

**ZONING REGULATIONS**

**FOR**

**SIMPSON COUNTY**

**KENTUCKY**

Amended February 3, 2026

**Simpson County Zoning Regulations**

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# **Simpson County Zoning Regulations**

## **Article 1 - Legislative Provisions**

### **1.1 Enacting Clause**

The Fiscal Court of Simpson County and the Board of Commissioners of the City of Franklin do hereby ordain as follows:

- 1.1.1** These Zoning Regulations are adopted pursuant to the authority granted by KRS chapter 100.210, which permits cities and counties to adopt land use regulations.
- 1.1.2** Whenever any provision of these Zoning Regulations refer to or cite a section of the KRS and that section is later amended or superseded, these Zoning Regulations shall be deemed amended to refer to the amended section or the section that most nearly corresponds to the superseded section.
- 1.1.3** All explanatory matter therein is adopted and made a part of these regulations.

### **1.2 Title**

These Zoning Regulations comprised of the text herein and the schedules and maps attached hereto and made a part thereof, and all subsequent amendments shall be known as the “Zoning Regulations of the City of Franklin and Simpson County, Kentucky”. These regulations, text, schedules and maps and all subsequent amendments may be known by short title as the “Franklin-Simpson County Zoning Regulations”.

### **1.3 Purpose**

The text and zoning map set forth in these regulations are for the general purpose of implementing the currently adopted Simpson County Comprehensive Plan. The more specific purposes of these Zoning Regulations are to:

Promote the public health, safety, and general welfare of the present and future residents of the City of Franklin and Simpson County, Kentucky and of further accomplishing the objectives of KRS Chapter 100.

To these ends these Zoning Regulations have been designed to give reasonable consideration to each of the following purposes:

Facilitate orderly and harmonious development and the visual character of the City of Franklin and Simpson County;

Prevent hazards or lessen congestion in public streets;

Protect against overcrowding of land and undue density of population in relationship to the community facilities existing or available;

Provide for vehicle parking spaces, loading and unloading area, and improve the appearance of those areas;

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Require buffering between non-compatible land uses;

Encourage economic development activities that provide desirable employment and enlarge the tax base;

Provide for the preservation of agriculture, forested lands, historic sites, and districts, and environmentally sensitive lands;

Protect, preserve, and promote the aesthetic appeal, character, and value of the surrounding neighborhoods;

Facilitate fire and police protection;

Prevent the loss of life and protect property from damage due to fire, flood, or other dangers;

Facilitate the provision of adequate transportation facilities, water supply, drainage facilities, sewage collection, parks, and other public facilities.

These Zoning Regulations have been made with reasonable consideration, among other things, as to the character of each district and its peculiar suitability for particular uses, and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout Simpson County and the City of Franklin.

### **1.4 Jurisdiction**

The provision of these Zoning Regulations shall apply to all property within the unincorporated portion of Simpson County and the City of Franklin.

### **1.5 Relationship to Existing Zoning Ordinance**

To the extent that the provisions of these Zoning Regulations are the same in substance as to the previously adopted provisions of the zoning ordinance adopted by the City of Franklin and Simpson County, they shall be considered as continuations thereof and not as new enactments, unless otherwise specifically provided. In particular, a situation that did not constitute a lawful, nonconforming situation under the previously adopted zoning ordinance does not achieve lawful non-conforming status under these regulations merely by the repeal of the zoning ordinance.

### **1.6 Coordination with Comprehensive Plan, Subdivision Regulations & Flood Control**

It is the intention of the Board of Commissioners of the City of Franklin and the Fiscal Court of Simpson County that these regulations:

**1.6.1** Implement the planning policies adopted in the Simpson County Comprehensive Plan.

**1.6.2** In all cases where the ownership of land is divided for the purpose of eventual development of lots of any kind, the provisions of the subdivision

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regulations shall apply in addition to the provisions of these Zoning Regulations.

- 1.6.3** Whenever land contains a river, stream or other body of water, or land is developed or redeveloped, the provisions of the flood control and drainage regulations shall apply in addition to the provisions of these Zoning Regulations and shall be incorporated into the approval of any action of the Joint City County Planning & Zoning Commission of Simpson County.

### **1.7 Conflict with Other Ordinances and Private Deeds**

Whenever these Zoning Regulations conflict with other local ordinances, regulations, or laws, the more restrictive shall govern and shall be enforced by appropriate local agencies. When subdivision and development plans, approved by the Planning Commission, contain setback or other features in excess of the minimum zoning regulation, such features as shown on the approved plan shall govern and shall be enforced by the administrative official. Private deed restrictions or private covenants for a subdivision, which are supplemental to the approved subdivision plan, do not fall within the jurisdiction of enforcement by any local agency and cannot be enforced by the administrative official.

### **1.8 Separability Clause**

If any clause, sentence, paragraph, section or part of these Zoning Regulations be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder there, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which said judgment shall have been rendered.

