

TITLE XV: LAND USAGE

Chapter

- 150. BUILDING REGULATIONS
- 151. SUBDIVISION GUIDELINES
- 152. ZONING REGULATIONS
- 153. DILAPIDATED STRUCTURES
- 154. FLOOD DAMAGE PREVENTION
- 155. STORMWATER REGULATIONS FOR EROSION
PREVENTION AND SEDIMENT CONTROL
- 156. LIGHTING STANDARDS

LAND USAGE

CHAPTER 150: BUILDING REGULATIONS

Section

- 150.01 Adoption of Kentucky Building Code; Standards of Safety
- 150.02 Enforcement
- 150.03 Identification of subcontractors required
- 150.04 Building/zoning permits; where obtained; fees
- 150.05 Building/construction permits; where obtained; fees
- 150.06 License tax and liability insurance
- 150.07 Exemptions for businesses that relocate to existing business structures
- 150.08 Display of assigned mailing numbers
- 150.99 Penalty

§ 150.01 ADOPTION OF KENTUCKY BUILDING CODE; STANDARDS OF SAFETY.

The Kentucky Building Code, and all subsequent additions, as contained in Chapter 7, Title 815 of the Kentucky Administrative Regulations; the Kentucky Plumbing Code, as contained in Chapter 20, Title 815 of the Kentucky Administrative Regulations; the Kentucky Standards of Safety, as contained in Chapter 10, Title 815 of the Kentucky Administrative Regulations, together with any amendments, are hereby adopted by reference as if fully set forth herein. Copies of the above codes and any amendments thereto shall be placed on file in the office of the City Administrative Officer/City Clerk where they shall be available for public inspection during normal business hours. (Ord. 2001-03, passed 5-15-01; Am. Ord. passed 10-22-01; Am. Ord. 2015-01, passed 2-24-15)

§ 150.02 ENFORCEMENT.

All enforcement of §§ 150.03, 150.04 and 150.06 shall be handled by the code enforcement officer. Any violations shall be submitted to the Code Enforcement Board. (Ord. 2001-03, passed 5-15-01; Am. Ord. 2001-25, passed 10-22-01; Am. Ord. 2015-01, passed 2-24-15)

§ 150.03 IDENTIFICATION OF SUBCONTRACTORS REQUIRED.

(A) Each general contractor or principal builder shall notify the City Administrative Officer/City Clerk of the name, address, telephone number, and federal and state employee identification numbers of each subcontractor, independent contractor, and individual who performs any work or services on any construction or building project within the city prior to said subcontractor, independent contractor, or individual performing any work thereon. For purposes of this section the general contractor or principal builder is not required to identify the employees or workmen on his payroll.

(B) If a general contractor or principal builder shall fail to identify said subcontractors, independent contractors, or individuals, the City Administrative Officer/City Clerk shall forthwith issue a stop

work order which shall be served on the general contractor or builder by the Code Enforcement Officer/City Planner and all work of those unidentified subcontractors, independent contractors, or individuals on said construction or building project shall cease until such time as said general contractor or builder has properly identified those subcontractors, independent contractors, or individuals performing work on said project.

(Ord.2001-25, passed 10-22-01; Am. Ord. 2015-01, passed 2-24-15)

§ 150.04 BUILDING/ZONING PERMITS; WHERE OBTAINED; FEES.

(A) Building permits are to be obtained from City Planning Office. There shall be a fee collected by the Planning Office for all building permits issued, based as follows:

(1) Building permit for construction covered by the Kentucky Building Code:

<u>Total Valuation</u>	<u>Fee</u>
\$1,000 and less	No fee, unless inspection required, in which a \$50 fee for each inspection shall be charged.
\$1,000 to \$50,000	\$15 for the first \$1,000 plus \$5 for each additional thousand or fraction thereof, to and including \$50,000.
\$50,000 to \$100,000	\$260 for the first \$50,000 plus \$4 for each additional thousand or fraction thereof, to and including \$100,000.
\$100,000 to \$500,000	\$460 for the first \$100,000 plus \$3 for each additional thousand or fraction thereof, to and including \$500,000.
\$500,000 and up	\$1,660 for the first \$500,000 plus \$2 for each additional thousand.

(2) Permanent signs \$75 plus \$1 per square ft.

(3) Building permit for construction covered by the Kentucky Residential Building Code:

One and two family dwelling \$125

Accessory structures:	\$ 75
Garage, carports, additions, in-ground pools, permanent storage buildings, excluding portable storage sheds and above-ground pools	
Partial release permit: (Footer/foundation, etc.)	\$ 50
(4) Moving a structure	\$ 50
(5) Mobile home permits	\$100
(6) Site plan review	\$125
(7) Rezoning	\$300
(8) Conditional use	\$100
(9) Interpretation of zoning	\$200
(10) Street	
Dedication	\$.40/lin. ft.
Closure	\$100
Change	\$100
(11) Preliminary plat	\$300
Final plat	\$400
Minor plat	\$ 10
(12) Variance	\$200

(B) Late charge for commencing construction without a building permit will be \$200, in addition to the normal permit fee. In no instance will the late charge be less than \$200 or exceed \$500. Construction begins when concrete is poured and/or materials are utilized on site. A \$10 penalty will also be levied against the contractor/owner for not posting the building permit in a visible place which can be viewed from the street.

(Ord. 2001-03, passed 5-15-01; Am. Ord. 2001-25, passed 10-22-01; Am. Ord. 2015-01, passed 2-24-15)

\$ 150.05 BUILDING/CONSTRUCTION PERMITS; WHERE OBTAINED; FEES.

Building/construction permits are to be obtained from the City Planning Office. There shall be a fee collected by the Planning Office for all building/construction permits issued based as follows:

(A) Plan review fee will be calculated by the prevailing fee section of the Kentucky Building Code as established by the Department of Housing, Buildings and Construction.

(B) Inspection fee for construction covered by the Kentucky Building Code based as follows:

Square Feet	Fee Per Square Foot
0 - 5,000	\$.10
5,001 - 7,500	\$.0975
7,501 - 10,000	\$.0950
10,001 - 12,500	\$.0925
12,501 - 15,000	\$.0900
15,001 - 17,500	\$.0875
17,501 - 20,000	\$.0850
20,001 and up	\$.0825

(C) Minimum inspection fee \$200

(D) Re-inspection fee \$50 per inspection
(Ord. 2001-25, passed 10-22-01)

§ 150.06 LICENSE TAX AND LIABILITY INSURANCE.

(A) No permanent residence or commercial building shall be moved over or upon the streets of the city until and unless the owner of such building, or the person engaged in moving same, shall apply to and receive from the City Planner a permit for each such building to be moved. In each such case, a license tax is hereby established of \$100 for residential buildings, and \$200 for commercial buildings.

(B) Before obtaining such permit, the owner of any building to be moved, or his agent, shall post bond in the amount of \$1,000 with the city as indemnity for any damage done in such moving to city streets, or other public property, and shall exhibit to the City Planner a liability insurance policy covering injury and damage to the public.

(C) The building/zoning permits provided for herein will be void one year from the date of issue. If construction has not been completed, then another permit will be required.

(D) All permits are to be posted on the outside of the structure clearly visible from the road.

(E) If any construction or activity for which a permit is required under this section begins without a building/zoning permit or license tax being first obtained, the City Planner shall immediately issue a stop work order which shall be served upon the violator by any

officer of the Code Enforcement Officer/City Planner. All work shall cease until the required permit or license tax is obtained.
(Am. Ord. 2001-25, passed 11-22-01; Am. Ord. 2015-01, passed 2-24-15)

§ 150.07 EXEMPTIONS FOR BUSINESSES THAT RELOCATE TO EXISTING BUSINESS STRUCTURES.

(A) All local businesses in operation shall be released from the requirement of submitting a site plan upon relocating into an existing structure. Furthermore, these businesses shall be released from the requirement of bringing up to standard the items outlined in the Zoning Ordinance. Notwithstanding this chapter, such relocating businesses and existing structures shall comply with the state-mandated requirements of the Kentucky Building Code.

(B) (1) Building inspection and fees. When a new business proposes to locate in an existing building, the building shall be inspected by the Building Inspector. The Building Inspector shall charge a fee of \$50 for the initial inspection. If a building permit is required, the plan review and inspection fees shall be as provided for in this chapter.

(2) Planning/zoning and utilities. After approval by the Building Inspector, the approval shall be made known in writing to both the Planning and Zoning Office and Utility Office. Any applicable zoning permit or utility fees shall apply. Said fees shall be paid before the business shall apply for a business license.

(3) Application for a business license. Upon approval by the Planning Office and Utility Office, the business shall apply for a business license. Any applicable fees shall apply.
(Ord. 1997-08, passed 8-19-97; Am. Ord. 2007-09, passed 6-5-07)

Cross-reference:

Zoning Ordinance, see §§ 152.001 et seq.

§ 150.08 DISPLAY OF ASSIGNED MAILING NUMBERS.

(A) The term "STRUCTURE", as utilized herein, is defined as any residence, building, mobile home, commercial agriculture-related building, or any building or structure, of any type, which has been assigned a telephone number by Bellsouth Telephone Company or other telephone service provider.

(B) The owner of each structure located in the city is hereby required to apply unto the Hopkinsville-Christian County Planning Commission for the establishment and designation of the mailing address excepting only those structures previously assigned an address by number and street or roadway.

(C) The owner of each structure located in the city shall display the number assigned to the structure in such a manner so that said designed number shall be clearly visible to emergency vehicles.

(D) Numerals indicating the official address and number for each structure shall be posted in a manner to be visible, legible and distinguishable from the street or roadway on which the property is located.

(E) The owner of each structure within the city shall have 60 days from the effective date of this section to comply with the requirements set out herein.

(F) All enforcement of this section shall be handled by the Code Enforcement Officer. Any violations shall be submitted to the Code Enforcement Board.

(G) Any person who violates any provision required under this section shall be fined an amount not less than \$25 nor more than \$100. Each day the violation continues to exist shall be considered a separate violation.

(Ord. 2003-04, passed 5-21-03)

§ 150.99 PENALTY.

(A) Any person violating any of the provisions of §§ 150.03, 150.04 and 150.06 shall be fined in accordance with the following schedule:

(1) First Offense	\$200
(2) Second Offense	\$350
(3) Third Offense and all offenses thereafter	\$500

(B) Any person choosing not to contest the charge to the Code Enforcement Board instead wishing to prepay their fine shall be allowed to pay an amount equal to 50% of the fine for the applicable offense with which they have been charged. For example, a person charged with a first offense of violating this chapter shall prepay his or her fine in the amount of \$100; a person charged with a second offense of violation this chapter shall be allowed to prepay his or her fine in the amount of \$175; and a person charged with violating this chapter the third time or after shall be allowed to prepay his or her fine in the amount of \$250.

(Am. Ord. 2001-25, passed 11-22-01; Am. Ord. 2015-01, passed 2-24-15)

CHAPTER 151: SUBDIVISION GUIDELINES

Section

151.01 Adoption of reference

§ 151.01 ADOPTION BY REFERENCE.

Subdivision Guidelines of Oak Grove, Kentucky, a copy of which is attached to Ordinance 1990-7, is hereby adopted by reference the same as if set out at length, in words and figures herein.
(Ord. 1990-7, passed 8-14-90; Am. Ord. 1991-7, passed 11-12-91; Am. Ord. 1993-19, passed 1-14-94; Am. Ord. 1997-9, passed 9-2-97; Am. Ord. 1998-13, passed 10-28-98; Am. Ord. 1999-02, passed 1-5-99)

CHAPTER 152: ZONING REGULATIONS

Section

Zoning Districts

152.001	R-1; Single-Family Residential District
152.002	R-1A; Single-Family Residential District
152.003	R-2; One and Two-Family Residential District
152.004	R-3; Multi-Family Residential District
152.005	B-1; Professional Commercial District
152.006	B-2; Arterial Commercial District
152.007	B-3; Enhanced Commercial District
152.008	B-4; Central Business District
152.009	I-1; Industrial District
152.010	RMH; Residential Qualified Manufactured or Manufactured Housing District
152.011	ZLL; Zero Lot Line District
152.012	PUD; Planned Unit Development

Procedure for Amendment or District Changes

152.025	General
152.026	Initiation of zoning amendments
152.027	Contents of application
152.028	Transmittal to the Planning Commission
152.029	Public hearing and Planning Commission
152.030	Notice of public hearing in newspaper
152.031	Notice to property owners
152.032	Sign on property
152.033	Recommendation by the Planning Commission
152.034	Action by the City Council

Off-Street Parking, Storage and Loading Requirements

152.045	Standards
152.046	Table of parking spaces required
152.047	Application of standards
152.048	Storage and parking of trailers and commercial vehicles
152.049	Off-street loading and unloading requirements
152.050	Construction and maintenance

Signs and Portable Advertising Devices

152.065	Signs and portable advertising devices permitted
152.066	Permit required
152.067	Location
152.068	Signage limit
152.069	Size; commercial, industrial

- 152.070 Lighting
- 152.071 Maintenance and landscaping
- 152.072 Height; commercial, industrial
- 152.073 Billboards; commercial, industrial
- 152.074 Portable signs

Home Occupations

- 152.085 Statement of purpose
- 152.086 Home occupations not permitted
- 152.087 Standards
- 152.088 Issuance of a conditional use permit
- 152.089 Signage on property
- 152.090 Obstruction to vision at street intersections on corner lots
- 152.091 Automobile wrecking and junkyards (salvage yards)
- 152.092 Accessory building
- 152.093 Visibility
- 152.094 Business or industry on small building site
- 152.095 Fences and walls
- 152.096 Corner building site
- 152.097 Illumination of uses
- 152.098 Mixed uses
- 152.099 Classification of new and unlisted uses

Buffering

- 152.110 Statement of purpose
- 152.111 Sites affected
- 152.112 Where landscape materials required
- 152.113 Property perimeter requirements
- 152.114 Average width of easement
- 152.115 Trees
- 152.116 Planting, hedge, fence wall or earth mound
- 152.117 Vehicular use area (VUA) requirements
- 152.118 Land use buffers and easements for VUAs
- 152.119 Interior landscaping for VUAs
- 152.120 Landscaping for service structures
- 152.121 Who provides easements
- 152.122 Easement conflicts
- 152.123 Existing landscape material
- 152.124 Landscaping at driveways and street intersections
- 152.125 Landscape materials
- 152.126 Maintenance and installation
- 152.127 Plan submission and approval
- 152.128 Plan review
- 152.129 Surety instrument
- 152.130 Variance

Appendix Schedule of Uses

ZONING DISTRICTS

§ 152.001 R-1; Single-Family Residential District.

(A) Statement of purpose. The intent of this district is to provide single-family residential areas with relatively low population densities and to prohibit uses which would destroy the residential character of the neighborhood, i.e. commercial and industrial uses.

(B) Permitted uses. See Chapter 152 Appendix, Schedule of Uses.

(C) Conditional uses. See Chapter 152 Appendix, Schedule of Uses.

(D) Standards.

(1) Building site area: each lot shall have an area not less than 17,500 square feet.

(2) Building site width: the minimum site width at the building setback line shall be 75 feet.

(3) Building site coverage: the total lot coverage for all buildings on the site shall not exceed 40% of the lot area.

(4) Building height limit: the maximum building height limit shall not exceed two stories or 35 feet in height.

(5) (a) Setback requirements:

Front yard	One-half the width of the right-of-way (ROW) not to exceed 40 feet or be less than 25 feet.
Rear yard	Twenty feet.
Side yard	Ten feet.

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

(Am. Ord. 2007-22, passed 12-4-07)

§ 152.002 R-1A; SINGLE-FAMILY RESIDENTIAL DISTRICT.

(A) Statement of purpose. The intent of this district is to provide an alternative to the R-1 single-family residential district. This district provides a medium density as compared to the R-1 district, yet is intended to preserve the single-family residential character and prevent encroachment from incompatible uses which may diminish property values.

- (B) Permitted uses. See Chapter 152 Appendix, Schedule of Uses.
- (C) Conditional uses. See Chapter 152 Appendix, Schedule of Uses.
- (D) Standards.

(1) Building site area: each lot shall have an area not less than 10,000 square feet.

(2) Building site width: the minimum building site width at the building setback line shall be 60 feet.

(3) Building site coverage: The total lot coverage for all buildings on the site shall not exceed 40% of the lot area.

(4) Building height limit: the maximum building height limit shall not exceed two stories or 35 feet in height.

- (5) (a) Setback requirements:

Front yard	One-half the width of the right-of-way (ROW) not to exceed 40 feet or be less than 25 feet.
Rear yard	Twenty feet.
Side yard	Ten feet.

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

(Am. Ord. 2007-22, passed 12-4-07)

§ 152.003 R-2: ONE AND TWO FAMILY RESIDENTIAL DISTRICT.

(A) Statement of purpose. The intent of this district is to provide one and two family residential areas of medium population density. One and two family dwellings are the principal land use for this district. The district is also intended to protect the residential character of the neighborhood by prohibiting commercial activity.

- (B) Permitted uses. See Chapter 152 Appendix, Schedule of Uses.
- (C) Conditional uses. See Chapter 152 Appendix, Schedule of Uses.
- (D) Standards.

(1) Building site area. Each lot shall have an area not less than:

Single-family detached	7,500 square feet per unit
Two-family (duplexes)	10,000 square feet per two units

(2) Building site width. The minimum building site width at the building setback line shall be:

Single-family detached	50 feet
Two-family (duplexes)	60 feet

(3) Building site coverage. The total lot coverage permitted for all buildings on the site shall not exceed:

Single-family detached	45%
Two-family (duplexes)	50%

(4) Building height limit. The maximum building height limit shall not exceed two stories or 35 feet in height.

(5) (a) Setback requirements:

Front yard	One-half the width of the right-of-way (ROW) not to exceed 40 feet or be less than 25 feet.
Rear yard	Twenty feet.
Side yard	Seven feet.

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

(Am. Ord. 2007-22, passed 12-4-07)

§ 152.004 R-3: MULTI-FAMILY RESIDENTIAL DISTRICT.

(A) Statement of purpose. The intent of this district is to provide for residential areas of high population density. The specific intent of this district is to ensure that only residential uses which may be properly designed and built will be allowed in this district to prevent overcrowding, parking or traffic congestion and to reduce injurious effects on adjacent properties.

(B) Permitted uses. See Chapter 152 Appendix, Schedule of Uses.

(C) Conditional uses. See Chapter 152 Appendix, Schedule of Uses.

(D) Standards.

(1) Building site area. Each lot shall not have an area not less than:

Single-family detached	6,000 square feet per unit
Two-family (duplexes)	7,000 square feet per two units
Multi-family	2,170 square feet per three or more units

(2) Building site width. The minimum site width at the building setback line shall be:

Single-family detached	60 feet
Two-family (duplexes)	50 feet
Multi-family	60 feet

(3) Building site coverage. The total lot coverage permitted for building on the site shall not exceed:

Single-family detached	45%
Two-family (duplexes)	50%
Multi-family	60%

(4) Building height. The maximum building height limit shall not exceed:

Single-family detached	35 feet
Two-family (duplexes)	35 feet
Multi-family	50 feet

(5) (a) Setback requirements.

1. Single-family detached and two-family (duplexes).

Front yard	One-half the width of the right-of-way (ROW) not to exceed 40 feet or be less than 25 feet.
Rear yard	Ten feet.
Side yard	Five feet.

2. Multi-family.

Front yard	One-half the width of the right-of-way (ROW) not to
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	exceed 40 feet or be less than 25 feet.
Rear yard	Twenty feet.
Side yard	Five feet, plus two feet for each story above the second floor.

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

(Am. Ord. 2007-22, passed 12-4-07)

§ 152.005 B-1; PROFESSIONAL COMMERCIAL DISTRICT.

(A) Statement of purpose. The intent of this district is to permit areas containing a mixture of light commercial and professional uses and a mixture of residential, public and semi-public uses. These regulations are designed to protect and encourage the transitional character of the district by limiting the permitted uses to those of a commercial and professional service nature and to permit residential dwelling uses as a desirable mix in a transitional district.

(B) Permitted uses. See Chapter 152 Appendix, Schedule of Uses.

(C) Conditional uses. See Chapter 152 Appendix, Schedule of Uses.

(D) Standards.

(1) Building site area. Each lot shall have an area not less than:

Single-family detached	6,000 square feet per unit
Two-family (duplexes)	8,000 square feet per two units
Multi-family	2,170 square feet per three or more units
Other permitted uses	7,000 square feet

(2) Building site width. The minimum building site width at the building setback line shall be:

Single-family detached	50 feet
Two-family (duplexes)	50 feet
Multi-family	60 feet
Other permitted uses	60 feet

(3) Building site coverage: the total lot coverage by all buildings on the site shall not exceed 50% of the lot area.

(4) Building height limit: the maximum building height shall not exceed 35 feet in height.

(5) (a) Setback requirements:

Front yard	Forty feet
Rear yard	Fifteen feet
Side yard	Seven feet

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

(E) General requirements.

(1) No outdoor storage of merchandise or materials and no outdoor processing shall be allowed unless authorized as a conditional use.

(2) All lots adjacent to a residentially zoned district shall maintain a minimum setback of 20 feet on the side adjacent to the residential district. The side shall also be buffered in accordance with §§ 152.110 through 152.130.

(3) Parking and off-street loading are subject to the provisions established in §§ 152.045 through 152.050.

(4) Signs and portable advertising displays are subject to the provisions established in §§ 152.065 through 152.074.

(5) Traffic circulation.

(a) Points of vehicular ingress and egress to the site shall be limited to the adjacent major or minor arterial only and site plans shall be reviewed by the city for location and design of curb cuts and driveways and for layout of parking lots.

(b) The minimum width of driveways at the property line shall be 24 feet for cross-directional traffic.

(c) The maximum width of driveways at the property line shall be 36 feet.

(d) The minimum width of one-directional lanes shall be 12 feet.

(e) The minimum distance of any driveway to the property line shall be seven feet.

(f) The minimum distance between driveways on the site and driveways between adjacent sites shall be 65 feet.

(g) The minimum distance a driveway into a site shall be from a street intersection shall be 30 feet measured from the intersection to the street right-of-way to the nearest end of the curb radius.

(Am. Ord. 2007-22, passed 12-4-07)

§ 152.006 ARTERIAL COMMERCIAL DISTRICT.

(A) Statement of purpose. The intent of this district is to provide complementary office, financial, governmental and cultural activity establishments in addition to commercial activities which cater specifically to motor vehicle oriented trade. It is also intended to provide appropriate space, adequate parking, sufficient depth from the street, controlled access points and orderly and concentrated development.

(B) Permitted uses. See Chapter 152 Appendix, Schedule of Uses.

(C) Conditional uses. See Chapter 152 Appendix, Schedule of Uses.

(D) Standards.

(1) Building site area: there is no minimum required building site area.

(2) Building Site width: there is no minimum required building site width.

(3) Building site coverage: the total lot coverage by all buildings on the site shall not exceed 55% of the lot area.

(4) Building Height limit: the maximum building height limit shall not exceed 70 feet in height.

(5) (a) Setback requirements.

Front yard	Forty feet
Rear yard	Twenty feet
Side yard	Seven feet

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

(E) General requirements.

(1) All general requirements that are in effect in the B-1 Professional Commercial District are applicable.

(2) Traffic circulation.

(a) Points of vehicular ingress and egress to the site shall be limited to the adjacent major or minor arterial only and site plans shall be reviewed by the Planning Commission and/or the City of Oak Grove for location and design of curb cuts and driveways and for layout of parking lots.

(b) The minimum width of driveways at the property line shall be 24 feet for cross-directional traffic.

(c) The maximum width of driveways at the property line shall be 36 feet.

(d) The minimum width of one-directional lanes shall be 12 feet.

(e) The minimum distance of any driveway to the property line shall be seven feet.

(f) The minimum distance between driveways on the site and driveways between adjacent sites shall be 65 feet.

(g) The minimum distance a driveway into a site shall be from a street intersection shall be 30 feet measured from the intersection to the street right-of-way to the nearest end of the curb radius.

(F) The entire parking area shall be paved with a permanent surface of concrete, asphaltic cement, cobble stone, brick or grid paving and shall be property graded and drained. Any unpaved area shall be landscaped with lawn or other acceptable landscaping materials, maintained in a neat and orderly fashion at all times.

(G) Exterior lighting proposed for use on the site shall be planned, erected and maintained so light is confined to the property and will not cast direct light or glare upon adjacent properties or public rights-of-way. The light source shall not be visible from adjacent properties or public rights-of-way.

(H) Buffering.

(1) A permanent landscaped buffer of evergreen plant material or solid wall or fence or other suitable enclosure is required when commercial land abuts a residential district.

(2) All open storage of merchandise, material and equipment shall be screened by adequate ornamental fencing or evergreen planting at the side or rear of the lot abutting a residential district on which said open storage or display occurs; provided, however, that maximum screening shall be eight feet in height.

(Am. Ord. 2007-22, passed 12-4-07)

§ 152.007 B-3; ENHANCED COMMERCIAL DISTRICT.

(A) Statement of purpose. The intent of this district is to allow areas containing a mixture of light commercial, professional, public and semi-public uses. These regulations are designed to protect and encourage uses normally associated with pedestrian oriented uses and daily routine uses. The ECD will serve as a buffer between the Central Business District and other zones.

(B) Permitted uses. See Chapter 152 Appendix, Schedule of Uses.

(C) Conditional uses. See Chapter 152 Appendix, Schedule of Uses.

(D) Standards.

(1) Building site area: There is no minimum required building site area.

(2) Building site width: the minimum building site width at the building setback line shall be 60 feet.

(3) Building site coverage: the total lot coverage by all buildings on the site shall not exceed 50% of the lot area.

(4) Building height limit: the maximum building height limit shall not exceed 70 feet in height.

(5) (a) Setback requirements:

Front yard	Forty feet
Rear yard	Twenty feet
Side yard	Seven feet

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

(E) General requirements.

(1) Outdoor storage of merchandise or materials and outdoor processing shall be allowed only through the issuance of a conditional use permit by the Board of Zoning Adjustment.

(2) Eating or drinking establishments such as cafes, tea rooms, coffee shops, and the like, shall be allowed tables or benches outside only through the issuance of a conditional use permit by the Board of Zoning Adjustment.

(3) All parking and off-street loading areas are subject to the provisions established in §§ 152.045 through 152.050.

(4) Exterior lighting proposed for use on these sites shall be planned, erected and maintained so light is confined to the property and will not cast direct light or glare upon adjacent properties or public rights-of-way. The light source shall not be visible from adjacent properties or public rights-of-way.

(5) The entire parking area shall be paved with a permanent surface of concrete, asphaltic cement, cobble stone, brick or grid paving and shall be properly graded and drained. Any unpaved area shall be landscaped with lawn or other acceptable landscaping materials, maintained in a neat and orderly fashion at all times.

(6) Signs and portable advertising displays are subject to the provisions established in §§ 152.065 through 152.074.

(7) A permanent landscaped buffer of evergreen plant material or solid wall or fence or other suitable enclosure is required when a proposed commercial development abuts a residential district.

(8) All lots adjacent to a residentially zoned district shall maintain a minimum setback of 20 feet on the side adjacent to the residential district. The side shall also be buffered in accordance with §§ 152.110 through 152.130 and shall be connected via sidewalk to the residential area wherever possible to create a pedestrian friendly environment.

(9) Temporary structures including, but not limited to, tents for clearance merchandise, fireworks sales, roadside food stands, and the like, shall be prohibited in this district.

(10) Sidewalks at least five feet wide shall be used to connect all primary businesses in this zone.

(11) Traffic circulation.

(a) The minimum width of driveways at the property line shall be 24 feet for cross-directional traffic.

(b) The maximum width of driveways at the property line shall be 36 feet.

(c) The minimum width of one-directional lanes shall be 12 feet.

(d) The minimum distance of any driveway to the property line shall be seven feet.

(e) The minimum distance between driveways on the side and driveways between adjacent sites shall be 65 feet.

(f) The minimum distance a driveway into a site shall be from a street intersection shall be 30 feet measured from the intersection to the street right-of-way to the nearest end of the curb radius.

(Am. Ord. 2007-22, passed 12-4-07)

§ 152.008 CENTRAL BUSINESS DISTRICT.

(A) Statement of purpose. The intent of this district is to allow areas containing a mixture of professional, public and semi-public uses. Certain uses may be conditionally permitted if proven to related to the intent to this section and be harmonious therein. These regulations are designed to protect and encourage uses normally associated with governmental and pedestrian uses.

(B) Permitted uses. See Chapter 152 Appendix, Schedule of Uses.

(C) Conditional uses. See Chapter 152 Appendix, Schedule of Uses.

(D) Standards.

(1) Building site area: each lot shall have an area not less than 7,000 square feet.

(2) Building site width: the minimum building site width at the building setback line shall be 60 feet.

(3) Building site coverage: the total lot coverage by all buildings on the site shall not exceed 50% of the lot area.

(4) Building height limit: the maximum building height limit shall not exceed 70 feet in height.

(5) (a) Setback requirements:

Front yard	Forty feet
Rear yard	Twenty feet
Side yard	Seven feet

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

(E) General requirements.

(1) Outdoor storage of merchandise or materials and outdoor processing shall be allowed only through the issuance of a conditional use permit by the Board of Zoning Adjustment.

(2) Eating or drinking establishments such as cafes, tea rooms, coffee shops, and the like, shall be allowed tables or benches outside only through the issuance of a conditional use permit by the Board of Zoning Adjustment.

(3) All parking and off-street loading areas are subject to the provisions established in §§ 152.045 through 152.050.

(4) Exterior lighting proposed for use on these sites shall be planned, erected and maintained so light is confined to the property and will not cast direct light or glare upon adjacent properties or public rights-of-way. The light source shall not be visible from adjacent properties or public rights-of-way.

(5) The entire parking area shall be paved with a permanent surface of concrete, asphaltic cement, cobble stone, brick or grid paving and shall be properly graded and drained. Any unpaved area shall be landscaped with lawn or other acceptable landscaping materials, maintained in a neat and orderly fashion at all times.

(6) Signs and portable advertising displays are subject to the provisions established in §§ 152.065 through 152.074 .

(7) A permanent landscaped buffer of evergreen plant material or solid wall or fence or other suitable enclosure is required when a proposed commercial development abuts a residential district.

(8) All lots adjacent to a residentially zoned district shall maintain a minimum setback of 20 feet on the side adjacent to the residential district. The side shall also be buffered in accordance with §§ 152.110 through 152.130 and shall be connected via sidewalk to any residential areas wherever possible to create a pedestrian friendly environment.

(9) Temporary structures, including but not limited to; tents for clearance merchandise, fireworks sales, roadside food stands, etc, shall be prohibited in this district.

(10) Sidewalks at least five feet wide shall be used to connect all primary businesses in this zone.

(11) Traffic circulation.

(a) The minimum width of driveways at the property line shall be 24 feet for cross-directional traffic.

(b) The maximum width of driveways at the property line shall be 36 feet.

(c) The minimum width of one-directional lanes shall be 12 feet.

(d) The minimum distance of any driveway to the property line shall be seven feet.

(e) The minimum distance between driveways on the side and driveways between adjacent sites shall be 65 feet.

(f) The minimum distance a driveway into a site shall be from a street intersection shall be 30 feet measured from the intersection to the street right-of-way to the nearest end of the curb radius.

(12) All developments are required to install underground utilities at their property lines.
(Am. Ord. 2007-22, passed 12-4-07)

§ 152.009 I-1: INDUSTRIAL DISTRICT.

(A) Statement of purpose. The intent of this district is to allow industries of a manufacturing and related character to locate in acceptable areas in the city. The location should be of convenient access to present and future arterial thoroughfares, highways and railway lines. It is further intended that this district be separated

from residential areas by business districts as natural barriers to provide a transition between industrial and non-industrial uses.

(B) Permitted uses. See Chapter 152 Appendix, Schedule of Uses.

(C) Conditional uses. See Chapter 152 Appendix, Schedule of Uses.

(D) Standards.

(1) Building site area: there is no minimum required building site area.

(2) Building site width: there is no minimum required building site width.

(3) Building site coverage: the total lot coverage by all buildings on the site shall not exceed 60% of the lot area.

(4) Building Height limit: the maximum building height limit shall not exceed 60 feet in height.

(5) (a) Setback requirements:

Front yard	Forty feet.
Rear yard	Ten feet; shall be provided unless the district abuts a residential district, then the rear yard shall be 25 feet not including loading and docking facilities.
Side yard	Ten feet; on each side shall be provided unless the district abuts a residential district, then the side yard shall be 20 feet, not including loading and docking facilities.

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

(E) General requirements.

(1) All signs and portable advertising displays are subject to the provisions established in §§ 152.065 through 152.074.

(2) All parking and loading areas are subject to the provisions established in §§ 152.045 through 152.050.

(3) Plans for building construction, parking area, yards, driveways, entrances and exits shall be approved by the City of Oak Grove and they may require changes therein deemed necessary or desirable to ensure safety, to minimize traffic difficulty and to safeguard adjacent properties.

(4) The entire parking area shall be paved with a permanent surface of concrete, asphaltic cement, cobble stone, brick or grid paving and shall be properly graded and drained. Any unpaved area shall be landscaped with lawn or other acceptable landscaping materials, maintained in a neat and orderly fashion at all times.

(5) Exterior lighting proposed for use on the site shall be planned, erected and maintained so light is confined to the property and will not cast direct light or glare upon adjacent properties or public rights-of-way. The light source shall not be visible from adjacent properties or public rights-of-way.

(6) Buffering.

(a) A permanent landscape buffer of evergreen plant material or solid wall or fence or other suitable enclosure is required when a proposed industrial development abuts a residential district.

(b) All open storage of merchandise, material and equipment shall be screened in accordance with §§ 152.110 through 152.130 at the side and rear of the lot abutting a residential district on which said open space or display occurs, provided the maximum screening required shall be eight feet in height.
(Am. Ord. 2007-22, passed 12-4-07)

§ 152.010 RMH: RESIDENTIAL QUALIFIED MANUFACTURED OR MANUFACTURED HOUSING DISTRICT.

(A) Statement of purpose. These districts are composed of areas containing qualified manufactured or manufactured housing dwelling sites. Such areas shall be well-suited for residential purposes.

(B) Definitions. For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(1) "ANCHORING SYSTEM." An approved system of straps, cables, tumbuckles, chains, tics or other approved materials used to secure a qualified manufactured or manufactured home.

(2) "COMPATIBILITY STANDARDS." Standards that have been enacted by the city under the authority of this section for the purpose of protecting and preserving the monetary value of real property located under the city's jurisdiction.

(3) "DESIGN, RESIDENTIAL." A qualified manufactured home or manufactured home which has the same siding materials and pitched shingled roofs as used on conventional homes.

(4) "DESIGN, STANDARD." A bowed metal roof and aluminum siding, the traditional "mobile home" look.

(5) "FOUNDATION SIDING/ SKIRTING." A type of wainscoting constructed of fire and weather resistant material such as aluminum, treated pressed wood or other approved materials, enclosing the entire undercarriage of the qualified manufactured or manufactured home.

(6) "MANUFACTURED HOME." A single-family residential dwelling constructed after June 15, 1976, in accordance with the National Manufactured Home Construction and Safety Standards Act of 1974, 42 U.S.C. §§ 5401, et seq., as amended and designed to be used as a single-family residential dwelling with or without permanent foundation when connected to the required utilities and which includes the plumbing, heating, air conditioning and electrical systems contained therein.

(7) "MOBILE HOME." A single-family residential dwelling constructed before June 15, 1976, designed to be used as a single-family residential dwelling with or without permanent foundation when connected to the required utilities and which includes the plumbing, heating, air conditioning and electrical systems contained therein.

(8) "QUALIFIED MANUFACTURED HOME." A manufactured home that meets all the following criteria:

(a) Is manufactured on or after July 15, 2002;

(b) Is affixed to a permanent foundation, is connected to the appropriate facilities and is installed in compliance with KRS 227.550;

(c) Has a width of at least 20 feet at its smallest width measurement or is two stories in height and oriented on the lot or parcel so that its main entrance door faces the street;

(d) Has a minimum total living area of 900 square feet;
and

(e) Is not located in a manufactured home land-lease community.

