

**ORDINANCE NO 2024-04
CITY OF OAK GROVE, KENTUCKY**

**ZONING ORDINANCE AMENDMENT
PUBLICATION SUMMARY**

AN ORDINANCE AMENDING ORDINANCE 2021-11 PROVIDING NEW ZONING
REGULATIONS FOR SOLAR ENERGY SYSTEMS FOR THE CITY OF OAK GROVE,
KENTUCKY

WHEREAS, the City of Oak Grove enacted Ordinance 2021-11 to provide necessary updates to zoning regulations for the City of Oak Grove; and

WHEREAS, the Oak Grove City Council wishes to adopt the March 28, 2024 recommendations of the Community Development Services Board regarding zoning amendments for solar energy systems;

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF OAK GROVE, KENTUCKY AS FOLLOWS:

SECTION I. AMENDMENT OF OAK GROVE ORDINANCE 2021-11

City of Oak Grove Ordinance 2021-11 is hereby amended as follows:

Amend Article 5, Section 5.29 Industrial and Utility Uses, Subsection 5.29.14 as follows:

§5.29.14 [Reserved]. Solar Energy Systems may be permitted subject to the following standards:

- (a) *Purpose.* The purpose of this subsection is to facilitate the siting, development, construction, installation, and decommissioning of solar energy systems (SESs) in the City of Oak Grove in a predictable manner that promotes and protects the safety, health, and welfare of the community. This subsection encourages the appropriate siting of SESs to bolster local economic development and job creation, diversify the state's energy portfolio, strengthen energy and grid security, and reduce other environmental impacts. This subsection also establishes standards and requirements to ensure that the use and enjoyment of lands located adjacent to and in the proximity of SESs are fully protected.

The requirements of this subsection are intended to be supplemental to any safety, health, or environmental requirements of federal, state, or local laws and regulations.

- (b) *Applicability.* This subsection applies to the siting, construction, installation, and decommissioning of any new SES within the City of Oak Grove on or after the effective date of these provisions. An SES in operation, or which has begun physical construction prior to this subsection's effective date, shall be considered to have legal nonconforming status in accordance with KRS 100.253 and Article 8 of this Ordinance. In addition to the exemptions provided by Article 8, the provisions of this subsection do not apply to the following:

- (1) The routine maintenance and repair, including replacement of solar panels, not increasing the SES Footprint; and
- (2) Any SES exempted by the provisions of KRS 100.324. Any Exempt SES shall provide the Planning Commission information concerning service facilities which have been located on and relocated on private property in accordance with KRS 100.324(3).

Notwithstanding the exemptions provided by this subsection, an SES shall comply with all applicable federal, state, and local laws, regulations, and permitting and other requirements, and applicable building, fire, electrical, and plumbing codes.

- (c) Permit Required. A building/zoning permit is required prior to the physical construction of a Solar Energy System in the City of Oak Grove. Prior to the issuance of a building/zoning permit, Ground Mounted SESs are subject to the site plan review requirements of Sections 3.22 through 3.30 and, where applicable, the conditional use permit requirements of Sections 3.40 through 3.48 of this Ordinance.
 - (g) General Requirements Applicable to Ground Mounted SESs. Ground mounted SESs are permitted in accordance with the provisions of this subsection and the provisions of Section 5.2 of this Ordinance.
- (5) Siting Restrictions for Ground Mounted SES.
- a. Small Scale Ground Mounted Energy Systems as measured from the outer edge of the nearest panel are not permitted in a required front yard and shall be setback a minimum of thirty (30) feet from any lot line.
 - b. An Intermediate Scale SES, measured from the closest outer edge of the nearest panel or perimeter fencing, shall be located:
 - 1) At least one-hundred (100) feet from the nearest lot line of any property zoned R-1, R-1A, R-2, R-3, RMH-1, RMH-2, or B-1;
 - 2) At least one-hundred (100) feet from the nearest lot line of any property containing a residential use (excluding residential uses located on the same lot as the SES);
 - 3) At least fifty (50) feet from the right-of-way boundary of any public road; and
 - 4) Where not addressed by parts 1), 2), and 3) above, at least thirty (30) feet from any lot line.
 - c. A Large Scale SES, measured from the closest outer edge of the nearest panel or perimeter fencing, shall be located:
 - 1) At least one-thousand (1,000) feet from any lot line;
 - 2) At least two-thousand (2,000) feet from the nearest lot line of any property zoned R-1, R-1A, R-2, R-3, RMH-1, RMH-2, or B-1; and
 - 3) At least two-thousand (2,000) feet from the nearest lot line of any property containing a residential use or quasi-public use.
 - d. Setback requirements may be expanded by the Board of Zoning Adjustment as a condition of approval of a conditional use permit, where deemed necessary to ensure effective screening or separation between uses.
 - e. Setbacks are not required for property lines contained within an SES Footprint where the property line is shared by two (2) or more participating landowners.
 - f. A variance from the setbacks required by parts a, b, or c of this subsection may be granted by the Board of Zoning Adjustment pursuant to Article 3, Division V

or, in the case of zoning map amendment, by the Planning Commission pursuant to Section 9.5 of this Ordinance.

