

AN ORDINANCE RELATING TO ADOPTION
OF A SUBDIVISION REGULATION PERTAINING
TO LOT LINE MODIFICATIONS OR REMOVALS

BE IT ORDAINED BY THE FISCAL COURT OF THE COUNTY OF SIMPSON,
COMMONWEALTH OF KENTUCKY, by virtue of authority vested in said
Fiscal Court by KRS 67.045, after the passage, approval and
publication of this ordinance as follows:

That the attached Proposed Regulation Relating to
Subdivision Revisions: Lot Line Modifications or Removals,
pursuant to KRS 67.077(4) be approved and adopted with a copy of
same to be kept with this adopting ordinance and made a part of
the permanent records of the county.

July 14, 1992 FIRST READING

July 21, 1992 SECOND READING

At a meeting of the Fiscal Court of the County of Simpson,
Commonwealth of Kentucky held July 21, 1992, on
motion made by Honorable Bill Scott, and seconded by
Honorable Bobby Williams, the foregoing ordinance was
adopted, after full discussion, by the following vote:

- Aye BILL SCOTT
- Aye GLEN EVANS
- Aye BOBBY WILLIAMS
- Aye JAMES BAILEY

APPROVED:
BY: Kenneth Y. Harper
KENNETH Y. HARPER, COUNTY JUDGE EXECUTIVE
COUNTY OF SIMPSON, COMMONWEALTH OF KENTUCKY

ATTEST:
Jada Rhea
JADA RHEA, Fiscal Court Clerk, County
of Simpson, Commonwealth of Kentucky

PJ. 64

PROPOSED REGULATION RELATING TO
SUBDIVISION REVISIONS:
LOT LINE MODIFICATIONS OR REMOVALS

To: Simpson County Judge Executive
Simpson County Fiscal Court
Hon. William H. Young, Mayor
Franklin City Council

THAT WHEREAS, there are numerous older platted subdivisions in Franklin and Simpson County which contain lots approximately twenty-five feet (25') in width that, according to current regulations, would not be suitable for building lots;

THAT WHEREAS, numerous requests have been and will be submitted to Planning and Zoning regarding modification and removal of lot lines in many subdivisions throughout Franklin and Simpson County;

THAT WHEREAS, Franklin-Simpson Planning and Zoning Commission recognizes the need for consistent guidelines regarding such lot line modifications and removals and wish to propose regulations which will address this matter.

I. PROCEDURE

The following procedure shall be followed in considering enactment of these regulations.

(1) Though not required by law, a copy of these proposed regulations shall immediately be sent to the Judge Executive of Simpson County and the Mayor of the City of Franklin for their review and advance consideration.

(2) As required by KRS 100.211(2), notice of a public hearing relating to such proposal shall be published as required by KRS

Chapter 424, specifically KRS 424.130(b), stating the time, date, and general subject matter of such public hearing.

(3) Following the public hearing the comments and suggestions of the public shall be considered and a recommendation for the text of said regulation shall be forwarded to the City of Franklin and County of Simpson with a request that such legislative bodies enact such regulations as required by law.

II. PROPOSED TEXT OF REGULATION

Planning and Zoning hereby proposes the following regulation to address lot line modifications or removals.

"A new section is hereby added to the Subdivision Regulations for the County of Simpson and City of Franklin, Kentucky.

Section 3.31 - Lot Line Modifications or Removals in Subdivisions.

Any person or persons wishing to request modification or removal of lot lines in subdivisions may do so according to the regulations in this section.

(1) No modification or removal of a lot line in a subdivision shall be allowed unless the property owner or owners immediately affected by the modification or removal of the lot line agree to such modification or removal. Property owner or owners who are "immediately affected" by such lot line modification or removal shall include only such persons who own lots that will have the size or dimension of their lots changed if the proposed lot line modification or removal is granted.

(2) WRITTEN PERMISSION MAY BE OBTAINED. Any person wishing to modify or remove lot lines as contemplated by this section may

do so by obtaining written permission from each and every lot owner in the entire subdivision. The property owner shall have responsibility for verifying ownership of each lot in the subdivision. Such written permission by each and every lot owner shall be submitted to Planning and Zoning together with a copy of a plat showing the requested lot line modification or removal. If Planning and Zoning determines that written permission has been granted by each and every property owner, Planning and Zoning shall grant the requested lot line modification or removal unless such lot line modification or removal would otherwise be in violation of the regulations for the County of Simpson and City of Franklin.