(9) "QUALIFIED MANUFACTURED/MANUFACTURED HOME PARK." A parcel of land under single ownership on which two or more qualified manufactured or manufactured homes are occupied as residences and meeting the requirements of this section.

(10) "QUALIFIED MANUFACTURED/MANUFACTURED HOME SUBDIVISION." A subdivision designed and intended primarily for the sale of lots for residential occupancy by qualified manufactured or manufactured homes.

(11) "PERMANENT FOUNDATION." Any structural system for transposing loads from a structure to the earth at a depth below the established frost line without exceeding the safe bearing capacity of the supporting soil.

(a) The permanent foundation system shall include a method of transporting loads to the earth and shall provide for a continuous exterior enclosure between the perimeter of the house and the earth. The overall system shall be an engineered system to comply with soil conditions.

(b) Applicable standards would include manufacture's recommendations in compliance with HUD requirements and recognized standards such as A223.1 (ANSI) and Guideline Standards for the Installation of Manufactured Housing. (CABO)

(12) "RECREATIONAL VEHICLE (RV)." A vehicular portable structure built on a chassis and not exceeding a gross weight of 4,500 pounds when factory-equipped for the road or an overall length of 30 feet and designed to be used as a temporary dwelling, travel, recreational and vacation uses.

(13) "SECTION." A unit of a qualified manufactured or manufactured home at least ten body feet in width and 30 body feet in length.

(14) "SUPPORT SYSTEM." A pad or combination of footings, piers, caps, plates and shims which, when properly installed, support the qualified manufactured or manufactured home.

(C) Permitted placement.

(1) The establishment, location and use of a manufactured home as a permanent residence approved individually, by specific materials or by design shall be permitted subject to the requirements

of this chapter only in RMH zones. The location of a manufactured home shall require a building/zoning permit.

(2) The establishment, location and use of a qualified manufactured home as defined in division (B) of this section as a permanent residence approved individually, by specific materials or by design shall be permitted in any district permitting a dwelling unit, subject to the requirements applying to residential uses in the district and provided the dwelling shall meet the compatibility standards, as hereinafter set forth in division (D) of this section. A building/zoning permit shall be required for all applications for such use. The approval procedures are set forth in Article 4 of the city's zoning ordinance. Applications for approval shall be submitted to the Building/Zoning Inspector on such forms as he or she may require to make his or her determination.

(3) No mobile homes built before June 15, 1976 shall be permitted within the city limits.

(4) An applicant must submit a zoning compliance application for placement of a qualified manufactured home.

(D) Compatibility standards.

(1) Intent. The purpose of compatibility standards for qualified manufactured housing is to permit the city to adopt and enforce, as part of its zoning regulations, compatibility standards governing the placement of qualified manufactured homes in residential zones, within the city's jurisdiction.

(2) Guidelines. The qualified manufactured home shall be reviewed for its compatibility with architectural appearance, placement requirements and similarity with:

(a) Adjacent development or surrounding developments (i.e. on either side of the proposed site within the same block face and adjacent to the rear);

(b) Development within the same zone or general area;
and

(c) Within a 1/8-mile radius from the proposed location of the qualified manufactured home.

(3) Compatibility standards.

(a) Exterior material. The exterior material shall be material customarily used on site-built dwellings, such as board siding, plywood, press wood siding, non-glossy vinyl siding, stucco, brick or non-reflective aluminum.

(b) Roof pitch and material. The roofing material shall be made of wood, tile or composition shingles and have an eave projection of not less than six inches. The roof of each proposed unit shall have a pitch at least equal to the average of the two residential buildings in the same block face (residential buildings on either side of the lot or two nearest single-family residences if the adjacent structures are not residential).

(c) Size. The structure must have at least 900 square feet of livable space.

(d) Windows. Front facing windows must have consistent size, spacing and proportion to that of the adjacent single-family residences.

(e) Porches or decks. Front porches or decks must be included on each structure if more than 50% of the structures in the same block face or within 200 feet of the structure on the subject site, whichever is less, include them. Porches or decks shall equal the average size and must resemble the same architectural style, foundation and building material of the existing porches or decks within the same block face.

(f) Foundation. The structure shall be permanently attached to a permanent foundation system and shall be anchored in accordance with the state standards set forth in KRS 227.550 through KRS 227.590.

(g) Height. The floor elevations of the proposed dwelling shall be no lower than the average floor elevations of the existing adjacent buildings on either side of the lot or the two nearest single-family residences, if the adjacent structures are non-residential.

(h) Additions/alterations. Structural additions or alterations shall be subject to the same building code regulations as apply to additions or alterations to a conventionally built house. Any other alteration or conversions of a manufactured house must be preformed in accordance with KRS 227.550 et seq., 815 KAR 25:050, § 2 and 42 U.S.C. Chapter 70.

(i) District requirements. The structure must meet all the requirements for lot, yard, building setback and other requirements of the district in which it is located.

(j) Transportation devices. The structure must have all wheels, axles and hitch mechanisms removed.

(k) Block face. The structure shall appear to face the public street.

(l) Disputes involving the Building/Zoning Inspector and an applicant, concerning the design and construction compatibility of a unit to be located on a particular site, shall be resolved by the Board of Zoning Adjustment prior to the placement of said unit on the site.

(4) Restrictions. Nothing in this section shall be construed to affect, modify or abolish restrictions contained in recorded deeds, covenants or developer's subdivision restrictions.

(5) Historic properties. Nothing in this section shall be construed as limiting in any way the authority of the city to adopt regulations designed to protect historic properties or historic districts.

(E) Replacement of non-conforming homes.

(1) A qualified manufactured/ manufactured/ mobile home placed and maintained on a tract of land and deemed to be a legal non-conforming use prior to the adoption of this chapter, shall continue to be a legal, non-conforming use. If the nonconforming use is discontinued or abandoned for more than one year, the land thereafter must be used in conformity with all provisions of this chapter.

(2) A qualified manufactured/ manufactured/ mobile home deemed a legal nonconforming use may be replaced by a qualified manufactured or manufactured home, provided the replacement is as follows:

(a) Mobile homes may be replaced with qualified manufactured or manufactured homes;

(b) Manufactured homes may be replaced with qualified manufactured or manufactured homes; and

(c) Qualified manufactured homes may be replaced with another qualified manufactured home.

(3) Once a non-conforming qualified manufactured/ manufactured / mobile home is moved off the lot, the lot must be brought up to the requirements and standards in the zone immediately.

(F) Approval procedure. Qualified manufactured or manufactured home parks and qualified manufactured or manufactured home subdivisions shall be located only in a Residential Manufactured Housing District (RMH) and shall be developed according to the general regulations slated and referenced in this Section. The procedure to amend the zoning map shall be as the procedure for amendments specified in §§ 152.025 through 152.034.

(G) General regulations. The Planning Commission and City Council shall review the particular fact and circumstance of each proposed qualified manufactured or manufactured home subdivision, in terms of the following standards and shall find adequate evidence showing that the development:

(1) Will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the character of the vicinity of the proposed qualified manufactured or manufactured home park and/or subdivision and will not change the essential character of the area;

(2) Will not be detrimental to existing or future residential uses;

(3) Will be served adequately by public facilities and services or that the persons responsible for the establishment of the proposed park and/ or subdivision shall be able to provide adequate services; and

(4) Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public streets.

(H) Qualified manufactured/ manufactured home park requirements (RMH-1).

(1) The minimum site shall contain 2-1/2 acres unless the development is an extension of an existing park. The procedure and design of a qualified manufactured or manufactured home park shall be the same as those provided for in the subdivision guidelines. The qualified manufactured or manufactured home park shall meet the requirements of the County Health Department.

(2) Individual qualified manufactured homes located within the qualified manufactured/ manufactured home park shall have a minimum floor area of 900 square feet. Individual manufactured homes located within the qualified manufactured/ manufactured home park shall have a minimum floor area of 600 square feet.

(3) Only qualified manufactured or manufactured housing shall be allowed placement in a qualified manufactured/ manufactured home park (RMH-1).

(4) Placement of a qualified manufactured or manufactured home unit shall require the proper foundation siding and skirting as defined in division (B) of this section. All units must be anchored in accordance with the Kentucky Building Code and the manufacturer's specifications.

(I) Qualified manufactured/ manufactured home subdivision requirements (RHM-2).

(1) The size of a qualified manufactured/ manufactured home subdivision shall be as provided for a qualified manufactured/ manufactured home park. The procedure and design of a qualified manufactured or manufactured home subdivision shall be the same as those provided for in the subdivision guidelines.

(2) Only qualified manufactured or manufactured homes shall be allowed placement in a qualified manufactured or manufactured home subdivisions (RMH-2).

(3) All qualified manufactured or manufactured homes shall require the proper foundation, siding and skirting as defined in division (B) of this section.

(J) Residential Qualified manufactured/ manufactured home park housing conversion.

(1) This policy is applicable to areas zoned RMH-1 (Qualified Manufactured/ Manufactured Home Park).

(2) Any owner of RMH-1 zoned property can proceed to convert the qualified manufactured or manufactured homes to single-family stick built conventional units or duplexes by:

(a) The density allowed for single-family stick built conventional units and duplexes will be the same density as allowed for single-family units and duplexes in an R-3 zone (Multi-Family Residential District).

(b) The owner must first permanently remove the qualified manufactured or manufactured homes to secure enough square footage to meet the R-3 zoning requirement for the conventional stick built replacement unit or duplex.

1. For example: If an RMH-1 area contains one acre of 43,560 square feet, the developer could only place on this property 7.26 conventional stick built units. The R-3 zone allows one unit on 6,000 square feet. Six thousand square feet divided into 43,560 will allow 7.26 units.

2. For a two-family (duplex), the R-3 zone allows two units on 7,000 square feet. Seven thousand square feet divided into 43,560 will allow 6.22 units. But before these units can be built, all the qualified manufactured or manufactured homes must be removed from the premises.

3. Another example: In the same situation, if the one acre lot contains ten qualified manufactured or manufactured units, two qualified manufactured or manufactured homes must be removed for every unit located on the site if the project is to be phased in. In any case, there must be the permanent removal of qualified manufactured or manufactured homes at the site.

(c) 1. The determination of buildable space on a given site must also take into account the amount of area taken up by the private drive. The private drive will be contained in a required 50-foot right-of-way.

2. For example: In the example given above, if the private drive, once contained by a 50-foot right-of-way, took up an area of 10,000 square feet, the 10,000 square feet would be subtracted from the 43,560 to give a buildable area of 33,560, which would allow 5.59 units.

(d) No lots would be subdivided off the private drive contained in the 50-foot right-of-way unless the private drive was brought up to city street standards. If the owner elected not to bring the street up to city standards, the property would contain whatever number of conventional stick built units constructed on one lot, as opposed to one unit per lot in a normal subdivision situation.

(e) Each unit would be required to meet the R-3 setback requirement, with each unit facing the private drive after the 50-foot right-of-way was designated.

(3) Each site will have the same type of structures built on that site. Sites will have either two-family (duplexes) or

single-family detached structures. A combination of these structures on one site will not be permitted.

(4) Each owner wishing to make a conversion of use must first contact the Hopkinsville-Christian County Planning Commission with preliminary plans showing pertinent information, as required by the Hopkinsville-Christian County Planning Commission.

(5) The plans must be approved by the Hopkinsville-Christian County Planning Commission and an agreement will be entered by the developer outlining the number and when each unit will be removed.

(6) Each conventional stick built unit or duplex will require the issuance of a building/zoning permit.

(7) This section pertains to only RMH-1 areas which are serviced by the Oak Grove sewer system. If the RMH-1 district is using a septic system, this section is not applicable.

(K) Standards (RMH-1 and RMH-2).

(1) Building site area. The minimum building site area shall be:

Single-family detached	5,000 square feet per unit
Two-family (duplexes)	7,000 square feet per two units
Other permitted uses	10,000 square feet

(2) Building site width. The minimum building site width shall be:

Single-family detached	50 feet
Two-family (duplexes)	60 feet
Other permitted uses	80 feet

(3) Building site coverage: the total lot coverage for all buildings on the site shall not exceed 35% of the lot area.

(4) Building height limit: the maximum building height shall not exceed 35 feet in height.

(5) Setback requirements.

(a) Single-family detached, two-family (duplexes).

Front yard	One-half the width of the right-of-way (ROW) not to exceed 40 feet or be less than 25 feet
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Side yard	Ten feet
Rear yard	Twenty feet

(b) For other permitted uses.

Front yard	Forty feet
Side yard	Twenty-five feet
Rear yard	Twenty-five feet

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

(Am. Ord. 2007-22, passed 12-4-07)

§ 152.011 ZLL: ZERO LOT LINE DISTRICT.

(A) Statement of purpose. The principal purposes of the Zero Lot Line concept are:

(1) The more efficient use of land, as compared with typical single-family development, making available needed housing at a more affordable cost;

(2) The design of dwellings that integrate and relate the internal-external living areas resulting in more pleasant and enjoyable living facilities; and

(3) By placing the dwelling against one of the property lines, permitting the outdoor space to be grouped and utilized to its maximum benefit.

(B) Permitted districts.

(1) A Zero Lot Line development for single-family attached and single-family detached dwellings are permitted by right in a R-2 and R-3 residential district, in accordance with the provisions of this section.

(2) A Zero Lot Line development for single-family attached and single-family detached dwellings are permitted in R-1 zones after review and approval of the site plan by the Planning Commission, in accordance with provisions of this section.

(C) Permitted uses.

(1) Single-family detached and attached dwellings.

(2) Two-family (duplexes).

(3) Accessory buildings and structures provided no such building or structure shall be designed or used for dwelling purposes.

(D) Standards.

(1) Building site area: each lot shall have an area not less than 3,500 square feet.

(2) Building site width: the minimum building site width at the building setback line shall be 20 feet.

(3) Building site coverage: the total lot coverage for all buildings on the site shall not exceed 50% of the lot area.

(4) Building Height limit: the maximum building height shall not exceed two stories or 35 feet in height.

(5) Setback requirements.

(a) Interior side yard.

1. A detached dwelling unit shall be placed on one interior side property line with a zero setback and the dwelling unit setback on the other interior side property line shall be a minimum of ten feet, excluding the connection elements such as fences, walls and trellises. Patios, pools, garden features and other similar elements shall be permitted within the ten-foot setback area, provided, however, no structure, with the exception of fences or walls, shall be placed within easements required by this section.

2. All attached dwelling structures shall be placed on the interior side property line with a zero setback and the dwelling structure setback on the other interior side property line can also be placed on the property line with a zero setback.

(b) Exterior side yard. All dwelling structures shall be placed ten feet from all exterior property lines.

(c) Front setback. All dwelling structures shall be setback a minimum of one-half the width of the right-of-way (ROW) not to exceed 40 feet or be less than 25 feet from the front property line.

(d) Rear setback. All dwelling structures shall be setback a minimum of ten feet from the rear property line.

(e) Side street setback. All dwelling structures shall be setback a minimum of 15 feet from the side street property line.

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

(E) General requirements.

(1) Platting requirements. Each dwelling shall be located on its own individual platted lot. If areas for common use of occupants of the developments are shown on the plat, satisfactory arrangements shall be made for the maintenance of the common open space and facilities as provided in division (E)(8) of this section. The plat shall indicate the zero lot lines and easements appurtenant thereto.

(2) Openings prohibited on the zero lot line side. The wall of the dwelling located on the lot line shall have no windows, doors, air conditioning units or any other type of openings, provided however, that atriums or courts shall be permitted on the zero lot line side when the court or atrium is enclosed by three walls of the dwelling unit and a solid wall of at least eight feet in height is provided on the zero lot line. Said wall shall be constructed of the same material as exterior walls of the unit.

(3) Maintenance and drainage easements. A perpetual four foot wall-maintenance easement, for detached dwellings, shall be provided on the lot adjacent to the zero lot line property line, which, with the exception of walls and/or fences, shall be kept clear of structures. This easement shall be shown on the plat and incorporated into each deed transferring title to the property. The wall shall be maintained in its original color and treatment unless otherwise agreed to in writing by the two affected lot owners. Roof overhangs may penetrate the easement on the adjacent lot a maximum of 24 inches, but the roof shall be so designed that water runoff from the dwelling placed on the lot lines is limited to the easement area.

(4) Separation between dwellings on adjacent lots. There shall be a separation between dwellings on adjacent lots of not less than ten feet.

(5) Off-street parking. Each dwelling shall have not less than two off-street parking spaces. Enclosed garages or carports are not required, but if carports or garages are built they must be attached. If carports or garages are to be incorporated in the future the site plan must show the placement of such structures prior to approval by the Zoning Inspector or Planning Commission.

(6) Trees.

(a) Trees shall be provided on the basis of three trees for each platted lot. In addition, street shade trees shall be provided along the side of the roadway(s) at a minimum spacing of 20 feet on center for private roads.

(b) In the case of a development with public roads, the trees may be placed on private lots in lieu of the public right-of-way provided that 20-foot spacing and the rowing of trees are maintained. This shall be in addition to the three trees required for each platted lot.

(7) Accessory buildings and structures. Accessory buildings and structures shall be subject to the following requirements:

(a) No such building or structure shall be located within a required front or street-abutting side yard;

(b) No such building or structure shall be located within five feet of a dwelling or another accessory building or structure nor within two feet of any interior property line; and

(c) No such building or structure shall exceed ten feet in height without a conditional use permit.

(8) Common open space and maintenance of facilities. Common open space is not required but may be permitted. If common open space is provided, provisions satisfactory to the City Council shall be made to assure that non-public areas and facilities for the common use of occupants of zero lot line developments shall be maintained in a satisfactory manner, without expense to the general taxpayers of Oak Grove.

(9) Open space. There shall be an open space on each lot of not less than 300 square feet with no dimension less than 15 feet. The open space area shall be exclusive of required front and street-abutting side yards and vehicular driveways and further shall be subject to the following:

(a) The required open space may include side or rear yards;

(b) Pools and paved recreational areas may be developed in the required open space;

(c) The gradient or slope of any required open space shall not exceed 12%. The open space may be provided on a deck;

(d) Such open space shall be fully open to the sky; and

(e) Any accessory building may not occupy any part of the required open space.

(F) Site plan review. A site plan is required to encourage communication between the applicant and the Planning Commission staff. A site plan review will promote a greater degree of logic, imagination, innovation and a variety in the design process. The site plan submittal should follow the guidelines as set forth in Article 6 of the city's zoning ordinance, ADMINISTRATION.

(Am. Ord. 2007-22, passed 12-4-07)

§ 152.012 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-2 and R-3 districts, in accordance with the provisions of this chapter.

(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 chapter.

(3) Residential/Commercial Planned Unit Developments are allowed by right in the B-1 district in accordance with the provisions of this chapter.

(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 minimum size of a PUD shall not be less than one acre.

(2) Building site coverage: the total lot coverage for all buildings on the site shall not exceed 60% of the lot area.

(3) Building height limit: the maximum building height limit shall not exceed 70 feet in height.

(4) (a) Setback requirements.

Front yard	One-half the width of the right-of-way (ROW) not to exceed 40 feet or be less than 25 feet
Side yard (from adjoining property line)	Twenty feet
Rear yard (from adjoining property line)	Twenty feet

(b) The minimum requirement for yards fronting roads under the jurisdiction of the State of Kentucky or Hugh Hunter Road shall not be less than 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 of the city's zoning ordinance, 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) Open space. At least 20% of the total gross area shall be devoted to property 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.

(4) 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.

(5) Landscaping.

(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.

(6) 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) 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.

(8) Parking.

(a) For each dwelling unit, there shall be 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 15 parking spaces shall be permitted in a continuous row without being interrupted by landscaping.

(e) No more than 60 parking spaces shall be accommodated in any single parking area.

(f) All streets and any off-street loading area 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) Buffers. Where a PUD abuts another district of lower intensity, a permanent open space at least 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.

(10) 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 50% of the residential dwellings under construction.

(F) site plan review. A site plan review is required to encourage communication between the applicant 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 should follow the guidelines as set forth in Article 6 of the city's zoning ordinance, 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;

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 or her 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. 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.

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

(b) After the site plan 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 years 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 chapter 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.

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

(2) 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.

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

(Am. Ord. 2007-22, passed 12-4-07; Am. Ord. 2008-15, passed 8-15-08)

PROCEDURE FOR AMENDMENT OR DISTRICT CHANGES

152.025 GENERAL.

Whenever the public necessity, convenience, general welfare or zoning practices require, the City Council may, by ordinance after receipt of recommendations thereon from the Planning Commission and subject to procedures provided by law, amend, supplement, change or repeal the regulations, restrictions and boundaries or classification of property.

(Ord. 2007-12, passed 6-19-07)

§ 152.026 INITIATION OF ZONING AMENDMENTS.

(A) Amendments to the Official Zoning Map may be initiated in one of the following ways:

- (1) By adoption of a motion by the Planning Commission;
- (2) By adoption of an order by the City Council; OR
- (3) By a property owner filing an application.

(b) Applications for amendments proposing to amend, supplement, change or repeal portions of this chapter other than the Official Zoning Map may be initiated by either the Planning Commission or City Council following the procedures as outlined in KRS 100.211.
(Ord. 2007-12, passed 6-19-07)

§ 152.027 CONTENTS OF APPLICATION.

(A) Applications for amendments to the Official Zoning Map adopted as part of this chapter by Article 9 of the city's zoning ordinance, Official Zoning Map, shall contain at least the following information:

- (1) Name, address and phone number of applicant;
- (2) Legal authorized signature of property owner;
- (3) Proposed amending ordinance, approved as to form by the city legal advisor;
- (4) Present use;
- (5) Present zoning district;
- (6) Proposed zoning district;
- (7) A vicinity map at scale approved by the zoning inspector showing property lines, thoroughfares, existing and proposed zoning and such other items as the zoning inspector may require;
- (8) A list of all property owners and their mailing addresses who are within, contiguous to, or directly across the street from the parcel(s) proposed to be rezoned and others that may have a substantial interest in the case; and
- (9) A statement on how the proposed amendment meets the criteria for amendments as stipulated in KRS Chapter 100.213.

(B) (1) Fees for zoning text amendments and zoning map amendments shall be as follows:

4-5 hour staff review	\$99.00
1-2 hour director review	74.25
1- 2 hour staff report preparation	33.00
2- 3 hour secretarial support	41.25
1 hour preparation for Department Head Comments	22.00
Postage for sending out Department Head Comments	13.75
Miscellaneous Expenses (phone calls, paper, postage, and the like)	24.75
2-3 hour follow up	57.00
Total	\$365.00

(2) A filing fee of \$75.00 plus a processing fee of \$365.00 shall be paid by the applicant to the Hopkinsville-Christian County Planning Commission upon submittal of an application. Total fees for rezoning/ zoning text amendments shall be \$440.00 and shall be paid in full prior to any review taking place. Upon completion of the Planning Commission's action, a written recommendation shall be forwarded to the City Council.

(C) Applications for amendments proposing to amend, supplement, change or repeal portions of this chapter other than the Official Zoning Map shall include items (1), (3) and (10) listed above.

(D) The reconsideration of a denied map amendment or consideration of a map amendment identical to a denied map amendment is prohibited for a period of two years.

(Ord. 2007-12, passed 6-19-07)

§ 152.028 TRANSMITTAL TO THE PLANNING COMMISSION.

Immediately after the filing of an application, it shall be transmitted to the Commission and heard during a regular or specially called Planning Commission meeting.

(Ord. 2007-12, passed 6-19-07)

§ 152.029 PUBLIC HEARING AND PLANNING COMMISSION.

The Planning Commission shall schedule a public hearing after a petition is received. Publication of the public hearing shall be not less than 14 nor more than 21 days from the date of the hearing. Notices shall be in the newspaper as described § 152.030.

(Ord. 2007-12, passed 6-19-07)

§ 152.030 NOTICE OF PUBLIC HEARING IN NEWSPAPER.

Notice of public hearing shall be given in at least one publication in one or more newspapers of general circulation in the city affected. The notice shall be published at least 14 days before nor more than 21 days from the date of the required hearing. The published notice shall conform to local procedures setting forth the time and place of the public hearing and a summary of the proposed amendment.

(Ord. 2007-12, passed 6-19-07)

§ 152.031 NOTICE TO PROPERTY OWNERS.

Notice of the public hearing shall be given at least 14 days in advance of, nor more than 21 days before the hearing by certified mail, return receipt requested, to the owners of property adjoining the property classification which is proposed to be changed. Neither a natural nor a man-made boundary, e.g. river, street or etcetera, shall exclude any property from adjoining another for the purpose of this chapter.

(Ord. 2007-12, passed 6-19-07)

§ 152.032 SIGN ON PROPERTY.

A sign shall be placed on the property to be considered for the rezoning at least 14 days in advance of the hearing. The sign shall conform to the dimensional requirements established in KRS Chapter 100.212.

(Ord. 2007-12, passed 6-19-07)

§ 152.033 RECOMMENDATION BY THE PLANNING COMMISSION.

Within 60 days from the receipt of the proposed map or text amendment, the Planning Commission shall transmit its recommendation to the City Council. The Planning Commission may recommend a modification of the amendment requested or it may recommend that the amendment be denied.

(Ord. 2007-12, passed 6-19-07)

§ 152.034 ACTION BY THE CITY COUNCIL.

Within 90 days or from the date of a final dispositive vote by the Planning Commission, the City Council shall either adopt or reject the recommendation of the Planning Commission or adopt some modification thereof as provided herein.

(A) The City Council shall take one of the following actions on a recommendation from the Planning Commission:

(1) The City Council may take no action and after 90 days, the Planning Commission's recommendation is adopted by operation of law;

(2) The City Council may accept the Planning Commission's recommendation (finding of fact/ summary of evidence and testimony);

(3) The City Council may review the transcript of the public hearing held before the Planning Commission and then either adopt, reject or modify the Planning Commission's recommendation based on findings of fact developed from the review: or

(4) The City Council may hold a public hearing which meets the notice requirements in this subchapter and, at the conclusion of the public hearing, make a final decision based on findings of fact developed at the hearing.

(B) The City Council can then go into deliberations and develop findings of fact with support their decision. The Council may go into closed session to deliberate.

(C) It shall take a majority of the entire legislative body to override the recommendation of the Planning Commission.

(D) An Ordinance will be adopted to reflect any final action resulting in a map amendment or text amendment.
(Ord. 2007-12, passed 6-19-07)

OFF-STREET PARKING, STORAGE AND LOADING REQUIREMENTS

§ 152.045 STANDARDS.

In all districts, there shall be provided at such time any building or structure is erected, enlarged or increased in capacity, off-street parking spaces for automobiles in accordance with the following requirements.

§ 152.046 TABLE OF PARKING SPACES REQUIRED.

USES	PARKING SPACES REQUIRED
Automobile wrecking yards, junk or salvage yards which sell new or used merchandise to the public	1 parking space for each 2 employees, plus 1 space for each 10,000 square feet of lot area or 2 spaces for each 1,000 square feet of floor area, whichever is greater.

USES	PARKING SPACES REQUIRED
Banks, business or professional offices	1 per 300 square feet of usable floor space, plus 1 per each 3 employees.
Barber or beauty shop	2 per barber or 3 per beautician.
Boarding or rooming house, tourist home	1 space for each 3 boarders not rooming on the premises. 1 for each 2 guests providing overnight accommodations.
Bowling alleys	5 per alley.
Churches	1 per 4 seats or 1 per 30 square feet of usable floor area of auditorium, whichever is greater.
Commercial recreation uses	1 per 3 patrons based on design capacity of the facility.
Commercial or trade schools	1 per 3 students plus 2 per 3 employees.
Country club	One per 5 members.
Dwelling (single and two-family)	1-1/2 per dwelling unit.
Dwelling (multiple family)	1-1/2 per 1 bedroom dwelling; 2 per two bedroom dwelling.
Gasoline service station	1 parking space for each employee, plus 3 for each service bay.
Governmental office buildings	1 per 300 feet of usable floor area, plus 1 per 3 employees. Every governmental vehicle shall be provided with a reserved off-street parking space.
Homes for the aged, sanitariums, convalescent or nursing homes	1 space for each 4 patient beds, plus 1 per staff doctor, plus 1 space per 3 employees.
Hospitals	1 per 3 patient beds, exclusive of bassinets, plus 1 per staff doctor and 1 per 3 employees on the maximum work shift.

USES	PARKING SPACES REQUIRED
Hotel	1 per 2 rooms or suite, plus 2 per 3 employees.
Library	1 per 400 square feet.
Manufacturing or industrial establishment, public utility service building, research or testing laboratory, creamery or bottling plant, wholesale warehouse or similar establishment	1 per 2 employees on the maximum work shift plus space to accommodate all trucks and other vehicles in connection therewith.
Medical and dental clinic	3 patients' parking spaces per staff doctor, plus 2 per 3 employees, plus 1 per staff doctor.
Mortuaries or funeral parlors	5 spaces per parlor or chapel unit or 1 per 4 seats, whichever is greater.
Motels and tourist courts	1 per guest bedroom.
Private clubs, lodge or union hall	1 per 3 members or 1 for each 100 square feet of non-storage and non-service floor area, whichever is greater.
Restaurant, café or establishment serving beverages or refreshments	1 per 3 employees, plus 1 per 300 square feet of usable floor space or 1 per 3 fixed seats, whichever is greater.
Retail stores, personal service establishments and similar uses	1 per 300 square feet of floor area plus 1 per 2 employees.
Retail stores such as supermarkets, department stores, furniture and appliance stores, wholesale stores, motor vehicle sales or machinery sales	1 space per 600 square feet of floor area plus 1 per 2 employees.
Elementary, junior high and the equivalent private or parochial	2 spaces per 3 employees, plus 1 space per 5 seats in the auditorium or 1 space per classroom, whichever is greater.

Senior high or equivalent	2 spaces per 3 teachers and other employees, plus 1 space per 5 seats in the auditorium.
Kindergartens, day nurseries, and the equivalent, private or parochial	2 spaces per attendant or teacher, plus 1 off-street loading space per 6 children enrolled.
Stadiums and sports arenas or gymnasiums	1 per 5 seats.
Swimming pools	1 space per 30 square feet of water area.
Theater, indoor	1 space for every 3 seats.

§ 152.047 APPLICATION OF STANDARDS.

In applying the standards set forth above, the following shall apply.

(A) In the case of mixed or joint uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.

(B) Where a fractional space results, any fraction less than 1/2 may be dropped and any fraction of 1/2 or more shall be counted as one parking space.

(C) These standards shall apply fully to all uses and buildings established after the effective date of this chapter.

(D) Except for parcels of land devoted to one- and two-family uses, all areas devoted to off-street parking shall be so designed and be of such size that no vehicle is required to back into a public street to obtain egress.

(E) Where parking is to be provided in the front yard of a multiple family dwelling, there shall be established a setback line of ten feet. The area between the setback line and the front lot line shall be prepared and planted with grass, shrubs or trees.

(F) All parking spaces required herein shall be located on the same lot with the building or use served. However, when an increase in the number of spaces is required by a change of use or enlargement of the building or where such spaces are provided collectively or used

jointly by two or more buildings or establishments, the required spaces may be located and maintained not to exceed 400 feet from any other non-residential building served.

(G) No signs of any kind shall be erected except information signs used to guide traffic and to state the conditions and terms of the use of the lot. Only non-intermittent white lighting of signs shall be permitted.

§ 152.048 STORAGE AND PARKING OF TRAILERS AND COMMERCIAL VEHICLES.

Commercial vehicles, buses and trailers of all types, including travel, boat, camping and hauling, shall not be parked or stored on any lot occupied by a dwelling or on any lot in a residential district except in accordance with the following provisions.

(A) Not more than one commercial vehicle or bus, which does not exceed 2-1/2 tons rated capacity, per family living on the premises, shall be permitted and in no case shall a commercial vehicle used for hauling explosives, gasoline or liquefied petroleum products be permitted.

(B) A camping or travel trailer, hauling trailer or boat trailer are all permitted to be parked on the premises. A camping or travel trailer shall not be parked or stored for more than 72 hours unless it is located behind the front building line, nor shall such trailer be occupied permanently while it is parked or stored in any area except in a manufactured home park as authorized by this or other ordinances.
(Am. Ord. 2007-22, passed 12-4-07)

§ 152.049 OFF-STREET LOADING AND UNLOADING REQUIREMENTS.

The following rules and regulations shall apply to off-street loading and unloading facilities.

(A) A building whose dominant use is handling and selling goods at retail shall provide one off-street loading and unloading space for buildings containing up to and including 10,000 square feet of floor area, plus one additional space per each additional 10,000 square feet of gross floor space.

(B) Manufacturing, repair, wholesale and similar uses shall provide one off-street loading and unloading space for buildings containing 10,000 square feet of floor space plus one space per 40,000 square feet of floor area in the excess of 10,000 square feet.

(C) Where trailer trucks are involved, such loading and unloading space shall be an area 12 by 50 feet with a 14 foot height clearance and shall be designed with appropriate means of truck access to a street or alley, as well as having adequate maneuvering area.

§ 152.050 CONSTRUCTION AND MAINTENANCE.

Except for one- and two-family dwellings, off-street parking and truck loading facilities shall be constructed, maintained and operated in accordance with the following specifications.

(A) Drainage and surfacing. The facility shall be properly graded for drainage, surfaced with concrete, asphaltic concrete or asphalt and maintained in good condition, free of weeds, dust, trash and debris. If on the effective date of this chapter there exists a lot on which the parking facilities are not required to be surfaced, they shall be maintained in proper condition as noted above.

(B) Lighting. If the facility contains ten or more cars, lighting shall be provided and maintained during the operation of the facility and shall be so arranged that the source of light does not shine directly into adjacent residential properties or into traffic on adjoining streets.

(C) Screening and buffering. A parking facility abutting or adjacent to residential areas shall be buffered.

(D) Prohibition of other uses. Required off-street parking areas shall not be used for the sale, repair, dismantling or servicing of any vehicle (excluding personally owned vehicles), equipment, materials or supplies.

(E) Multiple-level parking facilities. Parking facilities on more than one level shall be designed in accordance with the standards set forth herein for grade level parking facilities insofar as they are reasonably applicable. The design of such multiple-level facilities shall be subject to the approval of the city with respect to layout, circulation, accommodations for pedestrians and ingress/egress affecting safety and convenience.

(Am. Ord. 2007-22, passed 12-4-07)

SIGNS AND PORTABLE ADVERTISING DEVICES

§ 152.065 SIGNS AND PORTABLE ADVERTISING DEVICES PERMITTED.

(A) Signs and outdoor advertising devices shall be permitted in districts subject to the provisions and regulations contained herein.

(B) Definitions. For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(1) "DIRECTIONAL SIGN." A sign conveying directions to a premises. DIRECTIONAL SIGNS shall not exceed ten square feet in area or four feet in height measured from the ground elevation to the top of the sign. The sign may be either illuminated or non-illuminated, except where illumination is otherwise specifically prohibited in this subchapter.

(2) "OUTDOOR ADVERTISING DEVICE." Any advertising device, whether affixed to land or improvements thereof and which is not an accessory use or structure to the premises upon which it is located and which may be either illuminated or non-illuminated, except where illumination is otherwise specifically prohibited in this subchapter.

(3) "RESIDENTIAL SIGN." A sign other than a sign granted by the Board of Zoning Adjustment (BZA) and is considered to be a sign erected for the identification of a permanent multi-family residential complex or a residential subdivision. There shall be only one sign permitted for each aforementioned use and shall not exceed 12 feet in area or 12 feet in height measured from the ground elevation to the top of the sign. The sign can be illuminated but non-flashing.

(4) "SIGN." Any advertising display affixed to land or improvements thereof, where it is located and which may be either illuminated or non-illuminated, except where illumination is otherwise specifically prohibited in this subchapter.

