APPROVED by the CDS Board
November 25, 2024

Subdivision Regulations

of

Oak Grove, Kentucky

Subdivision Regulations

Oak Grove, Kentucky

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ARTICLE I. GENERAL PROVISIONS

SECTION 1.01 PURPOSE

These subdivision regulations are designed to encourage the subdividing of land according to recognized standards which provide for sound, efficient, and economical development; to provide for safe, convenient, and efficient traffic circulation; to ensure that future growth will be orderly and conducive to the provision of a minimum outlay of public and private expenditures in providing services to developing areas; to provide for adequate and convenient open spaces for utilities, recreation, light, air, and access of firefighting equipment; and to provide for the provision of water, drainage, sewer, and other sanitary facilities.

SECTION 1.02 TITLE

These regulations shall be known and may be cited as the "Subdivision Regulations of Oak Grove, Kentucky". A certified copy of these regulations are on file with the Hopkinsville-Christian County Planning Commission.

SECTION 1.03 LEGISLATIVE AUTHORITY

These regulations were prepared and adopted by the Hopkinsville-Christian County Planning Commission under authority granted by the Kentucky Revised Statutes (KRS), Chapter 100. Under these regulations, the City of Oak Grove administers provisions related to the construction and installations of public improvements and, as such, has adopted the construction standards outlined herein by Ordinance 2025-03.

SECTION 1.04 AREA OF JURISDICTION

The provisions of these regulations shall apply to all incorporated lands within Oak Grove, Kentucky.

SECTION 1.05 ADMINISTRATION

These regulations shall be administered by the Hopkinsville-Christian County Planning Commission (see Article III).

SECTION 1.06 COMPLIANCE WITH APPLICABLE RULES AND STANDARDS

A. In addition to the regulations set forth herein, all subdivisions of land including the design, construction, and/or dedication of improvements shall comply with the following laws, rules, and regulations:

    1. All applicable federal laws including the administrative regulations promulgated by federal departments and agencies;
    2. All applicable provisions contained in the Kentucky Revised Statutes and Kentucky Administrative Regulations;
    3. All jurisdictional ordinances;
    4. The requirements of the Christian County Health Department;
    5. The requirements of the Kentucky Transportation Cabinet if the subdivision abuts a state highway or requires access to a road maintained by the Commonwealth of

Kentucky or as required by KRS 100.287 or other applicable law; and

6. The standards and regulations promulgated by the affected utility providers.

B. All subdivisions reviewed and approved under these regulations shall comply with the zoning requirements of the City of Oak Grove. No subdivision of land shall be approved which results in the reduction of a lot's yards, area, width, or density below the minimum requirements established for the affected zoning district.

C. No subdivision of land shall increase the nonconformity of a lot; however, the subdivision, redivision, or consolidation of a nonconforming lot(s) that reduces such nonconformity shall be permitted.

SECTION 1.07 INTERPRETATION AND CONFLICT WITH PRIVATE PROVISIONS

A. In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare of the citizens of Oak Grove. Minimum requirements shall be defined as those regulations and standards found herein and shall constitute the degree of compliance which must be maintained before approval can be granted.

B. Neither these regulations nor any provision herein is intended to repeal any easement, covenant or any other private agreement or restriction.

SECTION 1.08 COMMISSION APPROVAL REQUIRED FOR SUBDIVISIONS

A. No person or his agent shall subdivide any land, before securing approval of the Hopkinsville-Christian County Planning Commission on a plat designating the areas to be subdivided, and no plat of a subdivision of land within the planning unit's jurisdiction shall be recorded by the County Clerk until the plat has been approved by the commission and the approval entered thereon in writing by the Chairman or Executive Director of the Planning Commission.

B. No person owning land composing a subdivision, or his agent, shall transfer or sell any lot or parcel of land located within a subdivision by reference to, or by exhibition, or by any other use of a plat of such subdivision, before such plat has received final approval of the Planning Commission and has been recorded. Any such instrument of transfer or sale shall be void and shall not be subject to be recorded unless the subdivision plat subsequently receives final approval of the Planning Commission, but all rights of such purchaser to damages are hereby preserved. The description of such lot or parcel by metes and bounds in any instrument of transfer or other document used in the process of selling or transferring same shall not exempt the person attempting to transfer from penalties provided or deprive the purchaser of any rights or remedies he may otherwise have. Provided, however, any person, or his agent, may agree to sell any lot or parcel of land located within a subdivision by reference to an unapproved or unrecorded plat or by reference to a metes and bounds description of such lot and any such executory contract of sale or option to purchase may be recorded and shall be valid and enforceable so long as the subdivision of land contemplated therein is lawful and the subdivision plat subsequently receives final approval of the Planning Commission.

C. Any street or other public ground which has been dedicated shall be accepted for maintenance by the legislative body after it has received final plat approval by the Planning Commission. Any street that has been built in accordance with specific standards set forth in subdivision regulations or by ordinance shall be, by operation of law, automatically accepted for maintenance by the Oak Grove City Council forty-five (45) days after inspection and final approval.

D. Any instrument of transfer, sale, or contract that would otherwise have been void under this section and under any of its subsections previously, is deemed not to have been void, but merely not subject to be recorded unless the subdivision plat subsequently receives final approval of the Planning Commission.

SECTION 1.09 LAND SOLD IN VIOLATION OF THE SUBDIVISION REGULATIONS

When it has been discovered that land has been sold or transferred, or that contract has been entered into for the sale or transfer of land in violation of the provisions of these regulations, the owner or owners of record shall file plats of the land in accordance with these regulations. When land is sold or transferred, or a contract has been entered into for the sale or transfer of land in violations of these regulations, the land shall be governed by the subdivision regulations both prior to and after the platting of the land by the owner of record as if a plat had been filed in accordance with the provisions of these regulations. Plats filed pursuant to these regulations may be filed by the last transferee in the chain of title including holders of deeds, which may be otherwise void under KRS 100.277(2).

SECTION 1.10 ENFORCEMENT, VIOLATION, AND PENALTIES

A. The Planning Commission or a duly-appointed representative thereof shall administer and enforce these regulations. Any individual in violation of these regulations shall be notified by the Planning Commission and be given ten (10) days to respond to said notification. Inappropriate response and continued violation or lack of compliance with these regulations shall be brought to the attention of the City Attorney (KRS 100.991).

B. Any person or entity who violates any of the provisions of KRS 100.273 to 100.292 or any of these subdivision regulations adopted pursuant thereto for which no other penalty is provided shall, upon conviction, be fined not less than ten dollars ($10) but not more than five hundred dollars ($500) for each conviction. Each day of violations shall constitute a separate violation.

C. Any person, owner, or agent who violates these regulations shall, upon conviction, be fined not less than one hundred dollars ($100) nor more than five hundred dollars ($500) for each lot or parcel which was subject to sale or transfer, or contract for sale or transfer.

D. Appropriate actions and proceedings may be taken by law or in equity to prevent any violation of these regulations, to prevent unlawful construction, to recover damages, to restrain, correct, or abate a violation, to prevent illegal occupancy of a building structure or premises. These remedies shall be in addition to the penalties described above.

SECTION 1.11 AMENDMENTS

The Hopkinsville-Christian County Planning Commission's Governing Board may, in accordance

with the provisions of KRS 100, revise, modify, or amend these regulations by appropriate action after a public hearing has been held.

SECTION 1.12 SEPARABILITY AND PREVIOUS REGULATIONS

A. Should any section, subsection, paragraph, or provision of these regulations be held invalid or unenforceable by a court of competent jurisdiction, such decision shall in no way affect the validity of any other provision of these regulations. It is the intention the Hopkinsville-Christian County Planning Commission to adopt each provision of these regulations separately.

B. Any previously adopted subdivision regulations for the City of Oak Grove are hereby repealed.

SECTION 1.13 EFFECTIVE DATE

These regulations shall be effective upon adoption by the Hopkinsville-Christian County Planning Commission's Governing Board and the adoption of Public Improvement Specifications (Article VI, Divisions 2, 3, 4, and 5), as contained herein, by the Oak Grove City Council. Any subdivision which has been properly submitted and accepted by the Planning Commission on or after the effective date of these regulations shall comply with all provisions herein. Any subdivision that has received preliminary plat approval prior to the effective date of these regulations shall continue to comply with the previous subdivision guidelines, provided such plat receives final approval and is recorded within two (2) years of the effective date of these regulations.

SECTIONS 1.14 TO 2.00 RESERVED

ARTICLE II. DEFINITIONS

SECTION 2.01 USE OF WORDS AND TERMS

A. For the purpose of these regulations, certain numbers, abbreviations, terms, words, and phrases used herein shall be used, interpreted, and defined as set forth in this Article.

B. Whenever any words and phrases used herein are not defined herein but are defined in the state laws regulating the creation and function of a planning agency, any such definition therein shall be deemed to apply to such words and phrases used herein, except when the context otherwise requires.

C. For the purpose of these regulations, certain words and phrases used herein shall be interpreted as follows:

1. The word "person" includes an individual, firm, association, organization, partnership, trust, company, corporation, or any other legal entity;

2. The masculine includes the feminine;

3. The present tense includes the past and future tense; the singular number includes the plural;

4. The word "shall" is a mandatory requirement, the word "may" is a permissive requirement, and the word "should" is a preferred requirement;

5. The words "used" or "occupied" include the words "intended, arranged, or designed to be used or occupied";

6. Whenever a number of days is specified in this regulations, including a permit, condition of approval, or notice provided, the number of days shall mean calendar days unless otherwise specified; and

7. The word "lot" includes the words "plot", "parcel", and "tract".

D. In the case of any difference of meaning or implication between the text of these regulations and any caption, number, illustration, or table, the text shall govern, unless otherwise specifically noted herein.

SECTION 2.02 DEFINITIONS

Certain words or terms used by these regulations are defined below and shall have the meaning ascribed to them:

ABUT – To physically touch or border upon, or to share a common property line (See Adjoining Lot or Land and Contiguous).

ACCESS – A way or means of approach to provide physical entrance to a property.

ACRE – A measure of land containing 43,560 square feet.

ADJOINING LOT OR LAND – A lot or parcel of land which shares all or part of a common lot line with another lot or parcel of land (See Abut and Contiguous).

AGRICULTURAL USE – An agricultural use as defined by KRS 100.111.

AMENITY – A natural or man-made feature which enhances or makes more attractive or satisfying a particular property.

ANNEXATION – The incorporation of land area into an existing community with a resulting change in the boundaries of that community.

APPLICANT – The subdivider or the subdivider's agent.

APPROVED PLAN – A plan which has been granted final approval by the appropriate approving authority.

APPROVING AUTHORITY – The individual or entity authorized by these regulations and/or the provisions of KRS 100 to grant final approval (or denial) to an application for a building/zoning permit, certificate of occupancy, conditional use, subdivision plat, site or development plan, variance, or zoning amendment.

BASE FLOOD ELEVATION – The highest elevation, expressed in feet above sea level, of the level of floodwaters occurring in the regulatory base flood (100-year flood).

BASE MAP – A map having sufficient points of reference, such as state, county, or municipal boundary lines, streets, easements, and other selected physical features to allow the plotting of other data.

BERM (or Earthen Mound) – Earth contoured so as to form a mound above the general elevation of the adjacent ground or surface.

BUILDING – Any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or materials of any kind or nature.

BUILDING AREA – The area of a lot remaining after the minimum yard and open space requirements of the zoning ordinance have been met.

BUILDING COVERAGE – The horizontal area measured within the outside of the exterior walls of the ground floor of all principal and accessory buildings on a lot expressed as a percentage of lot area.

BUILDING/ZONING PERMIT – A document issued by the Zoning Administrator, authorizing the use of lots, structures, land, and buildings and the characteristics of the use in conformity with the zoning ordinance and subject to the requirements of the Kentucky Building Code or the Kentucky Residential Code.

BUILDING OFFICIAL – The official (including any individual, agency, or entity) appointed by the City of Oak Grove to administer the requirements of the Kentucky Building Code and Kentucky Residential Code.

BUILDING, PRINCIPAL – A building in which is conducted the main or principal use of the lot on which said building is situated.

BUILDING SETBACK LINE – The line, established by the setback requirement of the zoning ordinance or other restriction, beyond which a building shall not extend. The building setback line may also be referred to as the "building line".

CEMETERY – Land used or intended to be used for the burial of the human or animal dead and dedicated for cemetery purposes, including mausoleums and mortuaries (but excluding crematories) if operated in connection with and within the boundaries of such cemetery for which perpetual care and maintenance is provided.

CERTIFICATE OF OCCUPANCY/ZONING COMPLIANCE – A document issued by the Zoning Administrator allowing the occupancy or use of lands, buildings, or structures in conformance with the requirements of the zoning ordinance and upon certification that the requirements of the Kentucky Building Code or the Kentucky Residential Code have been met.

CERTIFICATION – A written statement by the appropriate offices that required construction, inspections, tests, or notices have been performed and comply with applicable requirements.

CHANNEL – A natural or artificial water course of perceptible extent, with a definite bed and banks to confine and conduct continuously or periodically flowing water.

CHARACTERISTICS OF USE – The use which is characteristic of the principal use of any area of land, buildings, or structures.

CITY COUNCIL – The Oak Grove City Council.

COMMON ELEMENTS – Land amenities, parts of buildings, central services, utilities, and any other elements and facilities owned and used by all members of the development and designated in the master deed as common elements.

COMPLETE APPLICATION – The submission by the subdivider of all documents, exhibits, and fees required by these regulations or applicable law necessary for a final action or determination by the Governing Board or Director to be made.

COMPREHENSIVE PLAN – A plan, or any portion thereof, adopted by the Planning Commission, with goals and objectives adopted by the City Council, showing the general location and extent of the present and proposed physical facilities including housing, industrial and commercial uses, parks, schools, transportation, and other community facilities. The plan may also include development policy or guidelines for future growth and development.

CONDEMNATION – The exercise by a governmental agency of the right to eminent domain.

CONSOLIDATION – The removal of lot lines between continuous parcels.

CONTIGUOUS – Next to, abutting, or touching and having a boundary, or portion thereof, which is conterminous (See Abut and Adjoining Lot or Land).

CUL-DE-SAC – The turnaround and the end of a dead-end street.

DEDICATION – Gift or donation of a property by the owner to another party.

DEED – A legal document conveying ownership of real property.

DENSITY – The number of dwelling units permitted per net acre of land. For the purposes of these regulations, net acre shall mean the land area confined within the lot's boundaries, excluding public rights-of-way.

DETENTION BASIN – A pond, pool, or basin with controlled storm water release used for the temporary storage of water runoff.

DEVELOPMENT PLAN – Written and graphic material for the provision of a development, including any or all of the following: location and bulk of buildings and other structures, intensity of use, density of development, streets, ways, parking facilities, signs, drainage of surface water, access points, a plan for screening or buffering, utilities, existing manmade and natural conditions, and all other conditions agreed to by the applicant.

DEVELOPMENT REGULATION – Zoning, subdivision, site plan, official map, flood plain regulation, or other governmental regulation of the use and development of land.

DIRECTOR – The Executive Director of the Hopkinsville-Christian County Planning Commission including subordinate staff directly assigned.

DISTRICT – A part of the city wherein restrictions of the zoning ordinance are uniform, as depicted on the Official Zoning Map adopted in conjunction with the ordinance.

DRAINAGE – (1) Surface water runoff; (2) The removal of surface water or groundwater from land by drains, grading, or other means which include runoff controls to minimize erosion and sedimentation during and after construction or development, the means for preserving the water supply, and the prevention or alleviation of flooding.

