

ORDINANCE NO. 920.131

**AN ORDINANCE AMENDING TEXT IN PLANNING AND ZONING
REGULATIONS READOPTED IN ORDINANCE NO.920.128**

WHEREAS the County readopted Planning and Zoning Regulations on July 15, 2025, in Ordinance No. 920.128;

WHEREAS, the County created the Simpson County Planning and Zoning Commission on July 15, 2025, in Ordinance No. 920.129, to administer and/or enforce Planning and Zoning regulations;

WHEREAS, the Simpson County Planning and Zoning Commission at its regularly scheduled meeting on December 2, 2025, unanimously voted to recommend amendments to the Simpson County Planning and Zoning regulations;

WHEREAS, the County of Simpson, by and through its Fiscal Court, finds it is in the County's best interest to approve the proposed text amendments to the Simpson County Planning and Zoning regulations;

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

- 1) The sections of the Simpson County Planning and Zoning regulations listed below are amended as follows:

7.6 Regulation of Principal Buildings

7.6.1 No More Than One Principal Structure Per Lot - There shall be no more than one principal structure and its accessory structure on any lot unless otherwise specifically permitted in these regulations. Multiple building development is permitted if approved as part of a development plan which has been approved by the Planning Commission as provided by Article 13.

7.6.2 Site Requirements - No structure shall hereafter be erected or altered.

- a. To exceed the height or bulk limitations;
- b. To accommodate or house a greater number of dwelling units;
- c. To occupy a greater percentage of lot area;
- d. To narrower or smaller rear yards, front yards, side yards, or other open spaces;
- e. To have less perimeter and interior lot landscaping for vehicle use area and incompatible land uses than required by the provisions of these zoning regulations.

7.6.3 Site Requirements Must Be Met For Each Building Or Land Use – No part of a yard, open space, off-street parking, loading space or other special use area required above or in connection with any building, structure, or land required for any building or structure, may be included as fulfilling the requirements for an adjacent building unless otherwise specifically permitted in these Zoning Regulations.

7.6.4 Accessory Apartment - accessory apartment units may be permitted in the residential R-1, R-2, R-3, R-4, and AG zoning districts according to section 9.4.

7.6.5 Accessory Buildings - In residential zoning districts there shall be no accessory buildings erected on empty lots which do not have a principal building, except as noted in section 7.13.1 c.

8.2 Agricultural District – AG

8.2.1 Purpose

The purpose of the agricultural district is to preserve prime agricultural land and protect them from incompatible urban land uses. Lands situated outside the urban area and which are used for agricultural purposes, have been designated as agriculture. From a historical standpoint the agricultural activities conducted in Simpson County are long standing and are lands of statewide importance that should be preserved to the maximum extent practical.

It is acknowledged that some of the lands currently in agricultural use and within the agricultural district will become urban area in the future. Those agricultural

tracts of land most vulnerable to urban development are those in close proximity to existing residential, commercial and industrial uses. It is a purpose of the agricultural district to prevent premature urban intrusion into those agriculture lands. Future urban development on land currently in the agricultural district should occur on land contiguous to existing urban developments and where full urban services are available and are extended to the new development.

Another purpose of this district is to promote compatibility with existing development. The current agricultural activities conducted in the agricultural district should not be detrimental to urban land uses. Conversely, existing urban land uses should not preclude normal current agricultural activities. It is not intended that the agricultural district provide a location for a lower standard of residential land uses than is authorized in other districts. The type of uses, area and intensity of use of land which are authorized in this district are designed to encourage and protect agricultural uses until urbanization is warranted and the appropriate change in district classification is made.

8.2.2 Permitted Uses

- a. Agricultural crops and the raising of farm animals and feeding lots. Pens or buildings for farm animals shall not be located closer than five hundred (500) feet to any residential, commercial or industrial zoning district.
- b. Commercial greenhouses and plant nurseries, including offices and sale yards, provided that no building for any heating plant, ventilation flue or other opening except stationary windows be located within fifty (50) feet of any residential district.
- c. Animal kennel, either commercial or non-commercial, provided that any building or area used for such purposes, including pens,

or exercise runs, shall be at least one hundred (100) feet distant from any residential district.