(5) "SPECIAL EVENT SIGN." Special event signs are temporary signs allowed to be placed on a premise for not more than 30 days. No special event sign shall be placed on a given premise for more than 60 days in a given year. An establishment is limited to two special event sign permits per year.

(6) "WALL SIGN." Wall signs shall be permitted in commercial and industrial zones but shall not exceed 40% of the facade/wall the sign is attached to.

(Am. Ord. 2007-22, passed 12-4-07)

§ 152.066 PERMIT REQUIRED.

A building/ zoning permit shall be required for all signs, outdoor advertising devices, special event signs, residential signs, directional signs and wall signs to assure proper placement, erection and securing.

§ 152.067 LOCATION.

(A) Signs. No sign shall be erected or placed nearer to any street right-of-way upon which the sign faces than the building lines provided in zones where the use is permitted, except one sign advertising the primary nature of the business or industry conducted on the premises may be placed not closer than ten feet to the street right-of-way line, but in no case to be permitted to obstruct the view of traffic.

(B) Outdoor advertising devices. Outdoor advertising devices shall only be permitted in commercial or industrial zones. All outdoor advertising devices shall be placed not closer than ten feet from any street right-of-way line upon which the device faces.

(C) Directional sign. Directional signs shall be permitted in commercial and industrial zones only. Such signs shall not be placed closer than ten feet to any street right-of-way line nor shall it be permitted to obstruct the flow of view of traffic.

(D) Special event sign. Special event signs shall be limited to commercial and industrial zones. Such signs shall not be placed any closer than ten feet to any street right-of-way line nor shall it be permitted to obstruct the flow or view of traffic.

(E) Residential sign. A residential sign shall be used for permanent identification for multi-family dwellings or for permanent identification of residential subdivisions. Such signs shall not be placed closer than ten feet to any street right-of-way line nor shall it be permitted to obstruct the flow or view of traffic.

(F) Wall sign. Wall signs shall be permitted in commercial and industrial zones but shall not exceed 40% of the facade/wall the sign is attached to. No wall sign shall protrude outward from the wall from which it is attached by more than eight inches.

§ 152.068 SIGNAGE LIMIT.

(A) There shall be one sign and one outdoor advertising device allowed per lot.

(B) Where there is a corner lot in a commercial or industrial zone, two free standing signs can be erected, one each facing the respective street on which the lot fronts. The sign location requirements must be met and the signs shall be no closer than 30 feet to one another.

§ 152.069 SIZE; COMMERCIAL, INDUSTRIAL.

(A) A sign shall not exceed 400 square feet in any allowable zone, unless otherwise provided for by this subchapter.

(B) An outdoor advertising device shall not exceed 150 square feet in any allowable zone.

(C) A special event sign shall not exceed 60 square feet in any allowable zone.

Penalty, see § 10.99

§ 152.070 LIGHTING.

Any type of sign which involve lighting or motion resembling traffic or directional signals, warnings (such as "stop" or "danger") or any other signal signs which are normally associated with highway safety or regulations are prohibited. Additionally, no type of sign constituting a nuisance because of light, glare, focus, animation, flashing or any illuminated signs of such intensity as to unduly disturb the use of residential property or vehicular traffic shall be erected or continue in operation.

Penalty, see § 10.99

§ 152.071 MAINTENANCE AND LANDSCAPING.

(A) Any type of sign shall be maintained. Such maintenance shall include proper alignment of structure, continued readability of the structure and preservation of the structure with paint or other preservatives.

(B) Landscaping shall be located around the base of free-standing signs. The landscaping shall be ornamental in nature with shrubs, flowers and other ornamental plant materials. Sign landscaping is not required for free-standing signs permitted before the adoption of this chapter. The amount of landscape area required shall be one square foot of landscape area per one square foot of sign area. At least 50% of the required landscaping area shall be planted with trees and/or shrubs.
(Am. Ord. 2007-22, passed 12-4-07)

§ 152.072 HEIGHT; COMMERCIAL, INDUSTRIAL.

The height of any sign or portable advertising device shall not exceed the height of 50 feet for any sign or portable advertising device in a commercial or industrial zone.

Penalty, see § 10.99

§ 152.073 BILLBOARDS; COMMERCIAL, INDUSTRIAL.

(A) Billboards are allowed by right only in commercial and industrial zones and subject to the standards listed.

(B) The billboard will be considered a sign or advertising device intended to attract the attention of operators of motor vehicles or their passengers on highways and roadways and shall include a structure erected or used in connection with the display of any device and all lighting or other attachments used in connection therewith.

(C) The size of the billboard shall not exceed the state maximum size. The height of the billboard shall not exceed 60 feet.

(1) No billboard shall be closer than 1,200 feet to another billboard.

(2) No billboard shall be closer than 500 feet to a residential zone.

(3) The minimum height of a billboard shall be 25 feet measured from ground elevation to the bottom of the sign.

(4) All billboards shall be constructed with one metal fabricated pole and frame. No wood timbers, utility poles, and the like, shall be allowed as part of construction.

(5) All billboards erected under this subchapter shall be maintained by the person or company owning the billboard. If it is determined that the billboard constitutes a public nuisance, health hazard, safety threat or otherwise becomes dilapidated, the billboard may be torn down by the city with the cost being assessed against the owner. The appropriate notice will be sent to the owner in time to request a public hearing before the City Council before any action is taken.

(Am. Ord. 2007-22, passed 12-4-07) Penalty, see § 10.99

§ 152.074 PORTABLE SIGNS.

(A) Portable billboards shall include, but not be limited to, any sign not permanently attached to the ground or other permanent structure or a sign designed to be transported, including, but not limited to, signs assigned to be transported by a means of wheels, signs converted to A or T frames, menu and sandwich board signs, balloons used as signs, umbrellas used for advertising, any type of temporary banners, and signs attached to or painted in vehicles parked

and visible from the public right-of-way unless the vehicle is used in the normal day-to-day operations of the business or unless the vehicle displays a noncommercial message.

(B) Portable signs are prohibited in all areas except the following cases.

(1) Temporary signs not exceeding 32 square feet in area are allowed to advertise drives or events of civic, philanthropic, educational or religious organizations, provided that said signs are posted only during said drive or not more than 30 days before the event and are removed no more than five days after an event.

(2) Signs not exceeding 34 square feet in area and containing commercial messages are allowed on private property only upon the issuance of a temporary sign permit, which shall authorize the use of such sign for a specified ten-day period. One such permit shall be issued to the same business license holder on the same lot once each calendar quarter. The fee for a temporary permit shall be established by the Building Inspector. Such signs shall not be considered billboards, outdoor advertising devices or off-premises advertising devices.

(3) Temporary signs shall not be erected or otherwise fixed to any pole, tree, stone, fence, building or structure or any object within the right-of-way of any street. No temporary sign shall be erected at the intersection of any street in such a manner as to obstruct vision or be confused with any authorized traffic sign, signal, or device. All the signs shall be erected in accordance with provisions of the City of Oak Grove zoning regulations.

(4) Except as otherwise provided in this section, all temporary signs are prohibited after a period of 30 days from the effective date of this subchapter.

(Am. Ord. 2007-22, passed 12-4-07) Penalty, see § 10.99

HOME OCCUPATIONS

§ 152.085 STATEMENT OF PURPOSE.

The standards for home occupations are intended to insure compatibility with permitted residential uses and with the character of the neighborhood, plus a clearly established secondary or incidental status in relation to the residential uses of the main buildings as the criteria for determining whether a proposed accessory use qualifies as a home occupation.

§ 152.086 HOME OCCUPATIONS NOT PERMITTED.

- (A) Antique shop.
- (B) Funeral chapel or funeral home.
- (C) Gift shop.
- (D) Renting of tearable manufactured homes.
- (E) Restaurant.
- (F) Stable or kennel.
- (G) Tourist home.
- (H) Veterinary clinic or hospital.
- (I) Flea markets or perpetual/ permanent yard sales.

§ 152.087 STANDARDS.

In addition to the limitation applicable in the zoning district in which located, all home occupations shall be subject to the following use limitations.

(A) A home occupation must be conducted within a dwelling which is a bona fide residence of the principal practitioner or in an accessory building thereto, which is normally associated with a residential use.

(B) Except for articles produced on the premises, no stock in trade shall be displayed or sold on the premises.

(C) No alteration to the exterior of the principal residential building shall be made which changes the character thereof as a dwelling

(D) No outdoor display of goods or outside storage of equipment or materials used in the home occupation shall be permitted.

(E) No more than two persons other than a member of the immediate family occupying such a dwelling shall be employed.

(F) No more than two rooms or 25% of the gross floor area of one floor of the residence, whichever is less, shall be used for such purposes.

(G) No use shall create noise, dust, vibration, smell, smoke, glare, electrical interference, fire hazard, or any other hazard or nuisance to any greater or more frequent extent than that usually experienced in an average residential occupancy in the district in question under normal circumstances wherein no home occupation exists. Penalty, see § 10.99

§ 152.088 ISSUANCE OF A CONDITIONAL USE PERMIT.

The issuance of a conditional use permit for a home occupation shall conform to the procedures outlined in Article 6 of the city's zoning ordinance, ADMINISTRATION.

§ 152.089 SIGNAGE ON PROPERTY.

Home occupations are allowed to display one sign not exceeding two square feet. Such sign will require a permit as outlined in § 152.066. The sign request shall be made in the application to the Board of Zoning Adjustment and shall be considered in conjunction with the home occupation. If the Board of Zoning Adjustment approves the application for a conditional use, including the sign request, the sign shall advertise the home occupation upon the premises it is located only. (Am. Ord. 2007-22, passed 12-4-07)

§ 152.090 OBSTRUCTION TO VISION AT STREET INTERSECTIONS ON CORNER LOTS.

Obstruction to vision at street intersections is prohibited. Additionally, lots adjacent to an intersection shall not obstruct vision of the intersection within the 30-foot sight triangle. The 30-foot sight triangle is defined as a triangle consisting of the edge of street pavements intersecting at a point forming the outer boundaries of the lot and an imaginary line drawn 30 feet from the point of intersection and a line drawn 30 feet from the point of intersection in either direction. No obstruction to vision between a height of 2-1/2 feet and 12 feet above the imaginary plane defined by those three points of intersection is permitted. Penalty, see § 10.99

§ 152.091 AUTOMOBILE WRECKING AND JUNK YARDS (SALVAGE YARDS).

Because of the nature and character of their operations, automobile wrecking and salvage yards, junk yards and similar uses of land can have a decidedly detrimental effect upon surrounding properties. Salvage and wrecking yards tend to create problems of noise, dust, traffic and health hazards and may adversely affect property values by their general appearance. The following standards

shall be used as a guide in evaluating whether proposed land uses, such as outlined herein, will have properly minimized their objectionable characteristics.

(A) Licensing. All salvage yards must be licensed. An application to establish a salvage yard in Oak Grove shall be filed with the Hopkinsville-Christian County Planning Commission and approved by the Oak Grove Board of Zoning Adjustment. For the purpose of this subchapter, junk yards, automobile wrecking yards and similar operations shall be known as "salvage yards".

(B) Location. No salvage yard shall be permitted closer than 500 feet from any established residential district, unless in existence prior to the adoption of this chapter. The storage of three or more unlicensed abandoned vehicles and or salvaged vehicles must be in an approved and licensed salvage yard. All abandoned and junked motor vehicles and other similar large salvage articles that can be seen from any public right-of-way shall be moved to a licensed salvage yard with one year of the effective date of this chapter.

(C) Screening. All outdoor storage in salvage yards shall be conducted entirely within an enclosed fence or wall, except the driveway area. The fence or wall shall be seven feet in height and appropriately screened to prohibit the visibility of the salvage material. Storage outside or above such fence or wall is expressly prohibited. Any fence or wall erected for screening purposes shall comply with requirements of § 152.093 and § 152.095.

(D) Ingress and egress. The maximum number of vehicular access driveways for salvage yards having frontage on a state or federal highway shall be regulated by the State of Kentucky, Department of Transportation. The maximum number of vehicular access driveways for salvage yards having frontage on a city street shall be regulated by the Oak Grove City Council with recommendations from the Hopkinsville-Christian County Planning Commission.

(Am. Ord. 2007-22, passed 12-4-07) Penalty, see § 10.99

§ 152.092 ACCESSORY BUILDING.

Except as otherwise permitted in these regulations, accessory buildings shall be subject to the following regulations.

(A) Where the accessory building is structurally attached to a main building, it shall be subject to and must conform to all regulations of this chapter applicable to main or principal buildings. Any accessory building in a zone other than residential shall require

a dimensional variance granted by the Board of Zoning Adjustment to encroach closer than the normal setbacks observed for the principal structure of its zone.

(B) Accessory buildings shall not be erected in any required yard except a rear yard or side yard, providing that in no instance shall such a building be nearer than five feet to any adjoining side lot line or rear lot line.

(C) An accessory building, not exceeding one story or 14 feet in height, may occupy not more than 25% of any non-required yard, provided that in no instance shall the accessory building exceed the ground floor of the principal building.

(D) In the case of double frontage lots, accessory buildings shall observe front yard requirements on both street frontages wherever there are any principal buildings fronting on said streets in the same block or adjacent blocks.

(E) When an accessory building is to be located on a corner lot, the side lot line of which is substantially a continuation of the front lot line of the lot to its rear, said building shall not project beyond the front yard line required on the lot in rear of such corner lot.

(F) Garages. In any residential zone, no garage shall be erected closer to the side lot line than the permitted distance for the dwelling unless the garage shall be completely to the rear of the dwelling in which event the garage may be erected five feet from the side and rear lot line. No garage or portion thereof shall extend beyond the front building line of the dwelling. Attached garages of fireproof construction may be erected to extend beyond the front line of the house in those areas which are being developed according to a common plan that includes the construction of attached garages extending beyond the front line of the house, except that such garages shall not encroach in or upon the minimum front yard area as required by these regulations and provided the cornice, eaves or overhang shall not extend more than six inches into the required side yard area.

(G) Carports constructed in residential zoning districts shall comply with the following requirements.

(1) A carport that is placed at the side of an existing residence and which consists of a roof and supporting posts must be five feet from the interior side lot line. The carport may also extend to within ten feet of the side lot line along a public street. The requirements stated in this paragraph refer to the distance between a side property line and the roof line of the carport.

(2) A carport which is structurally part of a residence (i.e. one that is composed of the same building materials as the house of which it is a part and one that has the same roof line as the house of which it is a part) shall not extend into a required side yard.

(3) No carport shall extend into the required front yard of a lot.

(4) A carport that encroaches into the required side yard of a lot as permitted by this section may not later be converted into living area, a storage room, garage or other walled structure without approval of the Board of Zoning Adjustment.

Penalty, see § 10.99

§ 152.093 VISIBILITY.

No structure, wall, fence, shrubbery or trees shall be erected, maintained or planted on any lot which will obstruct the view of the driver of a vehicle approaching an intersection, excepting that shade trees will be permitted where all branches are not less than eight feet above the street level. In the case of corner lots, this shall also mean that there shall be provided an unobstructed triangular area formed by the street from the intersection of the street lines or in the case of a rounded corner, from the intersection of the extended street property lines.

Penalty, see § 10.99

§ 152.094 BUSINESS OR INDUSTRY ON SMALL BUILDING SITE.

If a lot located in an industrial district or in a business district contains less than the minimum required building site area for the district and on the effective date of this chapter was lawfully existing and of record and held in separate and different ownership from any lot immediately adjoining and having continuous frontage, such lot may be used as the building site for any use permitted in the district.

§ 152.095 FENCES AND WALLS.

No fence, wall or hedge that obstructs sight shall be erected, altered or placed in any required front yard to exceed a height of three feet above the street grade and no fence, wall or hedge shall be erected, altered or placed in any required side or rear yard to exceed a height of eight feet. The construction of a fence shall not require a building/ zoning permit nor observe required setbacks.

Penalty, see § 10.99

§ 152.096 CORNER BUILDING SITE.

In any district, a corner building site having to its rear a building site facing toward the intersection or side street shall have provided on the intersecting or side street of the corner building site a side yard having a width equal to at least the depth of the front yard required for a structure on the building site to the rear of the corner building site; provided, however, that this regulation shall not be applied to reduce the buildable width of the corner building site to less than 30 feet nor require a side yard of more than 20 feet. No accessory structure on a corner building site having to its rear a building site facing toward the intersecting or side street shall be erected or altered nearer to the intersecting or side street line than the front building line to be observed by any structure on the building site to the rear of the corner building site.

Penalty, see § 10.99

§ 152.097 ILLUMINATION OF USES.

Lighting facilities used to illuminate signs, parking areas or for other purposes shall be so arranged that the source of light does not shine directly into adjacent residential properties and does not interfere with traffic.

Penalty, see § 10.99

§ 152.098 MIXED USES.

Commercial and residential uses may be provided in the same structure, however, such uses shall be those commonly allowed in the district housing such a use. A conditional use permit for a home occupation shall be required in such case.

§ 152.099 CLASSIFICATION OF NEW AND UNLISTED USES.

It is recognized that new types of land uses will develop and that different forms of land uses not anticipated will seek to locate in Oak Grove. In order to provide for such changes, a determination of the appropriate zoning classification of any new or unlisted form of land use shall be made as follows.

(A) All questions concerning the classification of new or unlisted uses shall be referred to the Board of Zoning Adjustment for an interpretation of the zoning ordinance. The referral of the use interpretation question shall be accompanied by a statement of facts listing the nature of the use and whether it involves dwelling activity, sales, processing, storage amount and nature thereof, anticipated employment, types of product, transportation requirements,

nature and time of occupancy or operation of the premises, the amount of noise, odor, fumes, dust, toxic material and vibrations likely to be generated and the requirements for public utilities such as sanitary sewers and water.

(B) The Board of Zoning Adjustment shall consider the nature and described performance of the proposed use and its compatibility with the purpose of the various districts and the uses permitted in the districts and determine the zoning district or districts within which such a use should be permitted.

BUFFERING

§ 152.110 STATEMENT OF PURPOSE.

The intent of this subchapter is to improve the appearance of properties, to provide standards for buffering between non-compatible land uses and to protect, preserve and promote aesthetic appeal of properties.

§ 152.111 SITES AFFECTED.

New developments are defined as: multi-family structures, developments using the Planning Unit Development (PUD) or Zero Lot Line (ZLL) provisions found in this chapter and industrial or commercial developments of more than 1/2 acre shall be subject to the provisions of this subchapter.

§ 152.112 WHERE LANDSCAPE MATERIALS REQUIRED.

This subchapter describes the minimum requirements that shall be met in regard to perimeter landscaping and vehicular use area (VUA) landscaping. The city is located within the Plant Hardiness Zone #6B. (Am. Ord. 2007-22, passed 12-4-07)

§ 152.113 PROPERTY PERIMETER REQUIREMENTS.

A landscape easement shall be required as a buffer between non-compatible zones and between non-compatible land uses. Such easement shall be located between the structure and all common boundaries, unless otherwise specified. The following situations shall require landscape easements:

(A) When any new development adjoins any R-MH1 or R-MH2 zone;

(B) When any new development adjoins a business or industrial zone;

(C) When any new development adjoins a freeway, expressway or railroad;

(D) When any new development adjoins a utility substation, junk yard, land fill, sewage plant or similar use. For utility substations, the landscape easement may be located adjacent to the enclosure; and

(E) When a Planned Unit Development (PUD) or Zero Lot Line (ZLL) development abuts any residential zone containing one- or two-family dwelling units and or abuts any commercial or industrial zone.

(Am. Ord. 2007-22, passed 12-4-07)

§ 152.114 AVERAGE WIDTH OF EASEMENT.

The minimum average width of a required landscape easement shall be five feet. This easement shall be over and above any right-of-way, drainage easement or utility easement.

(Am. Ord. 2007-22, passed 12-4-07)

§ 152.115 TREES.

(A) Required landscape easements shall contain a minimum of one tree per 40 feet of linear boundary or fraction thereof. Trees shall not be planted under overhead utility lines that may cross the landscape easement.

(B) The following list is of trees that are acceptable and recommended for landscaping requirements in the City of Oak Grove, but are not limited to the following.

SMALL TREES (Under 26 Feet)	
Amur Maple	Acer ginnala
Trident Maple	Acer buergeranum
Japanese Maple	Acer palmatum
American Hornbeam	Carpinus caroliniana
Flowering Dogwood	Cornus florida
Kousa Dogwood	Cornus kousa
Corneliancherry Dogwood	Cornus mas (tree form)
Lavalle Hawthorn	Crataegus x lavalleyi

SMALL TREES (CONT'D)	
Washington Hawthorn	Crataegus phaenopyrum
Serviceberry	Amelanchier sp.
Redbud	Cercis canadensis
Sweetbay Magnolia	Magnolia virginiana
Flowering Cherry	Prunus sp.

MEDIUM TREES (26 to 50 Feet)	
Chinese Elm	Ulmus parvifolia
Hedge Maple	Acer campestre
European Hornbeam	Carpinus betulus
European Hornbeam	Carpinus betulus 'Fastigiata'
Winter King Hawthorn	Crataegus viridis 'Winter King'
Thornless Honey Locust	Gleditsia triacanthos var. Inermis
Goldenrain Tree	Koelreuteria paniculata
Flowering Crabapple	Malus (discase resistant types only)
American Hophornbeam	Ostrya virginiana
Amur Corktree	Phellodendron amurense
Japanese Tree Lilac	Syringa reticulate
Littleleaf Linden	Tilia cordata 'Greenspire', 'Chancellor', 'June Bride'
Carolina Silverbell	Halesia Carolina
Hardy Rubber Tree	Eucomia ulmoides

LARGE TREES (Over 50 Feet)	
Red Maple	Acer rubrum
Ginkgo	Ginkgo biloba (male only)
American Sweetgum	Liquidambar styraciflua
London Planetree	Platanus x acerifolia
Scarlet Oak	Quercus coccinea
Red Oak	Quercus rubra
Willow Oak	Quercus phellos
Pyramidal English Oak	Quercus robur
Japanese Zelkova	Zelkova serrata
White Ash	Fraxinus americana (seedless var.)
Green Ash	Fraxinus pennsylvanica (seedless var.)
Japanese Pagoda Tree	Sophora japonica 'Regent'
American Elm	Ulmus Americana "Princeton, Valley Forge"

(C) The following is a list of trees that have undesirable qualities and are not permitted for landscaping requirements in the city:

Black Locust	Robinia pseudo-acacia
Black Walnut	Juglans nigra
Box elder or Ash leaved maple	Acer negundo
Common Horse Chestnut	Aesculus hippocastanum
Catalpa	Catalpa speciosa
Chinese Chestnut	Castanea mollissima
Cockspur Hawthorn	Crataegus crusgalli

Cottonwood	Populus deltoids
Crabapple	Malus sp. susceptible to disease
Hickory	Carya sp.
Honey Locust	Gleditsia triancanthos (with thorns)
Ginkgo or Maidenhair tree	Ginkgo biloba (female)
Mimosa	Albizia julibrissin
Mulberry	Morus sp.
Osage Orange	Maclura pomifera
Siberian Elm	Ulmus pumila
Silver (Water) Maple	Acer saccharinum
Tree of Heaven	Ailanthus altissima
White birch	Betula sp.
Willow	Salix sp.

(D) No public or privately owned tree shall be allowed to obstruct pedestrian traffic on sidewalks or other areas of pedestrian movement. No tree shall be allowed to obstruct visibility on any public or private right-of-way.

(E) Private landowners may plant trees on private property in accordance with the following standards:

(1) The tree shall not be an undesirable species as provided herein;

(2) No tree shall be planted underneath overhead utility lines;

(3) No tree shall be planted between the sidewalk and the street;

(4) No tree shall be planted in any right-of-way; and

(5) No tree shall be planted in any drainage or utility easement or nearer than ten feet to any fire hydrant, power pole, meter box or other utility appurtenance, whichever is greater.

(Am. Ord. 2007-22, passed 12-4-07) Penalty, see § 10.99

§ 152.116 PLANTING, HEDGE, FENCE WALL OR EARTH MOUND.

Required landscape easements shall contain a continuous planting, hedge, fence, wall or earth mound four feet in height. Outdoor areas used for storing manufactured products, materials used in manufacturing, wholesale commodities, automobiles and trucks shall required a solid wall or fence with a minimum height of six feet within the landscape easement which shall also be located along common boundaries with any street frontage across from a residential or manufactured housing zone. Junk yards, salvage yards and scrap iron yards shall require a solid wall or fence with a minimum height of seven feet.

(Am. Ord. 2007-22, passed 12-4-07)

§ 152.117 VEHICULAR USE AREA (VUA) REQUIREMENTS.

(A) Landscaping shall be provided for new site developments, buildings, structures or VUA's as required by the provisions of this subchapter in addition to the requirements set forth in § 152.116.

(B) No building, structure or VUA shall undergo major expansion, remodeling/renovation or be relocated to another parcel in the city limits unless the minimum landscaping required by the provisions of this subchapter is provided for the property to the extent of its alteration or expansion.

(C) No use shall be changed to another use for which the city zoning ordinance requires 20 or more parking spaces over the existing parking spaces unless the VUA perimeter landscaping and interior landscaping as required by this subchapter is provided for. Interior landscaping shall not be required where only the use of the property is changed and no new construction or reconstruction is proposed.

(D) This section shall not apply to areas with single-family residential use nor shall it apply to lots that are used for the sole purpose of selling or renting vehicles.

Penalty, see § 10.99

(Am. Ord. 2007-22, passed 12-4-07)

§ 152.118 LAND USE BUFFERS AND EASEMENTS FOR VUAs.

Landscaping shall be required as a buffer between non-compatible land uses, pursuant to § 152.113 of this Section and shall be located adjacent to all common boundaries. The required landscaping easements shall be provided along the property perimeter in approved, designated VUA easements. Such VUA easements shall be located in addition to, and not contained in, any right-of-way, drainage easement or utility easement.

(Am. Ord. 2007-22, passed 12-4-07)

§ 152.119 INTERIOR LANDSCAPING FOR VUAs.

Any open VUA (excluding loading and unloading areas) containing 20 or more vehicular parking spaces shall provide interior landscaping in addition to the required perimeter landscaping. Interior landscaping shall be peninsular or island types. Trees shall be planted in accordance with the following schedule.

1 to 4 spaces	No trees required
5 to 30 spaces	1 tree for each 5 spaces or fraction thereof up to 30 spaces
31 to 100 spaces	5 trees for the first 30 spaces, plus 1 tree for each additional 7 spaces or fraction thereof
101 to 196 spaces	15 trees for the first 100 spaces, plus 1 tree for each additional 8 spaces or fraction thereof
197 to 304 spaces	27 trees for the first 196 spaces, plus 1 tree for each additional 9 spaces or fraction thereof
305 to 504 spaces	39 trees for the first 305 spaces, plus 1 tree for each additional 10 spaces or fraction thereof
505 or more spaces	59 trees for the first 505 spaces, plus 1 tree for each additional 11 spaces or fraction thereof

(A) Parked vehicles may hang over the interior landscaped area no more than 2-1/2 feet as long as wheel stops are provided to ensure no greater overhang or penetration of the landscaped area.

(B) The planting islands or peninsulas shall be dispersed evenly throughout the VUA.

(C) The minimum size of the planting area shall be 80 square feet.

(D) Planting islands within the VUA shall be required within every other parking row when parking rows are provided in the interior portions of the parking lot (see illustration #1). Planting islands may be placed in a staggered or linear design.

(Am. Ord. 2007-22, passed 12-4-07)

§ 152.120 LANDSCAPING FOR SERVICE STRUCTURES.

(A) A continuous planting, hedge, fence, wall or earth mound shall enclose any service structure on all sides unless such structure

must be frequently moved, in which case screening on all but one side is required. The height of the screening material shall be one foot more than the height of the enclosed structure, but shall not be required to exceed eight feet in height. Whenever a service structure is located next to a building or wall, perimeter landscaping material or VUA landscaping material, such walls or screening material may fulfill the screening requirement for that side of the service structure if that wall or screening material is of a sufficient height to meet the height requirements set forth in this section. Whenever service structures are screened by plant material, such material may count towards the fulfillment of required interior or perimeter landscaping. No interior landscaping shall be required within an area screened for service structures.

(B) Whenever screening material is placed around any trash disposal unit or waste collection unit, which is emptied or removed mechanically on a regularly occurring basis, a fixed barrier to contain the placement of the container shall be provided within the screening material on those sides where there is such material. The barrier shall be at least 18 inches from the landscaping material and shall be of sufficient strength to prevent possible damage to the landscaping material when the container is moved or emptied. The minimum front opening of the landscaping material shall be 12 feet with a locking mechanism to allow service vehicles access to the container.

(Am. Ord. 2007-22, passed 12-4-07)

§ 152.121 WHO PROVIDES EASEMENTS.

(A) The perimeter landscaping or VUA landscaping easements and material required adjacent to any street shall be provided by the property owner adjoining the street, unless the authority building the street has fully met all requirements on the street right-of-way and has met the minimum standards of § 152.114.

(B) When adjacent to other common boundaries, the landscaping easements and materials:

(1) May be placed on either adjoining parcel or astride the boundary if both are owned and being processed by the same owner;

(2) Generally shall be placed on the activity listed new development in the relationships listed under previous sections; or

(3) May be placed astride the boundary of adjoining parcels having different owners if a written agreement, signed by both owners, is filed with the Building/Zoning Inspector as a public record; or

(4) Shall be placed on the activity or parcel being processed when adjoining property is already developed.
(Am. Ord. 2007-22, passed 12-4-07)

§ 152.122 EASEMENT CONFLICTS.

The required perimeter landscape easement or the required VUA easement may not be combined with any rights-of-way, drainage or utility easements. The perimeter landscape easement or the VUA easement shall be provided in addition to, and separate from any other easement. Vehicles or other objects shall not overhang or otherwise intrude upon any required landscape easement or VUA easement more than 2-1/2 feet and wheel stops or curbs will be required.

(Am. Ord. 2007-22, passed 12-4-07) Penalty, see § 10.99

§ 152.123 EXISTING LANDSCAPE MATERIAL.

Existing landscape material which is proposed to be used to fulfill perimeter landscape requirements or VUA landscape requirements shall be shown on the required landscape plan and any material in satisfactory condition may be used to satisfy these requirements in whole or in part when, in the opinion of the public approval authority, such material meets the requirements and achieves the objectives of this subchapter. Existing trees shall be preserved where possible.

(Am. Ord. 2007-22, passed 12-4-07)

§ 152.124 LANDSCAPING AT DRIVEWAYS AND STREET INTERSECTIONS.

To ensure that landscape materials do not constitute a driving hazard, a site triangle shall be observed at all street intersections or intersections of driveways or alleys with streets. Within this sight triangle no landscape material or other fixed object shall obstruct vision between a height of three feet and a height of 12 feet above the average elevation of the existing surfaces at the center line of each street, driveway or alley. Within the sight triangle, trees shall be permitted as long as, except during early growth stages, only the tree trunk (no limbs, leaves, and the like) is visible between the three and 12 feet limitations mentioned above. A similar exemption is allowed utility poles and traffic signs or lights.

(Am. Ord. 2007-22, passed 12-4-07) Penalty, see § 10.99

§ 152.125 LANDSCAPE MATERIALS.

Landscaping materials shall consist of the following:

- (A) Walls and fences.

(1) Walls shall be constructed of natural stone, brick or other weatherproof materials arranged in a linear, serpentine or other alignment, while fences shall be constructed of wood or other weatherproof, durable materials generally used in the exterior construction of buildings. Chain link fencing alone shall not be used to meet the requirements of this subchapter. Chain link fencing may be installed in the required landscape easement only if it is in addition to the required continuous planting, hedge, fence, wall or earth mound.

(2) In industrial zones, there shall be no height limitations on walls or fences. In all other zones, however, there shall be a three foot height restriction for walls or fences in front yards and an eight foot height restriction in all other required yards. All walls or fences shall have a minimum opacity of 80%.

(B) Earth mounds. Earth mounds shall be physical barriers which block or screen the view similar to a hedge, fence or wall. Earth mounds shall be constructed with proper and adequate plant material to prevent erosion. A difference in elevation between areas requiring screening does not constitute an earth mound.

(C) Plants. All plant material shall be living plants (artificial plants are prohibited) and shall meet the following requirements.

(1) Quality. Plant materials used in conformance with the provisions of this chapter shall conform to the standards of the American Association of Nurserymen and shall have passed any inspections required under state regulations.

(2) Deciduous trees (trees which normally shed their leaves in the fall). Shall be species having an average mature crown spread of greater than 15 feet in Christian County and having trunks which can be maintained with over five feet of clear wood in areas which have visibility requirements. A minimum of five feet overall height or a minimum caliper of at least 1-3/4 inches immediately after planting shall be required.

(3) Evergreen trees. Evergreen trees shall be a minimum of five feet high with a minimum caliper of 1-1/2 inches and a minimum spread of three feet immediately after planting.

(4) Shrubs and hedges. Shall be at least two feet in height or spread when planted and shall conform to capacity and other requirements within four years after planting.

(5) Vines. Shall be at least 12 to 15 inches high at planting and are generally used in conjunction with walls or fences.

(6) Grass or ground cover. Grass (of common mixtures of fescue, bluegrass, and rye) shall be of species normally grown as permanent lawns in Oak Grove and may be sodded, plugged, sprigged or seeded. In swales or other areas subject to erosion, where solid sod, erosion reducing net or suitable mulch shall be used, nurse-grass shall be sown for immediate protection until complete coverage is achieved. Grass sod shall be clean and free of weeds and noxious pests or diseases. Grass shall be planted in such a manner as to present a finished appearance and have 75% coverage after two complete growing seasons. In certain cases rocks, pebbles, sand or similar approved materials may be used in the place of grass.

(Am. Ord. 2007-22, passed 12-4-07)

§ 152.126 MAINTENANCE AND INSTALLATION.

All landscaping materials shall be installed in a sound, workmanship-like manner and according to the accepted good construction and planting procedures. The owner of the property shall be responsible for the continued proper maintenance of all landscaping materials and shall keep them in a proper, neat and orderly appearance free from refuse and debris at all times. All unhealthy or dead plant material shall be replaced within one year or by the next planting period, whichever comes first; while other defective landscape material shall be replaced or repaired within three months. Violation of these installation and maintenance provisions shall be grounds for the Building/Zoning Inspector to refuse a building permit, certificate of occupancy and/or will subject those in violation to established fines and penalties of the zoning ordinance.

(Am. Ord. 2007-22, passed 12-4-07)

§ 152.127 PLAN SUBMISSION AND APPROVAL.

Whenever any property is affected by these landscaping requirements, the property owner or developer shall prepare a landscape plan for submittal to and approval by, the city for local site plans or the Hopkinsville-Christian County Planning Commission for Zero Lot Line Developments and Planned Unit Developments. The Building/Zoning Inspector shall follow the requirements of this subchapter in approving or disapproving any landscape plan required by this subchapter. Landscape plans also may be submitted as part of any plan review required by the city for local site plans or the Hopkinsville-Christian County Planning Commission for Zero Lot Line Developments and Planned Unit Developments. Where a landscaping plan is required, no building permit shall be issued until the required landscaping plan has been submitted and approved and no certificate of occupancy shall be issued

until the landscaping is completed and certified by an on-site inspection by the Oak Grove Planning Office or the Oak Grove Building Inspector.

(Am. Ord. 2007-22, passed 12-4-07)

§ 152.128 PLAN REVIEW.

The contents of the plan shall include the following:

(A) Site plan, drawn to an easily readable scale, showing and labeling by name and dimension, all existing and proposed property lines, easements, buildings and other structures, vehicular use areas (including parking stalls, driveways, service areas, square footage, and the like), storm water appurtenances and landscape material (planting, wall, fence, hedge or earth mound location);

(B) Typical elevations and/or cross sections as may be required; and

(C) Title block with the pertinent names and addresses (property owner, person drawing plan and person installing landscape materials), scale, date, north arrow (generally orient plan so that north is to the top of the plan) and zoning classification.

(Am. Ord. 2007-22, passed 12-4-07)

§ 152.129 SURETY INSTRUMENT.

