
- b. Existing trees shall be preserved whenever possible. The location of trees should be considered when planning the common open space, location of buildings, underground structures, walks, paved area, playgrounds, parking areas and finished grade levels.
- c. A grading plan which shall confine excavation, earth moving procedures and other changes to the landscape in order to ensure preservation and prevent despoliation of the area to be retained as common open space.
- d. Lots shall be configured to minimize the amount of impervious surface.
- e. The development shall retain the 100-year storm within a drainage easement. Calculations shall be submitted to the Oak Grove City Engineer for compliance assurance.
- f. Natural open drainage systems shall be preserved.
- g. Impacts to prime farmland soils and large tracts of land in agricultural use and interference with normal agricultural practices shall be minimized.
- h. Disturbance to woodlands, wetlands and grasslands shall be minimized.
- i. Impacts to land adjacent or near to Fort Campbell Military Installation and any United States Avigational Easements shall be minimized.
- j. Impacts to flood plains and flood ways as identified by the Federal Emergency Management Agency shall be minimized.
- k. Scenic views of open land from adjacent roads shall be protected. Visual impact should be minimized through the use of landscaping or other features.
- l. A PUD shall protect archaeological sites and existing historic buildings or incorporate them through adaptive reuse.

6. 5. Traffic Circulation

Principal vehicular access points shall be designed to permit smooth traffic flow with controlled turning movements and minimum health hazards to vehicular and pedestrian traffic.

7. 6. Street Construction

- ~~a. Standards of design and construction for both public and private streets, within a planned residential development, shall comply with the standards of design set forth in the Oak Grove Subdivision Guidelines.~~
- ~~b. Streets in a PUD may be dedicated to public use or may be retained under private ownership. However, if the streets are dedicated to the City, said streets shall be constructed in accordance with standards required by the City.~~
- a. Neighborhood streets may take the form of a two-way street, a pair of one-way streets on either side of a landscaped median or a one-way loop street around a small neighborhood green. Streets shall be developed that promote road safety, assure adequate access for fire and rescue vehicles and promote adequate vehicular circulation.
- b. The applicant must demonstrate that access to the development has the capacity to handle traffic generated by the proposed project and will not endanger the safety of the general public
- c. Streets shall have a minimum pavement width of twelve (12) feet per driving lane. A one-way looped street shall have a right-of-way of twenty-five (25) feet. A two-way or median-divided street shall have a right-of-way of fifty (50) feet.
- d. Sidewalks, trails and other walkways shall be a minimum of five (5) feet in width.
- e. Shade trees shall be planted on both sides of the street.
- f. Street connections to adjacent parcels shall be provided in logical locations to avoid creating landlocked parcels and providing for connecting street patterns.
- g. The developed areas shall have a sidewalk on at least one side of the street.

8. 7. Parking

- a. For each dwelling unit, there shall be two off-street parking spaces consisting of not less than 180 square feet each. ~~A variance from this requirement can be obtained from the Board of Zoning Adjustment.~~
- b. Parking areas shall be arranged so as to prevent through traffic to other parking areas.
- c. Parking areas shall be screened from adjacent structures, roads and traffic arteries with hedges, dense planting, earth berms, changes in grade or walls.
- d. No more than fifteen (15) parking spaces shall be permitted in a continuous row without being interrupted by landscaping.
- e. No more than sixty (60) parking spaces shall be accommodated in any single parking area.
- f. All streets and any off-street loading areas shall be paved. All areas shall be marked so as to provide for orderly and safe loading, parking and storage.
- g. Parking for non-residential purposes shall be provided appropriate to the type of non-residential use.
- h. All common parking areas shall be adequately lighted. All such lighting shall be so arranged to direct the light away from adjoining residences.
- i. All parking areas and off-street loading areas shall be graded and drained so as to dispose of all surface water without erosion, flooding and other inconveniences.

9. 8. Buffers

Where a PUD abuts another district of lower intensity, a permanent open space at least twenty-five (25) feet wide shall be provided along the property line and shall be maintained with landscaping. No driveway or off-street parking shall be permitted in this area.

If agricultural uses are being maintained, lots shall be configured in a manner that maximizes the usable area remaining for such agricultural uses with appropriate buffers between agricultural uses and residential or commercial structures.