DRAINAGE SYSTEM – Pipes, swales, natural features, and man-made improvements designed to carry drainage.

DWELLING UNIT – A room or group of rooms designed and equipped exclusively for the use as living quarters for only one family and its household employees, including provisions for living, sleeping, cooking, and eating.

EASEMENT – An authorization or grant of land by a property owner to specific person(s) or the general public to use said land for a specific/expressed purpose(s).

EASEMENT (DRAINAGE) – An easement required for the installation of storm water sewers or drainage ditches and/or required for the preservation or maintenance of a natural stream or water course or other drainage facilities.

EGRESS – An exit; to depart from a building or lot.

EMINENT DOMAIN – The authority of a government to take, or to authorize the taking of, private property for public use.

ENLARGEMENT – To increase in the size of an existing structure or use.

EROSION – The detachment and movement of soil or rock fragments or the wearing away of the land surface by water, wind, ice, and gravity.

EXCAVATION – Removal or recovery by any means whatsoever of soil, rock, minerals, mineral substances, or organic substances other than vegetation, from water or land or beneath the surface thereof, whether exposed or submerged.

EXCEPTED SUBDIVISION OR EXCEPTED PLAT – A plat depicting property not constituting a subdivision under these regulations or as defined by KRS 100.

EXISTING GRADE OR ELEVATION – The vertical location of the ground surface prior to excavation or filling.

EXISTING USE – The use of a lot or structure at the time of the effective date of these regulations.

FILL – Sand, gravel, earth, or other materials of any composition whatsoever placed or deposited by humans.

FINAL APPROVAL – The last official action of the Zoning Administrator, Planning Commission, Board of Zoning Adjustment, or City Council taken on a complete application which has been approved, after all conditions and requirements have been met and the required improvements have been installed or a surety instrument has been posted to guarantee the installation of required improvements.

FINAL PLAT – The plat of a subdivision intended for review and approval by the Planning Commission prior to recording.

FINAL (RECORD) PLAT – The plat constituting the legal instrument intended for filing at the Office of the Christian County Clerk and which has received all approvals required by these regulations requisite to recording.

FLOOD (OR FLOODWATER) – An overflow or inundation of normal dry lands from a stream or other body of water; the high stream flow overtopping the banks of a stream; or a high flow as measured by each stage or discharge.

FLOOD, 100-YEAR – A flood having a peak discharge which can be expected to be equaled or exceeded on the average of once in a hundred-year period. The 100-year frequency flood is equivalent to a flood having a probability of occurrence of one percent (1%) in any given year (a flood magnitude which has a one percent (1%) chance of being equaled or exceeded in any given year.)

FLOOD CONTROL – The prevention of floods, the control, regulation, diversion, or confinement of floodwater or flood flow and the protection therefrom, according to sound and accepted engineering practice, to minimize the extent of floods, and the death, damage, and destruction caused thereby and all things incidental thereto or connected therewith.

FLOOD HAZARD AREA – A flood plain, or portion thereof, which has not been adequately protected from floodwater by means of dikes, levees, or reservoirs.

FLOOD PLAIN – The relatively flat area of low land adjoining the channel of a river or stream which has been or may be covered by floodwater. The flood plain includes the channel, floodway, and floodway fringe.

FLOOD PLAIN, 100-YEAR – The Special Flood Hazard Area (SFHA) as defined by Chapter 154 of the City of Oak Grove Code of Ordinances and illustrated on the Flood Insurance Rate Map (FIRM) as zones A, AE, A1-A30 AH, AO, and AR.

FLOODWAY – The channel of a river or stream and those portions of the flood plain adjoining the floodwater or flood flow of any river or stream.

FLOODWAY FRINGE – Those portions of the flood hazard area lying outside the floodway.

FRONTAGE – The side of a lot abutting on a street; the front lot line.

GOVERNING BOARD – The convened and duly appointed members of the Hopkinsville-Christian County Planning Commission, constituting a quorum, acting as a decision making body at a regular or special called meeting.

GRADE – The average level of the finished surface of ground adjacent to the exterior walls of the building.

GRADE, FINISHED – The final elevation of the ground surface after development.

GRADE, NATURAL – The elevation of the ground surface in its natural state before man-made alterations (See Existing Grade or Elevation).

HOUSING UNIT – See Dwelling Unit.

IMPERVIOUS SURFACE – A surface which does not absorb or percolate water. Impervious surfaces include all buildings; asphalt, concrete, or bricked parking areas, driveways, roads, sidewalks, and

patios; compacted gravel and other manmade improvements which similarly impede the natural infiltration of storm water; and water bodies including pools.

IMPERVIOUS SURFACE COVERAGE – The area, measured horizontally, of all impervious surfaces on a lot, expressed as a percentage of lot area.

IMPROVED LOT – A lot containing an improvement.

IMPROVEMENT – Any man-made, immovable item which becomes part of, placed upon, or is affixed to, real estate.

IMPROVEMENTS (REQUIRED) – Infrastructure necessary to provide essential services to a development or lot, the provision of which is required prior to subdivision approval or the issuance of a building/zoning permit or a certificate of occupancy.

INFRASTRUCTURE – Facilities and services needed to sustain industry, residential, and commercial activities. Infrastructure may include, but is not limited to, water and sewer facilities, storm water detention basins and drainage systems, public streets and sidewalks, and electric, gas, and telecommunications services.

INGRESS – Access or entry.

JOINT OWNERSHIP – The equal estate interest of two or more persons.

LAND SURVEYOR – One who is licensed by the Commonwealth as a land surveyor and is qualified to make accurate field measurements and mark, describe, and define land boundaries.

LAND USE – A description of how land is occupied or utilized.

LANDSCAPE – (1) An expanse of natural scenery; (2) The addition of lawns, trees, plants, and other natural and decorative features to land.

LANDSCAPE PLAN – A detailed plan that denotes the location, size, and type of trees, hedges, shrubs, and other landscaping features to be removed, retained, and planted as part of a development.

LIGHTING PLAN – A detailed plan that denotes the location, fixture type and size, and illumination of lighting elements to be installed (or retained) as part of a development.

LOT – A parcel, tract, or area of land established by a plat, deed, or otherwise permitted by law, to be separately owned, used, developed, or built upon.

LOT AREA – The horizontal area within the exterior boundary lines of the lot, exclusive of streets, highways, alleys, roads or other rights-of-way.

LOT COVERAGE – The ratio of enclosed ground floor area (gross) of all buildings on a lot to the horizontally projected area of the lot, expressed as a percentage.

LOT FRONTAGE – The front of a lot abutting the street.

LOT LINE, FRONT – Lot line(s) bounding a lot as follows:

INTERIOR LOT – The line separating the lot from the street.

CORNER OR THROUGH LOT – The line separating the lot from either street.

LOT LINE, REAR – The boundary of a lot which is most distant from and is, or is most nearly, parallel to the front lot line. In the case of a triangular or irregular-shaped lot, an imaginary line between the side lot lines parallel to the front lot line, ten (10) feet long, lying farthest from the front lot line. On a corner lot, the rear lot line shall be opposite the front lot line of least dimension.

LOT LINE, SIDE – Any boundary of a lot which is not a front lot line or rear lot line.

LOT OF RECORD – A lot which is part of a subdivision recorded in the office of the County Clerk, or a lot or a parcel described by metes and bounds, the description of which has been so recorded by deed.

LOT TYPES – Terminology used in these regulations with reference to different types of lots is as follows:

1. CORNER LOT – A lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if tangent projections of the front lot lines drawn perpendicular at the side lot lines meet at an interior angle of less than 135 degrees in front of the lot.

2. INTERIOR LOT – A lot with only one frontage on a street.

3. REVERSED FRONTAGE LOT – A lot on which frontage is at right angles to the general pattern in the area. A REVERSED FRONTAGE LOT may also be a CORNER LOT.

4. THROUGH LOT – A lot other than a corner lot with frontage on more than one street. THROUGH LOTS abutting two streets may be referred to as double frontage lots.

LOT WIDTH – The horizontal distance between the side lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required building setback line.

MAJOR SUBDIVISION – Any division of property not constituting a minor subdivision or excepted subdivision as defined herein.

MINOR SUBDIVISION – The division of property into not more than five (5) lots, including redivision or successive divisions occurring within a twelve (12) month period, and not involving the construction or dedication of a street greater than 100 feet in length.

NONCONFORMING LOT – Any lot, lawfully existing on the effective date of the zoning ordinance or an amendment thereto, which fails by reason of such adoption or amendment to comply with the area, lot width, frontage, or other standards currently applicable to the lot.

NONRESIDENTIAL USE – A use not associated with permanent residential occupancy (permanent means for at least 30 days in duration). Nonresidential uses include agricultural and animal uses; accommodation uses; public, civic, and institutional uses; entertainment, recreation, and dining uses; office uses; commercial, retail, and personal service uses; transportation and communication uses; and industrial and utility uses.

NUISANCE – An interference with the enjoyment and use of property.

OFF-SITE – Located outside the lot lines of the lot in question.

ON-SITE – Located on the lot that is the subject of an application for development.

OPEN SPACE – A public or private outdoor area expressly set aside for the use and benefit of many unrelated people. The area may include natural environmental features, water areas, and incidental passive park-like amenities such as benches and shelters. Where permitted, open space may contain swimming pools, tennis courts, and other recreational facilities when part of an approved development plan. Streets, parking areas, structures for habitation, and the like shall not be included in open space area calculations.

ORDINANCE – Any legislative action, however denominated, of a local government which has the force of law, including the amendment or repeal of any ordinance.

OWNER – Any person, group of persons, firm, association, organization, partnership, trust, company, corporation, or other legal entity having legal title to or sufficient proprietary interest in the land sought to be subdivided under these regulations.

PARK (ACTIVE) – A noncommercial use and parcel of land, publicly accessible and typically owned by a unit of government, intended and dedicated for the use and enjoyment of residents and visitors. Active parks may contain passive open and natural areas similar to passive parks, but may also include playgrounds, splash pads, picnic areas and shelters, restrooms, courts and fields for basketball, baseball, disc golf, and other sports and similar amenities.

PARK (PASSIVE) – A noncommercial open area, publicly accessible without fee or charge and typically owned by a unit of government or nonprofit organization, intended and dedicated for the use and enjoyment of residents and visitors. Passive parks may contain benches and tables, nature trails and walking paths, and similar amenities, but do not include equipment or facilities for sports or similar active recreation.

PEDESTRIAN – An individual who travels on foot.

PERFORMANCE STANDARDS – A set of criteria or limits relating to nuisance elements which a particular use or process may not exceed.

PERMIT – Written governmental permission issued by an authorized official, empowering the holder thereof to do some act not forbidden by law, but not allowed without such authorization.

PLANNING COMMISSION – The Hopkinsville-Christian County Planning Commission (dba Community and Development Services). This term includes the Planning Commission's Governing Board and, where specified or delegated by these regulations, its Director and assigned staff.

PLAT – A graphic illustration, prepared by a licensed land surveyor, representing a tract of land, showing the boundaries and location of individual properties, streets, easements, and other surveyed features (see Preliminary Plat and Final Plat).

PRELIMINARY PLAT – The drawing or drawings described in these regulations, indicating the proposed manner or layout of the subdivision to be submitted to the Planning Commission for approval. An approved preliminary plat shall not be used for the convenience of property but may, subject to the requirements of these regulations, permit an applicant to commence certain improvements necessary for the submission and approval of a final plat.

PREMISES – One (1) or more lots which are in the same ownership and are contiguous or separated only by a road or water body, including all buildings, structures, and improvements.

PRINCIPAL BUILDING – The building in which the principal use of the lot is conducted.

PRINCIPAL USE – The primary use to which the premises are devoted and the main purpose of which the premises exists.

PUBLIC DOMAIN – All lands owned by government.

PUBLIC HEARING – A meeting announced, advertised in advance and open to the public, with the public given an opportunity to talk and participate.

PUBLIC NOTICE – The advertisement of a public hearing in a paper of general circulation in the area and through other media sources, indicating the time, place, and nature of the public hearing.

PUBLIC RIGHT-OF-WAY – A right-of-way in which a unit of government owns, maintains, or has acquired an interest to through an irrevocable offer of dedication or by operation of law.

PUBLIC SERVICE FACILITY – The erection, construction, alteration, operation, or maintenance of buildings, power plants or sub-stations, water treatment plants or pumping stations, sewage disposal or pumping plants, and other similar public service structures used by a public utility, by a railroad,

whether publicly or privately owned, or by a municipal or other governmental agency, including the furnishing of electrical, gas, water, and sewage services.

PUBLIC USES – Public parks, schools, administrative and cultural buildings and structures, not including public land or buildings devoted solely to the storage and maintenance of equipment and materials and public service facilities.

QUASI-PUBLIC USE – Churches, Sunday schools, parochial schools, colleges, hospitals and other facilities of an educational, religious, charitable, philanthropic, or non-profit nature.

RESTRICTION – A limitation on property which may be created in a property deed, lease, mortgage, through certain zoning or subdivision regulations, or as a condition of approval of an application for development.

RESTRICTIVE COVENANT – A legal instrument under which title to real estate is conveyed that provides restrictions or limitations of use, occupancy, future subdivision, transfer, leasing, or other disposition of a unit or the limitations on the use of common elements or building materials or other restrictions affecting the use, disposition, and enjoyment of property.

RETAINING WALL – A structure constructed to hold back or support an earthen bank.

RETENTION BASIN – A pond, pool, or basin used for the permanent storage of water runoff.

REZONE – To change the zoning classification of particular lots or parcels of land.

RIGHT OF ACCESS – The legal authority to enter or leave a property.

RIGHT-OF-WAY – A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary sewer or storm sewer main, or for another special use. The usage of the term "right-of-way" for land platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such rights-of-way and not included within the dimensions or areas of such lots or parcels. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains, or any other use involving maintenance by a public agency shall be dedicated to public use by the maker of the plat on which such right-of-way is established.

SEPTIC SYSTEM – An underground system with a septic tank used for the decomposition of domestic wastes.

SETBACK – The minimum distance established by the zoning ordinance, measured from the lot line (property line) or other specified feature, defining the limits of a yard in which no structure may be located above ground.

SEWERS, CENTRAL OR GROUP – An approved sewage disposal system which provides a collection network and disposal system and central sewage treatment facility for a single development, community, or region.

SEWERS, ON-SITE – A septic tank or similar installation on an individual lot which utilizes an aerobic bacteriological process or equally satisfactory process for the elimination of sewage and provides for the proper and safe disposal of the effluent, subject to the approval of health and sanitation officials having jurisdiction.

SIDEWALK – The portion of the road right-of-way outside the roadway, which is improved for the use of pedestrian traffic.

STREET – A general term denoting a public way for purposes of vehicular travel, including the entire area within the right-of-way. The term "street" also includes the terms highway, parkway, road, thoroughfare, avenue, boulevard, lane, court, place and other such terms. Except as otherwise denoted by these regulations, the term "street" means a "public street".

1. ALLEY – A street intended to provide access to the rear or side of lots or to buildings in urban areas and not intended for the purpose of through vehicular traffic.

2. ARTERIAL – A system of street and roads which form an integrated network of continuous routes primarily for through traffic. The "arterial" system is stratified into major and minor categories.

    a. MAJOR – A street intended to collect and distribute traffic and service areas such as community-commercial areas, primary and secondary educational schools, plants, hospitals, major recreational areas, churches, and offices.

    b. MINOR – A street intended to move traffic from local roads to major arterials.