Any development requiring a landscaping plan shall have a cost estimate of the installation and materials submitted to the Oak Grove Planning Office for all landscaping improvements. Upon approval by the Planning Office and/or the City Engineer, a surety instrument shall be presented to the Oak Grove City Council for approval. The surety instrument shall be called upon if the required landscaping plan has not been installed by the end of the approved planting period.

(Am. Ord. 2007-22, passed 12-4-07)

§ 152.130 VARIANCE.

Any landscape plan submitted to and disapproved by the city for local site plans or the Hopkinsville-Christian County Planning Commission for Zero Lot Line Developments and Planned Unit Developments because it does not meet the requirements of the subchapter may be appealed within 60 days of such action to the Oak Grove Board of Zoning Adjustment.

(Am. Ord. 2007-22, passed 12-4-07)

APPENDIX

SCHEDULE OF USES									
	R-1	R-1A	R-2	R-3	B-1	B-2	B-3	B-4	I-1
Accountants					R	R	R	R	
Adhesives, excluding manufacturing of basic components									R
Agricultural uses (crops)	R	R	R	R	R	R	R	R	R
Air conditioning, commercial (manufacturing)									R
Aircraft and aircraft parts (manufacturing)									R
Airports									CU
Aluminum extrusion, rolling fabrication and forming (manufacturing)									R
Aluminum powder and paint (manufacturing)									R
Amusement parks				CU	CU	CU			
Animal and poultry raising, commercial									R
Animal pound									R
Antique shops					R	R	R	CU	
Apartment hotels and office buildings, including businesses customarily incidental to such uses conducted for the convenience of the occupants and provided all entrances, designs, signs and show windows shall not be evident from outside the building					R	R	R	R	
Apparel shops					R	R	R	CU	
Apparel or other textile products or other materials, including hat bodies of fur, wool, felt or similar products (manufacturing)									R

SCHEDULE OF USES									
	R-1	R-1A	R-2	R-3	B-1	B-2	B-3	B-4	I-1
Archery ranges									CU
Architects					R	R	R	R	
Art galleries, not for profit	R	R	R	R	R	R	R	R	
Artists					R	R	R	R	
Assembly of automobile, bicycle, carriage, engine									R
(rebuilt), motorcycle, trailer, truck, wagon; including parts									
Athletic or sports equipment, including balls, baskets, bats, cues, racquets, rods or similar products (manufacturing)									R
Attorneys-at-law					R	R	R	R	
Auction sales, except animals and tobacco (permanent structure)					R	R			
Auction sales, animals and tobacco									R
Automobile parking areas, public and private				CU	R	R	E	E	R
Automobile parts (retail sales)					R	R	CU		R
Automobile and truck repair garages					R	R			R
Automobile sales agencies					R	R			
Automobile service stations					R	R	CU		
Automobile washing stations					R	R			
Aviaries						CU			CU
Awings, metal (manufacturing)									R

SCHEDULE OF USES									
	R-1	R-1A	R-2	R-3	B-1	B-2	B-3	B-4	I-1
Banks or building and loan institutions					R	R	R	R	
Bakeries, retail (all products produced to be sold on the premises only)					R	R	R	R	
Barber shops					R	R	R	R	
Battery, storage (wet cell) (manufacturing)									R
Beauty shops					R	R	R	R	
Bed and breakfast			CU	CU	CU		CU		
Bedding (mattress, pillow, quilt) including rebuilding or renovating (manufacturing)									R
Beverage, blending and bottling (manufacturing)									R
Beverage (non-alcoholic) (manufacturing)									R
Bicycle sales and service					R	R			
Blacksmith						R			R
Boarding and lodging houses			CU	R					
Boat manufacturing and repair									R
Boat sales and rental					CU	R			
Book stores					R	R	R	CU	
Bookbinding						R			R
Bowling alleys					CU	R			
Box and crate (manufacturing)									R
Brick									R
Building materials (cement, lime, sand, gravel, lumber and the like) storage and sales						R			R

SCHEDULE OF USES									
	R-1	R-1A	R-2	R-3	B-1	B-2	B-3	B-4	I-1
Building materials, storage and sales provided all operations are totally enclosed in a building						R			
Bus garage and repair shop									R
Business schools					R	R	R	R	
Camping areas, public and private						CU			CU
Carpenter, cabinet making and pattern shops						R			R
Carpet, rug, mat (manufacturing)									R
Catering and light local deliveries					CU	R			R
Cement (manufacturing)									R
Cemeteries and mausoleums	CU	CU	CU	CU	CU	CU			CU
Chemicals including acetylene, acids and derivatives, alcohol (industrial), ammonia, aniline, dyes, carbide, caustic soda, cellulose and cellulose storage, chlorine, cleaning and polishing preparations (non-soap), dressings and blackings, creosote, dyestuffs, exterminating agents and poisons, hydrogen and oxygen, plastic materials and synthetic rosins, potash, proxylin, tar products, turpentine and resin, and solvent extracting									R
Chemicals (packaging only)									R
Chiropractors					R	R	R	R	
Chiropractors					R	R	R	R	
Churches and parish halls, temples, convents and monasteries	CU	CU	CU	CU	R	R	R	R	

SCHEDULE OF USES									
	R-1	R-1A	R-2	R-3	B-1	B-2	B-3	B-4	I-1
Circus and carnival grounds						CU			CU
Clay, stone, glass products									R
Clay products of handicraft nature including ceramics, pottery, tile (glazed) or similar products									R
Coal and coke, storage sales									R
Colleges, schools and institutions of learning (except trade, business or industrial schools)	CU	CU	CU	CU	R	R	R	R	
Commercial lakes					CU	CU			CU
Community buildings					R	R	R	R	
Concrete, central mixing and proportioning plant									R
Concrete products									R
Condominiums	*	*	*	*					
Confectionary or candy stores, retail (all products produced to be sold on the premises only)					R	R	R	R	
Consignment store					R	R			
Convention centers					CU	R	CU		
Convenience stores					R	R	R		
Cosmetics or toiletries (manufacturing)									R
Country clubs	CU	CU	CU	CU	R	R	R	R	
Credit agencies and institutions					R	R	R	R	
Crematories						CU			CU
Dance halls						R			
Dancing instruction					R	R	R	R	

SCHEDULE OF USES									
	R-1	R-1A	R-2	R-3	B-1	B-2	B-3	B-4	I-1
Data processing center					R	R	R	R	
Day care centers, day nurseries, nursery schools and kindergartens	CU	CU	CU	CU	R	R	R	R	
Dentists					R	R	R	R	
Department stores					CU	R			
Distillation, manufacture or refinement of coal, tar, asphalt or asphalt products									R
Distilleries, breweries and non-industrial alcoholic spirits									R
Distribution center						CU			R
Dressmaking or millinery shops						R			R
Drive-in theaters						R			
Drug stores or sundries stores					R	R	R	CU	
Dry cleaning, dyeing, pressing and laundry; distributing stations or retail business where no cleaning, dyeing, pressing or laundry is done for other distributing stations or cleaning establishments					R	R	R	R	
Dry goods and notion stores					R	R	R		
Dwelling, two-family			R	R	CU				
Electric appliance stores					R	R	CU		
Electric power and steam generating plants									R

SCHEDULE OF USES									
	R-1	R-1A	R-2	R-3	B-1	B-2	B-3	B-4	I-1
Electrical appliance and apparatus assembly (small), including fans, fixtures, hotplates, irons, mixers, motion picture equipment (home), phonographs, radios, television sets, toasters, toys or similar products, but not including electrical machinery						R			R
Electrical supplies, including cable or wire assemblies, batteries (dry cell), insulation, lamps, switches or similar supplies					R	R	CU		R
Engraving, watchmaking and jewelry manufacturing, where products are sold on premises					R	R	R	R	R
Equipment rental, where all activities are within a building						R			R
Explosives (when not prohibited by other ordinances) and explosive storage, including ammunition, fireworks, nitrating of cotton or other materials, nitrates (manufactured and natural) of an explosive nature, storage of latter (manufacturing)									CU
Exposition building or center									R
Extraction and development of all gas and other hydrocarbon substances	CU	CU	CU	CU	CU	CU			CU
Fairgrounds									R
Fertilizer (organic and nonorganic) including fish, oils, manure or peat									R
Film, photographic (manufacturing)									R

SCHEDULE OF USES									
	R-1	R-1A	R-2	R-3	B-1	B-2	B-3	B-4	I-1
Firearms (manufacturing)									R
Florist shops					R	R	R	R	
Food processing, including bakery products (wholesale), candy manufacturing, coffee, tea and spices (processing and packaging), creamery and dairy operations, ice cream manufacturing, macaroni and noodle manufacturing, oleo-margarine (compounding and packaging only)									R
Food processing, including chewing gum, chocolate, cocoa and cocoa products, condensed and evaporated milk, processing and canning, flour, feed and grain (packaging, blending and storage only), food products except slaughtering of meat or preparation of fish for packing, fruit and vegetable processing (including canning, preserving, drying and freezing), gelatin products, glucose and dextrine, malt products, meat products, packaging and processing (no slaughtering) and yeast									R
Forge plants, drop hammer or pneumatic									R
Foundries, ferrous or non-ferrous, brass, bronze									R
Foundry products (electrical only)									R
Fraternalities and sororities			CU	CU	R	R	R	R	
Funeral home				CU	R	R	R		

SCHEDULE OF USES									
	R-1	R-1A	R-2	R-3	B-1	B-2	B-3	B-4	I-1
Fur finishing and fur goods, not including tanning or dyeing					CU	CU			R
Furniture (manufacturing)									R
Furniture repair shops					R	R	CU		
Furniture, storage						R			R
Furniture stores					R	R	R		
Garages, public					R	R	R	R	R
Gift shop					R	R	R	R	
Golf courses, except miniature courses, driving ranges or privately owned golf courses operated for a commercial purpose	CU	CU	CU	CU	CU	R	CU	CU	R
Golf driving ranges, miniature courses, privately owned golf courses operated for a commercial purpose						R			CU
Governmental buildings, including armories, storage, maintenance and repair facilities					R	R	CU	CU	R
Governmentally owned or operated buildings or uses					R	R	R	R	R
Grain blending and packaging, but not milling									R
Graphite or graphite products					R	R			R
Grocery stores, including fruit, meat, fish and vegetable					R	R	CU		
Grocery stores, where all merchandise is displayed and sold within an enclosed building					R	R	R		
Group house			CU	CU	CU	CU			

SCHEDULE OF USES									
	R-1	R-1A	R-2	R-3	B-1	B-2	B-3	B-4	I-1
Hardware products or tools, including bolts, brads, cutlery, doorknobs, drills, hinges, household items, locks, metal castings (non-ferrous), nails, needles and pins, nuts, plumbing appliances, rivets, screws, spikes, staples, tools (hand), or similar products									CU
Hardware stores					R	R	CU		
Heating, ventilating, cooking, and refrigerating supplies and appliances (manufacturing)									R
Home occupations	CU	CU	CU	CU	CU	CU	CU	CU	CU
Hosiery mill									R
Hospitals, institutions, nursing homes and homes for the infirm and aged	CU	CU	CU	CU	CU	R	CU	CU	
Hotels and motels					R	R	R	R	CU
Household appliances, electrical and gas, including stoves, refrigerators, washing machines, clothes dryers and similar products (manufacturing)									R
Ice storage houses						R			R
Implements, agricultural or farm (manufacturing)									R
Incarceration facility					CU	CU	CU	CU	CU
Insecticides, fungicides, disinfectants and related industrial or household chemical compounds (including blending)									CU
Insurance agents					R	R	R	R	
Interior decorating shops					R	R	R	R	
Investment companies					R	R	R	R	

SCHEDULE OF USES									
	R-1	R-1A	R-2	R-3	B-1	B-2	B-3	B-4	I-1
Iron or steel (ornamental), miscellaneous, fabrication or assembly, including steel cabinets, doors, fencing, metal furniture or similar products, cleaning, grinding, heat treatment, metal finishing, plating, polishing, rust proofing, sharpening or similar processes									R
Jewelry						R			
Jewelry stores					R	R	R	R	
Kennels						CU			R
Laboratories, research, experimental or testing, but not including combustion-type motor testing					R	R	CU		R
Land surveyors					R	R	R	R	
Landscape architects					R	R	R	R	
Laundries					R	R			
Laundries or laundrettes, self service					R	R	R		
Lead oxide (manufacturing)									CU
Libraries, museums, historical buildings or grounds	CU	CU	CU	CU	R	R	R	R	R
Lime, mixing and manufacturing									CU
Lumber yards									R
Machine repair shop, small						R			R
Machine, tools, dye and gauge shops									R
Machine tools, including metal lathes, metal presses, metal stamping machines, wood working machines or the like									R

SCHEDULE OF USES									
	R-1	R-1A	R-2	R-3	B-1	B-2	B-3	B-4	I-1
Machinery, heavy, including electrical, construction, mining or agricultural manufacturing, also repairs									R
Machines, business, including accounting machines, calculators, cardcounting equipment, typewriters or similar products									R
Manufactured home park									
Manufactured home sales, display and storage						R			
Manufactured home subdivision									
Meat and fish products, including slaughtering of meat or curing of fish, packing and storage									R
Medical appliances, including braces, limbs, stretchers, supports or similar appliances (manufacturing)									R
Metal alloys or foil, miscellaneous, including solder, pewter, brasses, bronzes or tin, lead or gold foils or similar products									R
Metal casting or foundry products heavy, including ornamental iron work or similar products									R
Metal and metal ores, reduction, refining, smelting, alloying, including blast furnaces, cupolos and blooming mills									R
Metal or metal products, treatment or processing including enameling, japanning, lacquering, galvanizing and (hot-dip) plating									R

SCHEDULE OF USES									
	R-1	R-1A	R-2	R-3	B-1	B-2	B-3	B-4	I-1
Millwork and planing									R
Minerals and earths (including sand-lime products), grinding, crushing, processing									R
Monument and architectural stone monument works (manufacturing)									R
Monument sales					R	R	CU		
Motor testing (internal combustion motors)									R
Multiple-family dwellings				R	CU	CU	CU	CU	
Music and vocal instructions					R	R	R	R	
Music stores					R	R	R		
Novelty products (from prepared materials) (manufacturing)									R
Nurseries, retail and greenhouses					R	R			
Office buildings					R	R	R	R	
Offices, professional or business and governmental					R	R	R	R	
Optician					R	R	R	R	
Optometrists					R	R	R	R	
Osteopaths					R	R	R	R	
Package liquor stores						R			
Packaging, processing by compounding, blending, mixing, washing, screening, crushing, grinding and formulating or any combination thereof and volume sales of materials and goods, but not permitting slaughterhouses, stock yards, fertilizer plants, scrap metal processing or the reduction of dead animals, fish, garbage or offal									CU

SCHEDULE OF USES									
	R-1	R-1A	R-2	R-3	B-1	B-2	B-3	B-4	I-1
Paint and coatings, except manufacturing gun cotton nitrocellulose lacquers reactive resin cooking									R
Paint, lacquer, shellac, and varnish, including calcimine, casein, colors and pigments, thinners and removers (manufacturing)									R
Paint stores					R	R	CU		
Paper and paper board (from paper making machines) (manufacturing)									R
Paper products, including bags boxes, bulk goods, containers (shipping), envelopes, interior packaging components, stationery, tubes, wallpaper, or similar products (manufacturing)									R
Parks, playgrounds, not for profit	R	R	R	R	R	R	R	R	R
Pawn shop						R			
Pet services					CU	R	CU	CU	
Pet shops						R			
Petroleum or petroleum products, refining or storage, including gasoline or other petroleum products									CU
Philanthropic organizations	CU	CU	CU	CU	R	R	R	R	
Photographic equipment (manufacturing)									R
Photographic shops					R	R	R	CU	
Physicians					R	R	R	R	
Planned unit development	*	*	R	R	R				
Plating, electrolytic process									R

SCHEDULE OF USES									
	R-1	R-1A	R-2	R-3	B-1	B-2	B-3	B-4	I-1
Plastic molding and shaping, excluding manufacturing or basic components									R
Plastic, raw									CU
Plumbing and heating shops, storage and sales provided all operations are totally enclosed in a building						R			R
Postal facilities					R	R	R	R	
Pottery and porcelain products (coal-fired, including bathroom or kitchen equipment or similar products)									R
Precision instruments									R
Printing, lithographing, or publishing establishments, if constructed to insure that there is no noise or vibration evident outside the walls of the building					R	R	CU	CU	R
Printing, publishing and engraving, including photoengraving						R			R
Private clubs including community buildings, swimming, tennis and other recreation	CU	CU	CU	CU	CU	CU	CU	CU	
Professional consultant services					R	R	R	R	
Professional engineers					R	R	R	R	
Professional offices					R	R	R	R	
Public safety services	CU	CU	CU	CU	R	R	R	R	R
Public transportation passenger terminals					R	R	R		
Public utility buildings and facilities					R	R	CU	CU	

SCHEDULE OF USES									
	R-1	R-1A	R-2	R-3	B-1	B-2	B-3	B-4	I-1
Pulp goods, pressed or molded (including papermache products)									R
Race track, animal									R
Race tracks for motor powered vehicles									R
Radio and television stores					R	R	R		
Radio and television studios					R	R	R	R	
Radio and television towers and antennas (manufacturing)									R
Radio signal sending and receiving towers and disks (commercial)	CU	CU	CU	CU	CU	R	CU	CU	R
Railroad freight terminals and yards									R
Real estate brokers					R	R	R	R	
Rendering, incineration or reduction and storage of dead animals, garbage, offal, or waste products (the entire operation to be preformed within a building)									CU
Refractories									R
Refrigerated lockers						R			CU
Refrigerating plants (manufacturing)									R
Restaurants, where food and drink may be served or consumed, outside as well as inside of a building, including the drive-in restaurants where all or part of the service or consumption is inside a vehicle					CU	R	CU		

SCHEDULE OF USES									
	R-1	R-1A	R-2	R-3	B-1	B-2	B-3	B-4	I-1
Restaurants and pubs (without drive-in facilities) if a minor, integral part of an organized shopping center					R	R	R	R	
Restaurants with drive-through windows having prior approval by the agency responsible for traffic engineering					CU	R	CU		
Restaurants, tea rooms, or cafes, where all customers are served at a table or counter and where dancing or entertainment is excluded					R	R	R	R	
Retail sales and consumer service establishments (not including warehouse sales) dealing primarily with employees and visitors of establishments permitted as principal uses					R	R	R	CU	
Retail or wholesale stores or businesses not involving any kind of manufacturing, processing or treatment of products other than that which is clearly incidental to the business conducted on the premises, and provided that no more than 50% of the floor area of the building is used in the manufacturing, processing or treatment of products, and that such operations or products are not objectionable due to noise, odor, dust, smoke, vibration or other similar causes						R			
Rifle, pistol and skeet ranges, indoor or outdoor						CU			CU

SCHEDULE OF USES									
	R-1	R-1A	R-2	R-3	B-1	B-2	B-3	B-4	I-1
Roofing materials, building paper and felt (including asphalt and composition) (manufacturing)									R
Row houses	*CU	*CU	*CU	*					
Rubber (natural or synthetic), including tires, tubes or similar products, gutta percha, chicle and balata processing (manufacturing)									R
Rubber stamp manufacturing, where products are sold on the premises						R			
Saddle and harness shops					R	R	CU		
Sanitary land fills and dumps									CU
Scrap metal and scrap metal reduction, waste paper, rags, junk, salvage or similar operations, including auto wrecking provided the entire operation is enclosed within a solid fence at least 8 feet high									CU
Sewage disposal plants	CU	CU	CU	CU	CU	CU			CU
Sheet metal products from metal stamping or extrusion, including containers, costume jewelry, pins and needles, razor blades, bottle caps, buttons, kitchen utensils, or similar products (manufacturing)									R
Sheet metal shops						CU			R
Shipping containers (corrugated board, fiber or wire-bound) (manufacturing)									R

SCHEDULE OF USES									
	R-1	R-1A	R-2	R-3	B-1	B-2	B-3	B-4	I-1
Shoe repair shops					R	R	R	R	
Shoe stores					R	R	R	CU	
Signs and displays (manufacturing)									R
Sign painting					R	R			R
Silverware, plate or sterling (manufacturing)									R
Single-family dwellings	R	R	R	R	CU	CU			
Skating rinks (ice or roller)					R	R			
Slaughtering of animals or poultry (packaging also)									R
Soaps or detergents, including washing or cleaning powder or soda, packaging only (manufacturing)									R
Soaps and soap products or detergents, including fat rendering, oils, vegetable and animals (non-edible) (manufacturing)									R
Sports arenas					CU	CU	CU		CU
Stamps (hand), stencils, and brands (manufacturing)									R
Stationery stores					R	R	R	CU	
Statuary and art goods, other than stone and concrete, including church art, figurines, mannequins, religious art (excluding foundry operations) (manufacturing)									R
Steel works and rolling mills (ferrous) for steel, structural iron and steel fabrication and steel products, including bars, cables, girders, rails, wire rope or similar products									R

SCHEDULE OF USES									
	R-1	R-1A	R-2	R-3	B-1	B-2	B-3	B-4	I-1
Stock yards and feed lots									CU
Stone processing or stone products, including abrasives such as wheels, stones, paper and cloth, asbestos products, stone screening, stone cutting, stoneworks, sand or lime products or similar processes or products									R
Storage garages, including repairing and servicing					R	R			R
Storage yard									R
Storage of bituminous materials and petroleum products									R
Storage of coal and gas, yards and pockets									R
Sugar refining									R
Surgeons					R	R	R	R	
Synthetic fibers (manufacturing)									R
Tailor					R	R	R	R	
Taverns, bars and saloons					CU	R			
Telephone exchanges					R	R	R	R	
Temporary buildings, the uses of which are incidental to construction operations being conducted on the same lot or adjoining lot or tract and which shall be removed upon completion or abandonment of such construction, or upon the expiration of a period of 2 years from the time of erection of such temporary building, whichever is sooner	R	R	R	R	R	R	R	R	R

SCHEDULE OF USES									
	R-1	R-1A	R-2	R-3	B-1	B-2	B-3	B-4	I-1
Textiles and fibers into fabric goods; spinning, weaving, knitting, manufacturing, dyeing, printing and finishing of goods, yarns, knit goods, treads and cordage									R
Textile bleaching, bleachery, bleaching products, including bluing									R
Theaters, enclosed within a building						R			
Tire retreading and vulcanizing shop					CU	CU			R
Tobacco (including curing) or tobacco products						R			R
Tourist homes			CU	CU	R		R		
Towers (radio/ TV receiving or transmitting) for non-commercial use, in accordance with the Federal Communications Commission and/or Federal Aviation Agency requirements	CU	CU	CU	CU	CU	CU	CU	CU	CU
Toy and hobby stores					R	R	R		
Toys and games (manufacturing)									R
Trade schools					R	R	R	R	CU
Training schools (industrial and vocational) including internal combustion engine schools						R			R
Travel agencies					R	R	R	R	
Truck or transfer terminal, freight and motor freight stations						CU			R
Upholstery repair shops					R	R	cu		R
Upholstery shops (wholesale)						R			R

SCHEDULE OF USES									
	R-1	R-1A	R-2	R-3	B-1	B-2	B-3	B-4	I-1
Used car sales areas, provided that no repair or reconditioning of automobiles or storage of parts shall be permitted except when enclosed in a building						R			
Variety stores					R	R	R		
Vehicles, children's including baby carriages, bicycles, scooters, wagons and similar vehicles (manufacturing)									R
Veterinary hospitals						R			R
Wall board, plaster board, insulation and composition flooring									R
Warehouse, storage					CU	R			R
Warehouse, produce and storage					CU	R			R
Welding shops						R			R
Wood or lumber processing, including sawmills, planing mills, cooperage stock mills, excelsior or packing materials, plywood veneer, wood preserving or treatment or similar products or processes									R
Wood products									R
Wood products, including furniture, baskets, boxes, crates or similar products and cooperage works (except cooperage stock mills)									R
Zero lot line	*	*	R	R					
Zoological gardens (zoos)						CU			CU

(Am. Ord. 2007-22, passed 12-4-07)

CHAPTER 153: DILAPIDATED STRUCTURES

Section

General Provisions

153.01 Definitions

Standards

153.20 Responsibility
153.21 Applicability
153.22 Standards
153.23 Declaration of nuisance

Prohibitions

153.35 Prohibitions

Enforcement

153.45 Remedies
153.46 Enforcement
153.47 Authority
153.48 [Reserved]
153.49 Declaration of nuisance
153.50 Notice of violation
153.51 Period to cure
153.52 [Reserved]
153.53 Abatement by city
153.54 Lien
153.55 Owners' liability

153.99 Penalty

GENERAL PROVISIONS

§ 153.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

"CITY." The City of Oak Grove or the city's authorized agent.

"DILAPIDATED STRUCTURE." Any vacant structure, which, for want of repairs, lack of sufficient fire escapes, deterioration, the accumulation of trash, garbage, or debris, being a haven for insects, rodents, or other vermin, is unsafe, unsanitary, especially liable to fire loss, unfit for human habitation, occupancy, or use, or is dangerous or injurious to the health or safety of any prospective occupants of the structure, the occupants of neighboring structures, or other residents of the city.

"NUISANCE." Any vacant building that, because of its condition is unsafe, unsanitary, especially liable to fire loss, unfit or unsafe for human habitation, occupancy, or use, a haven for insects, rodents, or vermin, or is dangerous or injurious to the health or safety of neighboring occupants, or other residents of the city. Also, any occupied structure used by the public that is dangerous or hazardous to the public safety or health.

"OWNER." Any person or entity that possesses any interest in real estate or any occupant of real estate.

"PROPERTY." Property owned by any person or entity, including but not limited to land, yards, grounds, driveways, entrances or passageways, parking areas, storage areas, bodies of water, sidewalks, grass strips, and one-half of alleys, together with all structures and improvements.

(Ord. 1994-16, passed 8-16-94; Am. Ord. 2001-27, passed 11-20-01)

STANDARDS

§ 153.20 RESPONSIBILITY.

It shall be the responsibility of all property owners to maintain their property in a manner consistent with the standards and definitions provided in this chapter. It shall be the responsibility of all property owners to ensure that their property is properly maintained in such a manner to prevent it from being declared a nuisance. Also, it shall be the responsibility of each owner to notify the city of the proper mailing address of all owners of the property within 30 days of the time when any addresses change.

(Ord. 1994-16, passed 8-16-94; Am. Ord. 2001-27, passed 11-20-01)

Penalty, see § 153.99

§ 153.21 APPLICABILITY.

This chapter shall apply to all property in the city and to every person or entity who is an owner or occupant of property in the city.

(Ord. 1994-16, passed 8-16-94; Am. Ord. 2001-27, passed 11-20-01)

§ 153.22 STANDARDS.

The following standards shall be applicable to all property within the city:

(A) All structures shall be properly maintained in a safe and sanitary condition, fit for human habitation, occupancy, or use, so as not to become dilapidated or deteriorated.

(B) All structures shall be properly maintained so as not to be especially liable to fire loss.

(C) All structures shall be properly maintained so as not to become dangerous or injurious to the public health or safety, the occupants of neighboring structures, or other residents of the city. (Ord. 1994-16, passed 8-16-94; Am. Ord. 2001-7, passed 11-20-01)
Penalty, see § 153.99

§ 153.23 DECLARATION OF NUISANCE.

Any property which fails to comply with the standards set forth in this chapter and any structure which becomes dilapidated may be declared a nuisance and the owner of the property shall be subject to the provisions and penalties set forth in this chapter. (Ord. 1994-16, passed 8-16-94; Am. Ord. 2001-27, passed 11-20-01)

PROHIBITIONS

§ 153.35 PROHIBITIONS.

The following actions are prohibited and considered unlawful within the city:

(A) It shall be unlawful for the owner of any property in the city to permit any structure upon the property to become unfit or unsafe for human habitation, occupancy, or use or to permit conditions to exist in the structure which are dangerous or injurious to the health or safety of the occupants of the structure, the occupants of neighboring structures, or other residents of the city.

(B) It shall be unlawful for the owner, occupant, or person having control or management of any land within the city to permit a public nuisance, health hazard or source of filth to develop thereon.

(C) It shall be unlawful for any person to interfere with, harass, or otherwise impede an authorized agent or officer of the city when such agent or officer is inspecting property, investigating possible violations, or otherwise enforcing this chapter.

(D) Notwithstanding any of the foregoing sections and paragraphs of this chapter, no official, agent or employee of this city is authorized to enter any occupied single-family dwelling of this city without the consent of the occupant or a judicially obtained search warrant showing probable cause as to public health or safety hazards. (Ord. 1994-16, passed 8-16-94; Am. Ord. 2001-27, passed 11-20-01)
Penalty, see § 153.99

ENFORCEMENT

§ 153.45 REMEDIES.

When any owner of property is found to be in violation of any provision of this chapter, the city, in its discretion and without

obligation, may elect to pursue any or all remedies available in an effort to cure the problem, including declaring the property a nuisance and, after notice, proceeding to abate the nuisance; issuance of criminal citations; seeking injunctive relief; or pursuing any other remedy available at law. The election of one remedy shall not preclude the pursuit of any other.

(Ord. 1994-16, passed 8-16-94; Am. Ord. 2001-27, passed 11-20-01)

§ 153.46 ENFORCEMENT.

All enforcement of this chapter shall be handled by the code enforcement officer. Any violations shall be submitted to the Code Enforcement Board.

(Ord. 1994-16, passed 8-16-94; Am. Ord. 2001-27, passed 11-20-01)

§ 153.47 AUTHORITY.

Authorized agents and officers of the city, including without limitation an enforcement officer, shall have the following authority:

(A) To enter upon property for the purpose of inspection and enforcement of this chapter, subject to § 153.35(D);

(B) To apply for and obtain a search warrant, if necessary;

(C) To declare property, structures, and conditions on property to constitute a nuisance;

(D) To issue notices of violation;

(E) To monitor property for compliance with a notice of violation;

(F) To file Notice of Violation/Citation against owner and responsible persons who violate this chapter;

(G) To recommend civil penalties for non-compliance with this chapter;

(H) To enter upon the property and to cause others to enter on the property for the purpose of correcting a violation;

(I) To file a notice of lien against the property;

(J) To cause the lien to be enforced; and

(K) To do all other things and take all other actions reasonably necessary to carry out the intent and purpose of, and to enforce, this chapter.

(Ord. 1994-16, passed 8-16-94; Am. Ord. 2001-27, passed 11-20-01)

§ 153.48 [RESERVED].

§ 153.49 DECLARATION OF NUISANCE.

Any property which is found to be in violation of the provisions of this chapter by an enforcement officer may be declared a public nuisance.

(Ord. 1994-16, passed 8-16-94; Am. Ord. 2001-17, passed 11-20-01)

§ 153.50 NOTICE OF VIOLATION.

When any property is declared a public nuisance, notice of the violation of this chapter shall be given as follows:

(A) Written notice of the violation and an order to remedy the violation shall be delivered or sent by certified mail to the owner or responsible person of the property.

(B) If the enforcement officer is unable to determine or locate the owner or responsible person of the property, the notice of violation shall be posted in a conspicuous place on or near the property, and it shall be published pursuant to KRS Chapter 424 in a newspaper of general circulation in Christian County, Kentucky.

(C) Notice to any one owner of the property shall constitute notice to all other owners of the same property.

(D) Notice mailed to an owner at the last address shown on the property tax roll maintained by the city shall constitute notice to all owners of the property. Each owner of property located in the city shall have a duty to timely notify the city of the proper mailing address of the owners of the property.

(Ord. 1994-16, passed 8-16-94; Am. Ord. 2001-27, passed 11-20-01)

§ 153.51 PERIOD TO CURE.

In the written notice, the owner or responsible person shall be afforded a period during which to cure the violation. The following periods to cure shall apply: 45 calendar days for dilapidated structures, and 90 calendar days for structures damaged by fire. The enforcement officer may extend the period to cure for any additional time not to exceed the original period. All periods to cure shall begin when notice is mailed.

(Ord. 1994-16, passed 8-16-94; Am. Ord. 2001-27, passed 11-20-01)

§ 153.52 [RESERVED].§ 153.53 ABATEMENT BY CITY.

If the owner or responsible person of property in violation of this chapter fails to properly cure or remedy the violation within the time prescribed in the notice, or within seven days following entry of an order by the Code Enforcement Board upholding a notice of violation,

whichever is later, then the city, in its discretion and without obligation, may enter upon the property and take such action as it deems appropriate to cure the violation and abate the nuisance. Such action may include the cutting or removing of grass and weeds, the removal of trash, debris, garbage, refuse, materials, waste, junk, litter, and other matter constituting a violation, the repair of any unsafe or unsanitary condition, and the demolition and removal of any dilapidated structure.

(Ord. 1994-16, passed 8-16-94; Am. Ord. 2001-27, passed 11-20-01)

§ 153.54 LIEN.

The city shall have a lien against the property for the reasonable value of all labor, materials, and equipment used in remedying the situation, together with all civil penalties and all attorney's fees, costs, and expenses incurred by the city as a result of enforcing this chapter and the lien. The affidavit of the enforcement officer shall constitute prima facie evidence of the amount of the lien and the regularity of the proceedings pursuant to this chapter, and shall be recorded in the office of the County Clerk. The lien shall be notice to all persons from the time of its recording and shall bear interest thereafter at 12% per annum until paid. The lien created shall take precedence over all subsequent liens, except State, County, School Board, and city taxes, and may be enforced by judicial proceeding.

(Ord. 1994-16, passed 8-16-94; Am. Ord. 2001-27, passed 11-20-01)

§ 153.55 OWNERS' LIABILITY.

In addition to enforcement of the lien prescribed in this section or any other remedy authorized by law, the owners of the property upon which a lien has been attached pursuant to this section shall be jointly and severally liable for the amount of the lien, including all interest, civil penalties, attorneys' fees incurred by the city, expenses of litigation, court costs, and other charges, and the city may bring a civil action against any owners and shall have the same remedies as provided for the recovery of a debt owed.

(Ord. 1994-16, passed 8-16-94; Am. Ord. 2001-27, passed 11-20-01)

§ 153.99 PENALTY.

(A) Any person violating any of the provisions of this chapter shall be fined in accordance with the following schedule:

- | | |
|---|-------|
| (1) First Offense | \$200 |
| (2) Second Offense | \$350 |
| (3) Third Offense and all offenses thereafter | \$500 |

(B) Any person choosing not to contest the charge to the Code Enforcement Board instead wishing to prepay their fine shall be allowed to pay an amount equal to 50% of the fine for the applicable offense with which they have been charged. For example, a person charged with a first offense of violating this ordinance shall prepay his or her fine in the amount of \$100; a person charged with a second offense of violation this ordinance shall be allowed to prepay his or her fine in the amount of \$175; and a person charged with violating this offense the third time or after shall be allowed to prepay his or her fine in the amount of \$250.

(Ord. 1994-16, passed 8-16-94; Am. Ord. 2001-27, passed 11-20-01)

Section

Statutory Authorization, Finding of Fact, Purpose and Objectives

- 154.01 Statutory authorization
- 154.02 Finding of fact
- 154.03 Statement of purpose
- 154.04 Objectives

Definitions

- 154.15 Definitions

General Provisions

- 154.30 Lands to which this chapter applies
- 154.31 Basis for establishing the special flood hazard areas
- 154.32 Establishment of development permit
- 154.33 Compliance
- 154.34 Abrogation and greater restrictions
- 154.35 Interpretation
- 154.36 Warning and disclaimer or liability
- 154.37 Enforcement and violation notices

Administration

- 154.45 Designation of Local Administrator
- 154.46 Establishment of development permit
- 154.47 Duties and responsibilities of the Local Administrator

Provisions for Flood Hazard Reduction

- 154.55 General construction standards
- 154.56 Specific standards
- 154.57 Standards for streams without established base flood elevation (unnumbered A zones) and/or floodways
- 154.58 Standards for shallow flooding zones
- 154.59 Standards for subdivision proposals
- 154.60 Standards for accessory structures in all zones beginning with the letter 'A'
- 154.61 Critical facilities

Appeals and Variances

- 154.70 Appeals and variance procedures
- 154.99 Penalty

Cross reference:

Storm water management control, see Ch. 155

STATUTORY AUTHORIZATION

§ 154.01 STATUTORY AUTHORIZATION.