10. 9. Non-residential Development

- a. Non-residential uses, limited to those specifically recommended for approval by the Planning Commission, are permitted in a Planned Unit Development provided that such uses primarily are for the service and convenience of the residents of the development.
- b. Layout of parking areas, service areas, entrances, exits, yards, courts and landscaping and control of signs, lighting, noise or other potentially adverse influences shall be such as to protect the residential character within the PUD district and desirable character in any adjoining residential district.
- c. No building permit for any non-residential use in a mixed PUD, i.e. residential/ commercial or professional, shall be issued prior to having at least fifty percent (50%) of the residential dwellings under construction.

F. Site Plan Review

A site plan review is required to encourage communication between the applicant, City of Oak Grove and the Planning Commission Staff. A site plan review will also promote a greater degree of logic, imagination, innovation and variety in the design process. The site plan submittal shall follow the guidelines as set forth in Article 6, ADMINISTRATION.

G. Review Procedure

1. Approval process

The following requirements must be fulfilled prior to approval of a PUD application.

- a. Pre-application conference – The applicant shall meet with the staff to determine the feasibility of the project.
- b. Application and site plan submittal – The applicant should furnish all information required in this section and comply with all the standards set forth in this section (See paragraph 3 of REVIEW PROCESS).
- c. Site plan review – In-house staff function. (See paragraph 4 of REVIEW PROCESS).
- d. Planning Commission action – The Planning Commission will either:
 - 1. Grant approval – which means the developer may proceed with the project; or

2. Postpone action – which means action is delayed for reasons which shall be noted by the Commission; or
3. Deny approval – which means denial of approval for the submitted PUD. Before any further action is taken, the developer must review his plan to conform to the Commission's recommendations.

2. Special Use Permit

Upon approval by the Planning Commission, the applicant will be issued a special use permit. The special use permit may contain conditions which the applicant must represent on his/her plat before a building permit is issued by the ~~zoning inspector~~ Oak Grove Building Inspector. A special use permit shall be revoked upon any change in conditions upon which the special use permit was issued.

3. Application for PUD

The application, which can be obtained at the Hopkinsville-Christian County Planning Commission offices or the Oak Grove City Hall Offices, along with a filing fee, amount set by City Council, shall be submitted along with the plat.

4. Administrative Review

Upon a receipt of an application, a filing fee and a plan, the staff shall review the plat for compliance with this Ordinance. Within forty-five (45) days after the filing of the application, the Planning Commission shall take action.

After the site plan is review by the staff, the staff findings and recommendations shall be transmitted to the applicant and Planning Commission.

5. Failure to Begin Construction

If no construction has begun or no use established in the Planned Unit Development within ~~two (2) years~~ one (1) year from the date of approval of the development plan, the special use permit shall lapse and have no further effect. Construction is hereby defined to include the placing of construction materials in a permanent position and fastening them in a permanent manner. In its discretion and for good cause, the Planning Commission may extend for one or more additional years the period for the initiation of construction of the establishment of a use.

6. Amendment or Withdrawal of Special Use Permit

Pursuant to the same procedure and subject to the same limitations and requirements by which the special use permit was approved and registered, any special use permit may be amended or withdrawn, either partially or completely, if all the conditions and limitations of the special use permit and all land and structures withdrawn from such special use permit comply with all regulations established by this Ordinance and unrelated to the special use permit.

7. Waivers

An applicant citing the design or other exceptional characteristics of the proposed development may request the Planning Commission to waive certain requirements for a special use permit. The Planning Commission may permit submission of an application for review in accordance with procedures set out in this section. In permitting waivers, the Planning Commission must find that the application fully meets the intent of this section and of the Zoning Ordinance.

8. Appeal

Any persons aggrieved by a decision of the Planning Commission in approving or disapproving an application for a Planned Unit Development, may, within fifteen (15) days from the date of the decision, file a written request with the City Council of the City of Oak Grove which shall proceed to review said decision. Any such review shall be conducted pursuant to the same procedure as required for approval in this section.

If the City Council, subsequent to its review, agrees with the Planning Commission's action, it shall do so by Municipal Order. If the City Council disagrees with the Planning Commission action, it shall adopt a Municipal Order directing the Planning Commission to alter its action in accordance with its directions and conditions.

If the Planning Commission fails to comply with the Council's order at its next regularly scheduled meeting, the alterations specified in the Municipal Order shall become effective upon the adjournment of said meeting.