

ORDINANCE NO. 920.111

**AN ORDINANCE OF SIMPSON COUNTY, KENTUCKY
AMENDING ORDINANCE 920.102 SECTIONS 8.2.3, 8.15.3 AND 8.16.3 AND ADDING SECTION 9.8
TO THE ZONING REGULATIONS**

WHEREAS, on April 9, 2018, Ordinance 920.102 of the County of Simpson, Kentucky, relating to planning and zoning regulations was adopted by Simpson County Fiscal Court; and

WHEREAS, on November 5, 2019, the Franklin-Simpson County Planning & Zoning Commission held a public hearing regarding the addition of solar farms into the zoning regulations; and

WHEREAS, the Franklin-Simpson Planning & Zoning Commission amended Sections 8.2.3, 8.15.3, and 8.16.3 of the Zoning Regulations and added Section 9.8 named Regulations for Solar Farms 10 Acres or More; and

WHEREAS, the Franklin-Simpson Planning & Zoning Commission approved changes to the zoning regulations listed above; and

WHEREAS, it is the opinion and judgment of the Fiscal Court of Simpson County, Kentucky that it is necessary to amend Ordinance No. 920.102 to reflect the changes as set forth herein; and

NOW, THEREFORE, BE IT ORDAINED by the County of Simpson, Kentucky, acting by and through its Fiscal Court as follows:

Section 8.2.3 of the Franklin-Simpson Planning and Zoning regulations shall be amended as follows:

8.2.3 Conditional Uses

Subject to the approval of the Board of Adjustment, the following uses may be approved within an agricultural district:

One duplex per lot; Airports and landing strips; Solar Farms as described and as set forth in section 9.8; Cemeteries; Hospitals; Public or private schools or colleges; Home occupations when in compliance with section 9.3; Oil or gas wells; Country club or golf course; Public parks, playgrounds and community centers; Private marine, boat dock, boat ramp; Driving range or private outdoor recreational activity; Manufactured home parks complying with section 8.8.13.

Section 8.15.3 shall be amended as follows:

8.15.3 Conditional Use

The following uses are conditional uses in an I-1 district and require written approval of the Board of Adjustment:

- a. Manufactured Ice Plants;
- b. Machine shops;
- c. Jobbing and repair;
- d. Welding;
- e. Fabrication and processing plants of Articles to be sold at retail on the premises; photocopying and duplication;
- f. Salvage Yards (subject to provisions of Article 9.2);
- g. General contractors and special trade contractors and partitions, shelving, lockers, and office and store fixtures including cabinet shops;
- h. Child care facility which developed in conjunction with a planned industrial park or is exclusively for the benefit of employees of the manufacturing plant. Two or more adjoining manufacturing plants may jointly operate a child care facility; and,
- i. Solar Farms 10 acres or more as described and as set forth in section 9.8.

Section 8.16.3 shall be amended as follows:

8.16.3 Conditional Uses

The following uses are conditional uses in an I-2 district and require written approval of the Board of Adjustment.

A. Manufacturing:

- a. Custom slaughtering;
- b. Meat products;
- c. Grain mill products;
- d. Fats and oil processing and rendering mills;
- e. Malt, wine or distilled and blended liquors;
- f. Miscellaneous food preparations and kindred products;
- g. Tobacco products;
- h. Textile mill products;
- i. Lumber and wood products, except furniture;
- j. Furniture and fixtures;
- k. Pulp, paper, and paperboard mills;
- l. Paperboard containers and boxes, converted paper and paperboard products, except containers and boxes;
- m. Chemicals and allied products;
- n. Petroleum refining;
- o. Rubber and miscellaneous plastics products;
- p. Leather and leather products;
- q. Stone, clay, glass, and concrete products;
- r. Primary metal industries;
- s. Fabricated metal products, except machinery and stone, clay, glass transportation equipment;
- t. Industrial and commercial machinery and computer equipment;
- u. Electronic and other electrical equipment;
- v. Transportation equipment;
- w. Measuring, analyzing and controlling instruments;
- x. Photographic, medical, and optical goods;
- y. Watches and clocks;
- z. Miscellaneous manufacturing industries including any other manufacturing not otherwise categorized by these regulations;
- aa. Monuments finished to custom order;
- bb. Terra cotta wholesale; and,
- cc. Solar farms 10 acres or more as described in section 9.8.

There shall be added a new Section 9.8 which shall read as follows:

9.8 Regulations for Solar Farms to Apply Only to a Tract of Land of 10 Acres or More

Zone district allowed: AG, I-1, & I-2

Use permit type: Conditional Use Permitted

Purpose: To allow large scale ground mounted solar power generation projects on tracts of land of 10 acres or more to be permitted under CUP Application in an AG, I-1, & I-2 Zone District only.

Setbacks- 50 ft. from any public road right-of-way

250 ft. from any abutting residential zoned properties, rural village districts,

Churches, Cemetery, School or Nursing home.

100 ft. from any abutting internal or external AG zoned properties.

Height requirements: No structure may exceed the maximum height of 15 ft. However, under special circumstances in the developmental plan phase, the Planning and Zoning Commission may approve a waiver for up to a maximum 25 ft.

Required parking: 1 Space for every 2 employees on the shift of greatest employment plus 1 space for every vehicle used in conduct of business.

Development plan required: Yes

Development plan requirements: Must show and/or contain diagrams of and contain the following:

- 1. The location and dimensions of all proposed areas for placement of solar panels, screening and fencing, and related structures.**
- 2. Any preexisting structures on the proposed property and any principle structures on other properties that will affect placement of solar panels.**
- 3. Parking and access areas.**
- 4. Location of any proposed solar access easements.**
- 5. Locations for wiring interconnections to system components.**
- 6. Site access must be secured by a fence of at least 6 ft. in height. A vegetative landscape buffer may be provided between the fence and the property line under the Planning and Zoning Commission's Recommendation for location and type so as long as it does not impair the system efficiency.**
- 7. Site must adhere to the applicable sections of the International Building Code and National Electric Code.**
- 8. Any glare generated by the system must be mitigated or directed away from adjoining property and/or adjacent roadway when it creates a nuisance or safety hazard on neighboring property or for passing motorists.**
- 9. Decommissioning plan that describes the anticipated life of the solar farm, the estimated costs in current dollars, the method for ensuring that the funds will be available for decommissioning the solar farm and restoration of the land to its pre-solar farm condition. In addition, the decommissioning plan shall contain details of the manner in which the farm will be decommissioned and the site restored. Following a six-month period in which no electricity is generated, the permit holder will have six months to complete decommissioning of the solar farm. Decommissioning shall include, but not be limited to removing solar panels, buildings, cabling, electrical components, and any other associated materials and restoring the land to the pre-solar farm condition.**
- 10. Property must be maintained to standards required by the International Property Maintenance Codes and all applicable local ordinances.**

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions hereof. All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

November 19, 2019 FIRST READING
January 7, 2020 SECOND READING

At a meeting of the Fiscal Court of the County of Simpson, Kentucky, held on January 7, 2020, on motion made by Magistrate Marty Chandler and seconded by Magistrate Nathaniel Downey, the foregoing ordinance was adopted, after full discussion, by the following vote:

 YES MARTY CHANDLER
 YES NATHANIEL DOWNEY
 YES SCOTT POSTON
 YES MYRON THURMAN
 YES MASON BARNES

APPROVED BY:



MASON BARNES
SIMPSON COUNTY JUDGE EXECUTIVE

ATTEST:



Pam Rohrs, Clerk
Simpson County Fiscal Court