The Legislature of the Commonwealth of Kentucky has in KRS 100 delegated to local government units the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the City Council hereby adopts the following floodplain management ordinance as follows.

(Ord. 2008-08, passed 6-3-08)

§ 154.02 FINDING OF FACT.

(A) The flood hazard areas of the city are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

(B) These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocity, and by the occupancy in flood-hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, flood-proofed, or otherwise unprotected from flood damages.

(Ord. 2008-08, passed 6-3-08)

§ 154.03 STATEMENT OF PURPOSE.

It is the purpose of this chapter to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

(A) Restrict or prohibit uses which are dangerous to health, safety, and property due to water erosion hazards, or which result in damaging increases in erosion or in flood height or velocity;

(B) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

(C) Control the alteration of natural floodplains, stream channels, and natural protective barriers which accommodate or channel flood waters;

(D) Control filling, grading, dredging and other development which may increase erosion or flood damage; and

(E) Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other areas.

(Ord. 2008-08, passed 6-3-08)

§ 154.04 OBJECTIVES.

The objectives of this chapter are to:

(A) Protect human life and health;

(B) Minimize expenditure of public money for costly flood control projects;

(C) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(D) Minimize prolonged business interruptions;

(E) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;

(F) Help maintain a stable tax base by providing for the sound used and development of areas of special flood hazard or other flood-prone areas in such a manner as to minimize flood blighted areas caused by flooding; and

(G) Ensure that potential home buyers are on notice that property is in a Special Flood Hazard Area;

(H) Ensure that those who occupy a Special Flood Hazard Area assume responsibility for their actions.

(Ord. 2008-08, passed 6-3-08)

DEFINITIONS

§ 154.15 DEFINITIONS.

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have

in common usage and to give this chapter its most reasonable application.

"A ZONE." Portions of the Special Flood Hazard Area (SFHA) in which the principle source of flooding is runoff from rainfall, snowmelt, or a combination of both. In A zones, floodwaters may move slowly or rapidly, but waves are usually not a significant threat to structures. Areas of 100-year flood, base flood elevations and flood hazard factors are not determined.

"ACCESSORY STRUCTURE (APPURTENANT STRUCTURE)." A structure located on the same parcel of property as the principle structure, the use of which is incidental to the use of the principle structure. "ACCESSORY STRUCTURES" should constitute a minimal initial investment, may not be used for human habitation, and should be designated to the minimal flood damage potential. Examples of accessory structures are detached garages, carports, storage sheds, pole barns and hay sheds.

"ACCESSORY USE." A use which is incidental and subordinate to the principal use of the parcel of land on which it is located.

"ADDITION (TO AN EXISTING STRUCTURE)." Any walled and roofed expansion to the perimeter of a structure in which the addition is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition which is connected by a firewall or is separated by independent perimeter load-bearing walls is new construction.

"A1-30 AND AE ZONES." Special Flood Hazard Areas inundated by the 1% annual chance flood (100-year flood). Base flood elevations (BFEs) are determined.

"AH ZONE." An area of 100-year shallow flooding where depths are between one and three feet (usually shallow ponding). Base flood elevations are shown.

"AO ZONE." An area of 100-year shallow flooding where water depth is between one and three feet (usually sheet flow on sloping terrain). Flood depths are shown.

"APPEAL." A request for a review of the Floodplain Administrator's interpretation of any provision of this chapter or a request for a variance.

"AR/A1 - A30, AR/AE, AR/AH, AR/AO, and AR/A ZONES." Special Flood Hazard Areas (SFHAs) that result from the de-certification of a previously accredited flood protection system that is in the process of being restored to provide a 100-year or greater level of flood

protection. After restoration is complete these areas will still experience residual flooding from the other flooding sources.

"A99 ZONE." That part of the SFHA inundated by the 100-year flood which is to be protected from the 100-year or greater level of flood protection. After restoration is complete these areas will still experience residual flooding from other flooding sources.

"AREA OF SHALLOW FLOODING." A designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) where base flood depths range from one to three feet there is no clearly defined channel, the path of flooding is unpredictable and indeterminate, and velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

"B AND X ZONES (SHADED)." Areas of the 0.2% annual chance (500 year) flood, areas subject to the 100-year flood with average depths of less than one foot or with contributing drainage area less than one square mile, and areas protected by levees from the base flood.

"BASE FLOOD." The flood which has a 1% chance of being equaled or exceeded in any given year (also called the "100-year flood"). "BASE FLOOD" is the term used throughout this chapter.

"BASE FLOOD ELEVATION (BFE)." The elevation shown on the Flood Insurance Rate Map (FIRM) for Zones AE, AH, A1-30, AR, AR/A, AR/AE, AR/A1-A30, AR/AH, and AR/AO that indicates the water surface elevation resulting from a flood that has a 1% or greater chance of being equaled or exceed in any given year.

"BASEMENT." That portion of a structure having its floor subgrade (below ground level) on all four sides.

"BUILDING." A walled and roofed structure that is principally above ground, a manufactured home, a gas or liquid storage tank, or other man-made facility or infrastructure. See also, the definition for "structure."

"C AND X (UNSHADED) ZONES." Areas determined to be outside the 500-year floodplain.

"COMMUNITY." A political entity having the authority to adopt and enforce floodplain ordinances for the area under its jurisdiction.

"COMMUNITY RATING SYSTEM (CRS)." A program developed by the Federal Insurance Administration to provide incentives to those communities in the Regular Program to go beyond the minimum floodplain management requirements to develop extra measures for protection from flooding.

"COMMUNITY FLOOD HAZARD AREA (CFHA)." An area that has been determined by the Floodplain Administrator (or other delegated, designated, or qualified community official) from available technical studies, historical information, and other available and reliable sources, which may be subject to periodic inundation by floodwaters that can adversely affect the public health, safety and general welfare. Included are areas downstream from dams.

"CRITICAL FACILITY." Any property that, if flooded, would result in severe consequences to public health and safety or a facility which, if unusable or unreachable because of flooding, would seriously and adversely affect the health and safety of the public. Critical facilities include, but are not limited to; housing likely to contain occupants not sufficiently mobile to avoid injury or death unaided during a flood; schools, nursing homes, hospitals, police, fire and emergency response installations, vehicle and equipment storage facilities, emergency operations centers likely to be called upon before, during and after a flood, public and private utility facilities important to maintaining or restoring normal services before, during and after a flood, and those facilities or installations which produce, use or store volatile, flammable, explosive, toxic and/or water-reactive materials, hazardous materials or hazardous waste.

"D ZONE." An area in which the flood hazard is undetermined.

"DEVELOPMENT." Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling, operations, or permanent storage of materials or equipment.

"ELEVATED STRUCTURE." A non-basement structure built to have the lowest floor elevated above the ground-level by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers), shear walls, or breakaway walls. (See freeboard requirements for residential and non-residential structures.)

"ELEVATION CERTIFICATE." A statement certified by a registered professional engineer or surveyor on the FEMA-approved form in effect at the time of certification that verifies a structure's elevation and other related information to verify compliance with this chapter.

"EMERGENCY PROGRAM." The initial phase under which a community participates in the NFIP, intended to provide a first layer amount of insurance at subsidized rates on all insurable structures in that community before the effective date of the initial FIRM.

"ENCLOSURE." That portion of a structure below the Base Flood Elevation (BFE) used solely for parking of vehicles, limited storage, or access to the structure.

"ENCROACHMENT." The physical advance or infringement of uses, plant growth, fill, excavation, structures, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

"EXISTING CONSTRUCTION." Any structure for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "EXISTING CONSTRUCTION" may also be referred to as "Existing structures".

"EXISTING MANUFACTURED HOME PARK OR SUBDIVISION." A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management ordinance adopted by the City of Oak Grove based on specific technical base flood elevation data which established the area of special flood hazards.

"EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION." The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

"FIVE-HUNDRED YEAR FLOOD." The flood that has a 0.2% chance of being equaled or exceeded in any year. Areas subject to the 500-year flood have a moderate to low risk of flooding.

"FLOOD; FLOODING OR FLOOD WATER."

(1) A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters; the unusual and rapid accumulation or runoff of surface waters from any source; and/or mudslides (i.e. mudflows). See "Mudslides."

(2) The condition resulting from flood-related erosion. See "flood-related erosion."

"FLOOD BOUNDARY AND FLOODWAY MAP (FBFM)." A map on which the Federal Emergency Management Agency (FEMA) or Federal Insurance Administration (FIA) has delineated the areas of flood hazards and the regulatory floodway.

"FLOOD HAZARD BOUNDARY MAP (FHBM)." A map on which the boundaries of the flood, mudslide (i.e. mudflow), and flood-related erosion areas having special hazards have been designated as Zones A, M, and/or E by the Federal Emergency Management Agency (FEMA) or Federal Insurance Administration (FIA).

"FLOOD INSURANCE RATE MAP (FIRM)." A map on which the Federal Emergency Management Agency (FEMA) or Federal Insurance Administration (FIA) has delineated special flood hazard areas and risk premium zones.

"FLOOD INSURANCE STUDY." The report provided by the Federal Emergency Management Agency (FEMA) or Federal Insurance Administration (FIA) containing flood profiles, the Flood Insurance Rate Map (FIRM), and/or the Flood Boundary Floodway Map (FBFM), and the water surface elevation of the base flood.

"FLOODPLAIN OR FLOOD-PRONE AREA." Any land area susceptible to being inundated by flood waters from any source.

"FLOODPLAIN ADMINISTRATOR." The individual appointed by a NFIP participating community to administer and enforce the floodplain management ordinances.

"FLOODPLAIN MANAGEMENT." The operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management ordinances, and open space plans.

"FLOODPLAIN MANAGEMENT REGULATIONS." This chapter and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as grading and erosion control), and other applications of police power, which control development in flood-prone areas. This term describes federal, state and/or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

"FLOODPROOFING." Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures, and their contents.

"FLOODPROOFING CERTIFICATE." A certification by a registered professional engineer or architect, on a FEMA-approved form in effect at the time of certification stating that a non-residential structure, together with attendant utilities and sanitary facilities is watertight to a specified design elevation with walls that are substantially impermeable to the passage of water and all structural components are

capable of resisting hydrostatic and hydrodynamic flood forces, including the effects of buoyancy and anticipated debris impact forces.

"FLOODWAY." The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. Also referred to as the "regulatory floodway".

"FLOODWAY FRINGE." That area of the floodplain on either side of the regulatory floodway where encroachment may be permitted without additional hydraulic and/or hydrologic analysis.

"FREEBOARD." - A factor of safety, usually expressed in feet above the BFE, which is applied for the purposes of floodplain management. It is used to compensate for the many unknown factors that could contribute to flood heights greater than those calculated for the base flood. Freeboard must be applied not just to the elevation of the lowest floor or floodproofing level, but also to the level of protection provided to all components of the structure, such as building utilities, HVAC components, and the like.

"FRAUD AND VICTIMIZATION." As related in § 154.70, of this chapter, means that the variance granted must not cause fraud on or victimization of the public. In examining this requirement, the City Council will consider the fact that every newly constructed structure adds to government responsibilities and remains a part of the community for fifty to one-hundred years. Structures that are permitted to be constructed below the base flood elevation are subject during all those years to increased risk of damage from floods, while future owners of the property and the community as a whole are subject to all the costs, inconvenience, danger, and suffering that those increased flood damages may incur. In addition, future owners may purchase the property, unaware that it is subject to potential flood damage, and can be insured only at very high flood insurance rates.

"FUNCTIONALLY DEPENDENT USE FACILITY." A facility, structure, or other development, which cannot be used for its intended purpose unless it is located or carried out in close proximity to water. The term includes only a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacture, sales, or service facilities.

"GOVERNING BODY." The local governing unit, i.e. county or municipality that is empowered to adopt and implement ordinances to provide for the public health, safety and general welfare of its citizenry.

"HAZARD POTENTIAL." The possible adverse incremental consequences that result from the release of water or stored contents due to failure of a dam or misoperation of a dam or appurtenances. The hazard potential classification of a dam does not reflect in any way the current condition of a dam and its appurtenant structures (e.g., safety, structural integrity, flood routing capacity).

"HIGHEST ADJACENT GRADE." The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

"HISTORIC STRUCTURE." Any structure that is:

(1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district.

(3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

(4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

(a) By an approved state program as determined by the Secretary of the Interior; or

(b) Directly by the Secretary of the Interior in states without approved programs.

"INCREASED COST OF COMPLIANCE (ICC)."

(1) Increased cost of compliance coverage provides for the payment of a claim for the cost to comply with State or community floodplain management laws or ordinances after a direct physical loss by flood. When a building covered by a Standard Flood Insurance Policy under the NFIP sustains a loss and the state or community declares the building to be substantially or repetitively damaged, ICC will help pay up to \$30,000 for the cost to elevate, floodproof, demolish, or remove the building.

(2) ICC coverage is available on residential and non-residential buildings (this category includes public or government buildings, such as schools, libraries, and municipal buildings) insured under the NFIP.

"KRS 151.250 - PLANS FOR DAMS, LEVEES, ETC. TO BE APPROVED AND PERMIT ISSUED BY CABINET (ENVIRONMENTAL AND PUBLIC PROTECTION CABINET)."

(1) Notwithstanding any other provision of law, no person and no city, county or other political subdivision of the state, including levee districts, drainage districts, flood control districts or systems, or similar bodies, shall commence the construction, reconstruction, relocation or improvement of any dam, embankment, levee, dike, bridge, fill or other obstruction (except those constructed by the Department of Highways) across or along any stream, or in the floodway of any stream, unless the plans and specifications for such work have been submitted by the person or political subdivision responsible for the construction, reconstruction or improvement and such plans and specifications have been approved in writing by the cabinet and a permit issued. However, the cabinet by regulation may exempt those dams, embankments or other obstructions, which are not of such size or type as to require approval by the cabinet in the interest of safety or retention of water supply.

(2) No person, city, county, or other political subdivision of the state shall commence the filing of any area with earth, debris, or any other material, or raise the level of any area in any manner, or place a building, barrier or obstruction of any sort on any area located adjacent to a river or stream or in the floodway of the stream so that such filling, raising, or obstruction will in any way affect the flow of water in the channel or in the floodway of the stream unless plans and specifications for such work have been submitted to and approved by the cabinet and a permit issued as required in division (1) above.

(3) Nothing in this section is intended to give the cabinet any jurisdiction or control over the construction, reconstruction, improvement, enlargement, maintenance or operation of any drainage district, ditch or system established for agricultural purposes, or to require approval of the same except where such obstruction of the stream or floodway is determined by the cabinet to be a detriment or hindrance to the beneficial use of water resources in the area, and the person or political subdivision in control thereof so notified. The Department for Natural Resources through KRS Chapter 350 shall have exclusive jurisdiction over KRS Chapter 151 concerning the regulation of dams, levees, embankments, dikes, bridges, fills, or other obstructions across or along any stream or in the floodway of any stream which structures are permitted under KRS Chapter 350 for surface coal mining operations.

"LETTER OF MAP CHANGE (LOMC)." Is an official FEMA determination, by letter, to amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, and Flood Insurance Studies. LOMC's include the following categories:

(1) "Letter of Map Amendment (LOMA)." A revision based on technical data showing that a property was incorrectly included in a designated SFHA. A LOMA amends the current effective FIRM and establishes that a specific property is not located in a SFHA.

(2) "Letter of Map Revision (LOMR)." A revision based on technical data that, usually due to manmade changes, shows changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features.

(3) "Letter of Map Revision - Fill (LOMR F)." A determination that a structure or parcel has been elevated by properly placed engineered fill above the BFE and is, therefore, excluded from the SFHA.

"LEVEE." A man-made structure, usually an earthen embankment designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

"LEVEE SYSTEM." A flood protection system that consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices. For a levee system to be recognized, the following criteria must be met:

(1) All closure devices or mechanical systems for internal drainage, whether manual or automatic, must be operated in accordance with an officially adopted operation manual (a copy of which must be provided to FEMA by the operator when levee or drainage system recognition is being sought or revised).

(2) All operations must be under the jurisdiction of a federal or state agency, an agency created by federal or state law, or an agency of a community participating in the NFIP.

"LIMITED STORAGE." - An area used for storage and intended to be limited to incidental items which can withstand exposure to the elements and have low flood damage potential. Such an area must be of flood resistant material, void of utilities except for essential lighting, and cannot be temperature controlled.

"LOWEST ADJACENT GRADE." The elevation of the sidewalk, patio, deck support, or basement entryway immediately next to the structure

and after the completion of construction. It does not include earth that is emplaced for aesthetic or landscape reasons around a foundation wall. It does include natural ground or properly compacted fill that comprises a component of a structure's foundation system.

"LOWEST FLOOR." The lowest floor of the lowest enclosed area including basement. An unfinished or flood resistant enclosure, usable solely for parking of vehicles, structure access, or storage in an area other than a basement area is not considered a structure's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this chapter.

"MANUFACTURED HOME." A structure, transportable in one or more sections, which is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected or attached to the required utilities. The term also includes park trailers, travel trailers, and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property. The term "manufactured home" does not include a "recreational vehicle" (see Recreational Vehicle).

"MANUFACTURED HOME PARK OR SUBDIVISION." A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"MAP." The Flood Hazard Boundary Map (FHBM) or the Flood Insurance Rate Map (FIRM) for a community issued by the Federal Emergency Management Agency (FEMA).

"MAP PANEL NUMBER." The four-digit number on a flood map, followed by a letter suffix, assigned by FEMA. The first four digits represent the map panel. The letter suffix represents the number of times the map panel has been revised. (The letter "A" is not used by FEMA, the letter "B" is the first revision.)

"MARKET VALUE." The structure value, excluding the land (as agreed between a willing buyer and seller), as established by what the local real estate market will bear. Market value can be established by independent certified appraisal, replacement cost depreciated by age of structure (Actual Cash Value) or adjusted assessed values.

"MEAN SEA LEVEL (MSL)." The average height of the sea for all stages of the tide. For the purposes of the National Flood Insurance Program, the MSL is used as a reference for establishing various elevations within the floodplain as shown on a community's FIRM. For purposes of this chapter, the term is synonymous with either National Geodetic Vertical Datum (NGVD) 1929 or North American Vertical Datum (NAVD) 1988.

"MITIGATION." Sustained actions taken to reduce or eliminate long-term risk to people and property from hazards and their effects. The purpose of mitigation is twofold: to protect people and structures, and to minimize the costs of disaster response and recovery.

"MUDSLIDE (I.E. MUDFLOW)." Describes a condition where there is a river, flow, or inundation of liquid mud down a hillside, usually as a result of a dual condition of loss of brush cover and the subsequent accumulation of water on the ground, preceded by a period of unusually heavy or sustained rain. A mudslide (i.e. mudflow) may occur as a distinct phenomenon while a landslide is in progress, and will be recognized as such by the Floodplain Administrator only if the mudflow, and not the landslide, is the proximate cause of damage that occurs.

"MUDSLIDE (I.E. MUDFLOW) MANAGEMENT." The operation of and overall program of corrective and preventative measures for reducing mudslide (i.e. mudflow) damage, including but not limited to emergency preparedness plans, mudslide control works, and floodplain management regulations.

"MUDSLIDE (I.E. MUDFLOW) PRONE AREA." An area with land surfaces and slopes of unconsolidated material where the history, geology, and climate indicate a potential for mudflow.

"NATIONAL FLOOD INSURANCE PROGRAM (NFIP)." The federal program that makes flood insurance available to owners of property in participating communities nationwide through the cooperative efforts of the federal government and the private insurance industry.

"NATIONAL GEODETIC VERTICAL DATUM (NGVD)." As corrected in 1929, a vertical control used as a reference for establishing varying elevations within the floodplain. (Generally used as the vertical datum or the older FIRM'S. Refer to FIRM legend panel for correct datum.)

"NEW CONSTRUCTION." Structures for which the start of construction commenced on or after the effective date of the city's floodplain management regulations and includes any subsequent improvements to such structures.

"NEW MANUFACTURED HOME PARK OR SUBDIVISION." A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the city's adopted floodplain management ordinances.

"NON-RESIDENTIAL." Structures that are not designed for human habitation, including, but not limited to: small businesses, churches,

(schools, farm structures (including grain bins and silos), pool houses, clubhouses, recreational structures, mercantile structures, agricultural and industrial structures, warehouses, and hotels or motels with normal room rentals for less than six months duration.

"NORTH AMERICAN VERTICAL DATUM (NAVD)." As corrected in 1988, a vertical control used as a reference for establishing varying elevations within the floodplain. (Generally used on the newer FIRM'S and Digitally Referenced FIRM'S (DFIRM's). (Refer to FIRM or DFIRM legend panel for correct datum.)

"OBSTRUCTION." Includes but is not limited to any dam, wall, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, structure, wire, fence, rock, gravel, refuse, fill, structure, vegetation or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water, due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

("ONE-HUNDRED YEAR FLOOD (100-YEAR FLOOD)." (see Base Flood) The flood that has a 1% or greater chance of being equaled or exceeded in any given year. Any flood zone that begins with the letter A is subject to the 100-year flood. Over the life of a 30-year loan, there is a 26% chance of experiencing such a flood with the SFHA.

"PARTICIPATING COMMUNITY." A community that voluntarily elects to participate in the NFIP by adopting and enforcing floodplain management regulations that are consistent with the standards of the NFIP.

"PRE-FIRM CONSTRUCTION." Construction or substantial improvement, which started on or before December 31, 1974, or before the effective date of the initial FIRM of the community, whichever is later.

"POST-FIRM CONSTRUCTION." Construction or substantial improvement that started on or after the effective date of the initial FIRM of the community or after December 31, 1974, whichever is later.

"PROBATION." A means of formally notifying participating NFIP communities of violations and deficiencies in the administration and enforcement of the local floodplain management regulations. During periods of probation, each insurance policy is subject to a \$50 surcharge.

("PROGRAM DEFICIENCY." A defect in a community's floodplain management regulations or administrative procedures that impairs effective implementation of those floodplain management standards or of the standards of 44 CFR 60.3, 60.4, 60.5, and/or 60.6.

"PUBLIC SAFETY AND NUISANCE." Anything which is injurious to safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

"RECREATIONAL VEHICLE." A vehicle that is:

- (1) Built on a single chassis;
- (2) Four hundred square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or permanently towable to a light duty truck; and
- (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"REGULAR PROGRAM." The phase of a community's participation in the NFIP where more comprehensive floodplain management requirements are imposed and higher amounts of insurance are available based upon risk zones and elevations determined in a FIS.

"REGULATORY FLOODWAY." The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one flood. See Base Flood.

"REMEDY A VIOLATION." The process by which a community brings a structure or other development into compliance with state or local floodplain management regulations, or, if this is not possible, to reduce the impact of non-compliance. Reduced impact may include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing state or federal financing exposure with regard to the structure or other development.

"REPAIR." The reconstruction or renewal of any part of an existing structure.

"REPETITIVE LOSS." Flood-related damages sustained by a structure on two or more separate occasions during a ten-year period where the value of damages equals or exceeds an average of 50% of the current value of the structure, beginning on the date when the damage first occurred, or, four or more flood losses of \$1,000.00 or more over the

life of the structure, or, three or more flood losses over the life of the structure that are equal to or greater than the current value of the structure.

"RIVERINE." Relating to, formed by, or resembling a river (including tributaries), stream, brook, and the like.

"SECTION 1316." That section of the National Flood Insurance Act of 1968, as amended, which states that no new or renewal flood insurance coverage shall be provided for any property that the Administrator finds has been declared by a duly constituted state or local zoning authority or other authorized public body to be in violation of state or local laws, regulations, or ordinances that are intended to discourage or otherwise restrict land development or occupancy in flood-prone areas.

"SHEET FLOW AREA." See "Area of shallow flooding".

"SPECIAL FLOOD HAZARD AREA (SFHA)." That portion of the floodplain subject to inundation by the base flood and/or flood-related erosion hazards as shown on a FHBM or FIRM as Zone A, AE, A1 - A30 AH, AO, or AR.

"START OF CONSTRUCTION." (Includes substantial improvement and other proposed new development). The date a building permit is issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement or other improvement is within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure (including manufactured home) on a site, such as the pouring of slabs or footings, the installation of piles, construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; the installation on the property of accessory structures, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the structure.

"STRUCTURE." A walled and roofed building that is principally above ground; including manufactured homes, gas or liquid storage tanks, or other man-made facilities or infrastructures. See Building.

"SUBDIVISION." Any division, for the purposes of sale, lease, or development, either on the installment plan or upon any and all other

plans, terms and conditions, of any tract or parcel of land into two or more lots or parcels.

"SUBROGATION." An action brought by FEMA to recover insurance money paid out where all or part of the damage can be attributed to acts or omissions by a community or other third party.

"SUBSTANTIAL DAMAGE." Any damage to a building for which the cost of repairs equals or exceeds 50% of the market value of the building prior to the damage occurring. This term includes structures that are categorized as repetitive loss.

(1) For the purposes of this definition, "repair" is considered to occur when the first repair or reconstruction of any wall, ceiling, floor, or other structural part of the building commences.

(2) The term does not apply to:

(a) Any project for improvement of a building required to comply with existing health, sanitary, or safety code specifications which have been identified by the Code Enforcement Official and which are solely necessary to assure safe living conditions, or

(b) Any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure".

"SUBSTANTIAL IMPROVEMENT." Any combination of reconstruction, alteration, or improvement to a building, taking place during a one-year period in which the cumulative percentage of improvement equals or exceeds fifty percent of the current market value of the building. For the purposes of this definition, an improvement occurs when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. The term does not apply to:

(1) Any project for improvement of a building required to comply with existing health, sanitary, or safety code specifications which have been identified by the Code Enforcement Official and which are solely necessary to assure safe living conditions, or

(2) Any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure;" or

(3) Any building that has been damaged from any source or is categorized as repetitive loss.

"SUBSTANTIALLY IMPROVED EXISTING MANUFACTURED HOME PARKS OR SUBDIVISIONS." Repair, reconstruction, rehabilitation, or improvement of the streets, utilities, and pads equaling or exceeding 50% of the value of the streets, utilities, and pads before the repair, reconstruction, or improvement commenced.

"SUSPENSION." Removal of a participating community from the NFIP for failure to enact and/or enforce floodplain management regulations required for participation in the NFIP. New or renewal flood insurance policies are no longer available in suspended communities.

"UTILITIES." Includes electrical, heating, ventilation, plumbing, and air conditioning equipment.

"VARIANCE." Relief from some or all of the requirements of this chapter.

"VIOLATION." Failure of a structure or other development to fully comply with this chapter. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this chapter is presumed to be in violation until such time as that documentation is provided.

"WATERCOURSE." A lake, river, creek, stream, wash, channel or other topographic feature on or over which water flows at least periodically.

"WATER SURFACE ELEVATION." The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

"WATERSHED." All the area within a geographic boundary from which water, sediments, dissolved materials, and other transportable materials drain or are carried by water to a common outlet, such as a point on a larger stream, lake, or underlying aquifer.

"X ZONE." The area where the flood hazard is less than that in the SFHA. Shaded X zones shown on recent FIRMs (B zones on older FIRMs) designate areas subject to inundation by the flood with a 0.2% probability of being equaled or exceeded (the 500-year flood) in any year. Unshaded X zones (C zones on older FIRMs) designate areas where the annual exceedance probability of flooding is less than 0.2%.

"ZONE." A geographical area shown on a Flood Hazard Boundary Map or a Flood Insurance Rate Map that reflects the severity or type of flooding in the area.

(Ord. 2008-08, passed 6-3-08)

GENERAL PROVISIONS

§ 154.30 LANDS TO WHICH THIS CHAPTER APPLIES.

This chapter shall apply to all Special Flood Hazard Areas (SFHA), areas applicable to KRS 151.250 and, as determined by the Floodplain Administrator or other delegated, designated, or qualified community official as determined by the City Council from available technical studies, historical information, and other available and reliable sources, areas within the jurisdiction of the City Council which may be subject to periodic inundation by floodwaters that can adversely affect the public health, safety, and general welfare of the citizens of the city.

(Ord. 2008-08, passed 6-3-08)

§ 154.31 BASIS FOR ESTABLISHING THE SPECIAL FLOOD HAZARD AREAS.

The areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in the Flood Insurance Study (FIS) for Christian County, dated September 17, 2008, with the accompanying Flood Insurance Rate Maps (FIRMS), other supporting data and any subsequent amendments thereto, are hereby adopted by reference and declared to be a part of these regulations by the city and for those land areas acquired by the city through annexation. This FIS and attendant mapping is the minimum area of applicability of this chapter and may be supplemented by studies for other areas which allow implementation of this chapter aid which are recommended to the City Council by the Floodplain Administrator and are enacted by City Council pursuant to statutes governing land use management regulations. The FIS and/or FIRM are permanent records of the city and are on file and available for review by the public during regular business hours at Oak Grove City Hall, located at 8505 Pembroke-Oak Grove Road, Oak Grove, KY 42262.

(Ord. 2008-08, passed 6-3-08)

§ 154.32 ESTABLISHMENT OF DEVELOPMENT PERMIT.

(A) Development permit shall be required in conformance with the provision of this chapter prior to the commencement of any development activities in the special flood hazard areas (SFHA). See § 154.46 for instructions and explanation.

(B) Application for a development permit shall be made on forms furnished by the Floodplain Administrator.

(Ord. 2008-08, passed 6-3-08)

§ 154.33 COMPLIANCE.

No structure or land shall hereafter be constructed, located, extended, converted or structurally altered without full compliance

with the terms of this chapter and other applicable state regulations. Violation of the requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Nothing herein shall prevent the City Council from taking such lawful action as is necessary to prevent or remedy any violation.

(Ord. 2008-08, passed 6-3-08)

§ 154.34 ABROGATION AND GREATER RESTRICTIONS.

This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(Ord. 2008-08, passed 6-3-08)

§ 154.35 INTERPRETATION.

In the interpretation and application of this chapter, all provisions shall be:

(A) Considered minimum requirements;

(B) Liberally construed in favor of the governing body; and

(C) Deemed neither to limit nor repeal any other powers granted under state statutes.

(Ord. 2008-08, passed 6-3-08)

§ 154.36 WARNING AND DISCLAIMER OR LIABILITY.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damage. This chapter shall not create liability on the part of the City Council, any officer or employee, the Commonwealth of Kentucky, the Federal Insurance Administration, or the Federal Emergency Management Agency, thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder.

(Ord. 2008-08, passed 6-3-08)

§ 154.37 ENFORCEMENT AND VIOLATION NOTICES.

(A) Civil Offense. If, at any time, development occurs which is not in accordance with the provisions of this chapter including

obtaining or complying with the terms and conditions of a floodplain construction permit and any approved modifications, such development shall constitute a civil offense.

(B) Notice of violation. If, at any time, a duly authorized employee or agent of the Floodplain Administrator has reasonable cause to believe that a person has caused development to occur which is not in accordance with the provisions of this chapter including obtaining or complying with the terms and conditions of a floodplain construction permit and any approved modifications thereof, a duly authorized employee of the Floodplain Administrator shall issue a notice to the person responsible for the violation and/or the property owner, stating the facts of the offense or violation, the section of this chapter and/or of the permit violated, when it occurred, how the violation is to be remedied to bring the development into conformity with this chapter or with the approved permit, and within what period of time the remedy is to occur, which period of time shall be reasonable and shall be determined by the nature of the violation and whether or not it creates a nuisance or hazard. The remedy may include an order to stop work on the development. The notice shall also state that a citation may be forthcoming in the event that the requested remedies and corrective actions are not taken, which citation will request a civil monetary fine and shall state the maximum fine which could be imposed. See below.

(C) Notice of citation. If, at any time, a duly authorized employee or agent of the Floodplain Administrator has reasonable cause to believe that a person has caused development to occur which is not in accordance with the provisions of this chapter including obtaining or complying with the terms and conditions of a floodplain construction permit and any approved modifications thereof, a duly authorized employee of the Floodplain Administrator may issue a citation to the offender stating the violation, prior notices of violation issued, how the violation is to be remedied to bring the development into conformity with this chapter or with the approved permit, and within what period of time the remedy is to occur, and what penalty or penalties are recommended. When a citation is issued, the person to whom the citation is issued shall respond to the citation within seven days of the date the citation is issued by either carrying out the remedies and corrections set forth in the citation, paying the civil fine set forth in the citation or requesting a hearing before the governing body. If the person to whom the citation is issued does not respond to the citation within seven days, that person shall be deemed to have waived the right to a hearing and the Determination that a violation occurred shall be considered final.

(Ord. 2008-08, passed 6-3-08)

ADMINISTRATION

§ 154.45 DESIGNATION OF LOCAL ADMINISTRATOR.

The City Council hereby appoints the Oak Grove Planning Office to administer, implement, and enforce the provisions of this chapter by granting or denying development permits in accordance with its provisions, and is herein referred to as the Floodplain Administrator. (Ord. 2008-08, passed 6-3-08)

§ 154.46 ESTABLISHMENT OF DEVELOPMENT PERMIT.

(A) A development permit shall be obtained before any construction or other development begins within any special flood hazard area established in § 154.31.

(B) Application for a development permit shall be made on forms furnished by Floodplain Administrator prior to any development activities, and may include, but not be limited to, the following:

- (1) Plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question;
- (2) Existing or proposed structures, fill, storage of materials, drainage facilities; and
- (3) The location of the foregoing.

(C) Endorsement of local administrator is required before a state floodplain construction permit can be processed. Specifically, the following information is required.

- (1) Application stage.
 - (a) Proposed elevation in relation to Mean Sea Level (MSL) of the proposed lowest floor (including basement) of all structures in Zone A and elevation of highest adjacent grade; or
 - (b) Proposed elevation in relation to Mean Sea Level to which any nonresidential structure will be flood-proofed;
 - (c) All appropriate certifications from a registered professional engineer or architect that the non-residential flood-proofed structure will meet the flood-proofing criteria in §§ 154.56 and 154.58;
 - (d) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

(2) Construction stage.

(a) Upon placement of the lowest floor, and before construction continues, or flood proofing by whatever construction means, it shall be the duty of the permit holder to submit to the Floodplain Administrator and to the State a certification of the elevation of the lowest floor or flood-proofed elevation, as built, in relation to Mean Sea Level. In AE, A1-30, AH, and A zones where the Community has adopted a regulatory Base Flood Elevation, said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same.

(b) When flood proofing is utilized for a particular structure, said certification shall be prepared by or under the direct supervision of a certified professional engineer or architect. Any continued work undertaken prior to the submission of the certification shall be at the permit holder's risk. The Floodplain Administrator shall review the lowest floor and flood proofing elevation survey data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

(Ord. 2008-08, passed 6-3-08)

§ 154.47 DUTIES AND RESPONSIBILITIES OF THE LOCAL ADMINISTRATOR.

(A) The Floodplain Administrator and/or staff is hereby appointed, authorized and directed to administer, implement and enforce the provisions of this chapter. The Floodplain Administrator is further authorized to render interpretations of this chapter, which are consistent with its spirit and purpose by granting or denying development permits in accordance with its provisions.

(B) The duties and responsibilities of the Floodplain Administrator shall include, but not be limited to the following:

(1) Permit review. Review all development permits to ensure that:

(a) Permit requirements of this chapter have been satisfied;

(b) All other required state and federal permits have been obtained. Advise permittee that additional federal or state permits may be required, and if specific federal or state permit requirements are known, require that copies of such permits be provided and maintained on file with the development permit;

(c) Flood damages will be reduced in the best possible manner;

(d) The proposed development does not adversely affect the carrying capacity of affected watercourses. For purposes of this chapter, "adversely affects" means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will increase the water surface elevation of the base flood more than one foot at any point.