- d. Single-family detached dwelling, site built or modular, occupied by the owner or full-time operator of the farm and such additional single-family detached dwellings as are necessary for occupancy by full-time employees of the farm operation.
- e. Sale on the premises of agricultural products produced on the premises, provided that where such products are sold from a roadside stand, it shall be a temporary building only, and shall be removed during the winter months, and when in use, shall be set back from any road right-of-way at least thirty (30) feet to permit parking and ingress and egress and shall not be constructed in such location as to create an undue traffic hazard, subject to the regulations and recommendations of the designated engineer.
- f. Forestry services.
- g. Manufactured homes as follows
 - i. One manufactured home on a tract of land 10-100 acres in size.
 - ii. Two manufactured homes on a tract of land 101-200 acres in size.
 - iii. Three manufactured homes on a tract of land 201-300 acres in size.
 - iv. If a need exists for additional manufactured Homes above stated number, the applicant may come before the Planning Commission and make a request.
- h. Churches
 - i. An accessory building and use which are not part of the principal building, including barns, sheds and other farm buildings, private garages shall be permitted as customarily incidental to the principal and conditional uses

8.2.3 Conditional Uses

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

- a. One duplex per lot; accessory apartments complying with Section 9.4, airports and landing strips, solar farms as in Section 9.8, cemeteries, hospitals, public or private schools or colleges, day care center and nurseries, 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. (added 1/7/2020)
- b. Other uses which are similar in nature to the uses listed in 8.2.3.A and which would not be detrimental to or alter the basic agricultural character of the neighborhood in which the use is located.

8.2.4 Prohibited Uses

Any Use not specifically listed in this section as Permitted or Conditional.

8.2.5 Exempt Use and Buildings

Agricultural use buildings on parcels larger than 10 acres shall be exempt from these regulations so long as they are used exclusively for agricultural purposes, and:

- a. The agricultural use buildings meet the building setback lines from all publicly maintained street or highway;
- b. The agricultural use building is located outside of a designated floodway or floodplain.

8.2.6 AG District Table of Zoning Dimension

- a. Minimum building lot size for non-agricultural use with public sewer – 22,000 square feet or one-half (½) acre
- b. Minimum building lot size for non-agricultural use with septic system – 43560 square feet or one (1) acre.
- c. Minimum lot width for cultivated, arable, and graze able land for agricultural use - at building line and front property line – 40 feet
- d. Minimum lot width for land developed for residential use at building line and front property line – 100 feet
- e. Front yard setback - 50 feet
- f. Side yard setback -15 feet
- g. Rear yard setback - 25 feet
- h. Accessory structure setback
 - i. Side and rear -15 feet;
 - ii. Front setback - 50 feet; and,
 - iii. Rear yard setback – 25 feet
- i. Lot Coverage Percentage - structures and impervious areas - (no limitation)
- j. Building height - 45ft.

9.4 Accessory Apartment

The provisions of this section shall govern the conduct, establishment and maintenance of an accessory apartment in the R-1, R-2, R-3, R-4 and AG zoning districts. An accessory apartment permit is granted for a specific location and is not transferable. In general, an accessory apartment may be a part of the principal dwelling or may be located in a detached building. The accessory apartment shall be so located and conducted that the average neighbor, under normal circumstances, would not be aware of its existence. The standards for an accessory apartment in this section are intended to ensure compatibility with other permitted uses and with the residential character of the neighborhood in which it is located. No accessory apartment shall be established unless and until a permit is issued, by the Board of Adjustment, in accordance with the provisions of these regulations.

9.4.1 Conditions That Must Be Met

An accessory apartment may be permitted subject to compliance with all of the following conditions:

- a. No more than one accessory apartment shall be permitted on any lot.