(3) ALTERNATE PROCESS IN LIEU OF WRITTEN PERMISSION. In those instances where lot line modifications or removal are requested and written permission of each and every property owner has not been obtained, this section shall apply to give interested property owners public notice of the proposed lot line modification or removal.

(a) PUBLIC NOTICE. The property owner or owners requesting lot line modification or removal shall publish notice in a newspaper of general circulation as required by KRS Chapter 424. Such notice shall give the time and date of the next scheduled meeting of the Planning and Zoning Commission. Such notice must be advertised within the time limitations set forth in KRS Chapter 424. Such notice shall further briefly state in words the nature of the lot line modification or removal requested, the names of the property owner or owners requesting such modification or removal, and shall include a scaled drawing showing the size and

shape of the affected lot or lots after the proposed lot line modification or removal has been granted. The notice shall also contain a provision which basically states: 'Any person wishing to object to this proposed lot line modification or removal should appear at such meeting and make their objections known to the Planning and Zoning Commission.'

(b) CERTIFIED MAIL. In addition to the public notice required by the preceding paragraph (a) property owner or owners requesting lot line modification or removal shall send notice by certified mail return receipt requested to each property owner in the subdivision who owns a lot contiguous to the lots affected by the proposed lot line modification or removal. Property owners in the subdivision who own property across a street from the property affected by the proposed lot line modification or removal shall be considered contiguous for purposes of sending notice by certified mail return receipt requested. Such notice shall contain the same information required by the preceding paragraph (a).

(c) PUBLIC HEARING. A public hearing shall not be held unless a majority of the Commission elects to require a public hearing. The lack of a public hearing shall not preclude the Commission from hearing comments and questions from property owners in the subdivision. The nature and substance of the comments made and questions asked by property owners in the subdivision shall be considered by the Commission in determining whether a public hearing should be held.

(d) STANDARD FOR GRANTING LOT LINE MODIFICATIONS OR REMOVALS. The Commission shall grant the requested lot line

modification or removal unless the Commission determines that the requested lot line modification or removal detrimentally affects any property owner in the subdivision or detrimentally affects the overall development scheme of the subdivision.

(4) REVISED PLAT. After Planning and Zoning has approved the requested lot line modification or removal, a plat shall be submitted to and approved by Planning and Zoning. Said revised plat shall only show those lots which have been revised in the subdivision by said lot line modification or removal and shall retain and show any easements, building setback lines, or other restrictions imposed on the original plat of the subject subdivision. Said revised plat shall thereafter be recorded in the Simpson County Clerk's Office by a representative from the Planning and Zoning Office. Such plat shall be recorded at the expense of the property owner who requested the lot line modification or removal.

(5) APPLICATION FEE. Planning and Zoning shall collect a fee in the amount of \$75.00 in advance in connection with an application for a lot line modification or removal. Such fee shall not include any expenses associated with public notice, certified mail notice, surveying, and recording of revised plats. These expenses shall be the responsibility of the party requesting lot line modification or removal.

(6) APPEAL. Any property owner in the subdivision aggrieved by Planning and Zoning's decision shall have thirty (30) days from the date of Planning and Zoning's decision to appeal to the Circuit Court. Such thirty (30) day period shall be calculated from the

date when the vote is taken on whether to grant the requested lot line modification or removal.

(7) ANY SUBDIVISION REGULATION IN CONFLICT WITH THIS SECTION IS HEREBY REPEALED."

Kenneth Y. Harper
KENNETH Y. HARPER,
Simpson County Judge Executive
Date 7-21-92

ATTEST:

Jada Rhea
Clerk

WILLIAM H. YOUNG,
Mayor, City of Franklin
Date _____

ATTEST:

Clerk

I, Jada Rhea, Clerk of the Simpson County Fiscal Court, do hereby certify that the foregoing instrument was this day lodged to be and is with this and the foregoing certificate duly recorded in my office. Given under my hand this 29th day of July 1992.

Jada Rhea
Fiscal Court Clerk