3. CUL-DE-SAC – A local street open at one end only and with a special provision for vehicles turning around.

4. DEAD-END – A local street open at one end only and without a special provision for vehicles turning around.

5. FRONTAGE – A local street or road auxiliary to and located on the side of an arterial for service to abutting property and adjacent areas and for control of access.

6. HIGHWAY – A term applied to streets and roads that are under the jurisdiction of the Kentucky Department of Transportation.

7. LOCAL – A system of streets and roads which primarily provides land access service and access to higher order systems.

8. LOOP – A local street with both terminal points on the same street of origin.

9. PARTIAL – A dedicated right-of-way providing only a portion of the required street width, usually along the edge of a subdivision or tract of land.

10. PERIMETER – Any existing street to which the parcel of land to be subdivided abuts on only one (1) side.

11. PRIVATE – A local street that is not accepted for public use or maintenance which provides vehicular and pedestrian access.

12. PUBLIC – A street under the control of and kept by the public, established by regular governmental proceedings for the purpose, or dedicated by the owner of the land and accepted by the proper authorities and for the maintenance of which they are responsible.

STRUCTURE – Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Structures include, but are not limited to, buildings, carports, walls, fences, signs, radio towers, TV antennas, and satellite TV disks.

SUBDIVIDER – The legal owner or owners of any land to be subdivided including any lawfully authorized agents thereof.

SUBDIVIDER AGENT – Any person who represents, or acts for or on behalf of, a subdivider in selling, leasing, or developing, or offering to sell, lease, or develop any interest, lot, parcel, unit, site or plat in a subdivision, except an attorney-at-law whose representation of another person consists solely of rendering legal services.

SUBDIVISION – The division of a parcel of land into two (2) or more lots or parcels; for the purpose, whether immediate or future, of sale, lease, or building development, or if a new street is involved, any division of a parcel of land; provided that a division of land for agricultural use and not involving a new street shall not be deemed a subdivision. The term includes resubdivision and when appropriate to the context, shall relate to the process of subdivision or to the land subdivided; any division or redivision of land into parcels of less than one (1) acre occurring within twelve (12) months following a division of the same land shall be deemed a subdivision within the meaning of these regulations.

SURETY INSTRUMENT – A financial guarantee in the form of an irrevocable letter of credit, performance bond, or cash deposit. The amount of a surety instrument shall be based on an engineer's itemized construction estimate, deemed sufficient by the City, to guarantee the installation and acceptance of improvements required by these regulations.

TRAFFIC IMPACT STUDY – An engineered analysis of the effects of traffic generated by a development (at build-out) on the capacity, operation, and safety on the public streets and highway system and including an assessment of traffic mitigation measures necessary to reduce impact. This analysis and related calculations shall reference the most current edition of the Institute of Transportation Engineer's Trip Generation Manual.

TRAFFIC MITIGATION MEASURES – A street or other right-of-way improvement which enhances or improves vehicular and pedestrian access to a site and on adjoining streets. Examples of

mitigation measures include, but are not limited to, the installation of deceleration lanes, left turn lanes, additional drive lanes, and traffic signals.

TRANSPORTATION PLAN – The portion of the Comprehensive Plan adopted by the Planning Commission indicating the general location recommended for arterial, collector, and local streets and roads within the jurisdiction.

USE – The specific purposes for which land or a building is designated, arranged, intended, or for which it is or may be occupied or maintained.

UTILITY, MAJOR – Facilities, structures, and other uses that are necessary for the generation, transmission, and/or distribution of essential services to support development, such as electrical generating facilities and substations including solar farms and wind turbines, electrical and telephone switching stations, sewage collection and disposal facilities, water plants, water storage tanks, and similar uses.

UTILITIES, MINOR – Facilities, structures, and other uses necessary to distribute utilities and services such as transmission lines and poles, pipes, conduits and buried utilities, pump and lift stations, pole mounted transformers, and similar devices.

VARIANCE – A departure from the dimensional terms of the zoning ordinance pertaining to the height, width, length, or location of structures, and the size of yards and open spaces where such departure meets the requirements of KRS 100.241 to 100.247 and the requirements of zoning ordinance.

VICINITY MAP – A drawing located on the plat which sets forth by dimensions or other means, the relationship of the proposed subdivision or use to other nearby developments or landmarks and community facilities and services within the general area in order to better locate and orient the area in question.

VISIBLE – The ability to be seen by a person at any single point from any position at grade extending to a line of sight up to six (6) feet above grade.

WALKWAY – A public way, four (4) feet or more in width, for pedestrian use only whether along the side of a street or not.

WORKING DAY – The normal days of business for the Hopkinsville-Christian County Planning Commission, i.e., Monday through Friday, excluding observed holidays.

YARD – An open space other than a court on a lot, unoccupied and unobstructed from the ground upward, except as otherwise provided in these regulations. A required yard area is the yard space between the property line and the minimum setback as required by the zoning ordinance.

1. FRONT YARD. An area extending across the full width of the lot between the front lot line and the required setback.
2. REAR YARD. An area extending the full width of the lot between a rear lot line and the required setback.

3. SIDE YARD. An area extending from the front yard to the rear yard between the nearest side lot line and the required setback.
4. STREET SIDE YARD (CORNER LOT). An area extending from the front yard to the rear yard between the lot line abutting the public street and the required setback.

ZERO LOT LINE DEVELOPMENT– A development type, authorized under the zoning ordinance, where the location of buildings are placed in such a manner that one (1) or more of the building's sides rest directly on a lot line.

ZONING – The division of an area into districts and the public regulation of the character and intensity of the use of the land and of the buildings and structures which may be located thereon, in accordance with a comprehensive plan.

ZONING ADMINISTRATOR – The official (including any individual, agency, or entity) appointed by the City of Oak Grove to administer the city's zoning ordinance.

ZONING ORDINANCE – The City of Oak Grove, Kentucky Zoning Ordinance.

SECTIONS 2.03 TO 2.99 RESERVED

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SECTION 3.01 PLANNING COMMISSION TO ADMINISTER REGULATIONS

A. These regulations shall be administered by the Hopkinsville-Christian County Planning Commission. All applications, fees, maps, and documents related to subdivision approval shall be submitted to the Planning Commission.

B. Under these regulations, certain authority is delegated to the Planning Commission's Director (see Section 3.02). Review and approval authority exclusive to the Planning Commission's Governing Board includes, but is not limited to:

(1) Review and final action of all major subdivisions (preliminary and final);

(2) The hearing and deciding of appeals from actions of the Director;

(3) Recommendation regarding the acceptance of public streets;

(4) Amendments to these regulations;

(5) All matters referred by the Director or required by the Governing Board pursuant to Section 3.02B; and

(6) All matters not otherwise delegated by these regulations or that may be required under the provisions of the Kentucky Revised Statutes.

SECTION 3.02 DUTIES OF THE DIRECTOR UNDER SUBDIVISION REGULATIONS

A. The Director shall assist the Planning Commission's Governing Board in the administration and enforcement of these regulations. Under these regulations, the Director shall have the authority and responsibility to:

(1) Review and, where appropriate, issue administrative approvals and other determinations for minor subdivisions;

(2) Receive and, where appropriate, authorize the filing of subdivision plats excepted from the terms of these regulations;

(3) Maintain records of all plats, plans, applications, including all resulting actions, and fees collected;

(4) Review, file, and forward to the Governing Board the records and applications related to major subdivisions, appeals, and all other matters requiring review and consideration by the commission;

(5) Ensure consultation and coordination with the City of Oak Grove (see Section 3.03);

(6) Provide clerical, technical, and consultative assistance to the Governing Board in the exercise of its duties;

(7) Investigate and resolve violations;

(8) Conduct inspections of lands and public improvements to determine compliance; and

(9) Perform all other duties as assigned by these regulations or as may be delegated by the Governing Board.

B. **Referral of Matters to the Planning Commission.** The Director may request or the Planning Commission's Governing Board may require the referral of any matter, otherwise delegated or as provided in Section 3.02A, to the Governing Board for its advisement, review, and/or a final decision. Any person aggrieved by a decision of the Director in the administration of these regulations may appeal such order, requirement, decision, or determination to the Planning Commission's Governing Board for a final determination.

SECTION 3.03 RESPONSIBILITIES OF THE CITY OF OAK GROVE

Under these regulations and KRS 100, the Planning Commission's Governing Board or its Director is responsible for the review and approval of all subdivisions within the City of Oak Grove; however, under these regulations and by ordinance the City of Oak Grove is responsible for the daily administration of certain subdivision related improvements. The city's responsibilities include:

(1) The review and approval of construction documents related to the installation of streets, sidewalks, and other right-of-way improvements; water and sewer extensions and related improvements such as lift-stations, pump-stations, and towers; storm water management basins and related facilities; and all other improvement to be accepted into city maintenance or required by these regulations or city ordinance;
(2) The inspection and final approval of such improvements; and
(3) The acceptance, maintenance, and release of surety instruments for required public improvements.

SECTION 3.04 APPEALS FROM PLANNING COMMISSION ACTION

Any person or entity claiming to be injured or aggrieved by any final action of the Planning Commission in the administration of these regulations shall appeal from the final action to the Christian County Circuit Court. Such appeal shall be taken within thirty (30) days of such action. All appeals shall conform to the requirements prescribed by KRS 100.347.

SECTIONS 3.05 TO 4.00 RESERVED

DIVISION 1: MAJOR SUBDIVISION REVIEW AND APPROVAL

SECTION 4.01 PROCEDURE IN GENERAL

A. The procedure for the review and approval of major subdivisions, as defined herein, shall consist of two separate steps. These are: 1) review and approval of a preliminary plat; and 2) review and approval of a final plat. For all plat considerations, the Planning Commission's Governing Board may approve, approve with conditions, or disapprove a request consistent with the terms of these regulations.

B. Approval of a preliminary plat shall be completed prior to making any street, drainage system, or utility improvement on lands subject to subdivision. When improvements are to be installed, such improvements shall not commence prior to the submission of all required construction plans and approval by the City of Oak Grove and/or the affected utility. Improvements commencing prior to the approval and recording of a final plat shall be deemed to occur at the "subdivider's own risk." The Planning Commission, City of Oak Grove, and any affected utility provider assume no responsibilities or liability for the approval and acceptance of any public improvement occurring in the absence of an approved and recorded final plat.

C. Requests for the review and approval of a preliminary or final subdivision plat shall be accompanied by a written application. The Planning Commission's Governing Board shall approve the form of all applications to be considered by it. The Director shall maintain a copy of all application forms and shall provide such forms to prospective subdivider's upon request.

SECTION 4.02 REVIEW OF PRELIMINARY PLAT; ACTION BY COMMISSION

A. **Submission.** The subdivider shall submit two (2) copies of a complete application (including applicable review fees) and twenty-four (24) black line copies of the preliminary plat to the Director no less than thirty (30) days prior to the Planning Commission meeting on which the request is to be considered. Preliminary plats shall conform to the standards of Section 5.02. Exception: The Director may authorize a reduction in the number of black line copies required when the preliminary plat is provided in a transmittable electronic format.

B. **Director's Review and Report.** Upon receipt, the Director shall review the preliminary plat for conformity with these regulations and shall transmit copies of the plat to the Planning Commission's Governing Board. At the discretion of the Director or the Governing Board, copies of the plat may be distributed to other departments or agencies for their review and comment. The Director shall prepare and distribute a written report on the requested preliminary plat approval to the Governing Board and subdivider. The Director's report shall include review comments received from the City of Oak Grove and may incorporate comments received from other departments or agencies.

C. **Action by the Planning Commission.** Upon receipt of a complete application, the Planning Commission's Governing Board shall act on the preliminary plat within the time prescribed by KRS 100.281. All decisions and other actions shall be recorded in the minutes of the Planning Commission. If approving, the Planning Commission shall indicate approval in

writing and shall state the conditions of approval, if any. Preliminary approval shall be noted on the plat and certified by the Director. If disapproved, the Planning Commission shall express, in writing, its disapproval and its reasons thereof. The Director shall promptly provide notice of the Governing Board's decision to the subdivider.

D. **Effect of Preliminary Plat Approval.** An application for the approval of the final plat will be considered only after the requirements for preliminary plat approval as specified herein have been fulfilled and after all other conditions have been met. Upon approval of the preliminary subdivision plat by the Planning Commission, the subdivider may proceed to comply with the other requirements of these regulations and the preparation of the final subdivision plat.

E. **Expiration of Approval.** The subdivider shall have two (2) years from the date on which a preliminary plat was approved or conditionally approved by the Planning Commission to submit a final plat. Failure of the subdivider to submit a final plat within this time period shall void the approval of the preliminary plat. The subdivider may request and the commission may grant an extension to this time limitation, not to exceed one (1) year. The failure of the applicant to formally request an extension shall void the preliminary plat's approval.

F. **Modifications to an Approved Preliminary Plat.** The subdivider may request and the Director may authorize minor modifications to an approved preliminary plat. Such modifications, when authorized, shall not require the resubmission or reconsideration of the preliminary plat prior to the preparation of the final plat. The subdivider's request for modification and the Director's authorization shall be in writing. Minor modifications do not include any change that would:

(1) Result in an increase in the number of lots;
(2) Alter the exterior boundary of the subdivision through the addition or removal of land;
(3) Alter the length or location of the proposed right-of-way by more than fifty (50) feet; and/or
(4) In the opinion of the Director, exceed the scope or intent of the Governing Board's original approval or consideration.

The Director shall coordinate the approval of modifications with the City of Oak Grove and any affected utility provider.

SECTION 4.03 REVIEW OF FINAL PLAT; ACTION BY COMMISSION; RECORDING

A. **Submission.** Following the approval of the preliminary plat and the completion of all conditions requisite to such approval, the subdivider may proceed with the submission of a final plat for consideration by the Planning Commission. The subdivider shall submit two (2) copies of a completed application form (including applicable review fees), twenty-four (24) signed (owner and surveyor) black line plat copies, and one (1) reproducible copy of the final plat (mylar or similar copy) to the Director no less than thirty (30) days prior to the commission meeting on which the request is to be considered. Final plats shall conform to the standards of Section 5.03.

Exception: The Director may authorize a reduction in the number of black line copies required when the final plat is provided in transmittable electronic format.

B. **Director's Review and Report.** Upon receipt, the Director shall review the final plat for conformity with these regulations and shall transmit copies of the plat to the Governing Board. At the discretion of the Director or the Governing Board, copies of the plat may be distributed to other departments or agencies for their review and comment. The Director shall prepare and distribute a written report on the requested final plat approval to the Governing Board and subdivider. The Director's report shall include review comments received from the City of Oak Grove and may incorporate comments received from other departments or agencies.

C. **Action by the Planning Commission.** Upon receipt of the complete application, the Governing Board shall act on the final plat within the time prescribed by KRS 100.281. All decisions and other actions shall be recorded in the minutes of the Planning Commission. If approving, the commission shall indicate approval in writing and shall state the conditions of approval, if any. If disapproved, the Planning Commission shall express its disapproval and its reasons thereof. The Director shall promptly provide written notice of the Governing Board's decision.