- b. An accessory apartment shall be permitted only if there is a principal dwelling existing on the lot at the time of the accessory apartment is established or if the principal dwelling is constructed at the same time as the accessory apartment. The accessory apartment may continue only if there is a principal dwelling on the lot.
- c. Either the accessory apartment or the principal dwelling must be occupied by the owner of the lot. The accessory apartment may continue only if the accessory apartment or the principal dwelling is occupied by the owner of the lot.
- d. An accessory apartment must be clearly subordinate to principal dwelling.
- e. An accessory apartment shall be a minimum of 300 square feet of living area but shall not exceed the greater of either, 900 square feet living area or 25 percent of the living area of the principal dwelling.
- f. The accessory apartment shall have a separate access, not observable from the street, unless there is a single access from the front of the building with a split access inside the building.
- g. The addition of the accessory apartment will maintain the appearance of a single-family dwelling.
- h. If the accessory apartment is being added or attached to an existing building, the principal dwelling may not be enlarged more than 20 percent of the original foundation.
- i. The accessory apartment shall have a kitchen and bathroom wholly within the dwelling.

9.4.2 Findings Necessary for Granting an Accessory Apartment Permit

Before an accessory apartment permit is granted, the Board of Adjustment must find:

- a. That the applicant has or can fully comply with the standards for establishing an accessory apartment.
- b. That the granting of the accessory apartment permit will not alter the basic character of the vicinity where the accessory apartment will be located.
- c. The Board of Adjustment may attach such conditions as it deems necessary to ensure protection of the neighborhood involved and consistent with the purposes of this section.

9.4.3 Application for Accessory Apartment and Notice Requirements

An application for an accessory apartment permit shall be made in writing to the Board of Adjustment and shall be filed with the administrative official. The Board of Adjustment shall then hold at least one public hearing after notice as required by KRS chapter 424. Notice of the hearing shall also be given at least fourteen (14)

days in advance of the hearing by first class mail to the owners of all property adjoining where the accessory apartment will be located.

9.4.4 Abatement – Revocation

An accessory apartment permit may be revoked by the Board of Adjustment, following a public hearing, upon a determination that the standards for creating the accessory apartment are not being adhered to in accordance with the approval of the Board of Adjustment.

The administrative official may initiate proceedings for the revocation of an accessory apartment permit. In initiating the procedure, the administrative official must investigate and determine there is sufficient ground for a revocation hearing before the Board of Adjustment and shall:

- a. Prepare a notice of revocation hearing. Such notice shall set forth precisely the grounds of revocation and shall be forwarded to the Board of Adjustment and to the holder of the accessory apartment.
- b. Notice of revocation proceedings shall be given to the holder of the accessory apartment permit at least fourteen (14) days in advance of the hearing by registered mail or by certified mail, return receipt requested, to the holder of the permit. The notice of revocation shall state the date, time and location of the revocation hearing and that the holder of the accessory apartment permit has the right to appear in person or be represented by an attorney and that the holder of the accessory apartment permit may present and give evidence to refute the allegations of the administrative official.

All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

January 20, 2026 FIRST READING

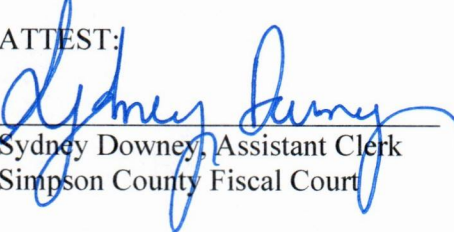
February 3, 2026 SECOND READING

At a meeting of the Fiscal Court of the County of Simpson, Commonwealth of Kentucky held February 3, 2025, on motion made by Honorable Myron Thurman and seconded by Honorable Scott Poston, the foregoing ordinance was adopted, after full discussion, by the following vote: 5-0


<u>Yes</u>	Marty Chandler
<u>Yes</u>	Scott Poston
<u>Yes</u>	Myron Thurman
<u>Yes</u>	Mason Barnes

APPROVED:

ATTEST:



Sydney Downey, Assistant Clerk
Simpson County Fiscal Court



MASON BARNES
Simpson County Judge Executive