(2) Review and use of any other base flood data. When base flood elevation data has not been provided in accordance with § 154.31, the Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal or state agency, or other source, in order to administer § 154.55 et seq. Any such information shall be submitted to the City Council for adoption.

(3) Notification of other agencies.

(a) Notify adjacent communities, the Kentucky Division of Water, and any other federal and/or state agencies with statutory or regulatory authority prior to any alteration or relocation of the watercourse; and

(b) Submit evidence of such notification to the Federal Insurance Administration, Federal Emergency Management Agency (FEMA); and

(c) Assure that the flood carrying capacity within the altered or relocated portion of said watercourse is maintained.

(4) Documentation of floodplain development. Obtain and maintain for public inspection and make available as needed the following:

(a) Certification required by § 154.56(A) (lowest floor elevations) as shown on a completed and certified Elevation Certificate. Verify and record the actual elevation (in relation to Mean Sea Level) of the lowest floor (including basement) of all new or substantially improved structures, in accordance with § 154.46(C)(2);

(b) Certification required by § 154.56(B) (elevation or floodproofing of nonresidential structures) as shown on a completed and certified floodproofing certificate. Verify and record the actual elevation (in relation to Mean Sea Level) to which the new or substantially improved structures have been flood-proofed, in accordance with § 154.46(C)(2);

(c) Certification required by § 154.56(C) (elevated structures);

(d) Certification of elevation required by § 154.59(A) (subdivision standards);

(e) Certification required by § 154.56(E) (floodway encroachments);

(f) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished;

(g) Review certified plans and specifications for compliance;

(h) Remedial action. Take action to remedy violations of this chapter as specified in § 154.37.

(5) Map determinations. Make interpretations where needed, as to the exact location of the boundaries of the special flood hazard areas, for example, where there appears to be a conflict between a mapped boundary and actual field conditions.

(a) Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain Administrator shall make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in § 154.70(B)(2);

(b) When base flood elevation data or Floodway data have not been provided in accordance with § 154.37, then the Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source, in order to administer the provisions of § 154.55 et seq.;

(c) When flood-proofing is utilized for a particular structure, the Floodplain Administrator shall obtain certification from a registered professional engineer or architect, in accordance with § 154.56(B) a floodproofing certificate;

(d) All records pertaining to the provisions of this chapter shall be maintained in the office of the Floodplain Administrator and shall be open for public inspection.

(6) Right-of-entry.

(a) Whenever necessary to make an inspection to enforce any of the provisions of this chapter, or whenever the administrator has reasonable cause to believe that there exists in any structure or upon any premises any condition or ordinance violation which makes such building, structure or premises unsafe, dangerous or hazardous, the administrator may enter such building, structure or premises at all reasonable times to inspect the same or perform any duty imposed upon the administrator by this chapter.

(b) If such structure or premises are occupied, he/she shall first present proper credentials and request entry. If such building, structure, or premises are unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of such request entry.

(c) If entry is refused, the administrator shall have recourse to every remedy provided by law to secure entry.

(d) When the administrator shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or any other persons having charge, care or control of any building, structure, or premises shall fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the administrator for the purpose of inspection and examination pursuant to this chapter.

(7) Stop work orders.

(a) Upon notice from the administrator, work on any building, structure or premises that is being done contrary to the provisions of this chapter shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to his agent, or to the person doing the work, and shall state the conditions under which work may be resumed.

(8) Revocation of permits.

(a) The administrator may revoke a permit or approval, issued under the provisions of this chapter, in case there has been any false statement or misrepresentation as to the material fact in the application or plans on which the permit or approval was based.

(b) The administrator may revoke a permit upon determination by the administrator that the construction, erection, alteration, repair, moving, demolition, installation, or replacement of the structure for which the permit was issued is in violation of, or not in conformity with, the provisions of this chapter.

(9) Liability. Any officer, employee, or member of the floodplain administrator's staff, charged with the enforcement of this chapter, acting for the applicable governing authority in the discharge of his duties, shall not thereby render himself personally liable, and is hereby relieved from all personal liability, for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties. Any suit brought against any officer, employee, or member because of such act performed by him or her in the enforcement of any provision of this chapter shall be defended by the department of law until the final termination of the proceedings.

(10) Expiration of floodplain construction permit. A floodplain construction permit, and all provisions contained therein, shall expire if the holder of a floodplain construction permit has not commenced construction within 180 calendar days from the date of its issuance by the Floodplain Administrator.

(Ord. 2008-08, passed 6-3-08)

PROVISIONS FOR FLOOD HAZARD REDUCTION

§ 154.55 GENERAL CONSTRUCTION STANDARDS.

In all special flood hazard areas the following provisions are required:

(A) All new construction and substantial improvements shall be adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

(B) Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces.

(C) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

(D) New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage.

(E) Electrical, heating, ventilation, plumbing, air condition equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(F) Within Zones AH or AO, there shall be adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.

(G) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

(H) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.

(I) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

(J) Any alteration, repair, reconstruction, or improvements to a structure, which is not in compliance with the provisions of this chapter, shall meet the requirements of "new construction" as contained in this chapter.

(K) Any alteration, repair, reconstruction, or improvements to a structure, which is not in compliance with the provisions of this chapter, shall be undertaken only if said non-conformity is not furthered, extended, or replaced.

(Ord. 2008-08, passed 6-3-08)

§ 154.56 SPECIFIC STANDARDS.

In all special flood hazard areas where base flood elevation data have been provided, as set forth in § 154.31, the following provisions are required:

(A) Residential construction. New construction or substantial improvement of any residential structure (or manufactured home) shall have the lowest floor; including basement, mechanical equipment, and ductwork elevated no lower than one foot above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with standards of § 154.56(C).

(1) In an AO zone, elevated above the highest adjacent grade to a height equal to or exceeding the depth number specified in feet on the FIRM, or elevated at least two feet above the highest adjacent grade if no depth number is specified.

(2) In an A zone, where no technical data has been produced by the Federal Emergency Management Agency, elevated one foot above the

base flood elevation, as determined by this community. The Floodplain Administrator will determine the method by which base flood elevations are determined. Methods include, but are not limited to, detailed hydrologic and hydraulic analyses, use of existing data available from other sources, use of historical data, best supportable and reasonable judgment in the event no data can be produced. Title 401 KAR (Kentucky Administrative Regulations) Chapter 4, Regulation 060, states as a part of the technical requirements for a state floodplain permit: The applicant shall provide cross sections for determining floodway boundaries (and thereby Base Flood Elevations) at any proposed construction site where FEMA maps are not available. All cross sections shall be referenced to mean sea level and shall have vertical error tolerances of no more than five-tenths (0.05) foot. Cross sections elevations shall be taken at those points which represent significant breaks in slope and at points where hydraulic characteristics of the base floodplain change. Each cross section shall extend across the entire base floodplain and shall be in the number and at the locations specified by the cabinet. If necessary to ensure that significant flood damage will not occur, the cabinet may require additional cross sections or specific site elevations which extend beyond those needed for making routine regulatory floodway boundary calculations.

(3) In all other zones, elevated one foot above the base flood elevation. Upon the completion of the structure, the elevation of the lowest floor including basement shall be certified by a registered professional engineer or surveyor, and verified by the community building inspection department to be properly elevated. Such certification and verification shall be provided to the Floodplain Administrator.

(B) Non-residential construction. New construction or substantial improvement of any commercial, industrial, or non-residential structure (including manufactured homes used for non-residential purposes) shall be elevated to conform with division (A) or together with attendant utility and sanitary facilities:

(1) Be floodproofed below an elevation one foot above the level of the base flood elevation so that the structure is watertight with walls substantially impermeable to the passage of water;

(2) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;

(3) Have the lowest floor, including basement, mechanical equipment, and ductwork, elevated no lower than one foot above the level of the base flood elevation; or

(4) A registered professional engineer or architect shall certify that the standards of this division are satisfied. Such

certification shall be provided to the official as set forth in § 154.46(C)(1)(c).

(5) Manufactured homes shall meet the standards in § 154.56(D).

(6) All new construction and substantial improvement with fully enclosed areas below the lowest floor (excluding basements) that are usable solely for parking of vehicles, building access or storage, and which are subject to flooding, shall be constructed of flood resistant materials below an elevation one foot above the base flood elevation, and, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Opening sizes (FEMA Technical Bulletin 1-93) for meeting this requirement must meet or exceed the following minimum criteria:

(a) Be certified by a registered professional engineer or architect; or

(b) Have a minimum of two openings with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwater.

(C) Elevated structures. New construction or substantial improvements of elevated structures on columns, posts, or pilings that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls.

(1) Opening sizes for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:

(a) Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;

(b) The bottom of all openings shall be no higher than one foot above foundation interior grade (which must be equal to in elevation or higher than the exterior foundation grade); and

(c) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.

(2) Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator); and

(3) The interior portion of such enclosed areas shall not be partitioned or finished into separate rooms.

(D) Standards for manufactured homes and recreational vehicles.

(1) All new or substantially improved manufactured homes placed on sites located within A, A1-30, AO, AH, and AE on the community's Flood Insurance Rate Map (FIRM) must meet all the requirements for new construction, including elevation and anchoring.

(a) Locations include:

1. On individual lots or parcels;
2. In expansions to existing manufactured home parks or subdivisions;
3. In new manufactured home parks or subdivisions;
4. In substantially improved manufactured home parks or subdivisions; or
5. Outside of a manufactured home park or subdivision;
6. In an existing manufactured home park or subdivision on a site upon which a manufactured home has incurred "substantial damage" as the result of a flood.

(b) All manufactured homes must be:

1. Elevated on a permanent foundation; and
2. Have its lowest floor elevated no lower than one foot above the level of the base flood elevation; and
3. Be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

(2) Except manufactured homes that have incurred substantial damage as a result of a flood, all manufactured homes placed or substantially improved in an existing manufactured home park or

subdivision must be elevated so that the manufactured home is securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement, so that either the:

(a) The lowest floor of the manufactured home is elevated no lower than one foot above the level of the base flood elevation; or

(b) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least an equivalent strength, of no less than 36 inches in height above the highest adjacent grade.

(c) All recreational vehicles placed on sites located within A, A1-30, AO, AH, and AE on the community's Flood Insurance Rate Map (FIRM) must either:

1. Be on the site for fewer than 180 consecutive days;

2. Be fully licensed and ready for highway use; or

3. Meet the permit requirements for new construction of this chapter, including anchoring and elevation requirements for "manufactured homes".

4. A recreational vehicle is ready for highway use if it is licensed and insured in accordance with the State of Kentucky motor vehicle regulations, is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.

(E) Floodways. Located within areas of special flood hazard established in § 154.31, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and has erosion potential, the following provisions shall apply:

(1) Prohibit encroachments, including fill, new construction, substantial improvements, and other developments unless certification (with supporting technical data) by a registered professional engineer is provided demonstrating that encroachments shall not result in any increase in the base flood elevation levels during occurrence of base flood discharge;

(2) If § 154.56(E) is satisfied, all new construction and substantial improvements and other proposed new development shall

comply with all applicable flood hazard reduction provisions of §§ 154.55 et seq.

(Ord. 2008-08, passed 6-3-08)

§ 154.57 STANDARDS FOR STREAMS WITHOUT ESTABLISHED BASE FLOOD ELEVATION (UNNUMBERED A ZONES) AND/OR FLOODWAYS.

Located within the special flood hazard areas established in § 154.31, where streams exist but where no base flood data has been provided or where base flood data has been provided without floodways, the following provisions apply:

(A) No encroachments, including fill material or structures shall be located within special flood hazard areas, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than one foot at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

(B) New construction or substantial improvements of structures shall be elevated or flood proofed to elevations established in accordance with § 154.31.

(Ord. 2008-08, passed 6-3-08)

§ 154.58 STANDARDS FOR SHALLOW FLOODING ZONES.

Located within the special flood hazard areas established in § 154.31, are areas designated as shallow flooding areas. These areas have flood hazards associated with base flood depths of one to three feet, where a clearly defined channel does not exist and the water path of flooding is unpredictable and indeterminate; therefore, the following provisions apply:

(A) All new construction and substantial improvements of residential structures shall have the lowest floor, including basement, elevated to or above either the base flood elevation or in Zone AO the flood depth specified on the Flood Insurance Rate Map above the highest adjacent grade. In Zone AO, if no flood depth is specified, the lowest floor, including basement, shall be elevated no less than two feet above the highest adjacent grade.

(B) All new construction and substantial improvements of non-residential structures shall:

(1) Have the lowest floor, including basement, elevated to or above either the base flood elevation or in Zone AO the flood depth

specified on the Flood Insurance Rate Map, above the highest adjacent grade. In Zone AO, if no flood depth is specified, the lowest floor, including basement, shall be elevated no less than two feet above the highest adjacent grade.

(2) Together with attendant utility and sanitary facilities be completely floodproofed either to the base flood elevation or above or, in Zone AO, to or above the specified flood depth plus a minimum of one foot so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Certification is required as stated in § 154.56(B).

(Ord. 2008-08, passed 6-3-08)

§ 154.59 STANDARDS FOR SUBDIVISION PROPOSALS.

(A) All preliminary subdivision proposals shall identify the flood hazard area and the elevation of the base flood and be consistent with the need to minimize flood damage;

(B) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;

(C) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards; and

(D) In areas where base flood elevation and floodway data is not available (Zone A or unmapped streams), base flood elevation and floodway data for subdivision proposals and other proposed development (including manufactured home parks and subdivisions) greater than 50 lots or five acres, whichever is the lesser, shall be provided.

(E) All subdivision plans will include the elevation of proposed structure(s) and lowest adjacent grade. If the site is filled above the base flood elevation, the lowest floor and lowest adjacent grade elevations shall be certified by a registered professional engineer or surveyor and provided to the Floodplain Administrator.

(Ord. 2008-08, passed 6-3-08)

§ 154.60 STANDARDS FOR ACCESSORY STRUCTURES IN ALL ZONES BEGINNING WITH THE LETTER 'A.'

For all accessory structures in special flood hazard areas designated 'A' the following provisions shall apply:

(A) Structure must be non-habitable;

(B) Must be anchored to resist floatation forces;

(C) Will require flood openings/vents no more than one foot above grade, total openings are to be one square inch per one square foot of floor area, at least two openings required on opposite walls;

(D) Built of flood resistant materials below a level one foot above the base flood elevation;

(E) Must elevate utilities above the base flood elevation;

(F) Can only be used for storage or parking;

(G) Cannot be modified for a different use after permitting.
(Ord. 2008-08, passed 6-3-08)

§ 154.61 CRITICAL FACILITIES.

Construction of new critical facilities shall be, to the extent possible, located outside the limits of the SFHA (100-year floodplain). Construction of new critical facilities shall not be permissible within the floodway; however, they may be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated one foot or more above the level of the base flood elevation at the site. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities to the extent possible.

(Ord. 2008-08, passed 6-3-08)

APPEALS AND VARIANCES

§ 154.70 APPEALS AND VARIANCE PROCEDURES.

(A) Nature Of variances.

(1) The variance criteria set forth in this section of the chapter are based on the general principle of zoning law that variances pertain to a piece of property and are not personal in nature. A variance may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this chapter would create an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself, not to the structure, its inhabitants, or the property owners.

(2) It is the duty of the City Council to help protect its citizens from flooding. This need is so compelling and the implications

of the cost of insuring a structure built below flood level is so serious that variances from the flood elevation or from other requirements in the flood ordinance are quite rare. The long-term goal of preventing and reducing flood loss and damage can only be met if variances are strictly limited. Therefore, the variance guidelines provided in this chapter are more detailed and contain multiple provisions that must be met before a variance can be properly granted. The criteria are designed to screen out those situations in which alternatives other than a variance are more appropriate.

(B) Designation of variance and appeal board. The City Council of the City of Oak Grove shall establish an Appeal Board consisting of the existing Board of Zoning Adjustment (BZA).

(C) Duties of Variance and Appeals Board.

(1) The BZA shall hear and decide requests for variances from the requirements of this chapter and appeals of decisions or determinations made by the Floodplain Administrator in the enforcement or administration of this chapter.

(2) Any person aggrieved by the decision of the BZA or any taxpayer may appeal such decision to the local District Court, as provided in Kentucky Revised Statutes.

(D) Appeals/variance procedures. In passing upon such applications, the BZA shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this chapter, and the:

(1) Danger that materials may be swept onto other lands to the injury of others.

(2) Danger to life and property due to flooding or erosion damage;

(3) Susceptibility of the proposed facility and it's contents to flood damage and the effect of such damage on the existing individual owner and future owners of the property;

(4) Importance to the community of the services provided by the proposed facility;

(5) Necessity that the facility be located on a waterfront, in the case of a functionally dependent facility;

(6) Availability of alternative locations which are not subject to flooding or erosion damage;

(7) Compatibility of the proposed use with existing and anticipated development;

(8) Relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

(9) Safety of access to the property in times of flood for ordinary and emergency vehicles;

(10) Expected height, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and

(11) Costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, water systems, streets and bridges.

(E) Conditions for variances. Upon consideration of the factors listed above and the purposes of this chapter, the BZA may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.

(1) Variances shall not be issued within any mapped regulatory floodway if any increase in flood levels during the base flood discharge would result.

(2) Variances shall only be issued upon a determination that the variance is the "minimum necessary" to afford relief considering the flood hazard. "Minimum necessary" means to afford relief with a minimum of deviation from the requirements of this chapter. For example, in the case of variances to an elevation requirement, this means the BZA need not grant permission for the applicant to build at grade, or even to whatever elevation the applicant proposes, but only to that elevation which the BZA believes will both provide relief and preserve the integrity of the local ordinance.

(3) Variances shall only be issued upon a determination that the variance is the "minimum necessary" to afford relief considering the flood hazard. In the instance of an historical structure, a determination shall be made that the variance is the minimum necessary to afford relief and not destroy the historic character and design of the structure.

(4) Variances shall only be issued upon:

(a) A showing of good and sufficient cause;

(b) A determination that failure to grant the variance would result in exceptional hardship to the applicant (as defined in this chapter); and

(c) A determination that the granting of a variance will not result in increased flood height, additional threats to public safety, cause extraordinary public expense, create a nuisance (as defined in the definition section under "Public safety and nuisance"), cause fraud or victimization of the public (as defined in the definition section) or conflict with existing local laws or ordinances.

(5) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the structure is to be built and stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(6) The Floodplain Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency (FEMA) and the Federal Insurance Administration (FIA) upon request.

(7) Variances may be issued for new construction, substantial improvement, and other proposed new development necessary for the conduct of a functionally dependent use provided that the provisions of this section are satisfied and that the structure or other development is protected by methods that minimize flood damages during the base flood and does not result in additional threats to public safety and does not create a public nuisance.

(F) Variance notification. Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that:

(1) The issuance of a variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage; and

(2) Such construction below the base flood level increases risks to life and property. A copy of the notice shall be recorded by the Floodplain Administrator in the Office of the city Planning Office and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

(3) The Floodplain Administrator shall maintain a record of all variance actions, including justification for their issuance, and report such variances issued in the community's biennial report submission to the Federal Emergency Management Agency.

(G) Historic structures. Variances may be issued for the repair or rehabilitation of "historic structures" (see definition) upon determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

(H) No impact certification within the floodway. Variances shall not be issued within any mapped or designated floodway if any increase in flood levels during the base flood discharge would result.

(Ord. 2008-08, passed 6-3-08)

§ 154.99 PENALTY.

Violation of the provisions of this chapter or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with granting of a variance or special exceptions, shall constitute a misdemeanor civil offense. Any person who violates this chapter or fails to comply with any of its requirements shall, upon conviction thereof, be fined no less than \$200 or imprisoned for not more than 30 days, or both, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Floodplain Administrator from taking such other lawful action as is necessary to prevent or remedy any violation.

(Ord. 2008-08, passed 6-3-08)

CHAPTER 155: STORMWATER REGULATIONS FOR EROSION
PREVENTION AND SEDIMENT CONTROL

Section

General Provisions

- 155.01 Purpose
- 155.02 Definitions

Requirements for Stormwater Management

- 155.10 Objectives and requirements
- 155.11 On-site drainage system
- 155.12 Stormwater storage areas
- 155.13 Detention facility design
- 155.14 Sinkholes in subterranean water channels
- 155.15 Required application
- 155.16 Variance

Erosion Prevention and Sediment Control for Construction Activities

- 155.25 Permitting requirements for site development
- 155.26 Erosion prevention and sediment control (EPSC) plan
- 155.27 Design requirements
- 155.28 Best management practices; erosion prevention
- 155.29 Best management practices; sediment control
- 155.30 Protection requirements for waterways and public storm drains
- 155.31 City inspections
- 155.32 Permittee inspections

Illicit Discharge Detection and Elimination (IDDE)

- 155.40 Prohibition of illegal discharges
- 155.41 Prohibition of illegal connections
- 155.42 Prohibition of illegal dumping and disposal of materials
- 155.43 Allowable discharges to MS4
- 155.44 Documentation of approved connections
- 155.45 Industrial or construction activity discharges
- 155.46 Monitoring of industrial/construction activity discharges
- 155.47 Industrial BMPs required for stormwater discharges
- 155.48 Reporting responsibilities
- 155.49 Remedial actions for accidental discharges
- 155.50 Reporting responsibilities for accidental discharges

Post-Construction Stormwater Management

- 155.60 Post-construction
- 155.61 P-SWPPP design/performance criteria
- 155.62 Exemptions for P-SWPPP plan requirements
- 155.63 Private ownership responsibilities
- 155.64 Public ownership and regional facilities managements
- 155.65 Requirements for long-term operation

- 155.66 Maintenance bonds for post-construction facilities
- 155.67 As-built requirements
- 155.68 Professional requirement

Enforcement

- 155.75 Violations
- 155.76 Notice of violations
- 155.77 Appeal of notice of violation
- 155.78 Stop work order
- 155.79 Permit suspension or revocation
- 155.80 Abatement costs
- 155.81 Administrative penalties
- 155.82 Civil penalties
- 155.83 Criminal penalties
- 155.84 Remedies not exclusive
- 155.85 Indemnification
- 155.86 Reference to Stormwater Manual

GENERAL PROVISIONS

§ 155.01 PURPOSE.

Provide for the health, safety and general welfare of the citizens of the city by: minimizing, as much as possible, the dangers of flooding to life and property, the detrimental effects of flooding, and prevent damage to the environment through the regulation of stormwater runoff at construction sites and through the control of non-stormwater discharges to the storm drain system and the management of stormwater discharges from new development and redevelopment projects.
(Ord. 2016-01, passed 5-17-16)

§ 155.02 DEFINITIONS.

For the purpose of this chapter the following definitions shall apply unless the context indicates or clearly requires a different meaning.

"ACCIDENTAL DISCHARGE." A discharge of spills and dumping or any disposal of materials other than stormwater into the system.

"ASSESSMENT ROLL." The official listing of assessments of real property maintained by the Christian County Property Valuation Administration Office.

"BASE RATE." The Stormwater Management Fee charges on a base unit. The monthly Stormwater Management Fee for a single-family residential (SFR) property in the city equals the base rate.

"BEST MANAGEMENT PRACTICES (BMP) PLAN." A plan required by stormwater regulations or permits that includes site maps, an identification of construction/contractor activities that could cause pollutants to be carried away from the site by stormwater, and a description of measures or practices to control those pollutants.

"BLUE LINE STREAMS." Streams that are represented on the United States Department of the Interior Geological Survey 1:24,000 quadrangle maps.

"CAPACITY." The volume of a detention facility expressed in acre-feet, the maximum flow through a tile expressed in cubic feet per second (CFS) or the maximum flow through a ditch or swale expressed in cubic feet per second (CFS).

"CHANNEL." A natural or constructed/manmade watercourse with definite bed and banks to confine and conduct continuously or periodically flowing water. Channel flow is that water which is flowing within the limits of the defined channel. "CHANNEL" refers to a natural stream of water with a top of bank width greater than ten feet.

"CHANNEL EQUILIBRIUM." The state of channel for which the sediment inflow is equal to the sediment outflow.

"CHECK DAM." A riprap dam which is placed within a drainage way to reduce the energy of stormwater runoff.

"CITY." The City of Oak Grove Government.

"CLEAN WATER ACT (CWA)." The federal Water Pollution Control Act (33 U.S. C. § 1251 et seq.), and any subsequent amendments thereto.

"CLEARING." Any activity that removes the vegetative surface cover.

"CONTROLLED RELEASE STRUCTURE." A facility constructed to regulate the peak discharge and velocity of stormwater runoff leaving or being discharged from a development during and after a rainfall event.

"CRITICAL AREA." A site that is difficult to stabilize due to exposed topsoil, steep slope, extent of exposure, or other conditions.

"DAMAGE." The quantifiable property losses due to stormwater runoff downstream of the development which has greater peak discharge and velocity than the pre-development flow.

"DESIGN FREQUENCY STORMWATER." The difference in pre- and post-development stormwater peak discharge which the development/owner is responsible to manage for the design storm event for the site.

"DESIGN STORM EVENT." The purpose of this chapter, the developer/owner is responsible for the two-year, ten-year, and 100-year storm events with a duration 24-hours.

"DETENTION." The temporary delay of storm runoff prior to discharge into receiving waters.

"DETENTION." The hindering flow of stormwater off a developed site to ensure post-development peak runoff is equal to or less than pre-development peak runoff.

"DETENTION BASIN." A drainage facility constructed to restrict the runoff of stormwater to a prescribed maximum rate and to detain for a specific period of time the excess waters which accumulate upstream from the outlet structure.

"DETENTION FACILITY." A structure or area designed to detain design frequency stormwater runoff on-site and then release the runoff at a controlled rate from a specified discharge point.

"DEVELOPED." Manmade conditions which result in buildings, structures, dredging, filling, grading, paving, or other operations that increase peak discharge and velocity of stormwater runoff.

"DEVELOPED PROPERTY." Real property which has been altered from its natural state by the addition of any improvements such as buildings, structures or other impervious area.

"DEVELOPER." Any individual, firm, corporation, association, partnership, or trust involved in commencing proceedings to affect development of land for themselves or others.

"DEVELOPER/OWNER." The person, firm or corporation who is the owner or is acting as agent in the request for a building/zoning permit.

"DEVELOPMENT." A building, structure, dredging, filling, grading, paving, or other operation which alters the existing or natural conditions of the site.

"DISCHARGE." Unless indicated otherwise, refers to discharges from the (MS4), subject to Section 402 of the CWA.

"DITCH." A long narrow excavation dug in the earth for drainage with a top of bank width less than ten feet.

"DRAINAGE BASIN." Land that provides surface water runoff into a stormwater management system, which consists of a surface stream or a body of impounded surface water together with all tributary surface streams and bodies of impounded surface water.

"DRAINAGE SYSTEM." The channel ditch, catch basins, pipes and other appurtenances which carry, manage, discharge and control stormwater runoff on and off site.

"DRAINAGE WAY." Any channel that conveys surface runoff throughout the site. "DRAINAGE WAY" refers to a swale, ditch, or channel.

"DRAINAGE/DRY WELL." A bored, drilled, driven, dug, or naturally occurring shaft or hole with a depth greater than the largest surface dimension; used to drain surface fluid, primarily stormwater runoff, into a subsurface formation.

"ENGINEER." A person licensed as a professional engineer in the Commonwealth of Kentucky in accordance with KRS 322.

"EPHEMERAL STREAM." A stream or part of a stream that flows only in direct response to precipitation or snowmelt. Its channel is above the water table at all times.

"EQUIVALENT RESIDENTIAL UNIT (ERU)." The average impervious surface area associated with a single-family residential property in the city.

"EROSION." The wearing away of land surface by the action of wind, water, gravity, ice, or any combination of those forces. "EROSION" refers to the detachment of soil or rock fragments by water, wind, ice, and gravity.

"EROSION PREVENTION AND SEDIMENT CONTROL (EPSC) PLAN." A set of plans prepared by or under the direction of a qualified professional in the State of Kentucky indicating the specific measures and sequencing to be used to control sediment and erosion on a development site during and after construction.

"EXCAVATION." Any portion of land surface or area from which earth has been removed or will be removed; the depth below original ground surface to remaining surface.

"EXISTING GRADE." The slope or elevation of existing ground surface prior to cutting or filling.

"FEE OR STORMWATER MANAGEMENT FEE." The charge to the property owner established under this chapter and levied on owners of parcels or pieces of real property to fund the costs of stormwater management; the operating, maintaining, and improving of the stormwater system and executing the NPDES permit program.

"FILL." A portion of land surface or area to which soil, rock, or other materials have been or will be added; height above original ground surface after the material has been or will be added.

"FINISHED GRADE." The final slope or elevation of the ground surface after cutting or filling.

"FISCAL YEAR." July 1 of the calendar year to June 30 of the next year, both inclusive.

"FLAP GATE." A gate that opens and closes by rotation around a hinge or hinges at the top of the gate permitting the stormwater to pass only in one direction.

"FLOOD PLAIN." The relatively flat or lowland area adjoining a river, stream, watercourse, lake or other body of standing water which has been or may be covered temporarily by floodwater. For purposes of this chapter, the flood plain is defined as the 100-year floodplain having a one percent chance of being equaled or exceeded in any given year.

"GENERAL PERMIT FOR CONSTRUCTION ACTIVITIES." (KYR10 Permit) is an agreement between the regulating authority (Kentucky Division of Water (KYDOW)) and the permittee which specifies conservation practices that shall be implemented in the construction of activities specified in the terms and conditions of the general permit.

"GRADING." Any stripping, cutting, filling or stockpiling of earth or land, including the land in its cut or filled condition, to establish new grades.

"GREEN INFRASTRUCTURE." An adaptable term used to describe an array of products, technologies, and practices that use natural systems, or engineered systems that mimic natural processes, to enhance overall environmental quality and provide utility services. As a general principal, Green Infrastructure techniques use soils and vegetation to infiltrate, evapotranspire, and/or recycle stormwater runoff. When used as components of a stormwater management system, Green Infrastructure practices such as green roofs, porous pavement, rain gardens, and vegetated swales can produce a variety of environmental benefits. In addition to effectively retaining and infiltrating rainfall, these technologies can simultaneously help filter air pollutants, reduce energy demands, mitigate urban heat islands, and sequester carbon while also providing communities with aesthetic and natural resource benefits.

"GROSS IMPERVIOUS AREA." The total area for which measurable infiltration or absorption into the soil is not likely to occur. These areas include but are not limited to roofs, driveways, and road surfaces.

"HEADWATER." The height of the water surface above an inlet.

"HYDRAULICALLY MOST REMOTE POINT." That point in the watershed from which the travel time of water particle to the outlet is the greatest.

"ILLEGAL DISCHARGE." Any direct or indirect non-stormwater discharge to the storm drain system, except as exempted in this chapter.

"ILLICIT CONNECTION." Any discharge to the storm drain system that is not composed entirely of stormwater except discharges pursuant to a KPDES permit (other than the KPDES permit for discharges from the municipal separate storm sewer and discharges resulting from fire fighting activities or other *de minimis* activities allowable under the MS4 regulations) and other discharges referenced in 40 CFR 122.26(d)(2)(iv)(B)(1).

"IMPERVIOUS SURFACE." Any ground or structural surface that water cannot penetrate, or through which water penetrates with great difficulty.

"IMPERVIOUS SURFACE." The asphalt, concrete, or any other surface which does not allow measurable infiltration or absorption into the soil.

"IMPERVIOUS SURFACE AREA." The number of square feet of impermeable surface covered by buildings, driveways, patios and other impervious surfaces within a parcel's boundaries.

"INDUSTRIAL ACTIVITY." Activities subject to KPDES Industrial Permits as defined in 40 CFR, Section 122.26(b)(14).

"LAND DISTURBANCE." The purposeful act of clearing, grubbing, excavating or grading; disrupting ground surface by or for construction activities, including construction/access roads, staging, and storage sites producing significant areas of exposed soil and soil piles.

"MAINTENANCE." The act of preserving or retaining a structure or entity in the original condition or form.

"MULTI-FAMILY DWELLING." A building composed of three or more dwelling units.

"MUNICIPAL SEPARATE STORM SEWER SYSTEM." (MS4) means a conveyance, or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, and storm drains) owned or operated by a state, city, town, county, district, association, or other public body (created by or pursuant to state law) having jurisdiction over disposal of sewage, industrial wastes, stormwater or other wastes, including special districts under state law such as a sewer district, flood control district or drainage district, or similar entity that discharges to the waters of the Commonwealth; designed or used for collecting or conveying stormwater; which is not a combined sewer; and which is not part of Publicly Owned Treatment Works (POTW) as defined in 40 CFR 122.2.

"MULTI-STAGE OUTLET." A stormwater control device which regulates the discharge at more than one headwater elevation.

"MS4 REPRESENTATIVE OR THEIR DESIGNEE." A person designated by the city to implement provisions of this chapter, as well as other applicable permits issued by the KYDOW or the city for the control of stormwater.

"NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)." Permits are part of EPA's program to control the discharge of pollutants to waters of the United States. NPDES is a part of the Federal Clean Water Act (CWA), which requires point and non-point source dischargers to obtain NPDES permits.

"NATURAL DRAINAGE." Water which flows by gravity in channels, ditches, or swales formed by the surface topography of the earth prior to changes made by man.

"NPDES PHASE II PERMIT." The National Pollution Elimination System Phase II Stormwater Permit as mandated by the United States Environmental Protection Agency.

"NON-DEVELOPED PROPERTY." Any property that is not altered from its natural state.

"NON-POINT SOURCE." Diffuse pollution sources (i.e. without a single point of origin or not introduced into a receiving stream from a specific outlet). The pollutants are generally carried off the land by stormwater.

"NON-SINGLE-FAMILY RESIDENTIAL (NON-SFR) PROPERTY." Developed property other than single-family residential property. Such property shall include, but not limited to, multi-family dwellings, commercial properties, industrial properties, parking lots, hospitals, schools, churches, recreational and cultural facilities, hotels and offices.

"NOTICE OF INTENT (NOI)." A formal application of notice to the KYDOW that a construction project seeking coverage under a KYR10 General Permit is about to begin.

"NOTICE OF TERMINATION." A formal notice to KYDOW that a construction project is complete and seeking release for the EPSC Plan and the KYR10 General Permit.

"ON-SITE." The integral area within the boundary of a development.

"PERIMETER CONTROL." A barrier that prevents sediment from leaving a site by filtering sediment-laden runoff or diverting it to a sediment trap or basin.

"PERMITTING AGENCY." Issues permits in conformance with this chapter. The city will issue Site Development Permits, Level 1-3 as set forth herein.

"PERMIT PHASING." The practice of clearing a parcel of land in distinct phases, with the stabilization of each phase completed before the clearing of the next.

"PERMITTEE." The person who is responsible for the land disturbing activity, i.e. the permit holder.

"PERSON." Any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, city, county or other political subdivision of the state, any interstate body or any other legal body.

"POINT DISCHARGE." The release of stormwater at a specific location.

"POINT SOURCE." A stationary location or fixed facility such as an industry or municipality that discharges pollutants directly into the waters of the Commonwealth.

"POLLUTANT." Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; discarded or abandoned objects; floatables; pesticides, herbicides and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

"PROPERTY OWNER/DEVELOPER/APPLICANT." The person, firm, partnership or corporation who is the owner of record as listed in the Christian County Property Valuation Administration assessment rolls.

"PUBLIC STORM DRAIN." The drainage system provided and maintained by the city, designed to help maintain stormwater runoff and inlets for water to travel to holding areas installed to remove excessive water from streets and other areas.

"QUALIFIED PROFESSIONAL." An individual who is trained and experienced in stormwater treatment techniques and related fields as may be demonstrated by state registration, professional certification, experience, or completion of coursework, as accepted according to this chapter which enables the individual to make sound professional judgments regarding stormwater control or treatment and monitoring, pollution fate and transport, and drainage planning.

"RETENTION." The process of collecting and retaining stormwater for percolation into the ground.

"RETENTION BASIN." A drainage facility constructed to contain the runoff of stormwater to a prescribed maximum rate/volume to pass into the groundwater system without discharging the retained volume to surface waters except through an emergency bypass under conditions beyond the designed capacity.