D. **Conditions Requisite to Signing the Final (Record) Plat.** Prior to the Planning Commission Chairman or Director signing an approved final plat for recording, the subdivider shall:

(1) Correct all deficiencies and make any other corrections to the final plat as specified in the Governing Board's approval;
(2) Meet all conditions specified in the Governing Board's approval. The subdivider shall provide documentation indicating that all conditions have been satisfied;
(3) Install all subdivision monuments as required by Section 6.05;
(4) Submit street, utility, storm water management, and other construction documents and receive approvals as required in Article VI;
(5) Install and have accepted all required public improvements or provide an acceptable surety instrument to guarantee the installation and acceptance of public improvements. Documentation of surety acceptance by the City of Oak Grove shall be required;
(6) Pay any outstanding Planning Commission review fees: and
(7) Submit five (5) black line copies of the final (record) plat and one (1) digital copy to the Director. All certifications, as required by Section 5.03, shall be signed upon submission, excluding the "Commission's Certification."

E. **Signing and Recording of the Final (Record) Plat.** Upon the approval of the final plat and the subdivider's compliance with subsection (D) above, the Planning Commission Chairman or Director shall sign the plat's "Commission's Certification." This print becomes the instrument (record plat) to be recorded in the Office of the Christian County Clerk. The subdivider shall be responsible for promptly filing the plat and any accompanying Certificate of Land Use Restriction in the Office of the Christian County Clerk.

F. **Expiration of Approval.** The subdivider shall have two (2) years from the date on which

a final plat was approved or conditionally approved by the Governing Board to submit the plat for signature and recording. Failure of the subdivider to submit and record a final (record) plat within this time period shall void the plat's approval. The subdivider may request and the Governing Board may grant an extension to this time limitation, not to exceed one (1) year. The failure of the applicant to formally request an extension shall void approval of the plat.

SECTIONS 4.04 TO 4.19 RESERVED

DIVISION 2: MINOR SUBDIVISION REVIEW AND APPROVAL

SECTION 4.20 REVIEW OF MINOR PLAT; ACTION BY THE DIRECTOR

A. **Director to Approve.** Minor subdivisions, as defined herein, may be reviewed and approved by the Director in conformance with these regulations. Unlike major subdivisions, the review and approval of a minor subdivision shall consist of only one (1) step, the final plat. Final plats for minor subdivisions shall conform to the same exhibit standards as required for major subdivisions pursuant to Section 5.03.

B. **Submission.** The subdivider shall submit to the Director a completed application form, six (6) black line copies, and a digital copy of the final plat. The "Certificate of Ownership and Dedication" and the "Certificate of Accuracy" must be signed.

C. **Director's Review.** Upon receipt, the Director shall review the final plat for conformity with these regulations. At the discretion of the Director, copies of the plat may be distributed to other departments or agencies for their review and comment.

D. **Action by the Director.** Upon receipt of a complete application, the Director shall act on the final plat within the time prescribed by KRS 100.281. If approving, the Director shall provide notification to the subdivider and shall state the conditions of approval, if any. If disapproved, the Director shall provide written notice of the disapproval and the reasons therefore.

E. **Conditions Requisite to Signing of the Final (Record) Plat.** Prior to the Director signing an approved final plat for recording, the subdivider shall:

(1) Correct all deficiencies and make any other corrections to the final plat as specified in the Director's approval;
(2) Meet all conditions specified in the Director's approval. The subdivider shall provide documentation indicating that all conditions have been satisfied;
(3) Install all subdivision monuments as required in Article VI;
(4) If applicable, submit street, utility, storm water management, and other construction documents and receive approvals as required in Article VI;
(5) Install and have accepted all required public improvements or provide an acceptable surety instrument to guarantee the installation and acceptance of public improvements. Documentation of surety acceptance by the City of Oak Grove shall be required;

(6) Pay all applicable review fees; and
(7) If corrected from the original submission, five (5) signed and stamped black line copies and a digital copy of the final (record) plat shall be submitted to the Director. All certifications, as required by Section 5.03, shall be signed upon submission, excluding the "Commission's Certification."

F. **Signing and Recording of the Final (Record) Plat.** Upon the approval of the final plat and the subdivider's compliance with subsection (E) above, the Director shall sign the plat's "Commission's Certification." This print becomes the instrument (record plat) to be recorded in the Office of the Christian County Clerk. The subdivider shall be responsible for promptly filing the plat and any accompanying Certificate of Land Use Restriction in the Office of the Christian County Clerk.

G. **Expiration of Approval.** The subdivider shall have one (1) year from the date on which a final plat was approved or conditionally approved by the Director to submit such plat for signature and recording. Failure of the subdivider to submit and record a final (record) plat within this time period shall void the plat's approval and require resubmittal.

SECTIONS 4.21 TO 4.29 RESERVED

DIVISION 3: EXCEPTED SUBDIVISIONS

SECTION 4.30 EXCEPTED PLATS NOT SUBJECT TO SUBDIVISION REGULATIONS

Excluding the provisions of this division, subdivisions and other plats defined as "excepted" are not subject to the requirements of these regulations. All such subdivisions and other plats shall be submitted to the Director for notification and a determination of compliance with this division.

SECTION 4.31 EXCEPTED PLATS SUBJECT TO PLAT FORMAT STANDARDS

Excepted subdivisions and other plats shall be prepared consistent with the requirements for final plats as provided in Section 5.03. Such plats shall be prepared by a surveyor licensed by the Commonwealth of Kentucky to perform land surveying pursuant to the requirements of KRS 322.

SECTION 4.32 SUBMISSION; ACTION BY DIRECTOR; RECORDING

The owner shall submit two black line copies of the plat purporting to be excepted to the Director. Within seven (7) working days of the receipt of such plat, the Director shall determine:

(1) The subdivision or other depiction would constitute an excepted subdivision or plat as defined by these regulations and would conform to the requirements of this division. Upon such determination, the Director shall place a stamp of the plat, attested by signature, which reads, "This plat constitutes a subdivision or other depiction which is excepted by the terms of the Subdivision Regulations of Oak Grove, Kentucky. No

other determination of this plat's compliance with the requirements of said regulation has been made. This plat may be recorded in the Office of the Christian County Clerk." One stamped copy of the final (record) plat shall be returned to the owner. The owner may record the plat without further review or action by the Director; or

(2) The subdivision or other plat depiction would constitute an excepted subdivision; however, the form of the plat does not comply with the terms of this division. In such instance, the Director shall promptly notify the owner and shall state in writing the corrections required prior to the recording of the plat. Once corrections have been made, the owner shall resubmit the plat to the Director for a determination; or

(3) The subdivision or other depiction would not constitute an excepted subdivision as defined herein and would be subject to review under the terms of these regulations. Upon such a determination, the Director shall promptly provide written notification to the subdivider and shall specify the process to be followed, i.e. minor subdivision or major subdivision, as required by these regulations.

SECTION 4.33 CERTIFICATION OF AGRICULTURAL EXCEPTION

Where a plat is purported to be excepted by virtue of "agricultural use" as defined by KRS 100.111, the Director may require that such exception be attested by the owner of such property. Such attestation may be placed as a note on the plat or an accompanying Certificate of Land Use Restriction.

SECTIONS 4.34 TO 5.00 RESERVED

ARTICLE V. PLAT FORMAT AND REQUIRED EXHIBITS

SECTION 5.01 GENERAL REQUIREMENTS

A. **Purpose.** The purpose of this Article is to establish minimum standards for the content and form of subdivision plats and plans to be reviewed by the Planning Commission's Governing Board or Director. The form and content provisions of this Article are to be regarded as the minimum standards. Where additional exhibits or depictions would be needed to demonstrate compliance with these regulations, the Planning Commission's Governing Board or Director may require such additional exhibits or depictions.

B. All plats and plans are to be legible and shall present information in a manner that is easily understood. In addition to the other requirements of these regulations, plats and plans may include "plat notes" and other explanatory information where, in the opinion of the Planning Commission's Governing Board or Director, such information would be necessary to state the purpose of a depiction or provide other pertinent advisements.

C. All subdivision plats shall be prepared by a professional land surveyor licensed to practice surveying pursuant to KRS 322. Such plats shall bear the signature, seal, and date of the surveyor. The date of surveyor's signature shall not be greater than one (1) year from the date the plat is submitted for approval; however, irrespective of the date of the survey, no plat shall be submitted for approval which has been rendered inaccurate by a subsequent conveyance or other change in property condition.

D. Plat preparation and content shall conform to the requirements of the Commonwealth of Kentucky's *"Standards of Practice"* (201 KAR 18:150). Where these standards provide a requirement for a plat depiction inconsistent with or in conflict with a requirement of these regulations, the requirements of the state standards shall govern. Where this chapter requires a depiction or other plat data, in addition to but not in conflict with or preempted by the requirements contained in the state standards, the requirement of these regulations shall govern. Determinations of an alleged conflict and the applicability of this provision shall be made by the Director after consultation with the Kentucky Board of Licensure for Professional Engineers and Land Surveyors.

SECTION 5.02 REQUIREMENTS FOR PRELIMINARY PLATS

The preliminary plat of a proposed subdivision shall be clearly and legibly depicted at a scale not smaller than one hundred (100) feet to one (1) inch. The plat sheets shall be either eighteen (18) inches by twenty-four (24) inches or twenty-four (24) inches by thirty-six (36) inches. If the preliminary plat requires more than one sheet, a key diagram showing the relative location of the various sections shall be drawn on each sheet. The preliminary plat shall include or be accompanied by the following data.

(1) General Data. General data shall include:

(a) The proposed name of subdivision which does not duplicate or approximate any other subdivision name in the city;
(b) A legend to include a north arrow (magnetic, true, or grid north), graphic scale, written scale, coordinate system used, depictions and labeling of line types and other symbols

used on the plat, date that the original drawing(s) was completed and dates of any revisions to the original drawing(s);

(c) Name of the owner, subdivider, and surveyor;
(d) The source of title (e.g. deed book and page number);
(e) Names, title source (deed book and page number) and locations of all owners of property abutting the subdivision; and
(f) A location sketch placed in the upper left hand corner of the sheet showing the relationship of the subdivided property to the area surrounding it including streets or highways, schools, shopping areas and recreational areas so that the particular section of Oak Grove can be recognized.

(2) Existing Data. Existing data shall include:

(a) The distance and bearing of one (1) of the corners of the boundary of the subdivision to the nearest intersection of existing streets;
(b) Tract boundaries of the property being subdivided, showing bearings and distances, and a statement of the total acreage of the property;
(c) Contour lines at vertical intervals of two feet or less. The location and elevation of the bench mark to which the elevations refer shall be noted;
(d) All existing property lines, right-of-ways, easements, railroads, sewer lines including grades and invert elevations, water lines, fire hydrants, utility transmission lines, culverts, bridges, drainage systems, water courses, buildings, special flood hazard areas (Flood Plain, 100-year and Floodway), sinkholes, wooded areas, designated wetlands, cemeteries, and all other significant manmade or natural features within the property boundaries of the subdivision. Where the property borders or includes lands outside the corporate boundaries of the City of Oak Grove, the location of the corporate limits lines shall be denoted; and
(e) All existing streets (including streets that are recorded, but not constructed) on or abutting the tract, including the names, right-of-way widths, pavement widths, and approximate grades.

(3) Proposed Site Data. Proposed site data shall include:

(a) Street rights-of-way, pavement widths, grades, and street names. Street profiles and cross sections shall be provided on a separate sheet;
(b) Lot lines, lot dimensions, lot and block numbers, and the minimum front yard setback lines for buildings along streets;
(c) Other easements and rights-of-way, including their location, dimensions, and functions;
(d) Contour changes to be made by grading;
(e) Areas, other than streets and easements, designated for public use with any conditions governing their use;
(f) Preliminary plans prepared by a registered engineer for sidewalks, sanitary sewers, water lines, fire hydrants, storm sewers, culverts, drainage systems including storm water basins, electric lines, and gas lines. Preliminary plans shall include all information and exhibits required under the applicable standards of the reviewing and/or approving department, agency, or utility;
(g) Plans for the protection of on-site soils from wash and erosion during construction;

(h) Areas to be used for parks and open spaces, with the purpose, location, and dimensions indicated; and
(i) All planned encroachments by buildings, utilities, rights-of-way, easements, fill, or excavations into areas of special flood hazard. All proposed dredging, filling, or other alterations to the flood-prone areas shall be accompanied by a report prepared by a registered engineer containing, at a minimum, the following information:
1. The source and characteristics of all fill materials;
2. Proposed deposition of all spoil materials;
3. Engineering evaluation of proposed filling or dredging operations with specific reference to anticipated engineering problems such as drainage, siltation, slope erosion, fill settlement, etc.; and
4. Evaluation of the impact of the subdivision on the ecology of the area and the overall environment of the community.

(4) Supplemental Data. Supplemental data shall include:

(a) A completed application as prescribed in Section 4.02;
(b) A development plan (if required as part of Planned Unit Development or imposed as a condition of rezoning); and
(c) Other information considered by the subdivider or the Planning Commission to be pertinent to the review of the preliminary plat.

SECTION 5.03 REQUIREMENTS FOR FINAL PLATS

The final plat of a proposed subdivision shall be clearly and legibly depicted at a scale not smaller than one hundred (100) feet to one (1) inch. The plat sheets for subdivisions shall be either eighteen (18) inches by twenty-four (24) inches or twenty-four (24) inches by thirty-six (36) inches, or in the case of a minor subdivision, twelve (12) inches by eighteen (18) inches. In cases where the Office of the Christian County Clerk prescribes a dimensional standard for plat book entries contrary to this provision, the final plat shall be prepared to conform to the standards of the recording authority. If the final plat requires more than one (1) sheet, a key diagram showing the relative location of the various sections shall be drawn on each sheet. The final plat shall include the following data.

(1) General Data. General data shall include:

(a) The proposed name of subdivision which does not duplicate or approximate any other subdivision name in the city;
(b) A legend to include a north arrow (magnetic, true, or grid north), graphic scale, written scale, depictions and labeling of line types and other symbols used on the plat, coordinate system used, date that the original drawing(s) was completed and dates of any revisions to the original drawing(s);
(c) Name of the owner, subdivider, and surveyor;
(d) The source of title (e.g. deed book and page number);
(e) Names, title source (deed book and page number) and locations of all owners of property abutting the subdivision; and
(f) A location sketch placed in the upper left hand corner of the sheet showing the relationship of the subdivided property to the area surrounding it including streets or

highways, schools, shopping areas and recreational areas so that the particular section of Oak Grove can be recognized.

(2) Platting Information. Platting information shall include:

(a) All lot lines with distances and bearings;
(b) Right-of-ways and easements to include their location, widths, and purposes;
(c) Minimum building setback lines;
(d) Streets and alleys, to include radii, central angles, tangents, lengths of arcs and curvatures;
(e) The location of public sidewalks on or adjacent to the property;
(f) Street names (see Section 6.23);
(g) All watercourses, streams, lake shores, wetlands, and special flood hazard areas (Flood Plain, 100-year and Floodway). The base flood elevation for the special flood hazard area(s) shall be denoted on the plat;
(h) Lot numbers shown in numerical order, a statement of the total number of lots, the total acreage (or square footage) of all divided lots, and the total acreage (or square footage) of right-of-ways to be dedicated by the plat;
(i) Lot size, denoted in square feet if under one (1) acre;
(j) All reservations and dedications including the accurate outline of all property, whether offered for dedication to public use or reserved by covenant for the common use of the property owners of the subdivision, shall be shown with the purposes plainly marked;
(k) The location (and elevation, if established) of all existing and proposed street monuments as required by Article VI; and
(l) All other data or illustrations needed to readily determine and reproduce accurately on the ground the location, bearing, and length of every street and alley line, lot line, easement, boundary line, and building line whether curved or straight. This shall include the radius, point of tangent, and other data for curved property lines and curved street, to an appropriate accuracy and in conformance with 201 KAR 18:150.