- (6) Screening. Excluding Small Scale Ground Mounted Energy Systems, perimeter screening shall be provided. Screening shall:
- a. Consist of an eight (8) foot tall fence and a double row of staggered evergreen trees (minimum five (5) feet in height at planting and maturing to a minimum of fifteen (15) feet in height);
 - b. Evergreen trees shall be planted exterior to the fence and shall be setback no less than fifteen (15) feet from any property line;
 - c. Screening shall achieve an opacity of 90% to a height of no less than eight (8) feet within three (3) years of planting;
 - d. Screening shall be installed within one hundred eighty (180) days of the start of physical construction and shall be maintained until the decommissioning of the SES is completed; and
 - e. All unhealthy, dead, or noncompliant plantings shall be repaired or replaced within ninety (90) days of such occurrence.

All remaining provisions of City of Oak Grove Ordinance 2021-11 shall remain in full force and effect.

SECTION II. SEVERABILITY

It is the legislative body's intent that the provisions of this ordinance are to be severable and that if a part of this ordinance is to be invalid, the findings do not necessarily invalidate the entire ordinance.

SECTION III. UNCONSTITUTIONALITY

Should any part of this ordinance be void or unconstitutional, the remaining ordinance shall remain in full force and effect.

SECTION IV. EFFECTIVE DATE

This ordinance shall take effect after its passage and publication according to law.


Jacqueline Oliver, Mayor

ATTEST:



Lorelynn Fisher, City Clerk

This advertisement was paid for by the City of Oak Grove using taxpayers' dollars in the amount of \$550.55

A complete copy of this Ordinance is available in Oak Grove City Hall during regular business hours.

I, Lee Wilson, hereby certify that I am an Attorney licensed to practice law in the Commonwealth of Kentucky. I further certify that the foregoing summary of ordinance 2024-04 was prepared in accordance with the requirements of KRS 83A.060(9) and is a true and accurate summary of the contents of said ordinance.


Lee Wilson

Date of First Reading of Ordinance: May 7, 2024

Date of Second Reading of Ordinance: May 21, 2024

Date of Publication of Ordinance: June 1, 2024

Ordinance published in: Kentucky New Era

Affidavit of Publication

STATE OF KY }
COUNTY OF CHRISTIAN } SS

ORDINANCE NO 2024-04
CITY OF OAK GROVE, KENTUCKY
ZONING ORDINANCE AMENDMENT
PUBLICATION SUMMARY
AN ORDINANCE AMENDING ORDINANCE 2021-11
PROVIDING NEW ZONING REGULATIONS FOR SOLAR
ENERGY SYSTEMS FOR
THE CITY OF OAK GROVE, KENTUCKY
WHEREAS, the City of Oak Grove enacted Ordinance 2021-11 to provide necessary
updates to zoning regulations for the City of Oak Grove; and
WHEREAS, the Oak Grove City Council wishes to adopt the March 28, 2024
recommendations of the Community Development Services Board regarding zoning
amendments for solar energy systems;
NOW THEREFORE, BE IT ORDAINED BY THE CITY OF OAK GROVE,
KENTUCKY AS FOLLOWS:
SECTION I. AMENDMENT OF OAK GROVE ORDINANCE
2021-11
City of Oak Grove Ordinance 2021-11 is hereby amended as follows:
Amend Article 5, Section 5.29 Industrial and Utility Uses,
Subsection 5.29.14 as follows:
§5.29.14[Reserved]. Solar Energy Systems may be permitted subject to the
following standards:

Keishia Hicks, being duly sworn, says:

That she is Accounting Clerk of the Kentucky New Era, a
newspaper of general circulation, printed and published in
Hopkinsville, Christian County, KY; that the publication, a
copy of which is attached hereto, was published in the
said newspaper on the following dates:

June 01, 2024

Publisher's Fee: \$ 550.55

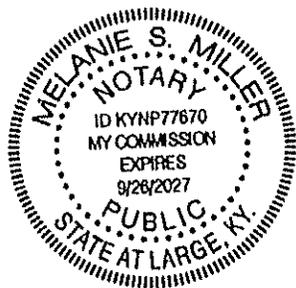
That said newspaper was regularly issued and circulated
on those dates.

SIGNED:

Keishia Hicks

Subscribed to and sworn to me this 1st day of June 2024.

M B Miller



00007747 70973681

LORELYNN FISHER
City of Oak Grove
8505 Pembroke Oak Grove Rd
Oak Grove, KY 42262

The requirements of this subsection are intended to be supplemental to any safety,
health, or environmental requirements of federal, state, or local laws and regulations.

(b) Applicability. This subsection applies to the siting, construction, installation, and
decommissioning of any new SES within the City of Oak Grove on or after the
effective date of these provisions. An SES in operation, or which has begun physical
construction prior to this subsection's effective date, shall be considered to have
legal nonconforming status in accordance with KRS 100.253 and Article 8 of this
Ordinance. In addition to the exemptions provided by Article 8, the provisions of this
subsection do not apply to the following:

(1) The routine maintenance and repair, including replacement of solar panels, not
increasing the SES Footprint; and

(2) Any SES exempted by the provisions of KRS 100.324. Any Exempt SES shall
provide the Planning Commission information concerning service facilities which
have been located on and relocated on private property in accordance with KRS
100.324(3).