"RUNOFF." The rainfall excess that remains on the earth surface after natural losses from infiltration, evaporation, and transpiration or incidental ponding has occurred.

"SEDIMENT." Solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water or gravity as a product of erosion.

"SEDIMENT CONTROL." Measures that prevent eroded sediment from leaving the site.

"SEDIMENT LOAD." The total amount of sediment material present in a given system.

"SIGNIFICANT DEVELOPMENTS." The developments required to apply for stormwater management.

"SIGNIFICANT IMPACTS." The increase of stormwater runoff downstream above the pre-development rate of flow and volume.

"SINGLE-FAMILY RESIDENTIAL (SFR) PROPERTY." The developed property which serves the primary purpose of providing a permanent dwelling unit and which is classified as residential in the Christian County PVA assessment rolls. For the purposes of this chapter, a duplex shall be considered as one SFR property.

"SINKHOLE FLOOD PLAIN ELEVATION." The elevation at the sinkhole lip elevation.

"SINKHOLE LIP ELEVATION." The highest closed contour elevation of a sinkhole. If the elevation is above the sinkhole lip, water will flow outside the sinkhole.

"SITE." A parcel of land or a contiguous combination thereof, where grading work is performed as a single unified operation subject to erosion or sedimentation as a result of cutting, filling, grading or other disturbance of the soil.

"SITE DEVELOPMENT PERMIT." A permit issued by the city for the construction or alteration of ground improvements and structures required for the control of erosion and runoff as defined by this chapter.

"SITE INSPECTOR." A person who has received specialized training in measures and sequencing to be used to control sediment and erosion on a development site and is qualified to inspect, document and maintain erosion and sediment control practices. The MS4 coordinator or their designee shall be the city's site inspector.

"SITE WASTE CONTROL." Requirements set forth in this chapter to control or eliminate wastes from the construction site that may cause adverse impacts to water quality.

"STABILIZATION." The use of practices that prevent exposed soil from eroding.

"START OF CONSTRUCTION." The first land-disturbing activity associated with a development, including land preparation such as clearing, grading, and filling.

"STILLING BASIN." A riprap basin facility placed within a drainage way at a lower elevation to reduce the energy of stormwater runoff.

"STOP WORK ORDER." An order by the city directing a permittee to suspend all construction and/or operations except for work related to remediation of the violation.

"STORMWATER MANAGEMENT." The planning, design, engineering, construction, regulation, improvement, repair, maintenance and operation of facilities and programs relating to stormwater, floodplains, flood control, grading, erosion, pollutant mitigation, dredging, excavating, and sediment control.

"STORMWATER MANAGEMENT FUND." A fund created by this chapter to operate, maintain, and improve the city's stormwater system and also to execute the NPDES permit program as mandated by the United States Environment Protection Agency.

"STORMWATER MANAGEMENT MANUAL." The manual containing design criteria, or Best Management Practices (BMP's for erosion control and stormwater quality best management practices. Copies can be obtained from the city.

"STORMWATER MANAGEMENT SYSTEM." Natural or manmade structures or facilities that are intended for the collection, conveyance, storage treatment and disposal of stormwater runoff. Stormwater management systems include but are not limited to ditches, streams, inlets, curbs and gutters, detention, retention, stormwater quality management practices, storm sewers, culverts, bridges, and subsurface drainage courses.

"STORMWATER POLLUTANT PREVENTION PLAN (SWPPP)." A site-specific, written document that (1) identifies potential sources of stormwater pollution at the construction site; (2) describes practices to reduce pollutants in stormwater discharges from the construction site; and identifies procedures the operator will implement to comply with the terms and conditions of a construction general permit (KYR10).

"STORMWATER QUALITY MANAGEMENT PLAN." The written plan that details the "Stormwater Quality Management Program". The "Plan" is considered a single document, even though it actually consists of separate programs. Programs include but are not limited to: EPSC, P-SWPPP.

"STORMWATER QUALITY MANAGEMENT PRACTICES." The Best Management Practices used for the purpose of improving the quality of stormwater runoff from a development.

"STORMWATER QUALITY MANAGEMENT PROGRAM (SWOMP)." A comprehensive program to manage the quality of stormwater discharged from the municipal separate storm sewer system.

"STORMWATER RUNOFF RELEASE RATE." The rate at which stormwater runoff is released from dominant (upstream) to servient (downstream) land.

"STORMWATER SYSTEM." The primary system or network of storm and surface water management facilities including, but not limited to, inlets, conduits, manholes, natural streams, sinkholes, channels, ditches, drainage easements, retention and detention basins, infiltration facilities, natural waterways, injection wells and sediment traps. Public roads and public sidewalks are considered part of the stormwater collection system.

"SWALE." A shallow drainage conveyance designed for flow depths less than one foot.

"TEMPORARY PROTECTION." Short-term stabilization of erosive or sediment producing areas.

"TIME OF CONCENTRATION." The time it takes for a particle of water to travel from the hydraulically most remote point of the water shed to the outlet.

"TOTAL MAXIMUM DAILY LOAD (TMDL)." The sum of the individual wasteload allocations for point sources and load allocations for nonpoint sources and natural background. If receiving water has only one point source discharger, the TMDL is the sum of that point source wasteload allocation plus the load allocations for any nonpoint source pollution and natural background sources, tributaries, or adjacent segments. TMDLs can be expressed in terms of mass per time, toxicity, or other appropriate measure.

"VEGETATIVE PROTECTION." The stabilization of erosive or sediment producing areas by covering the soil with appropriate plant materials, including permanent seeding for long-term vegetative cover, short-term seeding for temporary vegetative cover, sodding, producing areas covered with a turf of perennial sod-forming grass, tree planting, or other planting.

"WATER." Stormwater, surface water, snow melt, or groundwater.

"WATER or WATERS OF THE COMMONWEALTH." Defined in KRS 224.01-010(33), it means and includes any and all rivers, streams, creeks, lakes, ponds, impounding reservoirs, springs, wells, marshes, and all other bodies of surface or underground water, natural or artificial, situated wholly or partly within or bordering upon the Commonwealth or within its jurisdiction.

"WATERCOURSE." Any body of water, including, but not limited to lakes, ponds, rivers and streams designated as part of the stormwater conveyance system.

"WATERSHED." The geographic region from which water drains into a particular river or body of water.

"WATERWAY." A channel that directs surface runoff to a watercourse or to the public storm drain.
(Ord. 2016-01, passed 5-17-16)

REQUIREMENTS FOR STORMWATER MANAGEMENT

§ 155.10 OBJECTIVES AND REQUIREMENTS.

(A) All significant developments as defined in this chapter shall be planned, designed and constructed in such a way as to ensure that rain falling on-site shall be absorbed or detained on-site to the extent that, after development, the peak discharge of water leaving the site shall be equal to or less than the peak discharge which was leaving the site prior to development. Post-construction stormwater management facilities in areas undergoing new development or redevelopment are necessary because runoff from these areas has been shown to significantly affect receiving water bodies by the type and quantity of water delivered to the water body during storms.

(B) A development shall not change, alter, or modify the land to cause a change in the natural drainage of the land, to create water damages to adjacent property or other landowners in the vicinity, or to cause a decrease in the quality of surface or ground water. Point discharge from on-site shall not create erosion across adjacent land or property or cause obstruction to the property during flooding. Detention basin discharge must be a minimum of 50 feet from the property line unless remedial design measures are submitted and

approved. If the point discharge rate of flow is high enough to produce erosion, counter measures (i.e. stilling basin) shall be taken to dissipate flow and reduce erosion. In developments that discharge runoff onto adjacent properties from a point source where prior to development sheet flow was experienced, the Design Engineer shall design a system to spread the discharge over a width that will not adversely impact the adjacent property. Adverse impacts include, but are not limited to the erosion of downstream properties, the deposit of additional sediment load, and the significant disruption of the downstream channel equilibrium.

(C) All significant developments as defined in this chapter shall institute stormwater quality management practices to minimize the impact of non-point source pollution caused by urban runoff. These stormwater quality management practices must be designed to limit the discharge of stormwater pollutants offsite to meet requirements of division (B) of this section. The Stormwater Management Manual should be consulted as a guide in selecting the stormwater quality management practices best suited to the needs of specific developments.

(D) Where it can be demonstrated through sound engineering practices by the developer that a higher peak stormwater discharge rate will not adversely affect properties in the downstream portion of the watershed and/or that the discharge is of higher quality after construction, the city may permit such discharge as deemed appropriate.

(E) Any other condition not provided for above will require the development's engineer provide technical data showing that the impacts to the downstream watershed would be insignificant, as defined in this chapter.

(F) Developers will be required to plan, design and construct a stormwater management system to handle the peak flow of the design storm events and to improve the quality of stormwater runoff from developments. Any stormwater management system plan, design or facility which does not meet the design requirements of the design storm events or does not provide for adequate water quality controls will be in violation of this chapter and will not be permitted.

(G) Deed restrictions.

(1) The deed restrictions shall be submitted prior to the signing of the final plat. The deed restrictions shall contain the following verbiage regarding individual lot owner's responsibility for the maintenance of lot:

(2) "All easements marked 'utility and drainage', 'drainage easement', or existing drainage swales within building setback line along any street within the subdivision and natural drains shall be properly maintained continuously by each individual lot owner for the

benefit of all lot owners. No permanent structure of any kind shall be placed over said drainage easement, swales, or natural drains, nor shall the existing contours of any swales or the detention basin be altered or changed by any person so as to interfere, obstruct or retard the flow of surface water through the drainage easements, or swales, or alter the established swale slopes, or create erosion within the existing swale."

(Ord. 2016-01, passed 5-17-16)

§ 155.11 ON-SITE DRAINAGE SYSTEM.

(A) An on-site drainage system, as defined by this chapter, shall be installed for all developments covered by this chapter. Such a system shall have the capacity to convey stormwater which, by natural means, is routed through the site or is generated by development on-site or a combination of both. The capacity for the internal drainage system will be able to transport the peak rate runoff from a 25-year return frequency storm.

(B) There shall be no buildings or structures constructed on-site which disturb, change, alter or modify a natural drainage pattern or route unless the on-site internal drainage system planned is designed and constructed to compensate for the changes, and the point discharge is the same as those in existence prior to the development.

(C) Land planning design of the development shall address and empathize the preservation of the natural drainage on-site.

(D) Open channels shall be protected from erosion by appropriate vegetative cover, lining or other treatment. Earthen channel side slopes shall be no steeper than three to one when the depth is less than four feet and four to one when the depth is greater than four feet. If slopes are riprap or concrete, two to one slopes shall be acceptable. Any swale, ditch or channel with a side slope greater than two to one shall have the walls reinforced.

(E) For a 100-year storm event, the ponding surface water on local, collector, and arterial streets must not exceed a depth of six inches at the gutter. Water exceeding this shall be designed to overflow into an excess stormwater passage. The maximum velocity of water in the deepest part of the gutter shall be ten feet per second, and paved gutters shall have a minimum grade of 0.5%.

(F) The minimum drainage way slope shall be 0.5%. Drainage ways in local drainage systems with slopes less than one percent or a velocity of less than three feet per second, or a velocity greater than six feet per second shall be paved. The local environment and aesthetic conditions must be considered when paving is proposed. Sodded channels shall be required if slopes are greater than one percent.
(Ord. 2016-01, passed 5-17-16)

§ 155.12 STORMWATER STORAGE AREAS.

(A) Stormwater storage areas shall be planned, designed and constructed to have a capacity or volume to hold the pre- and post-developed runoff differential of a 100-year storm event measured in acre-feet.

(B) Stormwater storage areas can be utilized for secondary purposes, such as open spaces, parking lots or other types of uses not affected by flooding. The city can deny a proposed secondary use if the use is susceptible to flooding or the integrity of the stormwater storage area is at risk.

(C) The stormwater storage area must be designed to contain and safely release or discharge stormwater runoff using a multi-stage outlet. The capacity of the stormwater storage area shall be sufficient to contain the pre- and post-runoff differential of a 100-year storm event of the development.

(D) The stormwater storage area shall be designed to reduce or eliminate maintenance of the facility.

(E) The stormwater storage area shall be designed to coordinate the capacity of the facility with the controlled release rate so that the duration of standing or ponding water within the basin does not exceed 72 hours after the end of the storm event.

(F) The stormwater storage area, when used in conjunction with a secondary use, shall not store or pond water greater in depth of one and one-half feet and shall be designed to provide 1 foot of freeboard for the first finished floor elevation of any building or structure for a 100-year storm event.

(G) Where rooftop storage of stormwater is provided, the building shall be provided with adequate structural design to ensure that roof failure does not occur. Overflow areas shall be provided so that the weight of stored stormwater will not exceed the structural capacity of the roof.

(H) When calculating the capacity of stormwater storage areas, only the volume of the pre- and post-development differential shall be considered. Permanent water storage areas shall not constitute compliance with this chapter in controlling runoff of the design storm event.

(Ord. 2016-01, passed 5-17-16)

§ 155.13 DETENTION FACILITY DESIGN.

(A) The minimum basin volume required for stormwater storage shall be determined from the differential in runoff volume between the pre- and post-development for the 100-year design storm event. The basin volume required to reduce the peak rate of post-development discharge to the peak rate of peak-development discharge must also be considered. The condition which requires the largest basin volume shall control. Basin volume may be dictated by limitation of downstream conditions on a case-by-case basis as determined by the city. If the basin is to be located directly on a portion of the natural through drainage system, volume calculations must also consider the total system flow reaching the basin.

(B) Maximum basin side slope shall be three to one unless paved or rip-rapped.

(C) Low flow channel shall be grass if the channel grade is one percent or greater or paved if less than one percent. Low flow channels shall not have less than 0.5% grade.

(D) Basin design must include maintenance accessibility and identification of party responsible for maintenance.

(E) Requirements of the state law shall be observed.

(F) The Design Engineer shall address provisions for anti-seep collars, wet ponds and outlet protection.

(G) Detention basins must be completely within a recorded permanent Detention Basin Easement.

(H) Discharge control structures shall be multi-stage and capable of limiting two-year, ten-year, and 100-year post-development discharges to pre-development peak discharge rates or downstream system capacity and shall be constructed of concrete and other approved materials.

(I) The emergency spillway shall be size to accommodate a flow equal to design overflow of 100-year storm post-development discharge without overtopping the dam. Erosion protection must be provided for the spillway and receiving stream.

(J) The dam elevation shall not be less than one foot above the 100-year storage and overflow elevation.

(K) Appropriate channel protections must be installed downstream of the basin. Channel protections include but are not limited to stilling basin, check dams, sod, riprap, paved channel, etc.

(L) Storage, discharge, and routing calculations for the pre-and post-development two-, ten-, and 100-year discharges must be submitted to the city for review and approval.

(M) Spillways shall be protected from erosion and shall employ energy dissipation, if necessary.

(N) Detention basin outlet structures that discharge into the floodplain must be designed to account for backwater to prevent flood waters from entering the basin. A flap gates or other approved measures must be installed.

(O) The detention basin in drainage ways along with the erosion prevention and sediment control measures shall be the first items of construction. The detention basin and drainage way shall be maintained throughout construction to operate as the items were designed to provide stormwater management during the construction activity.

(P) Design of detention basin to be used as sediment basins during construction must be checked for capacity due to additional runoff generated by disturbed site conditions. Proper erosion control measure shall be designed by the Design Engineer and constructed by the Contractor to insure the required detention basin volume is maintained. (Ord. 2016-01, passed 5-17-16)

§ 155.14 SINKHOLES IN SUBTERRANEAN WATER CHANNELS.

(A) The use of sinkholes or subterranean water channels for direct discharge or stormwater generated by a development, as defined by this chapter, shall not be permitted. A sinkhole or subterranean water channel may be used to drain a stormwater storage area through the release structure after controlled rate (volume divided by time) of water entering into the sinkhole prior to development.

(B) No person, firm, or corporation shall commence alterations, improvements or other disturbances of a sinkhole or known subterranean water channel without approval from the city. Any person, firm or corporation proposing alteration, improvements or other disturbances of a sinkhole or known subterranean water channel, shall submit detailed plans to the city, showing that said alterations, improvements or disturbances shall not decrease the water-handling capacity of the sinkhole or subterranean water channel, or limit or interfere with the drainage capability of the sinkhole or subterranean water channel. Erosion control plans and methods must be shown for any activities which might create erosion or sedimentation. This submittal does not eliminate the requirement for the developer to obtain all pertinent permits from state and federal government review agencies.

(C) Sinkholes shall not be altered or covered in any way which would negatively affect the drainage capabilities of the sinkhole. Development within the 100-year floodplain of a sinkhole shall not be permitted. The 100-year floodplain of a sinkhole shall be determined from the county drainage maps (where available) or from a separate hydrologic analysis. Where the 100-year floodplain delineation is not available, it shall be determined, using runoff volume for the 100-year storm event, computed by the Soil Conservation Service Curve Number Methods and assuming no outflow through the sinkhole. Any development within the Sinkhole Floodplain elevation shall have the following note placed on all plats and deeds, "DEVELOPMENT IS WITHIN A POTENTIAL FLOOD HAZARD AREA."

(D) The storage volume required for a stormwater storage area drained by a sinkhole shall be calculated by assuming zero discharge. The storage volume for the post-developed condition shall be such that the elevation of water impounded on adjacent properties is equal to or less than the elevation of water impounded for the pre-developed condition.

(E) Any alterations, improvement or disturbance of a sinkhole or subterranean water channel undertaken without approval by the city shall be considered a violation of this chapter and subject to the fines and penalties provided in §§ 155.40 et seq.
(Ord. 2016-01, passed 5-17-16)

§ 155.15 REQUIRED APPLICATION.

(A) An application for stormwater management is required for significant developments as identified below:

(1) The developer/owner or propose commercial/Industrial/Professional or other (non-residential) developments or redevelopment, shall submit stormwater management plans for:

(a) Any construction located on a tract of land less than one acre in area which has proposed improvements that cause new impervious surface to exceed 10,000 square feet. Gross and purveyors area will be used to compute the impervious surface.

(b) Any construction located on a tract of land of one acre or more.

(2) The developer/owner of propose residential developments or re-developments shall submit stormwater management plans for:

(a) Any construction located on a tract of land less than one acre in area which has proposed improvements that cause new impervious surface to exceed 5,490 square feet. Gross impervious area will be used to compute the impervious surface.

(b) Any construction located on a tract of land greater than one acre in less than two acres in area which has proposed improvements which caused the new impervious surface to exceed 10,000 square feet. Gross impervious area will be used to compute the impervious surface.

(c) Any construction located on a tract of land of two acres or more, proposed for subdivision into two or more lots.

(3) If there is an existing downstream flooding or potential flooding situation within the watershed the requirements of a stormwater management plan shall be at the discretion of the city the determination of an existing flooding or potential flood situation we based on historical data and/or hydrologic and hydraulic analysis.

(4) The developer/owner of additions to existing structures shall submit stormwater management plans for:

(a) Any construction located on a tract of land less than one acre in area which has proposed improvements that will cause the existing and new impervious surface to exceed 10,000 square feet. Gross roof area will be used to compute the impervious surface; and

(b) Any addition to an existing structure located on attractive land of one acre or more.

(B) The application will include plans, construction drawings, and calculations for the management of stormwater, as provided for by this chapter, in such detail to enable the city to determine compliance. The hydraulic calculations shall include:

- (1) Watershed area;
- (2) The pre-development run-off coefficient;
- (3) Post-development run-off coefficient;
- (4) Pre-development design rainfall;
- (5) Post-development design rainfall;
- (6) Stage-storage curve for detention basin;
- (7) Stage-discharge curve for detention basins; and
- (8) Pre-and post-development drainage patterns for the site.

(C) The methods:

STORMWATER REGULATIONS FOR EROSION
PREVENTION AND SEDIMENT CONTROL

(1) The stormwater runoff and storage capacity shall be calculated by using the SCS Method or any other method which receives prior approval by the city; and

(2) Approval all of alternative methods will be based on the Design Engineer providing documentation demonstrating that the method is applicable.

(D) The application shall include measures which outlined maintenance responsibilities for the detention facilities and other structures. Upon final approval of construction plans, a Stormwater Facilities Maintenance Agreement will be signed and recorded by the owner prior to insurance of a grading permit.

(E) The drainage system shall be legally defined on both feet and plat.

(F) The applicant is required to dedicate easements along those drainage ways necessary for adequate watershed drainage, maintenance and operations.

(G) Each application must be on a form furnished by the city, submitted in at least three copies and each be accompanied by a map to determine location of the proposed sites. At least one copy of the application, maps and other attachments are to be retained for the city files by the city.

(H) (1) Prior to any construction, the developer shall submit stormwater plans to review in accordance with division (A) in this section and in accordance with the Stormwater Management Manual as directed by the city. The developer shall pay a review fee based on the following schedule to the city:

Review Fee Schedule	
Less than two acres	\$300
Two-4.99 acres	\$500
Five plus acres	\$1,500
Subdivision with less than 50 lots	\$600
Subdivision with 50 or more lots	\$1,400

(2) If any subdivision or site plan is required to be reviewed four times or more than an additional \$100.00 will be charged for each review thereafter.

(I) When it has been determined that the applicant has efficiently met the requirements, permits will be issued for proposed improvements to be carried out.

(J) The developer/owner, as part of the application, will submit a cost estimate covering the cost of installation of the stormwater management facility in plan.

(K) Upon approval of the cost estimate by the city, the developer/owner will provide a surety instrument in the amount of agreed upon cost estimate to the city. The surety instrument will be approved by the city as to form and content.

(L) The application will be signed and certified by a licensed engineer, and developer/owner. Failure of a licensed engineer and the developer/owner to sign and certify the application will result in an incomplete application and will not be processed.

(M) This surety instrument will be released when the license Engineer and developer/owner signs in certifies that the plan has been implemented, as approved at the end or completion of the development, not the completion of the stormwater management facility. The city's representative must determine that the facility has been constructed in accordance with this chapter before the surety instrument will be released. Failure of the licensed engineer and developer/owner to have "as built" signed and certified will be considered as an act of default, and the city will have the option of exercising its authority pursuant to the surety instrument.

(Ord. 2016-01, passed 5-17-16)

§ 155.16 VARIANCE.

(A) The city, upon recommendation by the city, may grant variances to the applicant from the regulation specified in this chapter. The applicant must specify hardships to result in following the prescribed regulations. The city must be examined and decide the validity of the proposed hardships. This request is been submitted to the City Council.

(B) The variance will be granted only upon showing data submitted by a licensed Engineer that there is good and sufficient cause that failure to grant the variance would result in flooding or significant downstream impacts which would be contrary to the spirit and intent of this chapter. Financial hardship to the property owner shall not constitute proper or appropriate grounds for a variance under this Section.

(C) A record of all variance action shall be maintained by the city, including the justification for issuance.

(D) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places of the State Inventory of Historic Places without regard to the procedures set forth in this section.
(Ord. 2016-01, passed 5-17-16)

EROSION PREVENTION AND SEDIMENT CONTROL FOR CONSTRUCTION ACTIVITIES

§ 155.25 PERMITTING REQUIREMENTS FOR SITE DEVELOPMENT.

(A) Any person desiring to disturb land or commence construction activity must submit an appropriate application and receive an approved permit from the city before the project can commence. Design requirements and EPSC Plans shall be prepared in accordance with Section 1. Parts B.-F. of this chapter. Each permit application shall include a statement that any land clearing, construction, or development involving the movement of earth shall be in accordance with an approved plan and that a qualified contractor/developer, permittee or their designee shall be responsible for implementing and maintaining all aspects of the approved plan. Incomplete applications shall be remanded back to the property owner for corrections and resubmittal.

(B) Site Development Permits issued by the city are required for all site construction projects and/or land disturbances. Depending on the amount of land disturbance and other site characteristics, various levels of permits (Level 1 - 3) will be issued. In addition, the permittee or property owner shall coordinate with the KYDOW and the US Army Corp of Engineers to determine whether permits are required from those agencies before construction begins. Criteria for city permit levels and application requirements are as follows:

(1) Level 1 Permit.

(a) Criteria for Level 1 Site Development.

1. Site construction disturbs less than one acre of soil and is not a part of a larger development;
2. Increased impervious area is less than 3,400 square feet; and
3. Ground slopes are less than six percent.

(b) Application requirements for Level 1 Site Development.

1. Submit a completed Level 1 Site Development Permit Application accompanied by a plot plan that shows appropriate erosion protection and sediment control notations and practices; and
2. Non-refundable permit fee of \$50.00 with completed application.

(2) Level 2 Permit.

(a) Criteria for Level 2 Site Development.

1. Site construction disturbs less than one acre of soil and is not part of a larger development;
2. Increased impervious area is greater than 3,400 square feet; and
3. Ground slopes are less than six percent.

(b) Application requirements for Level 2 Site Development.

1. Submit a completed Level 2 Site Development Permit Application accompanied by a plot plan that shows appropriate erosion protection and sediment control notations and practices; and
2. Non-refundable permit fee of \$100.00 with completed application

(3) Level 3 Permit.

(a) Criteria for Level 3 Site Development. Site construction disturbs more than one acre of soil or is part of a larger Development; and

(b) Application Requirements for Level 3 Site Development:

1. Submit a completed Level 3 Site Development Permit Application accompanied by NOI; access to plans and other documents required by a KYR10 permit; and
2. Non-refundable permit fee of \$150.00 with completed application.

(4) Site development application review.

(a) The city's MS4 representative or their designee will review each permit application to determine its conformance with the provisions of this chapter. Acceptance indicates that minimum requirements or intent are met and does not imply a guarantee of performance. The MS4 representative or their designee reserves the right to inspect the site prior to any construction activities in furtherance of the review process.

(b) Based on review of the permit application, the city may:

STORMWATER REGULATIONS FOR EROSION
PREVENTION AND SEDIMENT CONTROL

1. Accept the permit application as submitted;
2. Accept the permit application subject to such reasonable conditions as may be necessary to meet the requirements/intent of the objectives of this chapter;
3. Deny the permit application, indicating the reason(s) and procedure for submitting a revised application and/or any additional information required.

(5) Pre-construction inspection and permit issuance.

(a) Following acceptance of the permit application, the applicant will be authorized to install the EPSC measures included in the application. Upon completion of these installations, the applicant shall contact the MS4 representative or their designee to schedule a pre-construction inspection. Upon completion of the pre-construction inspection and approval of EPSC measures installed, the Site Development Permit will be issued and site construction may commence.

(b) The city will not issue a building permit until the required site development permit application is accepted and the appropriate site development permit issued.

(6) Permit duration. Permits issued under this section shall be valid from the date of issuance through the date the city notifies the permit holder that all stormwater management practices have passed the final inspection required under permit conditions and/or a Notice of Termination has been filed with the KYDOW.

(7) Permit exemptions. The following activities are exempted from permit coverage under this chapter:

(a) Any emergency activity that is immediately necessary for the protection of life, property, or natural resources; and

(b) Existing nursery and agricultural operations including family gardens conducted as a permitted main or accessory use.

(Ord. 2016-01, passed 5-17-16)

§ 155.26 EROSION PREVENTION AND SEDIMENT CONTROL (EPSC) PLAN.

(A) The designer and/or engineer is ultimately responsible for the details of design of any EPSC Plan required, with the property owner/developer being responsible for implementation and performance of the design as installed. The EPSC Plan shall include the following:

(1) EPSC Plan Requirements for a Level 1 or Level 2 Site Development Permit.

(a) A plot plan that shows general erosion protection and sediment control notations and practices.

(b) EPSC Plan Requirements for a Level 3 Site Development Permit.

1. A natural resources map that includes features of concern such as topography, streams or soil types of a scale equivalent to balance of other plan details;

2. A schedule of events for the construction of the development site, including stripping and clearing, rough grading, construction of utilities, infrastructure, final grading and landscaping. Sequencing shall identify the expected date on which clearing will begin, the estimated duration of exposure of cleared areas, areas of clearing, installation of temporary EPSC measures, and establishment of permanent vegetation;

3. All EPSC measures necessary shall be shown on the plan by location and referred to by a legend for all phases of construction. Depending upon the complexity of the project, the drafting of intermediate plans may be required at the close of each season. Multiple EPSC plan sheets may be necessary to best convey requirements for each phase;

4. Seeding mixtures and rates, types of sod, method of seedbed preparation, expected seeding dates, type and rate of lime and fertilizer application, and type and quantity of mulching for both temporary and permanent vegetative control measures;

5. Provisions for maintenance of control facilities, including easements and estimates of the cost of maintenance;

6. The proposed plan to control site waste, including a delineation of contractor staging areas for equipment and fuel storage, site materials and temporary facilities.

(B) Modifications to the EPSC Plan shall be processed and accepted or denied in the manner described in § 155.02 of this chapter and may be authorized by the MS4 representative or their designee through written notification to the permittee.
(Ord. 2016-01, passed 5-17-16)

§ 155.27 DESIGN REQUIREMENTS.

(A) Any permitted land disturbance operation shall meet the design criteria set forth in the most recent edition of the *Kentucky EPSC Field Guide*, and shall be adequate to prevent erosion and control sediment from the site to the satisfaction of the MS4 representative or their designee. Cut and fill slopes shall be no greater than 3:1 (horizontal to vertical), slope shall be stabilized with rock rip-rap or synthetic material, except as approved by the MS4 representative or their designee to meet other community or environmental objectives. Site specific variables such as topography, soil erodibility, stormwater management features, and vegetation shall be considered when developing an erosion control plan.

(B) Clearing and grading of natural resources, such as forests and wetlands, and other natural features of concern, shall not be permitted, except when in compliance with all sections of this chapter, as well as any regional, state and federal regulation. Clearing techniques that retain natural vegetation, drainage patterns, and buffers along streams as described by the *Kentucky EPSC Field Guide*, shall be used to the satisfaction of the city. All erosion prevention and sediment control measures indicated on the erosion control plan shall be installed prior to disturbance of upstream areas.

(C) Clearing, except that necessary to establish sediment control devices, shall not begin until all sediment control devices have been installed, stabilized and approved by the MS4 representative or their designee at the pre-construction inspection.

(D) Phasing shall be required on all sites disturbing greater than 50 acres, and may be required on sites disturbing less than 50 acres, with the size of each phase to be established at plan review and included in the EPSC Plan.

(E) An erosion control plan shall identify the erosion control practices and sediment trapping facilities which are appropriate for actual site conditions. In addition, the appropriate schedule of implementation shall be identified. Concentrated stormwater flows shall be avoided or the conveyance system shall be adequate to prevent significant erosion. Sediment trapping devices are required at all locations where stormwater leaves the site laden with sediment. The plan shall identify provisions including but not limited to the following:

- (a) Erosion prevention on denuded areas;
- (b) Non-structural management practices to be implemented;
- (c) Perimeter controls;
- (d) Permanent stormwater conveyance structures;

- (e) Final stabilize conditions of the site;
 - (f) Provisions for maintaining, removing, and re-stabilizing areas controlled by temporary measures; and
 - (g) Maintenance requirements for any permanent measures.
- (F) Additional guidelines for selecting, designing, and implementing appropriate erosion prevention and sediment control practices are presented in the *Kentucky EPSC Field Guide*.
(Ord. 2016-01, passed 5-17-16)

§ 155.28 BEST MANAGEMENT PRACTICES; EROSION PREVENTION.

(A) Soil stabilization shall be completed within 14 days of final grade work. If an area is left inactive for 14 days or more the area shall have temporary stabilization as addressed in *Kentucky EPSC Field Guide, Section 4*.

(B) If seeding or other vegetative erosion prevention methods are used, vegetation shall become established within three weeks. If a satisfactory stand of vegetation is not established, the MS4 representative or their designee may require the site to be reseeded or a non-vegetative option employed.

(C) Special techniques such as rip rap, turf reinforcement, armoring and other methods that meet the design criteria outlined in *Kentucky EPSC Field Guide, Section 6* shall be used to ensure stabilization on steep slopes or in drainage ways. Soil stockpiles must be stabilized or covered and/or have sediment control measures in place to control sediment movement. Stockpiles shall have temporary vegetation established if left undisturbed for 21 days or more. At the close of the construction season, the entire site must be stabilized, using a heavy mulch layer or other methods that do not require germination to control sediment and prevent erosion.

(D) Minimize clearing and grading to the smallest possible area. Preserve existing vegetation and trees to the maximum extent possible.

(E) Areas to be left undisturbed during construction shall be clearly noted and delineated on the plans.

(F) Vegetative buffer strips in combination with other perimeter controls as listed in *Kentucky EPSC Field Guide, Section 9* shall be used for the protection of adjacent properties, watercourses and rights of way.

STORMWATER REGULATIONS FOR EROSION
PREVENTION AND SEDIMENT CONTROL

(G) Measures discussed in *Kentucky EPSC Field Guide, Section 5* shall be implemented to control sedimentation deposits into drainage structures and features, receiving water bodies, natural karst features, roads, right-of-ways and adjacent properties.
(Ord. 2016-01, passed 5-17-16)

§ 155.29 BEST MANAGEMENT PRACTICES; SEDIMENT CONTROL.

(A) Dust control techniques shall be employed to prevent the blowing of dust by air movements during land disturbance, demolition, and other construction activities.

(B) Diversion of upland runoff past disturbed slopes shall be implemented when necessary.

(C) Settling basins, sediment traps, tanks and/or perimeter controls shall be implemented as required by the *Kentucky EPSC Field Guide* to control sediment.

(D) Effective debris and trash management shall be required. At a minimum the following shall be met:

(1) Implement waste management practices and disposal of wastes, including a designated waste collection area on site that does not drain directly to a waterway, lidded storage containers, regularly scheduled waste collection to prevent overfilling, immediate cleanup of spills and disposal of construction site waste at authorized landfills or disposal areas. Concrete trucks must wash out on the job site and the runoff be controlled to prevent drainage onto public streets or into the stormwater collection system.

(2) Control and disposal plan for hazardous materials utilized or hazardous wastes generated during construction in accordance with local and state solid waste regulatory agencies.

(E) Construction site access requirements designed to minimize the deposit of sediment or other materials on public streets and rights of way shall include:

(1) Continuous access via a stabilized rock entrance, constructed in accordance with *Kentucky EPSC Field Guide*. A stabilized stone pad shall be placed and maintained at any point where traffic will be leaving a construction site to a public right-of-way, street, alley, sidewalk, or parking lot. Stone pads shall contain clean washed stone sizes two to four inches, six inches thick and be minimum fifty feet long. Where site limitations prevent the full installation of a construction exit, the city may approve an alternate design.

(2) A tire wash rack may also be required by the city. Under no circumstances is construction to allow sediments to leave a construction site in a way that would be a violation of the site or The City of Oak Grove's Kentucky Pollution Discharge Elimination System (K.P.D.E.S.) permit.
(Ord. 2016-01, passed 5-17-16)

§ 155.30 PROTECTION REQUIREMENTS FOR WATERWAYS AND PUBLIC STORM DRAINS.

Waterway, watercourse, ephemeral stream, and public storm drain protection requirements shall include the following:

(A) If a watercourse will be crossed regularly crossed during construction, a temporary stream crossing shall be installed as approved by the KYDOW and the MS4 representative or their designee.

(B) Stabilization of the watercourse channel shall be made before, during and after any in-channel work.

(C) Stabilization shall be made to adequately prevent erosion at the inlets and outlets of all pipes and paved channels.
(Ord. 2016-01, passed 5-17-16)

§ 155.31 CITY INSPECTIONS.

(A) Plans and permits accepted and issued by the city for site development shall be maintained on site throughout the duration of the project. The city's MS4 representative or their designee shall make site inspections as deemed necessary to ensure the EPSC measures are being properly implemented and maintained during construction.

(B) Additionally, the MS4 representative or their designee shall enter the property of the applicant as deemed necessary to make regular inspections to ensure the validity of the reports filed under Section 1, Part H. below. If minimum requirements of the EPSC Plan are not met, the permittee shall be notified and appropriate enforcement action shall be taken.