(3) Certifications. The following certifications shall be placed along the bottom of the final plat. These certifications shall be signed prior to the recording of the final (record) plat:

(a) Owner's Certification

OWNER'S CERTIFICATION

I/We do hereby certify that I am/We are the only owner(s) of record of the property platted hereon said property being recorded in Deed Book ____, Page _____, in the Christian County Clerk's Office, and do hereby adopt this as my/our record plat for this property; and hereby dedicate the streets and other spaces so indicated to public use.

_____ _____
Owner's Signature Date

(b) Certificate of Accuracy

CERTIFICATE OF ACCURACY

I do hereby certify that this record plat was prepared under my direction and, to the best of my knowledge and belief, the boundaries of the property being subdivided are true and accurate, the owner has been made aware of the pertinent subdivision regulations, and the monuments have been placed as shown herein.

_____ _____ _____
Registered Professional Land Surveyor Date Seal

(c) Commission's Certification

COMMISSION'S CERTIFICATION

I hereby certify that the subdivision plat shown hereon complies with all subdivision regulations with the exception of such variances, if any, as noted in the minutes of the commission or shown as notes on the plat and that it has been approved for recording in the Office of the Christian County Clerk.

_____ _____
Planning Commission Chairman or Director Date

(d) Flood Certification (to be completed by the Land Surveyor)

FLOOD CERTIFICATION

A portion of the property as illustrated on this Subdivision Plat

_____ IS

_____ IS NOT

within a Special Flood Hazard Area, as designated on the Flood Insurance Rate Map of Christian County, Kentucky or as may have been identified by field survey.

(e) Improvements Certification (Major Subdivisions Only)

IMPROVEMENTS CERTIFICATION

I hereby certify that the improvement plans for this subdivision have been reviewed by the City of Oak Grove; are in conformance with applicable city standards; and the improvements have been accepted by the governing authority or the City of Oak Grove has been provided sufficient surety to guarantee the installation of streets and other improvements illustrated on this plat.

_____	_____	_____
Mayor or Authorized Official	Title	Date

SECTION 5.04 DIGITAL DRAWING SUBMISSION REGULATIONS & STANDARDS

A. **Purpose.** The development of Geographic Information Systems (GIS) and computer aided drawing (CAD) have facilitated the reduction of the time and costs of development processing and land use map updates. The intent of this program is to take advantage of new technology, reduce the cost of digital conversion, maintain the mapping and facilitate the efficient transfer of data from private organizations to city and county agencies.

The standards and specifications contained within this section shall be used for digital drawing submissions to the Planning Commission for the purpose of development processing and GIS digital land use map updates. Specifications in this section for digital drawings are considered the minimum standards for minor subdivisions, replats, consolidation plats, boundary surveys, and preliminary and final major subdivision plats.

B. **Submission of Digital Drawing.** Submission of digital drawings does not supersede any requirement to submit hardcopy drawings for the review and approval process. Digital drawings shall be submitted at the time of approval for minor subdivisions, re-plats, consolidation plats, boundary surveys, and preliminary and final major subdivision plats.

C. **Digital Data Submission Completeness and Correctness.** All digital drawings submitted to the Planning Commission shall be in the correct format and in accordance with the standards contained herein. Incorrectly formatted data, unreadable data, and data missing required information shall be returned to the owner, developer, responsible agent or person for corrections and resubmittal. Final approval of overall development shall be contingent upon the delivery of correct and accurate digital data.

D. **Processing of Digital Data.** Only final drawings which have been approved by the Planning Commission and recorded will be incorporated into the appropriate layers of the GIS.

Preliminary and other types of drawings are processed as separate entities and shall be used for development processing (measuring building setbacks, etc.) and not to update the GIS database.

Public improvement plans and construction plans are used to construct road edge of pavements, utilities, and other infrastructure related features in the GIS.

E. **Acceptable Data Formats.** The Planning Commission will accept information in the following format:

Graphic Data - Graphic data consists of vector information stored in CAD file formats. This information can be translated directly in to the GIS and is the preferred format. The Hopkinsville-Christian County GIS will accept the following CAD file formats:

(1) AutoCad (.dwg);
(2) AutoCad (.dxf); or
(3) MicroStation (.dgn).

Other formats will be reviewed by the Planning Commission on a case-by-case basis to determine compatibility and use. A digital format not compatible with the existing GIS will be denied.

F. **Digital Drawing Registration.** All drawings of major subdivisions shall be referenced to existing Horizontal Control Station(s) and be shown in relation to the Kentucky State Plane South Coordinate System (i.e. bearing and distance). In the event that no Horizontal Control Stations are available, the drawing shall have two points located by GPS (Global Positioning System-GPS coordinates in Kentucky State Plane South Coordinate System, to third order accuracy).

G. **Digital Drawing Scale and Accuracy.** The information is to be drawn in U.S. Survey Feet and at 1:1 scale. All standards of accuracy which apply to plats submitted in hard copy format apply to plats in digital format. Those developing the CAD files shall maintain third order survey accuracy. All boundaries submitted in digital format shall close. All graphic features shall be checked against textual descriptions to ensure proper representation of data.

H. **Acceptable Transfer Media.** Digital data will be accepted on the following media:

(1) CD-ROM, USB Flash Drives; or
(2) Electronic Mail (e-mail) “Preferred Method.”

SECTIONS 5.05 TO 6.00 RESERVED

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DIVISION 1. SUBDIVISION IMPROVEMENTS IN GENERAL

SECTION 6.01 CONFORMANCE WITH STANDARDS

All streets and other improvements regulated by this Article shall be constructed in accordance with the material and design specifications as set forth herein and other requirements and standards which have been duly adopted by the Oak Grove City Council.

SECTION 6.02 IMPROVEMENT COSTS

Except as required by law, the costs for installing improvements shall, in all cases, be the responsibility of the subdivider of the property.

SECTION 6.03 STREET FRONTAGE REQUIRED FOR NEW LOTS

No subdivision shall be approved unless the lot(s) to be subdivided shall have frontage on and access of at least fifty (50) feet from a publicly maintained street. Lot frontage on curved streets and cul-de-sacs may be reduced to a minimum of thirty-five (35) feet. Lot frontage may be reduced to a minimum of twenty (20) feet in Zero-Lot-Line and Planned Unit Developments subject to compliance with the City of Oak Grove Zoning Ordinance.

SECTION 6.04 LOT IMPROVEMENTS AND SIZE

A. The lot arrangement shall be such that there will be no foreseeable difficulties in compliance with the Zoning Ordinance and Christian County Health Department Regulations, and in providing driveway access to buildings on such lots from a publicly maintained street or roadway.

B. The minimum size of any lot created through the subdivision of land shall comply with the lot size standards of the applicable zoning district.

C. Any lot hereafter created which is not served by public water or sewer as provided by Section 6.41 shall not be less that one (1) acre in area and have a minimum width of not less than 100 feet. In addition, the lot(s) shall conform to requirements of the Christian County Health Department for the placement of a private well and/or septic system.

SECTION 6.05 SUBDIVISION MONUMENTS

The subdivider shall place permanent monuments in the subdivision, as required by these regulations, and as approved by a registered surveyor.

1. Concrete Monuments – Two (2) concrete monuments at least twenty-four (24) inches in length shall be set in two (2) corners of the boundary of each block of a subdivision and they shall be buried flush with the ground.

2. Iron-pin Monuments – The iron-pin monuments at least eighteen (18) inches long shall be placed along the boundary lines when a change of direction occurs and at all corner lots. These pins shall be placed after all grading and other construction has been completed. The surveyor's Certificate of Accuracy shall be considered by the Planning Commission as assurance that the

iron-pin monuments shall be installed in accordance with the final plat after all grading and other construction has been completed. The pins shall be buried flush with the ground.

SECTIONS 6.06 TO 6.19 RESERVED

DIVISION 2. STREET DESIGN, IMPROVEMENTS, AND DEDICATION

SECTION 6.20 PURPOSE AND INTENT OF DIVISION

This division establishes basic design and improvement standards for new streets. This division specifies the process to be followed for the dedication and acceptance of streets and related improvements into public maintenance. The requirements of this division are considered the minimum standards. The Kentucky Transportation Cabinet has promulgated a construction standards manual entitled *Standard Specifications for Road and Bridge Construction* ['KYTC's Specifications']. The regulations contained in KYTC's Specifications (latest edition) are considered supplemental to the requirements of this division.

Where this division does not provide a specific standard for construction, material type, inspection, or testing, the requirements as contained in KYTC's Specifications shall apply and shall govern the occurrence. Where this division provides standards in excess of those contained in KYTC's Specifications, the provision of this division shall govern. All questions concerning an alleged conflict between the requirements of this division and those contained within KYTC's Specifications shall be referred to the City of Oak Grove Public Works Director for resolution.

SECTION 6.21 STREET DESIGN IN GENERAL

A. **Conformity with the Official Map.** The location and width of all proposed streets shall be in conformity with the Official Map as may be adopted by the City Council in accordance with KRS 100.293 et seq.

B. **Continuation of Adjoining Street System.** The proposed street layout shall be coordinated with the street system of the surrounding area.

C. **Access to Adjacent Properties.** Where it is desirable to provide for street access to adjoining property, proposed streets shall be extended by dedication to the boundary of such property and a temporary turnaround shall be provided.

D. **Private Streets Prohibited.** There shall be no private streets platted in any subdivision. Private access may be granted through the platting of an ingress/egress easement; however, no new lot shall be created without frontage on and access to a public street as required by Section 6.04.

E. **Reserve Strips.** Reserve strips at the terminus of a new street are prohibited. In addition, reserve strips extending parallel to planned rights-of-way are prohibited, except in cases where the Planning Commission determines that such reservations would be necessary to preserve public safety or to maintain the street's level of service.

SECTION 6.22 BLOCKS

Blocks shall not be less than 400 feet nor more than 1,000 feet in length, except as the Planning Commission considers necessary to secure efficient use of land or desired features or street patterns. In blocks over 500

feet in length, the Planning Commission may require one (1) or more public walkways or utility easements of not less than ten (10) feet in width to extend entirely across the block and at locations deemed necessary. Blocks shall be wide enough to allow two (2) tiers of lots of minimum depth, except where fronting on major streets or prevented by topographical conditions or size of the property, in which case the Planning Commission may approve a single tier of lots of minimum depth.

SECTION 6.23 STREET NAMES

The preliminary and final plat shall indicate the names of proposed streets. Proposed streets, which are obviously in alignment with other existing and named streets, shall bear the assigned name of the existing streets. In no case shall the name of the proposed streets duplicate or be phonetically similar to existing street names, irrespective of the use of suffix, street, avenue, boulevard, drive, place, court, etc.

SECTION 6.24 RIGHT-OF-WAY AND PAVEMENT WIDTH

A. The minimum pavement and right-of-way width (in feet) for streets to be dedicated are illustrated in Table 6.24 below:

Table 6.24
Minimum Pavement, Right-of-Way, & Shoulder Widths

Street Type	Right-of-Way Width(2)	Pavement Width(1)(2)	Shoulder Width (Where Ditching is Permitted)
Frontage Street	40 feet	22 feet	4 feet
Cul-de-sac	50 feet	22 feet	8 feet
Local Street	50 feet	24 feet	8 feet
Collector	60 feet	24 feet	10 feet
Minor Arterial	60 feet	24 feet	10 feet
Major Arterial	100 feet	26 feet	12 feet

Table Notes: (1) Pavement width is measured from the edge of the pavement to the edge of the pavement and does not include the width of the curb. (2) The minimum pavement width and right-of-way width is for two lanes and does not include medians, left turn lanes, or service lanes. Where these features are provided, the right-of-way width and, where applicable, the pavement width shall be increased by a width equal to the width of these features.

B. Easements or additional rights-of-way will be required where cut, fill slopes, or other street appurtenances extend beyond the required minimum right-of-way as provided in Table 6.24. Slope areas beyond indicated right-of-way limits shall be kept clear of development until slopes have been constructed.

SECTION 6.25 DEDICATION OF ADDITIONAL RIGHT-OF-WAY

Where a subdivision borders an existing narrow street or when future plans for realignment or widening of the street requires use of some of the land in the subdivision, the subdivider shall be required to dedicate on the final plat additional right-of-way necessary for the improvement of such street.

SECTION 6.26 CUL-DE-SACS AND DEAD END STREETS

A. Residential cul-de-sacs shall have a minimum right-of-way radius of fifty (50) feet and minimum outside edge-of-pavement radius of forty-five (45) feet.

B. Nonresidential cul-de-sacs shall have a minimum right-of-way radius of fifty (50) feet and a minimum outside edge-of-pavement radius of forty-five (45) feet.

C. A cul-de-sac shall have a minimum width of twenty-two (22) feet of unobstructed pavement.

D. The maximum length of a cul-de-sac shall be 500 feet.

E. No dead-end streets shall be permitted except those ending in a cul-de-sac.

F. Where the platting of a dead end street involves the planned continuation of said street in a future phase of development, a temporary cul-de-sac shall be provided. The temporary cul-de-sac shall include a provision for easements, which may be abandoned upon the extended street's dedication. The temporary cul-de-sac is not required to be surfaced provided the continuation of the street occurs within 36 months; however, the temporary cul-de-sac must contain compacted subgrade and DGA. In addition, a surety instrument shall be provided to guarantee the surfacing of the cul-de-sac if the street's extension does not occur within the 36-month period.

SECTION 6.27 STREET GRADE

Street grade shall not exceed six (6) percent. All streets shall have a minimum grade of not less than one-half (1/2) of one (1) percent. The finished street section shall have a slope of two (2) percent from the centerline crown to the curb/shoulder.

SECTION 6.28 INTERSECTIONS

A. Streets shall be laid out as to intersect as nearly as possible at right angles. A proposed intersection of two (2) new streets at an angle of less than eighty (80) degrees shall not be acceptable.

B. Where any street intersection involves banks or vegetation within the thirty (30) foot sight triangle which would create a traffic hazard by limiting visibility, the subdivider shall cut such ground, and/or vegetation including trees in connection with the grading of the public right-of-way. Vegetation should be maintained or preserved whenever possible and in such case replaced in order to maintain the character of the area.

C. Sight distances at intersections shall conform to the minimum standards of Section 6.0 of the City of Oak Grove Zoning Ordinance.

SECTION 6.29 STREET CURVES

A. **Vertical Curves.** Every change in grade shall be connected by a vertical curve constructed so as to afford a minimum sight distance of 200 feet, said sight distance being measured from the driver's eyes, which are assumed to be four (4) and one-half (1/2) feet above the pavement surface, to an object four (4) inches high on the pavement. In addition to the above standard, for streets with a planned posted speed of 35 mph or greater, sight distances shall conform to KYTC's Specifications.

B. **Horizontal Curves.** Where a deflection angle of more than ten (10) degrees in the alignment of a street occurs, a curve of reasonably long radius shall be introduced. On a street with a right-of-way or sixty (60) feet or more in width or on a street with a planned posted speed of 35 mph or greater, the centerline radius of curvature shall be not less than 300 feet. On all other streets, a minimum radius of not less than one hundred (100) feet shall be provided.

SECTION 6.30 RAILROADS

Streets parallel to the railroad when intersecting a street which crosses the railroad at a grade shall, to the extent practicable, be at a distance of at least 150 feet from the railroad right-of-way. Such distance shall be determined with due consideration of the minimum distance required for future separation of grades by means of appropriate approach gradients.