Notwithstanding the exemptions provided by this subsection, an SES shall comply
with all applicable federal, state, and local laws, regulations, and permitting and
other requirements, and applicable building, fire, electrical, and plumbing codes.

(c) Permit Required. A building/zoning permit is required prior to the physical
construction of a Solar Energy System in the City of Oak Grove. Prior to the
issuance of a building/zoning permit, Ground Mounted SESs are subject to the site
plan review requirements of Sections 3.22 through 3.30 and, where applicable, the
conditional use permit requirements of Sections 3.40 through 3.48 of this Ordinance.

(g) General Requirements Applicable to Ground Mounted SESs. Ground mounted
SESs are permitted in accordance with the provisions of this subsection and the

provisions of Section 5.2 of this Ordinance.

(5) Siting Restrictions for Ground Mounted SES.

a. Small Scale Ground Mounted Energy Systems as measured from the outer edge of the nearest panel are not permitted in a required front yard and shall be setback a minimum of thirty (30) feet from any lot line.

b. An Intermediate Scale SES, measured from the closest outer edge of the nearest panel or perimeter fencing, shall be located:

- 1) At least one-hundred (100) feet from the nearest lot line of any property zoned R-1, R-1A, R-2, R-3, RMH-1, RMH-2, or B-1;
- 2) At least one-hundred (100) feet from the nearest lot line of any property containing a residential use (excluding residential uses located on the same lot as the SES);
- 3) At least fifty (50) feet from the right-of-way boundary of any public road; and
- 4) Where not addressed by parts 1), 2), and 3) above, at least thirty (30) feet from any lot line.

c. A Large Scale SES, measured from the closest outer edge of the nearest panel or perimeter fencing, shall be located:

- 1) At least one-thousand (1,000) feet from any lot line;
- 2) At least two-thousand (2,000) feet from the nearest lot line of any property zoned R-1, R-1A, R-2, R-3, RMH-1, RMH-2, or B-1; and
- 3) At least two-thousand (2,000) feet from the nearest lot line of any property containing a residential use or quasi-public use.

d. Setback requirements may be expanded by the Board of Zoning Adjustment as a condition of approval of a conditional use permit, where deemed necessary to ensure effective screening or separation between uses.

e. Setbacks are not required for property lines contained within an SES Footprint where the property line is shared by two (2) or more participating landowners.

f. A variance from the setbacks required by parts a, b, or c of this subsection may be granted by the Board of Zoning Adjustment pursuant to Article 3, Division V or, in the case of zoning map amendment, by the Planning Commission pursuant to Section 9.5 of this Ordinance.

(6) Screening. Excluding Small Scale Ground Mounted Energy Systems, perimeter screening shall be provided. Screening shall:

- a. Consist of an eight (8) foot tall fence and a double row of staggered evergreen trees (minimum five (5) feet in height at planting and maturing to a minimum of fifteen (15) feet in height);
- b. Evergreen trees shall be planted exterior to the fence and shall be setback no less than fifteen (15) feet from any property line;
- c. Screening shall achieve an opacity of 90% to a height of no less than eight (8) feet within three (3) years of planting;
- d. Screening shall be installed within one hundred eighty (180) days of the start of physical construction and shall be maintained until the decommissioning of the SES is completed; and
- e. All unhealthy, dead, or noncompliant plantings shall be repaired or replaced within ninety (90) days of such occurrence.

All remaining provisions of City of Oak Grove Ordinance 2021-11 shall remain in full force and effect.

SECTION II. SEVERABILITY

It is the legislative body's intent that the provisions of this ordinance are to be severable and that if a part of this ordinance is to be invalid, the findings do not necessarily invalidate the entire ordinance.

SECTION III. UNCONSTITUTIONALITY

Should any part of this ordinance be void or unconstitutional, the remaining ordinance shall remain in full force and effect.

SECTION IV. EFFECTIVE DATE

This ordinance shall take effect after its passage and publication according to law.

/s/ Jacqueline Oliver, Mayor

ATTEST:

Lorelynn Fisher, City Clerk

This advertisement was paid for by the City of Oak Grove using taxpayers' dollars in the amount of \$550.55.

A complete copy of this Ordinance is available in Oak Grove City Hall during regular

business hours.

I, Lee Wilson, hereby certify that I am an Attorney licensed to practice law in the Commonwealth of Kentucky. I further certify that the foregoing summary of ordinance 2024-04 was prepared in accordance with the requirements of KRS 83A.060(9) and is a true and accurate summary of the contents of said ordinance.
/s/ Lee Wilson

Date of First Reading of Ordinance: May 7, 2024

Date of Second Reading of Ordinance: May 21, 2024

Date of Publication of Ordinance:

Ordinance published in: Kentucky New Era