(C) The city's MS4 representative or their designee shall conduct a final inspection to insure compliance with all permit conditions prior to termination of the permit at the completion of the project.
(Ord. 2016-01, passed 5-17-16)

§ 155.32 PERMITTEE INSPECTIONS.

The permittee or his/her agent shall make regular inspections of all control measures to determine the overall effectiveness of the EPSC Plan and the need for additional control measures.

(A) Inspections shall be conducted every seven calendar days and after storm events of a half-inch or more of precipitation.

(B) Inspections shall be documented in written/electronic form and kept on the construction site.

(C) Completed inspection forms shall be available for the MS4 representative or their designee or KYDOW inspectors to review upon request during a site inspection.
(Ord. 2016-01, passed 5-17-16)

ILLICIT DISCHARGE DETECTION AND ELIMINATION (IDDE)

§ 155.40 PROHIBITION OF ILLEGAL DISCHARGES.

(A) Pursuant to the Kentucky Pollutant Discharge Elimination System (KPDES) Municipal Separate Storm Sewer System (MS4) Program, illicit discharges to the MS4 are defined as illegal. Except as hereinafter provided, all non-stormwater discharges into the MS4 are prohibited and declared to be unlawful.

(B) It is unlawful for any person to discharge waters from residential construction activities that are not complying with the Standard of Practice for Residential Construction Stormwater Management as approved and advertised by the city.
(Ord. 2016-01, passed 5-17-16)

§ 155.41 PROHIBITION OF ILLEGAL CONNECTIONS.

It is unlawful for any person to connect any pipe, open channel or any other conveyance system that discharges anything except stormwater or unpolluted water, which is approved by the city, based on exemptions listed as allowable discharges below, to the storm sewer system.
(Ord. 2016-01, passed 5-17-16)

§ 155.42 PROHIBITION OF ILLEGAL DUMPING AND DISPOSAL OF MATERIALS.

In addition to illicit discharges, the discharge of spills and the dumping and/or disposal of materials other than stormwater, including, but not limited to, unpermitted (KPDES) industrial and commercial wastes, commercial car wash wastes, sanitary sewage, garbage, yard waste, trash, petroleum products, including used motor vehicle fluids, as well as leaf litter, grass clippings, and animal wastes into the storm sewer, whether directly or indirectly, are prohibited.
(Ord. 2016-01, passed 5-17-16)

§ 155.43 ALLOWABLE DISCHARGES TO MS4.

The following discharges are exempt from discharge prohibitions established by this chapter: discharges from emergency fire fighting activities; diverted stream flows; rising ground waters; uncontaminated

groundwater infiltration to separate storm sewer systems (as defined by 40 CFR35.2005(20); uncontaminated pumped ground water; discharges from potable water sources as required for system maintenance; drinking water line flushing dechlorinated through city accepted BMPs; air conditioning condensate; uncontaminated landscape irrigation; lawn watering; uncontaminated springs; uncontaminated water from crawl space pumps; uncontaminated water from footing /foundation drains and pumps; individual residential car washing; flows from riparian habitats and wetlands; swimming pool discharges dechlorinated through city accepted BMPs; street wash water resulting from normal street cleaning operations, controlled flushing of stormwater conveyances contained and treated by appropriate BMPs; dye testing, providing that a verbal notification to the MS4 representative or their designee is given prior to the time of the test; discharges within the constraints of a KPDES permit from the Kentucky Division of Water; and discharges specified in writing by the MS4 representative or their designee as being necessary to protect public health and safety.
(Ord. 2016-01, passed 5-17-16)

§ 155.44 DOCUMENTATION OF APPROVED CONNECTIONS.

Any drain or conveyance that has not been documented in plans, maps or equivalent, and which may be connected to the storm sewer system, shall be located by the owner or occupant of that property upon receipt of written Notice of Violation from the city requiring that such locating be completed. Such notice shall specify a reasonable time period within which the location of the drain or conveyance be identified as storm sewer, sanitary sewer or other, and that the outfall location or point of connection to the storm sewer system, sanitary sewer system or other discharge point be identified. Results of these investigations are to be documented and provided to the MS4 representative or their designee and/or other relevant city departments.
(Ord. 2016-01, passed 5-17-16)

§ 155.45 INDUSTRIAL OR CONSTRUCTION ACTIVITY DISCHARGES.

Any person subject to an industrial or construction activity KPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the city prior to the allowing of discharges to the MS4.
(Ord. 2016-01, passed 5-17-16)

§ 155.46 MONITORING OF INDUSTRIAL/CONSTRUCTION ACTIVITY DISCHARGES.

(A) This part applies to all facilities that have stormwater discharges associated with industrial activity, including construction activity.

STORMWATER REGULATIONS FOR EROSION
PREVENTION AND SEDIMENT CONTROL

(B) The city MS4 representative or their designee shall be permitted to enter and inspect facilities subject to regulation under this chapter as often as may be necessary to determine compliance with this chapter.

(C) Facility operators shall allow the city MS4 representative or their designee ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of a KPDES permit to discharge stormwater.

(D) The city shall have the right to set up on any permitted facility such devices as deemed necessary to conduct monitoring and/or sampling of the facility's stormwater discharge.

(E) The city may require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be calibrated and maintained at all times in a safe and proper operating condition by the discharger at its own expense.
(Ord. 2016-01, passed 5-17-16)

§ 155.47 INDUSTRIAL BMPs REQUIRED FOR STORMWATER DISCHARGES.

The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of structural and non-structural BMPs. Further, any person responsible for a property or premise, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional BMPs to prevent the further discharge of pollutants to the MS4. Compliance with all terms and conditions of a valid KPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed compliance with the terms of this part.

(Ord. 2016-01, passed 5-17-16)

§ 155.48 REPORTING RESPONSIBILITIES.

(A) In the event of any discharge of a hazardous substance in amounts that could cause a threat to public drinking supplies, a spill having a significant impact as defined by the USEPA and Kentucky State Law, or any other discharge that could constitute a threat to human health or the environment, as may be asserted by the city, the owner or operator of the facility shall give notice to the city and the KYDOW as soon as practicable, but in no event more than four hours after discovery of the accidental discharge or the discharger becomes aware of the spill or discharge.

(B) If an emergency response by governmental agencies is needed, the owner or operator should call 911 immediately to report the discharge. A written report containing the following information must be provided to the MS4 representative or their designee within five days of the time the discharger becomes aware of the spill or discharge:

- (1) A description of the discharge including volumes and concentrations;
 - (2) The exact date and times of the discharge; and
 - (3) Steps taken to eliminate and prevent recurrence of the discharge
- (Ord. 2016-01, passed 5-17-16)

§ 155.49 REMEDIAL ACTIONS FOR ACCIDENTAL DISCHARGES.

The industrial discharger shall take all reasonable steps to minimize any adverse impact to the MS4 or Waters of the Commonwealth, including accelerated or additional monitoring necessary to determine the nature and impact of the discharge. It shall not be a defense for the discharger in an enforcement action to claim that it would have been necessary to halt or reduce the business or activity of the facility in order to maintain stormwater quality and minimize any adverse impact that the discharge may cause.

(Ord. 2016-01, passed 5-17-16)

§ 155.50 REPORTING RESPONSIBILITIES FOR ACCIDENTAL DISCHARGES.

In the event of any discharge of a hazardous substance in amounts that could cause a threat to public drinking supplies, a spill having a significant impact as defined by the USEPA and Kentucky State Law, or any other discharge that could constitute a threat to human health or the environment, as may be asserted by the city, the owner, operator, or reporter of the facility shall give notice to the city and the KYDOW as soon as practicable, but in no event more than four hours after discovery of the accidental discharge or the discharger becomes aware of the spill or discharge.

(Ord. 2016-01, passed 5-17-16)

POST-CONSTRUCTION STORMWATER MANAGEMENT

§ 155.60 POST-CONSTRUCTION.

Applications for Level 3 Site Development Permits shall include a Post-Construction Stormwater Pollution Prevention Plan (P-SWPPP) to be completed, sealed and signed by a Licensed Professional Engineer and submitted to the MS4 representative or their designee. Applications for

Level 2 Site Development Permits may be required to submit a P-SWPPP at the discretion of the MS4 representative or their designee. The P-SWPPP shall include the following:

(A) Description of the proposed land use including amount of additional impervious area to be developed, directly connected impervious area, and nature of the development;

(B) Location, dimensions, detailed specifications, including waterway buffers where appropriate, and construction details of all post-construction stormwater quality BMPs as defined in the city guidance documents;

(C) A sequence describing when each post-construction stormwater quality BMP will be installed; and

(D) A Long-Term Operation and Maintenance Agreement containing maintenance guidelines for all post-construction stormwater quality measures to facilitate their proper long term function. This agreement shall be recorded as a restricted covenant on the property and thereby made available to future parties, including property owners, who will assume responsibility for the operation and maintenance of post-construction stormwater quality measures. (See requirements in § 155.65.)

(Ord. 2016-01, passed 5-17-16)

§ 155.61 P-SWPPP DESIGN/PERFORMANCE CRITERIA.

(A) The P-SWPPP shall include provisions for stormwater quality BMPs that are designed to achieve the following design/performance objectives:

(1) Current MS4 programs shall, within 12 months of the effective date of this permit, develop and submit to the Division of Water, an on-site stormwater runoff quality treatment standard, to be adopted by ordinance or other regulatory mechanism for all new development and redevelopment projects. The proposed local standard will require, in combination or alone, management measures that are designed, built and maintained to treat, filter, flocculate, infiltrate, screen, evapo-transpire, harvest and reuse stormwater runoff, or otherwise manage the stormwater runoff quality. The permittee shall develop a locally derived water-quality treatment standard that requires new development projects to implement controls to manage runoff through water-quality control structures. The standard shall be based, at a minimum, on an analysis of precipitation records to determine the equivalent surface depth of runoff (e.g. 0.75 inches) produced from an 80th percentile precipitation event. Reduce or buffer increases in stormwater runoff temperatures caused by contact with impervious surfaces;

(2) Reduce or buffer increases in stormwater runoff volume and flow rate caused by increases in directly connected impervious area and overall impervious area;

(3) Stormwater detention/retention facilities shall be designed to address the rate at which flow is released over the entire runoff discharge period and the volume of discharge over the critical-design storm period if defined by city stormwater master plans. The outlet structure shall be designed as a v-notch weir or other multiple stage configurations capable of controlling the discharge rates for the first flush, two-, ten-, 25- and 100-year design storm events.

(B) Soil bioengineering, "green" and other "soft" slope and stream bank stabilization methods shall receive preference over rip rap, concrete and other hard armoring techniques. Examples are rain gardens and permeable materials.

(C) Supportive data must be submitted to justify the type of facility selected. The facility may be designed to infiltrate runoff to groundwater rather than transmit it downstream under conditions up to a ten-year storm event. It must be able to bypass all other storms including 100-year events with a discharge rate equivalent to or less than pre-development conditions without negatively impacting the 100-year floodplain above or below the site. If data indicates that the facility cannot retain a significant portion (95%) of the runoff, then the facility must be designed to detain runoff.

(D) The city reserves the right to require superseding or additional treatment criteria or objectives for specific pollutants as necessary to meet overall stormwater quality management program objectives or directives under a watershed improvement or Total Maximum Daily Load (TMDL) program as administered by the USEPA or KYDOW.

(E) The design shall include and/or address the following elements:

(1) Area vicinity map showing current zoning, adjoining property owners, and street lines within 100 feet of the project boundaries all drawn at a scale not greater than one inch equals 2,000 feet;

(2) North arrow and its basis;

(3) Legend explaining symbols and abbreviations used on the plan;

(4) "Do Not Disturb Limits" for construction activity indicated by a heavy dashed line and labeled as such;

STORMWATER REGULATIONS FOR EROSION
PREVENTION AND SEDIMENT CONTROL

(5) Boundary of site defined by bearings and distances and indicated by a heavy solid line;

(6) Drawing(s) at a scale not greater than one inch equals 100 feet. In the case of an unusually large development, a scale of one inch equals 200 feet may be acceptable;

(7) Acreage of the total site and acreage of the project site (if different);

(8) Soil classifications;

(9) Existing and proposed runoff coefficients;

(10) Impervious areas as measured in square feet;

(11) Benchmark location(s), description(s) and elevation(s) at sea level;

(12) Basis of elevation datum;

(13) Name, address, and telephone number of the owner, developer, permittee, and project qualified professional;

(14) Existing and proposed topography at two-foot contour intervals;

(15) Mapping accuracy shall conform to National Standards of Mapping;

(16) Location of conservation zones, sinkholes, streams, steep slopes, known springs and watercourses;

(17) Location of any existing buildings or structures;

(18) Location of any pertinent utilities, sanitary sewers, water and stormwater facilities on the property within 50 feet of the site;

(19) Elevations, dimensions, locations, and the extent of all planned grading indicated with proposed contours;

(20) A grading plan for borrow pits, quarries and material-processing facilities based on the findings of soil site investigations;

(21) Design details of temporary and permanent structural controls;

(22) Approximate location of the 100-year floodplain or a statement by a Professional Engineer or Professional Land Surveyor that the site is not located in an area subject to flooding. The basis for this determination shall be shown;

(23) A detailed cost estimate for installation and maintenance of all stormwater management control measures;

(24) Identification of perimeter controls at outfalls and areas where construction site drainage leaves the property boundary or disturbed area(s);

(25) Arrows indicating drainage flow patterns;

(26) Location, dimensions, detailed specifications, and construction details of all temporary and permanent stormwater quality measures;

(27) Temporary stabilization plans and sequence of implementation including seeding mixture, method of seedbed preparation and kind and quality of mulching;

(28) Permanent stabilization plans and sequence of implementation including seeding mixtures and rates, types of sod, method of seedbed preparation, expected seeding dates, type and rate of lime and fertilizer application, and kind and quantity of mulching;

(29) A sequence of construction of the development site, including stripping and clearing, rough grading, construction of utilities, infrastructure, and construction of buildings, final grading and landscaping. Sequencing shall identify the expected date each activity will occur and the expected duration of each. A description should be given describing the relationship between implementation of stormwater quality measures and phases of construction activities. Phasing of construction should be performed to limit disturbed areas to 20 acres;

(30) Anticipated inspection and maintenance requirements for permanent and temporary measures. This shall include the expected frequency of routine inspections and maintenance activities such as removal of sediment and waste concrete;

(31) Name of receiving waters;

(32) Management practices or other controls to address the following:

- (a) Waste concrete management;
- (b) Material delivery, handling and storage;
- (c) Sanitary/septic waste management;
- (d) Solid waste/trash and debris management;

- (e) Vehicle and equipment cleaning, fueling, and maintenance;
- (f) Sensitive and vegetated area preservation;
- (g) Pit and channel dewatering operations;
- (h) Contaminated soil management as defined and approved by the Kentucky Divisions of Water and Waste Management;
- (i) Pesticides, herbicides, and fertilizer use;
- (j) Long-term stormwater quality treatment;
- (k) Blowing of dust or sediment from the site; and
- (l) Plan for stabilizing the entire site at the end of the construction season. If vegetation cannot be established, the site shall have a heavy mulch layer (straw or wood chips) applied to control erosion.

(F) The permittee shall notify the city in writing of any substantial field changes made to the approved Stormwater Quality Management Plan. Changes made to the plan must be approved by the MS4 coordinator or their designee.

(G) The city shall review the P-SWPPP within a reasonable time frame, typically 30 calendar days from the date of submission and issue or deny the requested permit. Failure to do so will allow the person to proceed with land-disturbing activities in accordance with BMPs and the submitted P-SWPPP. However, the city reserves the right to review and require changes it determines appropriate.
(Ord. 2016-01, passed 5-17-16)

§ 155.62 EXEMPTIONS FOR P-SWPPP PLAN REQUIREMENTS.

Exemptions may be granted so long as erosion prevention and sediment control, water quality and cut-fill policies are adequately addressed. Exemptions may be granted for roads and utilities crossing waterways, and pedestrian trails and walkways proximate to waterways.
(Ord. 2016-01, passed 5-17-16)

§ 155.63 PRIVATE OWNERSHIP RESPONSIBILITIES.

(A) Any stormwater management facility or BMP which services the following categories of property shall be privately owned:

- (1) Single entity property;

(2) Individual residential subdivisions in which the facility or BMP is within designated open areas or serves as an amenity with an established homeowners association; and

(3) Commercial and industrial development.

(B) A single entity shall be defined as an association, public or private corporation, partnership firm, trust, estate or any other legal entity allowed to own real estate including an individual lot owner. The terms for management of these properties shall be in writing, shall be recorded and shall, in addition to any other terms deemed necessary by the city, contain a provision permitting the city's inspection at any reasonable time of all facilities deemed critical to the public welfare. When a stormwater quality BMP serves more than one parcel, a home or property owners' association or binding contract for the purpose of operation and maintenance is required.

(C) The funding mechanism shall be in a form approved by the city. In the event that proposed funding is through an owner's association, then it must be demonstrated that the association may not dissolve unless long-term operation and maintenance activities are accepted by another entity with equivalent longevity and adequate funding. Furthermore, the owners association's responsibility must be stated in the association's declaration, covenants, or bylaws, as appropriate.

(D) General routine maintenance (controlling vegetative growth and removing debris) shall be provided by the owner(s) of any stormwater management facility or BMP. The owner shall maintain a perpetual, non-exclusive easement that allows access for inspection and emergency maintenance by the city. The city has the right, but not the duty, to enter premises for emergency repairs.
(Ord. 2016-01, passed 5-17-16)

§ 155.64 PUBLIC OWNERSHIP AND REGIONAL FACILITIES MANAGEMENT.

(A) The objective of a regional stormwater management facility, pond or other device, is to address the stormwater management concerns in a given watershed with greater economy and efficiency than possible through individual facilities. The intended result is fewer stormwater management facilities to maintain in the affected watershed while sustaining efficiency.

(B) All regional stormwater management control facilities proposed by the owners, if approved and accepted by the city for dedication as a public regional facility, shall be publicly owned and/or maintained. All other stormwater management control facilities and BMPs shall be privately owned and/or maintained unless accepted for maintenance by the city.

(C) The city may require dedication of privately owned stormwater facilities which discharge to the MS4. This shall be at the approval of the City Council.

(Ord. 2016-01, passed 5-17-16)

§ 155.65 REQUIREMENTS FOR LONG-TERM OPERATION.

Long-term operation and maintenance agreements shall include a maintenance plan for all stormwater quality BMPs in new development or redevelopment that require more than general maintenance (e.g. periodic mowing). These agreements are part of the P-SWPPP requirements. Agreements shall contain the following provisions:

(A) A plan developed to ensure that the stormwater quality BMPs are kept functional. The maintenance agreement will specify minimum operation and maintenance requirements and the frequency at which these activities are to be performed by the property owner.

(B) Schedules for inspections and techniques for operation and maintenance, including vegetation clearing or mowing and removing accumulated trash, debris, sediment pollutants and other forms of pollution.

(C) Maintenance expectations for detention and retention facilities should be designed to require minimal maintenance.

(D) Agreement shall be noted on the final plat with the appropriate notation on the particular lot(s).

(E) Agreement described herein shall be binding on the owner, its administrators, executors, assigns, heirs, and any other successors in interest.

(F) Format for the agreement shall be provided through example by the city, or through guidance documents.
(Ord. 2016-01, passed 5-17-16)

§ 155.66 MAINTENANCE BONDS FOR POST-CONSTRUCTION FACILITIES.

The city may require the posting of a maintenance bond to secure the structural integrity of said facilities as well as the functioning of said facilities in accordance with the approved P-SWPPP for a term of two years from the date of acceptance of dedication. An irrevocable letter of credit can be used as the financial assurance in lieu of a maintenance bond although the contribution shall be equivalent to the amount that would be estimated for the maintenance bond. The maintenance bond shall be calculated as 20% of the estimated

construction cost and may be reduced to 10% after one year if there are no concerns by the MS4 representative or their designee. A qualified professional is to submit a construction cost estimate for the basis of the bond value.

(Ord. 2016-01, passed 5-17-16)

§ 155.67 AS-BUILT REQUIREMENTS.

(A) Prior to issuance of a Certificate of Occupancy, recording of the final plat or final release of bond, the as-built condition (including: invert elevations, size, shape, and location) of critical stormwater management features must be identified, approved, and provided in a electronic form to the City Representative.

(B) The volume, slopes, configuration, condition and topographic information of all detention, retention and water quality practices shall be certified by a Professional Engineer or Land Surveyor, as appropriate, licensed in the Commonwealth of Kentucky. This information shall be provided to the city, in the form of an as-built drawing or other electronic form accepted by the city. The as-built certification shall indicate if final conditions are consistent with, or exceed, the SWQMP provisions.

(C) If it is determined that information provided in the as-built drawing, certification, inspection or survey of the site does not meet or exceed the SWQMP provisions, the city reserves the right to withhold Certification of Occupancy or final bond release. Furthermore, other enforcement mechanisms may be applied to the Permittee or persons making certifying statements.

(D) The requirements of this division do not apply for individual residential lot development.
(Ord. 2016-01, passed 5-17-16)

§ 155.68 PROFESSIONAL REQUIREMENTS.

(A) A qualified professional is required to perform construction and post-construction inspections and to direct and/or supervise maintenance activities to ensure that the SWQMP permit and long-term operation and maintenance agreement provisions are being implemented properly.

(B) Effect. Section 10 qualified professional shall be effective and enforced on January 1, 2011.

(C) Registration. Qualified professionals performing inspections or overseeing maintenance activities under this chapter must be registered by the city prior to execution of those actions. All applicants must file an application with the city.

(D) Construction qualified professional prerequisites. Applicants must demonstrate knowledge and experience in the following areas:

- (1) Construction practices;
- (2) Operational standards;
- (3) Cause and failure indicators; and
- (4) Maintenance measures used to prevent and correct failures.

(E) Applicants who can demonstrate one or more of the following will be considered for registration:

(1) Successful completion and passage of the Kentucky Erosion Prevention and Sediment Control course and examination through the University of Kentucky Transportation Center;

(2) A professional engineer license in good standing in the Commonwealth of Kentucky with demonstrated experience in erosion prevention and sediment control on construction sites;

(3) A landscape architect license in good standing in the Commonwealth of Kentucky with demonstrated experience in erosion prevention and sediment control on construction sites;

(4) A professional in erosion and sediment control certification in good standing;

(5) Similar qualification or certification of any other similar program in the Commonwealth of Kentucky or in the United States so long as that program required a test and the applicant passed the test; and

(6) Documentation demonstrating the above will be required by the city before registration will be granted.

(F) Post-construction qualified professional prerequisites.

(1) Applicants must demonstrate knowledge and experience in the following areas:

- (a) Stormwater quality treatment practices;
- (b) Operational standards;
- (c) Cause and failure indicators; and
- (d) Maintenance measures used to prevent and correct failures.

(2) Applicants who can demonstrate one or more of the following will be considered for registration:

(a) Professional engineer license in good standing in the Commonwealth of Kentucky with demonstrated experience in stormwater quality treatment BMPs;

(b) Landscape architect license in good standing in the Commonwealth of Kentucky with demonstrated experience in stormwater quality treatment BMPs;

(c) Professional in Stormwater Quality Certification in good standing; and

(d) Similar qualification or certification of any other similar program in the Commonwealth of Kentucky or in the United States so long as that program required a test and the applicant passed the test.

(G) The city may report to the appropriate licensing, certification or qualification authority for activities not consistent with the policies and procedures identified in this chapter. This may include reporting activities that include but are not limited to, the submittal of false or misleading information or for repeated incompetence or negligent actions by the registrant.
(Ord. 2016-01, passed 5-17-16)

ENFORCEMENT

§ 155.75 VIOLATIONS.

(A) The laws of the Commonwealth of Kentucky shall apply to this chapter. This chapter shall apply to all water entering the storm drain system generated on any developed and undeveloped lands within the jurisdiction of the city unless explicitly exempted by an authorized enforcement agency. This chapter is applicable to all new development and redevelopment activities resulting in the disturbance of 3,400 square feet or more of land including disturbance of less than 3,400 square feet if development is part of a larger common plan.

(B) It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this chapter. Any person who has violated or continues to violate the provisions of this chapter may be subject to the enforcement actions outlined in this section or may be restrained by injunction or otherwise abated in a manner provided by law. The Storm City of Oak Grove shall have the authority to establish necessary administrative and certification procedures to insure the intent and purpose of this chapter is carried out.

(C) In the event the violation constitutes an immediate danger to public health, environment, or public safety, the city is authorized to enter upon the subject's private property, without giving prior notice, to take any and all measures necessary to abate the violation and/or restore the property including the issuance of immediate stop work orders. The city is authorized to seek costs of the abatement as described in this chapter.

(D) Failure to make an application for proposed improvements on a site or where the improvements as approved in the application are not installed shall result in a violation. The person, firm, or corporation determined to be in violation shall be fined not less than \$100.00 per day or more than \$200.00 per day for each violation and must take corrective action as required. After written notification from the city, the owner/developer shall have ten days to comply with this chapter, or appeal the order. Each day the improvement remains in violation past this time shall be deemed a separate offense.
(Ord. 2016-01, passed 5-17-16)

§ 155.76 NOTICE OF VIOLATIONS.

(A) Whenever the city finds that a violation of this chapter has occurred, the city may order compliance first by verbal NOV, then by written NOV. The written NOV shall contain:

- (1) The name and address of the alleged violator;
- (2) The address when available or a description of the building, structure or land upon which the violation is occurring, or has occurred;
- (3) A statement specifying the nature of the violation;
- (4) A description of the remedial measures necessary to restore compliance with this chapter and a time schedule for the completion of such remedial action;
- (5) A statement of the penalty or penalties that shall or may be assessed against the person to whom the NOV is directed; and
- (6) A statement that the determination of violation may be appealed to the city's Property Maintenance Codes Enforcement Board by filing a written appeal within ten days of service of NOV.

(B) The NOV may require without limitation the following:

- (1) The performance of monitoring, analyses and reporting;
- (2) The submittal of required reports and/or other documents;

(3) The elimination of illicit discharges and illegal connections;

(4) That violating discharges, practices or operations shall cease and desist;

(5) The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;

(6) Payment of costs to cover administrative and abatement expenses;

(7) The implementation of pollution practices; and

(8) Other activities that serve to implement the provisions of this chapter.

(C) The permittee may request an extension to the NOV if they can prove the time allotted for remittance is not adequate.
(Ord. 2016-01, passed 5-17-16)

§ 155.77 APPEAL OF NOTICE OF VIOLATION.

Any person receiving a NOV may appeal the determination of the violations. The notice of appeal must be received within ten calendar days from the date of receipt of the NOV. Appeals shall be submitted to the city's Property Maintenance Code Enforcement Board or its designee. Hearing on the appeal shall take place within ten days from the date of receipt of the notice of appeal by the Board. The decision of the Board or its designee shall be final.
(Ord. 2016-01, passed 5-17-16)

§ 155.78 STOP WORK ORDER.

(A) If the violation has not been corrected pursuant to the time requirements set forth in the NOV, all construction activities other than those required to address deficiencies/violations shall be halted on a project site when a SWO has been issued.

(B) The written SWO shall be sent by certified mail to the Permittee or may be hand delivered.

(C) The written SWO shall specify deficiencies and violations that must be corrected prior to a city inspection for consideration of removing the SWO.

(D) The permittee shall notify the city in writing of the anticipated date for completion of the corrective action(s) and provide at least a two calendar day notice for the city to perform a compliance inspection.
(Ord. 2016-01, passed 5-17-16)

§ 155.79 PERMIT SUSPENSION OR REVOCATION.

(A) In the event compliance cannot be achieved within the terms of a NOV and/or SWO, the city may proceed with permit suspension or revocation.

(B) Land-disturbing activities are not allowed on a project site when a permit has been suspended or revoked other than those required to address deficiencies/violations.

(C) The written permit suspension or revocation shall be hand delivered and/or sent by certified mail to the permittee.

(D) A permit suspension requires that the permittee submit a revised portion of SWQMP as indicated by the city for review and acceptance by the city of the specific issue of contention. When a permit suspension is removed, the city shall provide written notice to the permittee.

(E) When a permit is revoked, the permittee must reapply for a permit through the process of requesting a new permit.

(F) A permit revocation requires that the permittee resubmit a SWQMP for a full review and acceptance by the MS4 coordinator or their designee.

(Ord. 2016-01, passed 5-17-16)

§ 155.80 ABATEMENT COSTS.

(A) Within ten calendar days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. The property owner may file a written appeal objecting to the assessment or to the amount of the assessment within ten calendar days of such notice. The appeal shall be submitted to the city's Property Maintenance Code Enforcement Board or its designee. If the amount due is not paid within ten calendar days after receipt of the notice, or if an appeal is taken, within ten calendar days after a decision on said appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount assessed.

(B) Each subsequent but separate violation shall see a fine increase of 25% each violation.

(C) The city may recover attorney's fees, court costs and other expenses associated with enforcement of this chapter, including sampling and monitoring expenses. Any person violating any of the provisions of this part shall become liable to the city by reason of such violation.

(Ord. 2016-01, passed 5-17-16)

§ 155.81 ADMINISTRATIVE PENALTIES.

(A) If work requiring a permit is started without securing the appropriate permit, the following administrative penalties will be assessed against the property owner:

- (1) Level 1 land disturbance: \$50.00-\$500.00;
- (2) Level 2 land disturbance: \$100.00-\$500.00; and
- (3) Level 3 land disturbance: \$150.00-\$500.00.

(B) A SWO shall be issued and enforced until the appropriate permit has been obtained.
(Ord. 2016-01, passed 5-17-16)

§ 155.82 CIVIL PENALTIES.

In the event the alleged violator fails to take the remedial measures set forth in the notice of violation or otherwise fails to cure the violations described therein within ten calendar days, or such greater period as the city shall deem appropriate, the city may impose a penalty not to exceed \$1,000.00 per day for each violation that remains unaddressed after receipt of appropriate enforcement action.
(Ord. 2016-01, passed 5-17-16)

§ 155.83 CRIMINAL PENALTIES.

For intentional or flagrant violations of this chapter, the city may issue a citation to the alleged violator requiring such person to appear in district court to answer charges for such violation. Upon conviction, such person shall be punished by a fine not to exceed \$500.00 per offense or imprisonment not to exceed 60 calendar days, or both. Each act of violation and each day upon which any violation occurred shall constitute a separate offense.
(Ord. 2016-01, passed 5-17-16)

§ 155.84 REMEDIES NOT EXCLUSIVE.

(A) The remedies listed in this section are not exclusive of any other remedies available under any applicable federal, state or local law and the city may seek cumulative remedies.

(B) Any condition caused or permitted to exist in violation of any of the provisions of this chapter as a threat to public health, safety, welfare and environment is declared and deemed a nuisance, and may be abated by injunctive or other equitable relief as provided by law.
(Ord. 2016-01, passed 5-17-16)

§ 155.85 INDEMNIFICATION.

The following indemnification statement shall be included on deed restrictions, applications, certifications, plans, and specifications. The degree of flood protection required by this chapter is considered reasonable for regulatory purpose and is based on sound scientific and engineering practices. Larger floods can and will occur on occasions. Flood heights may be increased by man-made or natural causes. This chapter does not warrant, directly or indirectly, that areas outside the flood plain or land uses permitted within the flood plain, or storm drainage systems, will be free from flooding or flood damages. This chapter shall not create liability on the part of the city, or any agencies or sub agencies, or any officer, or employee or agent thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made there under.
(Ord. 2016-01, passed 5-17-16)

§ 155.86 REFERENCE TO STORMWATER MANUAL.

(A) Details concerning P-SWPPP design/performance criteria and acceptable design options shall be referenced from a city "Stormwater Manual" which shall be constantly updated without affecting this chapter due to constantly changing technological advances in the field or empirical studies by the city yielding improved methods.

(B) The MS4 representative or their designee shall retain the right to identify the contents of the manual as they so deem appropriate based upon their professional opinion. The MS4 representative may also refer to other manuals in used by comparable MS4s.
(Ord. 2016-01, passed 5-17-16)

STORMWATER REGULATIONS FOR EROSION
PREVENTION AND SEDIMENT CONTROL

76DD

CHAPTER 156: LIGHTING STANDARDS

Section

- 156.01 Definitions
- 156.02 Lighting and area of applicability
- 156.03 Submittal requirements

- 156.99 Penalty

§ 156.01 DEFINITIONS.

For the purpose of this chapter the following definitions shall apply unless the context indicates or clearly requires a different meaning.

"FULL-CUTTOFF LIGHT FIXTURE." A light fixture which cuts off all upward transmission of light.

"OUTDOOR LIGHT FIXTURES." Outdoor artificial illuminating devices, outdoor fixtures, lamps and other similar devices, permanently installed or portable, used for flood lighting, general illumination or advertisement. Such devices shall include, but are not limited to, search, spot and flood lights for buildings and structures, recreational facilities, parking lot lighting, billboards and other signs; street lighting and walkway lighting.
(Ord. 2007-18, passed 10-2-07)

§ 156.02 LIGHTING AND AREA OF APPLICABILITY.

(A) This chapter shall apply to the installation of new outdoor lighting fixtures or the replacement of existing outdoor lighting fixtures. Replacement of a fixture shall mean a change of fixture type or change to the mounting height or location of the fixture. Routine lighting fixture maintenance, such as changing lamps or light bulbs, ballast, starter, photo control, housing, lenses and other similar components, shall not constitute replacement and shall be permitted provided such changes do not result in a higher lumen output.

(B) Outdoor lighting fixtures lawfully existing prior to the adoption of this chapter that do not conform to the provisions of this chapter shall be deemed to be a lawful nonconforming use and may remain. A nonconforming lighting fixture that is changed to or replaced by a conforming lighting fixture shall no longer be deemed nonconforming, and thereafter such lighting fixture shall be in accordance with the provisions of this chapter.

(C) All new developments shall comply with the following:

(1) Full cut-off lighting fixtures shall be used for all walkway, parking lot, canopy and building/wall mounted lighting and shall be mounted horizontal to the ground.

(2) Outdoor lighting shall be planned, erected and maintained so light is shielded from upward illumination.

(3) On-site parking lot lighting shall not exceed 40 feet in height.

(4) On-site parking areas shall be constructed of asphalt, dyed concrete or other non-reflective paving surfaces.

(5) Gas station canopy lighting shall be designed to conceal the illumination source and the lighting fixture shall not extend below the canopy skirt.

(6) Outdoor recreational facilities shall not be permitted to use or install high intensity lighting.

(7) Single-family and two-family dwelling uses are encouraged by not required to comply with this chapter, with the exception that all exterior pole lighting shall use full-cutoff lighting fixtures.

(Ord. 2007-18, passed 10-2-07)

§ 156.03 SUBMITTAL REQUIREMENTS.

(A) The owner or owners of a tract of land within the lighting review area shall submit to the Planning Office a site plan for the development and use of such tract meeting the requirements set forth in Article 6B of the Oak Grove Zoning Ordinance. Subdivisions shall comply with the city subdivision guidelines.

(B) A lighting plan shall be included as part of the required site plan submittal or subdivision construction drawings which shall contain but not be limited to the following:

(1) The location of the site where the outdoor light fixtures will be installed;

(2) Plans indicating the location on the premises of each outdoor light fixture, both proposed and any already existing on the site, and the types of outdoor light fixtures.

(3) A description of the outdoor light fixtures including but not limited to manufacturer's catalog cuts and drawings.

(4) If any subdivision proposes to have installed street or other common or public area outdoor lighting, a lighting plan shall also be submitted for all such lighting.

(C) For any property that contains restrictive avigational easements owned by the United States of America, the owner or owners

shall also submit a copy of the lighting plan to Fort Campbell, or its agent, and obtain their written approval before any building permits shall be issued by the city.

(Ord. 2007-18, passed 10-2-07)

§ 156.99 PENALTY.

Any person, firm, individual, group, business or corporation found in violation of this chapter shall be fined no more than \$500 nor less than \$50 for each day the violation exists. The entity subject to the fine shall remedy the violation by the next business day. Nothing herein contained shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation.

(Ord. 2007-18, passed 10-2-07)