SECTION 6.31 CURBING AND STANDARDS FOR OPEN DITCHING

A. Except as provided in this section, concrete mountable curb and gutter shall be installed for all new streets. Extruded or barrier curbs may be authorized by the city in cases where access to a street is restricted to delineated and platted points of ingress/egress. The use of in-right-of-way ditching (in lieu of curb and gutter) may be permitted in cases where:

1. The new street will serve as an extension to an existing street (without curbs) that utilizes in right-of-way ditching for drainage; or

2. The new street is located in an industrial district.

B. When ditching is permitted, the slope of the in-right-of-way ditch shall not exceed 3 to 1 (three feet horizontal for every one foot vertical). A street shoulder, meeting the width requirements of Table 6.24, shall be maintained between the edge of the pavement and the ditch slope. The location of in-right-of-way ditching and the placement of sidewalks and utilities shall be coordinated. Required utilities shall not be placed within the slope or line of any ditch nor shall the ditch's slope be placed within two (2) feet of the edge of a required sidewalk.

SECTION 6.32 COMPACTION AND COMPOSITION OF NEW STREETS

All new streets shall be designed to carry the expected traffic loads and which shall conform with KYTC's Specifications for concrete pavement or for bituminous pavement. At a minimum, the following is required for all new streets and the extensions of existing streets within the City of Oak Grove:

1. *Subgrade.* The subgrade shall be constructed in conformance with KYTC's *Standard Specifications for Road and Bridge Construction*. If the compacted subgrade method is used as listed in §207 then the finished, compacted thickness shall be at least 12 inches thick with a density of 95% as determined by the Method of Test for Moisture-Density Relation of Soils, A.A.S.H.T.O. Destination: T99. The in-place density will be determined by Method of Test for Density of Soil in Place by the Rubber-Balloon Method, ASTM Designation: D2167 or they may be performed by an acceptable Nuclear Density Meter. Tests will be made at such frequency as deemed necessary by the Oak Grove Public Works Department or their duly assigned representatives to assure the entire subgrade is compacted to the specified density. All density testing shall be the responsibility of the subdivider or contractor under the direction and guidance of the Oak Grove Public Works Department (see Section 6.38).

   (a) If alternative subgrades are approved, they shall be constructed to the applicable standards and strengths specified in KYTC's Specifications.
   (b) The subgrade is the foundation upon which the pavement structure is to be constructed. The preparation of the subgrade shall, in addition to compaction include shaping to conform to the required lines, grades and cross-sections, all in accordance with the applicable provisions of these regulations.

2. *Dense-graded aggregate base.* The base courses shall consist of the required depth (compacted) of graded aggregate and water mix placed on the prepared subgrade and shaped and compacted to the lines, grades and cross-sections shown on the drawings, all in accordance with the regulations set out herein.

   (a) The aggregate shall be crushed limestone meeting the requirements of KYTC's *Standard Specifications for Road and Bridge Construction* (see Division 300), compacted to a density of not less than 95% of solid oven-dry, bulk specific gravity, ASTM C 127, and the dry weight of the aggregate from the test hold. At least one density test shall be made at intervals of 500 feet or less and as many additional tests shall be made as deemed necessary by the Oak Grove Public Works Department to determine the extent of any low density sections.

   (b) The in-place density will be determined by the Method of Test for Density of Soil in-place by the Rubber Balloon Method, ASTM Designation; C 2167 or an acceptable Nuclear Density meter. The subdivider/contractor shall provide all necessary labor and equipment for making the test.

3. *Bituminous concrete surface.* Bituminous concrete shall be used for surfacing new roads of bituminous construction. Bituminous concrete surface shall conform to the applicable requirements of Division 400 of KYTC's *Standard Specifications for Road and Bridge Construction* to the thicknesses set forth in this Article.

4. *Minimum thickness by classification.* The DGA base, bituminous concrete base course, and bituminous concrete surface course shall observe the minimum material thickness as illustrated in Table 6.32.

Table 6.32
MINIMUM MATERIAL THICKNESS

Street Type (Residential and Commercial)	DGA Base	Bituminous Concrete Base Course	Bituminous Concrete Surface Course
Frontage Street	8"	3"	1"
Cul-de-sac	8"	3"	1"
Local	8"	3"	1"
Collector	8"	3"	1"
Minor Arterial	8"	5"	1 ½"
Major Arterial	8"	5"	1 ½"
Street Type (Industrial)	**DGA Base**	**Bituminous Concrete Base Course**	**Bituminous Concrete Surface Course**
All types	8"	5"	1 ½"

5. *Alternatives.* If an alternative type of surface construction is used, it must be approved by the City of Oak Grove subject to the provisions of Section 6.37.

SECTION 6.33 SIDEWALKS

A. When a new street(s) is to be dedicated or in cases where a sidewalk(s) is required or planned as

part of a subdivision proposal, sidewalks shall be constructed in accordance with the requirements of this section and KYTC's Specifications. The construction and dedication of sidewalks shall be concurrent with the construction and dedication of streets as provided by this division.

B. Except for streets constructed in industrial zoning districts, sidewalks are required. Sidewalks shall be constructed on both sides of the street; except, sidewalks along frontage streets shall be constructed on one street side abutting the lots deriving frontage. Sidewalks are encouraged, but not required, in industrial districts.

C. Sidewalks shall be constructed to a sufficient width, slope, and provide ramping to ensure accessibility as required by the Americans with Disabilities Act (ADA). The minimum width for newly constructed sidewalks is provided in Table 6.33 below:

Table 6.33
Minimum Sidewalk Width

Street Type	Minimum Sidewalk Width
Frontage Street	5 feet
Cul-de-sac	5 feet
Local Street	5 feet
Collector	6 feet
Minor Arterial	6 feet
Major Arterial	8 feet

D. All required sidewalks shall be constructed within the dedicated right-of-way. In residential districts, the sidewalk shall be setback a minimum of two (2) feet from the back of the street curb or, where no curb is provided, a minimum setback of three (3) feet from the edge of pavement shall be observed. The area between the sidewalk and the street curb or surface shall be landscaped with grass. Where other plantings are proposed by a subdivider, the Oak Grove City Council may approve such plantings as may be recommended by the Public Works Director.

E. Except as provided by Section 6.37, sidewalks are to be constructed of Portland Concrete in accordance with KYTC Specifications.

SECTION 6.34 STREET SIGNS

A. Materials and specifications for all street signs and markings shall be in accordance with the latest approved edition of the Manual on Uniform Traffic Control Devices for Streets and Highways.

B. The City of Oak Grove, acting through its Public Works Director, shall determine the type, location, and number of signs to be installed in the subdivision.

SECTION 6.35 STREET LIGHTING

A. **General Design Standards.** All major subdivisions, involving the creation or extension of streets, shall be designed to accommodate street lighting in accordance with this section.
   1. *Fixture types.* The city will accept the following light fixtures, recommended by Pennyrile Rural Electric Cooperative, from the following types:

(a) *Standard.* The standard street light shall be affixed to the existing utility poles associated with electric service. The light fixture shall be a 100 watt high pressure sodium, 120-volt open globe, LED equivalent, or alternate source equivalent. The globe will be mounted to a standard aluminum arm mount extended from the utility pole. This fixture type may change under commercial use or situation. If a request or proposed deviation is to be made, City Council approval will be required. In cases where there is a four lane divided or undivided street and there is an intersection and/or median cross-over, the utility may recommend a high wattage light fixture to illuminate the intersection and/or median cross-over, but the wattage shall not exceed 250 watt high pressure sodium, LED equivalent, or alternate source equivalent.

(b) *Standard decorative.* The standard decorative street light shall be affixed to a 20-foot direct buried black or gray fiberglass pole. The pole will be chosen by the Pennyrile Rural Electric Cooperative to match its own stocking and maintenance system. The following wattage lamps for each fixture shall be a maximum of 150 watt high pressure sodium, 120-volt open globe, LED equivalent, or alternate source equivalent. The decorative casing shall set on top of the black or gray fiberglass pole or be attached to an arm mount extended from the pole. Selection decisions on the type of fixture and casing shall be made by Pennyrile Rural Electric Cooperative subject to approval by the City of Oak Grove.

2. *System design.* The following applies to general design.

(a) *Regulatory responsibility.* The installation of one of the street light systems defined by part 1 above shall be approved by Pennyrile Rural Electric Cooperative subject to the following criteria.

(1) *Spacing.* No light pole will be placed in such a way to obstruct the frontal visibility of a dwelling unit.
(2) *Location.* No street light pole or base will be located in the ditch line of the street. Where there are shoulders or a ditch line within the right-of-way, the street light pole or base will be located in the appropriate utility easement outside of the right-of-way. Where there is a joint utility and drainage easement, the light pole or base shall be installed so an obstruction is not created for the drainage way. In situations where the street has curbs or gutters and no ditch line within the right-of-way, the light pole or base may be placed within the right-of-way with the approval of the Oak Grove Public Works Department. The light pole and base for standard fixture types must observe a minimum seven (7) feet setback from the edge of the back of the curb. The light pole and base for decorative fixtures must observe a minimum two (2) feet setback from the edge of the back of the curb. In no instance shall a light pole or base be placed to interfere with or be located within a sidewalk.
(3) *Medians.* Street light poles found in medians of streets shall be reviewed and approved by the Oak Grove Public Works Department with respect to location.
(4) Only one type of light fixture shall be furnished for a subdivision.
(5) The number, distance, and pattern of street lights installed within a new subdivision will be determined by the utility and be based on historical community lighting standards. Request to deviate from the historical community lighting standards as recommended by the utility shall be reviewed by the city. The Mayor will then make a decision on the acceptable level of lighting.

B. **Standard decorative street lights.** In addition to the requirements listed in Subsection A above, the following requirements will apply when a subdivider elects to install a standard decorative street light system.

1. Standard decorative street lights shall not exceed a maximum 150 wattage, LED equivalent, or alternate source equivalent.
2. *Underground system.* The standard decorative street lighting system shall be installed only when there is an underground electrical primary system.
3. *Technical assistance.* Pennyrile Rural Electric Cooperative will design the entire system under the following guidelines:

   (a) The subdivision lighting system will be designed as if it is to be built on an overhead existing primary system. The lighting system will be designed by Pennyrile Rural Electric Cooperative and submitted to the city for approval.
   (b) Cable will be provided by Pennyrile Rural Electric Cooperative through the investment charge.
   (c) Fixtures and poles will be provided by Pennyrile Rural Electric Cooperative through the investment charge.
   (d) Secondary fusing will be provided by Pennyrile Rural Electric Cooperative through the investment charge.
   (e) Each light will be on its own separate photocell. Relays will not be used.

4. Subdivider installation responsibilities and costs. The subdivider will install the conduit as required by Pennyrile Rural Electric Cooperative. The subdivider will be responsible to open and close all ditches properly marked by tape. Pennyrile Rural Electric Cooperative shall inspect all ditches prior to closing and said ditches shall be a straight line from point to point. The subdivider will be responsible to install the direct burial fiberglass poles to manufacturer's specifications. All costs associated with conduit and pole installation shall be responsibility of the subdivider.

C. **Costs to the City.** Excluding subdivider installation costs (see above), all cost to Pennyrile Rural Electric Cooperative for the lighting system will be charged to the city through a monthly investment charge. The total charge shall include the investment charge and energy usage charge which will be calculated on a flat usage rate without the use of metering equipment and meters. Pennyrile Rural Electric shall provide to and receive the city's approval of the investment charge following lighting design but prior to the installation of the lighting system.

D. **Procedural and equipment changes**. Pennyrile Rural Electric Cooperative may request a deviation in the equipment and procedures of this section when needed. The city shall be notified of any request for deviation. The Oak Grove City Council may authorize such deviation.

SECTION 6.36 STREET FURNITURE

Street furniture, which consists of the man-made elements of a streetscape generally associated with the amenities for pedestrians (e.g. benches, public trash receptacles, bike racks, etc.), shall be placed where needed and not interfere with the safe use of the sidewalk or roadway. Street furniture shall not be placed within a street's right-of-way except when incorporated into the design of an approved Planned Unit Developed or specifically authorized by the Oak Grove City Council.

SECTION 6.37 DECORATIVE AND SUBSTITUTE MATERIALS

A. The Oak Grove City Council may approve sidewalks and/or street surfaces that incorporate decorative elements or substitute materials provided the request is accompanied by certification from the subdivider and Public Works Director indicating:

1. The substitute material(s) is of equal or comparable strength and durability;
2. The substitute material(s) or decorative elements can be maintained by the city without additional public expenditure; and
3. The substitute material(s) or decorative element(s) will not compromise the accessibility of the sidewalk or the functionality of the street.

B. The dedication and subsequent acceptance of streets and sidewalks containing decorative elements or substitute materials shall in no way obligate the City of Oak Grove to repair or replace any damaged or deteriorated section to the original design standard.

C. Any determination by the City of Oak Grove to permit decorative or substitute materials shall be provided to the Planning Commission.

SECTION 6.38 REQUIRED PLANS; INSPECTIONS; AS-BUILTS; ACCEPTANCE

A. **Plan Required.** Street construction shall not commence until a preliminary plat, illustrating the proposed street, has been approved by the Planning Commission and street construction plans, consistent with the requirements of this Article, have been submitted to and approved by the City of Oak Grove Public Works Department. Construction plans shall consist of three (3) blue or black line copies of the proposed construction on sheet sizes of twenty four (24) inches by thirty-six (36) inches. The following information shall be shown:

1. Street Profiles. The final grades of each street shall be shown at a horizontal scale equal to one-tenth (1/10th) of the horizontal scale;

2. Street Cross-Section. A scale of one (1) inch to ten (10) feet shall be used to show the cross-section of each new street. The cross-section shall include pavement width, curb, gutters, DGA and pavement thickness, sidewalks including composition, utility locations, and, where applicable, shoulders. Where a street's cross-sections differ due to variations in pavement width, composition, or other factors, multiple cross-sections representative of the construction shall be illustrated;

3. Miscellaneous Depictions. Drainage easements, rights-of-way improvements including the location of sidewalks, manholes, and catch basins, street signs, street lights, the location, size and invert elevations of existing and proposed sanitary sewers, storm water drains, and all underground utilities including fire hydrant hook ups shall be illustrated; and

4. Other Materials. When the proposed subdivision or development is only a portion of the owner's holdings and intentions are for future development, a sketch plan illustrating the street layout and proposed lots of the remaining tract is required.

B. **Inspections.** Inspections are to be performed by the City of Oak Grove Public Works Department. A minimum of two (2) working days notice must be given for any requested inspection. If subsequent work is done prior to inspection, it is done at the subdivider's own risk and may, upon a decision of the Public Works Director, be required to be removed and reinstalled or have the

quality substantiated by additional tests. In the event that weather or construction activities result in changes to approved conditions, re-inspection shall be required before proceeding to the next stage of construction. All approved inspections shall be valid for a maximum of thirty (30) days. Inspections will be required after each of the following stages of construction and shall meet the minimum requirements of this Article and, when applicable, the requirements of KYTC's Specifications:

1. Clearing and grubbing;
2. Drainage infrastructure installation;
3. Subgrade;
4. DGA installation;
5. Base course application;
6. Surface course installation;
7. Sidewalk installation;
8. Grass seeding of shoulders and ditches;
9. Sign installation including street name signs and traffic control signs; and
10. Final inspection of all completed infrastructure.

C. **As-Built Plan.** Following the completion of in-right-of-way construction, the subdivider shall submit to the Oak Grove Public Works Department three (3) copies of an "as-built" plan documenting the condition of the improvements. The plan shall be based on actual field surveys for location and elevation information. The plans shall bear the stamp, seal, and signature of the land surveyor or engineer who prepared the plan and the signature of the subdivider. In the event the "as-built" plan shows that field changes were made, or significant differences exist from the design plans, the design engineer or another civil engineer shall certify that the changes or differences are not detrimental and that the improvements will still meet the minimum standards of these regulations.

D. **Street Improvement Acceptance.** The City Council shall accept a street and other in-right-of-way improvements into public maintenance, when such improvements are installed in accordance with these regulations. The acceptance by the City Council must be preceded by the referral of the acceptance request to the Planning Commission for a recommendation. The City Council shall not be obligated to accept any improvement where the subdivider has failed to follow the design, construction, or procedural requirements of these regulations.

SECTIONS 6.39 TO 6.40 RESERVED

DIVISION 3. UTILITIES

SECTION 6.41 SUBDVISIONS TO BE SERVED BY UTILITIES

A. All subdivisions are to be served by utilities. Required utilities include electric power, public water to include the installation of fire hydrants, and sewer service. Natural gas, telephone, and other utilities may also be provided. The extension of utilities to service individual lots within a subdivision shall be at the subdivider's expense. Easements sufficient to convey such services shall be provided.

1. Water Supply and Fire Hydrants.

a. Public water lines and related infrastructure shall be extended to serve all subdivided lots when existing mains and connections of sufficient size and capacity are available with 250 feet of the property boundary of the subdivision. Water lines, when practicable, shall be located in a utility easement adjacent to the street right-of-way.

b. Where an extension would require placement within the right-of-way, the water line shall be setback no less than five (5) feet from the back of the street curb or, when no curb is provided, no less than five (5) feet from the paved surface of a street (excluding laterals and required crossovers) provided right-of-way width is sufficient to accommodate such placement. Except in zoning districts permitting buildings to be located on the front property line, water lines shall not be located under a sidewalk.

c. The installation of water line improvements shall include the installation of fire hydrants in accordance with the requirements of the State Fire Code or other applicable regulations. Where a water line extension is not required to service a subdivision, however, the subdivision of land would necessitate the placement of a fire hydrant(s) under the applicable code, a hydrant(s) and all necessary water line connections shall be installed.

d. Exceptions. Where determined by the City of Oak Grove that 1) existing water lines or connections are not available within 250 feet of a property and an extension by the city is not feasible or 2) the extension of water line and infrastructure is impractical due to topographic (elevation), geologic, or other site related impediments, the installation of a private well(s) to service individual subdivision lots may be permitted. Installation of private wells are subject to the requirements of Christian County Health Department and the minimum lot size requirements of these regulations.

2. Sewerage System.

a. Public sewer lines and related infrastructure shall be extended to serve all subdivided lots when existing mains and connections are available within 250 feet of property boundary of the subdivision. Sewer lines, when practicable, shall be located in a utility easement adjacent to the street right-of-way. Where an extension would require placement within the right-of-way, the line shall be setback no less than five (5) feet from the back of the street curb or, when no curb is provided, no less than five (5) feet from the paved surface of a street (excluding laterals and required crossovers) provided right-of-way width is sufficient to accommodate such placement. Except in zoning districts permitting buildings to be located on the front property line, sewer lines shall not be located under a sidewalk.

b. Exceptions. Where determined by the city that 1) existing sewer mains or connections are not available within 250 feet of a property and an extension by the city is not feasible or 2) the extension of sewer lines and infrastructure is impractical due to topographic (elevation), geologic, or other site related impediments, the installation of a private septic systems to service individual subdivision lots may be permitted. Installation of private septic systems are subject to the requirements of Christian County Health Department and the minimum lot size requirements of these regulations.

3. Natural Gas and other utility services. Natural gas lines and other utility services, when practicable, shall be located in a utility easement adjacent to the street right-of-way. Where an extension would require placement within the right-of-way, the line shall be setback no less than five (5) feet from the back of the street curb or, when no curb is provided, no less than

five (5) feet from the paved surface of a street (excluding laterals and required crossovers). Except in zoning districts permitting buildings to be located on the front property line, gas lines and other utilities shall not be located under a sidewalk.

4. Where questions or conflicts exist between the utility providers with respect to the allowable location of proposed utilities within the right-of-way or adjacent easement, such questions shall be referred the Oak Grove Public Works Department for resolution and final determination.

SECTION 6.42 UTILITY EASEMENTS REQUIRED

A. Utility Easements. To provide for the installation and perpetual maintenance of natural gas, water and sewer, telephone, and electric services, utility easements shall be provided along the front property line adjacent to the street. Easements shall be not less than twenty (20) feet in width. In blocks greater than 500 feet in length, one (1) side yard utility easement of no less than twenty (20) feet in width (ten [10] feet per lot) shall be provided for every 250 feet of street frontage.

B. The individual utility providers may request, and the Planning Commission may require, easements of greater width or varied location than the minimum standards provided in Subsection A.

C. All utility easements are to be platted consistent with the procedures specified in Article IV.

D. Exception. The requirements of Subsection A shall not apply in zoning districts where buildings are permitted to be located on the front property line.

SECTION 6.43 PLAN SUBMISSION; INSPECTIONS; AS-BUILTS; APPROVAL

A. Prior to the installation of utilities as provided by this Article, complete plans shall be submitted and approved by the applicable utility provider and the Oak Grove Public Works Department. The content of complete plans shall follow the requirements of the utility provider and these regulations.

B. When utility installation is to occur within a right-of-way or is to be performed in conjunction with construction of a new street, the inspection requirements of Section 6.38 shall apply.

C. Upon completion, the subdivider shall submit to the Oak Grove Public Works Department three (3) copies of an “as-built” plan documenting the condition of the improvements. The plan shall be based on actual field surveys for location and elevation information. The plan shall bear the stamp, seal, and signature of the land surveyor or engineer who prepared the plan and the subdivider. In addition, the subdivider shall provide to the Public Works Director written certification from the utility provider that the utility(ies) have been installed in accordance with applicable standards and, where applicable, maintenance of the in-right-of-way infrastructure has been assumed by the public or franchised utility.

SECTION 6.44 RESERVED

DIVISION 4. STORM WATER AND FLOODING

SECTION 6.45 GENERAL REQUIREMENT

All subdivisions shall comply with the City of Oak Grove Flood Damage Prevention and Storm Water Management ordinances. The Planning Commission may require documentation from the subdivider with accompanying certification from the City of Oak Grove of such compliance prior to the approval of any subdivision.

SECTION 6.46 EASEMENTS REQUIRED

Easements required for the conveyance of storm water runoff shall be platted, including easements necessary for the placement of storm water detention basins. Unobstructed easements at least fifteen (15) feet in width shall be provided across property with satisfactory access to a street or natural watercourse.

SECTION 6.47 FLOOD ELEVATION TO BE IDENTIFIED

Subdivision plats shall identify Special Flood Hazard Areas (100-year flood elevation) as illustrated on the Flood Insurance Rate Map for Christian County, Kentucky. In addition, subdivision plats that include storm water basins, natural or manmade depressions, and conveyance structures shall illustrate high water elevations anticipated during a designed storm event (at a minimum a 100-year, 3 hour event). All elevations shall, at a minimum, be identified to the nearest one-tenth ($1/10^{th}$) of one (1) foot.

SECTIONS 6.48 TO 6.50 RESERVED

DIVISION 5. PARKS AND RECREATIONAL AREAS

SECTION 6.51 OPEN SPACE ENCOURAGED

A. In major subdivisions greater than twenty (20) lots or where the density of a major subdivision exceeds six (6) lots per acre, the subdivider is encouraged to provide three percent (3%) of the total land area as Common Recreational Space (CRS). Common recreational space may include but not be limited to wooded areas, watercourses, greenway trails and recreational facilities (i.e. swimming pools, golf courses, playgrounds, soccer practice fields or picnic or passive play areas):

   1. CRS shall be defined as the area of a subdivision open and unobstructed to the sky which is legally accessible to and usable by all residents of the development;

   2. CRS shall be constructed or developed by the subdivider;

   3. CRS may include but not be limited to wooded areas, watercourses, greenway trails, and recreational facilities (i.e. swimming pools, golf courses, playgrounds, soccer practice fields, or picnic or passive play areas). The CRS shall not be part of a storm water management basin or platted drainage system. No more than 50% of such area shall be below the base flood elevation of the 100-year flood plain;

   4. CRS shall be maintained by the subdivider until at least fifty percent (50%) of the lots of the

proposed subdivision has been developed and sold. The subdivider shall have the option, at that time, of transferring ownership of the CRS to a properly constituted homeowners' association or other entity acceptable to the city. Only after the homeowners' association or other entity voluntarily agrees to take possession of the CRS area through a transfer of deed will the subdivider's responsibility for maintenance be terminated; and

5. Any metered utilities, such as electric and water serving the CRS, will be paid for by the owner of the CRS.

B. OPTIONAL PUBLIC PARK LAND (PP) – Instead of satisfying the recommended three percent (3%) common open space, all major subdivisions or developments have the option of dedicating a land area as "Public Park Land" (PP) within the subdivision. All PP must be shown on the preliminary and final plat(s):

1. PP shall be defined as the area of a subdivision open and unobstructed to the sky and which is owned by the local municipality or government and is legally accessible to the public at-large;

2. PP may include, along with natural environmental elements, formal landscaped areas, wooded areas, watercourses, greenway trails and recreational facilities such as public swimming pools, public golf courses, playgrounds or picnic and passive park areas; and

3. All proposed PP dedications shall be reviewed and approved by the City of Oak Grove prior to acceptance.

SECTIONS 6.51 TO 6.60 RESERVED

DIVISION 6. SURETY

SECTION 6.61 PURPOSE

It is recognized that the subdivider's need to receive subdivision plat approval and record a plat may precede the installation and acceptance of certain improvements. It is the purpose of this Division to provide reasonable accommodation to a subdivider while guarding the financial interests of the city and ensuring that the requirements of these regulations are met. This section provides a mechanism by which a subdivider can receive subdivision plat approval and record said plat prior to the acceptance of required improvements, provided sufficient financial guarantees have been established to ensure timely installation and acceptance.

SECTION 6.62 SURETY INSTRUMENT AUTHORIZED

A surety instrument may be posted by a subdivider to allow for the approval and recording of a final plat prior to the installation and acceptance of required improvements. The form and sufficiency of surety instruments shall be subject to approval by the City of Oak Grove. The city has the right to refuse, for cause, a surety instrument. Required improvements may include the installation and acceptance of water and sewer infrastructures, fire hydrants, public streets and sidewalks, and other improvements requisite to the Planning Commission's approval of a final plat.

SECTION 6.63 COST ESTIMATE AND SURETY POSTING

The subdivider shall submit to the Oak Grove Public Works Department a detailed itemized unit cost estimate for all incomplete improvements. The cost estimate shall include costs for engineering and design, materials, installation, and inspection. Upon acceptance by the City of Oak Grove, the subdivider shall submit to the Public Works Director a surety instrument in an amount not less than 100% of the approved estimate; however, the city may require funds in excess of 100% of the approved cost estimate to account for possible changes in material or installation costs over the duration of the surety's term. The surety instrument shall be for a term no greater than one (1) year. The Public Works Director is authorized to develop necessary applications and agreements requisite to the acceptance of a surety instrument.

SECTION 6.64 RELEASE OF SURETY; FAILURE TO PERFORM

Upon installation and acceptance of required improvements, the City of Oak Grove shall release the surety instrument. The city is authorized to grant a partial reduction in the amount of the surety based on progress by the subdivider in installing required improvements. Failure to install and have those improvements accepted within the time period specified in the surety instrument shall be grounds for the city to recover proceeds from the surety instrument that are necessary to install the required improvements.

SECTION 6.65 FAILURE TO PERFORM TO CONSTITUTE VIOLATION

The posting of surety instrument does not relieve a subdivider of the responsibility of installing improvements. A default or failure to perform under the terms of a surety instrument by a subdivider is a violation of these regulations and is subject to the enforcement provisions of Article I.

SECTIONS 6.66 TO 6.99 RESERVED

APPENDICES INTRODUCTION AND GUIDELINES FOR USE

The attached documents are supplemental to the text of the Subdivision Regulations of Oak Grove, Kentucky. These documents include:

A. Application for Major Subdivisions

B. Surety Documents

Exhibit B1: Application for Posting a Letter of Credit
Exhibit B2: Sample Irrevocable Letter of Credit
Exhibit B3: Sample Performance Bond
Exhibit B4: Application for Posting Cash Bond (Escrow)

C. Sample Request for Street Acceptance

D. Sample As-Built Certification

These document templates are designed to provide guidance to the Planning Commission, City of Oak Grove, and subdividers. These documents provide the basic information requirements and form related to an application for subdivision approval, surety instruments, and requests for street acceptance. The Planning Commission and/or City may supplement such forms when determined that additional information or exhibits are required to ensure compliance with the provisions of these regulations, to meet the requirements of other applicable statutes, or where the customization of the attached forms would be necessary to address the particulars of a subdivision proposal.

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Exhibit A

City of Oak Grove	HOPKINSVILLE-CHRISTIAN COUNTY PLANNING COMMISSION Application for Major Subdivision Approval	Form S OG

Submit this completed application, twenty-four (24) black line copies of the plat, one (1) digital copy of the plat, applicable fee, and additional exhibits (if needed) to: Community and Development Services, Attn. Planning Department, 710 South Main Street, P.O. Box 1125, Hopkinsville, Kentucky 42241-1125.

APPLICANT INFORMATION

Property Owner(s) Please note that all property owners of record must be listed.	
Property Owner Agent (if different)	
Person to Contact with Respect to this Application	
Address	
Phone Number	
Email Address	
Property Surveyor	
Address	
Phone Number	
Email Address	

SUBDIVISION INFORMATION

Subdivision Name					
Subdivision Location					
PVA Property Number					
Type of Request (PRELIMINARY OR FINAL)					
Total Acreage		**Number of Lots**		**Smallest Lot Proposed**	
Existing Use(s) of Property					
Proposed Use(s) of Property					
Number of Dwelling Units Proposed (if applicable)					

Is any portion of the property within a Special Flood Hazard Area (100-year flood plain)?	YES	NO
Are there any known sinkholes on the property?	YES	NO

Signature _____ **Date** _____

Exhibit A

City of Oak Grove	HOPKINSVILLE-CHRISTIAN COUNTY PLANNING COMMISSION Application for Major Subdivision Approval	Form S OG

Will the subdivision require the construction of a new street(s) or the extension of an existing street?	YES	NO
Will the subdivision require the construction of new water or sewer lines?	YES	NO

SUPPLEMENTAL EXHIBITS

Please list any supplemental exhibits accompanying this application (e.g. deed restrictions, construction drawings, etc).	
Are there any special conditions pertinent to the property that should be considered as part of this review or otherwise would affect this division of property? If yes, specify.	

CERTIFICATIONS

I (we) hereby certify that I (we) am (are) the owner(s) of the property subject to this application. I (we) certify that the information I (we) have provided herein is true and correct to the best of my (our) knowledge. I (we) agree to comply with all applicable city ordinances, the Oak Grove Subdivision Regulations, and state laws related to my request. I (we) understand that the review of this request may require entry onto my (our) property. I (we) give my consent to the Hopkinsville-Christian County Planning Commission to enter land(s) and improvement(s) covered by this application to verify the accuracy of the information provided herein and to certify my (our) compliance or noncompliance with applicable codes and regulations. I understand and agree that falsifying any information herein may result in the nullification of this request and/or other appropriate legal remedies.

(Designation of Agent if Applicable): I (we) authorize _____ to make representations and take other actions related to this application.

Owner's Name (Print Name)	Owner's Signature	Date
Authorized Agent (Print Name)	**Agent's Signature**	**Date**

OFFICIAL USE ONLY

DATE SUBMITTED:		INITIAL:
FEE PAID:		INITIAL:
NOTES:		

Exhibit B1

Application, Conditions, and Compliance Agreement
Posting of Irrevocable Letter of Credit in Lieu of Public Improvement Completion/Acceptance

Name of Owner or Subdivider: _____

Name of Project: _____

Address of Owner or Subdivider: _____
_____

Phone Number: _____

FAX Number (if available):_____

Is there anyone in addition to yourself who may be contacted with respect to this Letter of Credit or the improvements required or covered by this surety?

_____Yes (please list below) _____No

Name: _____

Address: _____
_____
_____

Phone Number: _____

Cost Estimate for Improvement

I hereby certify that to the best of my knowledge and belief that the following estimates are accurate and that they have been prepared by a licensed engineer or by an individual, agency, or corporation qualified to provide estimates for the installation of said improvements:

Street Construction (include all design elements) $_____

Storm Water Management (include design and installation): $_____

Sidewalks (include design and installation): $_____

Water/Sewer Improvements: $_____

Fire Hydrants: $ _____

Other (Specify: _____): $_____

Total: $_____

Please attach detailed estimates to this form.

I understand and agree that the estimates provided above and attached hereto will be provided to the agency or City department having inspection and/or approval responsibilities for the respective improvements. The agency or City department may require monies to be posted in surety which are in excess of those provided above if it is determined that the estimates provided are insufficient to guarantee installation and acceptance.

Conditions for Acceptance of Letters of Credit

Responsibility of a Subdivider in Posting Surety

I, the owner/Subdivider of the project as indicated above, understand and agree as follows:

1. Prior to the establishment of the Letter of Credit for my project, the cost estimates, as provided above, will be submitted to and approved by the City of Oak Grove ["City"]. The Letter of Credit will be provided in an amount equal to 100% of the approved cost estimates for design and installation.
2. The Letter of Credit as issued by the bank must be in a format which is approved by the City (Please see attached format).
3. The Letter of Credit's term may not be less than six months nor more than one year. Letters of Credit issued by or requiring document presentation at branches or main offices outside of Christian County must contain an automatic extension clause, as provided in the approved format. Letters of Credit issued by in-county banks with an in-county place of presentation office may, at the discretion of the lending institution, include the automatic extension clause.

Time Limitation and Responsibility to Notify

The public improvements as provided herein are to be installed and approved within one year of the posting of the letter of credit. In the event that hardship or unforeseen circumstances prevent the installation of improvements within one year, the City may, at its discretion, allow the letter of credit to be extended for an additional term (Please see attached request form).

Prior to the granting of an extension, the Subdivider and/or owner understand and agree as follows:

1. The owner/Subdivider will notify the City no less than thirty (30) days prior to the expiration of the letter of credit's term that the public improvements have not been completed and request an extension.
2. The granting of an extension for a term of an additional year may, at the City's discretion, be granted administratively. The owner/Subdivider may be required to submit a revised cost estimate and a proposed timeline for project completion. If a revised cost estimate is required, the sum of the letter of credit may be increased to guarantee the installation of remaining improvements.
3. Letters of Credit that are posted for subdivision approval, specifically street construction, may not be extended cumulatively beyond thirty-six months unless approved by the City Council. The City will require that prior to any surety's extension, beyond a cumulative period of thirty-six months, that the

owner/Subdivider provides a written timeline for completing the required project. The timeline must be agreeable to and approved by the City.

4. When the extension of a letter of credit requires the issuing bank to provide an amended letter of credit, the amended letter of credit must be provided to the City no less than ten (10) days prior to the expiration of the original letter of credit's term. In the event that an amendment is provided less than ten (10) days prior to expiration and said delay results in the preparation or delivery of "failure to perform drafts" by the City, the owner/Subdivider is responsible to reimburse the City for all costs associated with the preparation and/or delivery of drafts.

Nothing herein shall be construed as a guarantee or inference that an extension of surety will be automatically granted after a one year period as provided in the Subdivision Regulations nor limit the ability of the City to declare the surety in default after the completion date specified in the original letter of credit.

Request for Surety Reduction

The City may, at its discretion, grant reductions in the amount of a letter of credit to reflect progress by an owner/Subdivider in installing required improvements. The owner/ Subdivider must provide requests for reduction no less than thirty (30) days prior to the expiration of a letter of credit. Request for reduction may accompany the notification and request for extension as provided above. The owner/Subdivider must provide cost estimates or documentation justifying the reduction (Please see attached reduction form).

Notification of Improvement Completion and Request For Release

Once all improvements covered by the letter of credit are installed and are accepted, the City will release the letter of credit. The owner/Subdivider is responsible for notifying the City of project completion and requesting acceptance of the improvements. Notification should be provided no less than thirty (30) days prior to the expiration of the letter of credit. The acceptance of city streets requires action by the Hopkinsville-Christian County Planning Commission and the Oak Grove City Council. Notification of street/roadway completion and requests for acceptance should be submitted no less than ninety (90) days prior to the expiration of the letter of credit. In the event that notification is provided less than ninety (90) days prior to the expiration and said delay results in the preparation or delivery of "failure to perform drafts" by the City, the owner/Subdivider is responsible to reimburse the City for all costs associated with the preparation and/or delivery of drafts. The letter of credit may not be released until the improvements are accepted and the City provides written notification of completion and acceptance to the issuing bank.

The Letter of Credit is Not a Waiver of Liability

In the event of a failure to perform, default, or failure to extend a letter of credit, the City reserves the right to take all available legal and administrative actions necessary to compel the completion of the project by the owner/Subdivider, to secure all necessary easements and rights of entry, and/or to recoup any public funds expended by the City and/or County in the fulfillment of the owner/Subdivider's obligation.

Exhibit B1

Compliance Agreement

I, _____, as the owner/Subdivider and the provider of the Letter of Credit have read, understand, and agree to be bound by the conditions as provided herein. I understand and agree that I have been advised that I may forego the requirement to provide a Letter of Credit by having the required public improvements installed and approved prior to the issuance of my building permit and/or the approval of my subdivision plat. I understand and agree that I have been advised that alternate forms of surety, including the establishment of an escrow account or performance bond, are available and that I have voluntarily elected to provide a Letter of Credit. I understand and agree that my failure to perform the required improvement or comply with the conditions as outlined herein will constitute a violation of city code and/or the Oak Grove Subdivision Regulations.

_____ _____

Subdivider/Owner Signature DATE

_____ _____

Witness to Agreement DATE

Exhibit B2

Date

Mayor Jackie Oliver
CITY OF OAK GROVE, KENTUCKY
8505 Pembroke Oak Grove Road
Oak Grove, KY 42262

SUBJECT: Irrevocable Letter of Credit No. _____

Dear Mayor Oliver:

At the request of (Developer or Developers), d/b/a (Company or Corporation), and for the account of the same, we hereby extend in your favor Irrevocable Letter of Credit No. _____ for a sum not to exceed (Amount) ($_____), available by your draft, payable at sight on us, and accompanied by your statement certifying (Developer or Developers) have defaulted or failed to perform improvements to (Project), as described in the attached estimates, the contents of which are made a part hereof.

Acting through the Mayor of the City of Oak Grove, you will provide us with a signed statement certifying either:

1. The improvements have been timely and satisfactorily completed by (Date, must be ten days prior to expiration of Letter of Credit) and the credit may be released; or

2. The developer has failed to perform or is in default with proof of such default as it relates to the attached estimates of improvements.

All drafts drawn under this Letter of Credit must be marked: "Drawn under (Developer or Developers), d/b/a (Company or Corporation), Letter of Credit No. ____ dated _____".

This Letter of Credit is subject to the Uniform Customs and Practice for Documentary Credit (2007 Revision), International Chamber of Commerce Publication Number 600.

We engage with you that the draft(s) drawn under and in accordance with the terms of this Letter of Credit will be duly honored upon presentation and delivery of documents as specified if presented at this office on or before (date, usually one year from date of issue) {or any automatically extended date hereof as set forth in the following paragraph.

It is a condition of this credit that it shall be deemed automatically extended, without amendment, for one (1) year from the present or any future expiration date hereof, unless sixty (60) days prior to any such date, we shall send you notice by courier service that we elect not to consider this credit renewed for such additional one (1) year period.

(Bank Executive Signature Block)

Exhibit B3

PERFORMANCE BOND Bond No.:_____

STATE OF KENTUCKY:
COUNTY OF CHRISTIAN

KNOW ALL MEN BY THESE PRESENTS: That we, _____, a _____ corporation, authorized to do business in the State of Kentucky ["Principal"] and _____, a corporation organized and existing under and by virtue of the law of the State of _____ and authorized to do business in the State of Kentucky ["Surety"], are held and firmly bound unto the City of Oak Grove ["City"] in the penal sum of _____ for the payment of which, well and truly to be made, we firmly bind ourselves, and each of our heirs, executors, administrators, and assigns, jointly and severally by these presents.

WHEREAS, the Principal has entered a construction contract agreement through the City relevant to the construction of _____, Oak Grove, Kentucky, under which the attached breakdown of improvements must be completed and approved by the City by _____. In the event a dispute arises between the City and the Principal, it is understood that Principal and Surety will have 30 days in which to settle the claim. If the claim is not settled within 30 days, it is expressly understood that Surety will contract with another commercial general contractor to perform Principal's obligations under the construction contract agreement to the satisfaction of the City.

THE CONDITION of this obligation is such that is the Principal shall well and truly do and perform the improvements outlined above, and shall pay all labor and material bills incurred relative thereto not to exceed the sum listed above, this obligation shall be void, otherwise to remain in full force and effect until the project is completed.

This performance bond may be released only upon a signed statement from the City certifying that the improvements have been timely and satisfactorily completed by _____.

Signed, sealed, delivered and effective this _____ day of _____, 202__.

(company name)

_____ _____
Principal Signature

SEAL

EXHIBIT B4

MUTUAL AGREEMENT FORM
FOR
SUBDIVISION DEVELOPMENT

BETWEEN

_____ The Developer of

_____ Subdivision Development

_____ The Local Lending Institution and,

THE CITY OF OAK GROVE, KENTUCKY
ON BEHALF AND FOR

The above parties agree to the following conditions of this Agreement which is hereby established to fulfill the requirements for the _____ Subdivision Development,

A. The Developer agrees:

1. To the establishment of an escrow account, payable to the City of Oak Grove, Kentucky, in a local lending institution of a sufficient amount to cover the entire cost of the improvements required for the Subdivision Development. These improvements shall include as a minimum, all improvements required in the adopted regulations. The amount of the escrow account shall be determined by the bids received from reputable contractors for each construction item and shall be the bids accepted and approved by the developers. The developer shall attach copies of the bids to this form.

2. The developer shall deposit cash or other instruments readily convertible into cash at face value into the escrow account. The use of any instrument other than cash and the lending institution utilized shall be subject to the approval of the City of Oak Grove or its appointee.

3. The funds established in said account shall be used to install the required improvements and said funds shall not be dispersed except as authorized by the City or its appointee.

4. Payments shall be made on a basis of the percentage of work satisfactorily completed, as stated in B-2. All required improvements shall be satisfactorily installed within twelve (12) months of the date of the final subdivision project approval.

5. To notify the City at least two (2) working days prior to the construction of the improvement items.

6. To comply with the standards outlined in the Subdivision Regulations, Storm Water

Management Ordinance, Public Improvement Specifications, and other applicable City codes.

B. The local lending institution agrees:

1. That $_____ has been established in an escrow account for the purpose of installing the required improvements for said Subdivision Development shall only be used to install said improvements.

2. To disperse funds from said account on a basis of the percentage of the improvements satisfactorily completed. This percentage shall be determined based upon the itemized cost figures states in A-1 and shall be the lesser of the percentage estimated by the local lending institution and the City or its appointee.

3. Not to disperse any money from said account until the local lending institution has received written notice from the City or its appointee that a specified percentage of the required improvements have been satisfactorily completed and approved by the City or its appointee.

C. The City agrees:

1. To accept this Agreement in lieu of a performance bond or in lieu of the completed improvements required for the Subdivision Development.

2. To have the City's Staff periodically inspect said improvements while under construction and inspect completed improvements within seven (7) days after receiving written notice that the improvement item has been completed. The City Staff shall notify the local lending institution and the developer within ten (10) days after receiving written notice, as stated above, as to the percentage of improvements completed.

3. It is hereby understood and agreed that in the event that any required improvements have not been installed as provided by said Subdivision Regulations, within twelve (12) months, the governing body may thereupon declare this account to be in default and collect the sum remaining payable thereunder, and upon receipt of the proceeds thereof, the local government shall install such improvements as are covered by this account and commensurate with the extent of building development that has taken place in the Subdivision Development but not exceeding the amount of such proceeds.

4. Escrow account $_____ See attached estimate from the City of Oak Grove dated _____.

_____ Streets _____ Grading _____ Engineering

_____ Curb & Gutter _____ Storm Drainage _____ Sidewalks

_____ Water _____ Sewer _____ Other

EXHIBIT B4

_____, the Developers of

_____ (Subdivision Project)

_____, Local Lending Institution

_____, City of Oak Grove

_____, Date of Development Approval

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Exhibit C

Sample Request For Street Acceptance

Thomas Britton
Executive Director
Community and Development Services
PO Box 1125
710 South Main Street
Hopkinsville, Kentucky 42241-1125

RE: Request for Acceptance of Street(s) into City of Oak Grove Maintenance

Dear Mr. Britton:

_____ is the owner/subdivider of the _____subdivision as illustrated on a plat recorded in Plat Cabinet _____, File _____ at the Christian County Clerk's Office. The street(s) has been constructed to the standards of the Oak Grove Subdivision Regulations and the city's improvement specifications. Further, the street's construction has been reviewed and inspected by the City of Oak Grove. _____ requests the acceptance of the street(s) in this subdivision into city ownership and maintenance.

Thank you for your consideration of this matter.

Sincerely,

Owner/Subdivider

cc: Mayor, City of Oak Grove

Exhibit C

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EXHIBIT D

STREET CONSTRUCTION AND RIGHT-OF-WAY IMPROVEMENTS

AS-BUILT CERTIFICATION
(FINAL)

I hereby certify that the streets, sidewalks, and other right-of-way improvements in the _____ Subdivision were built in accordance with the permitted plans, and that drawings and calculations of any significant changes in the final construction of the project from what was shown on the originally permitted plans have been submitted to the Oak Grove Public Works Department and are denoted on the As-Built Drawings dated_____. I further certify that the changes or differences, if any, will meet the minimum standards of the Subdivision Regulations of the City of Oak Grove, Kentucky.

Certified by:

_____
Engineer Name

_____
Address

_____
City

_____
Date

_____
Kentucky Registration Number

_____

Presented by:

_____
Developer Name

_____
Address

_____
City

_____
Date

Sworn and Subscribed this the_____Day of_____, 20____

_____
Notary

_____
Date of Expiration

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