### **1.9 Use or Sale of Land or Buildings in Conformance with Zoning Regulations**

- 1.9.1** Subject to Article 4 (nonconforming situations), no person may use, occupy, or sell any land or buildings or authorize or permit the use, occupancy, or sale of land or buildings under his control except in accordance with all of the applicable provisions of these Zoning Regulations.
- 1.9.2** For purposes of this section, the “use” or “occupancy” of a structure, building or land relates to anything and everything that is done to, on, or in that structure, building or land relates to anything and everything that is done to, on, or in that structure, building or land.
- 1.9.3** In their interpretation and application, the provisions of these regulations shall be held to be minimum requirements.
- 1.9.4** All existing and future structures, buildings, land and uses of premises within Simpson County and the City of Franklin shall conform to all applicable provisions of these Zoning Regulations.
- 1.9.5** No building or other structure shall hereafter be erected or altered to exceed the height or bulk; to accommodate or house a greater number of dwelling

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units; or have narrower or smaller rear, front, or side yards, or other open spaces than herein required, except as herein authorized.

- 1.9.6** No part of a yard or other open space, or the off street parking spaces or loading and unloading areas required in connection with any building for the purpose of complying with these regulations, shall be included as part

of a yard, open space or off-street parking or loading space similarly required for any other building.

- 1.9.7** No yard or lot existing at the time of passage of these Zoning Regulations shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created shall meet at least the minimum requirements established by these zoning regulations.

- 1.9.8** No yard or lot existing at the time of passage of these Zoning Regulations located in either of the following zones AG, RV, R1, R2, R3, or R-5 consisting of 9.99 acres or less of which its primary use designated as residential. Furthermore, to include properties that have been allowed a conditional use permit in either an AG or RV zone listed for an allowed residential use. Shall not be permitted to violate local property maintenance code enforcement ordinance 1010.5 thereby prohibiting the use of unsafe structures as dwellings, the accumulation of junked vehicles and appliances, tall weeds or grass, fixtures or rubbish and other general property conditions to be deemed a public nuisance as outlined in ordinance 1010.5 defining a public nuisance as items (a) through (i) and thereby subject to rights, regulations, authority and penalties set forth as a part of ordinance 1010.5.(added 10/20/2020)

### **1.10 Computation of Time**

- 1.10.1** Unless otherwise specifically provided, the time within which an act is to be done shall be computed by excluding the first and including the last day. If the last day is Saturday, Sunday, or legal holiday, that day shall be excluded. When the period of time prescribed is less than seven days, intermediate Saturdays, Sundays, and holidays shall be excluded.

- 1.10.2** Unless otherwise specifically provided, whenever a person has the right or is required to do some act within a prescribed period after the service of a notice, citation, or other paper and the notice or paper is served by mail, three days shall be added to the prescribed period.

### **1.11 Fees**

- 1.11.1** Reasonable fees sufficient to cover the costs of administration, inspection, publication of notice and similar matters may be charged to applicants for sign permits, conditional use permits, subdivision plat approval, zoning amendments, variances, requests for interpretations, development plans, certificates of land restriction and any other appeals. The amount of the fees

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charged shall be as set by the Planning Commission budget or adopted by resolution adopted by the Planning Commission and approval of both the Simpson County Fiscal Court and Franklin Board of Commissioners.

**1.11.2** Fees established in accordance with section 1.11.1 shall be paid upon submission of a signed application or notice of appeal.

### **1.12 Use of Headings**

The headings of the Articles, sections and subsections of these Zoning Regulations, together with any schedules, illustrations, examples and explanatory notes appearing at various places throughout have been inserted as a matter of convenience and for reference only and in no way define, limit or enlarge the scope or meaning of these Zoning Regulations or any of its provisions.

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## Article 2 - Definitions

### **2.1 Purpose**

Unless otherwise stated, the following words shall have the meaning herein indicated. Any word used in these regulations which are not defined herein and which is defined in the subdivision, drainage or flood control regulations of either the City of Franklin or Simpson County shall, for the purpose of these regulations have the same meaning.

### **2.2 General Construction of Language**

For the purposes of these regulations, certain terms and their derivations shall be interpreted as follows:

The specific shall control the general.

Words used in the present tense include the future tense.

Words imposing the masculine gender include the feminine and neuter.

All words in the singular number includes the plural, and the plural the singular.

The word “shall” is mandatory. The word “may” is permissive, and the word “should” is a preferred requirement.

The word “person includes and individual, firm, partnership, corporation, trust, executor, other fiduciary, association, or other type of legal organization.

The word “structure” includes the word “building”.

A “building” or “structure” includes any part thereof.

The word “use” or “occupied” includes the word “intended, arranged, or designed to be used or occupied”.

The word “includes” shall not limit a term to the specified examples but is intended to extend its meaning to all other instances or circumstances of like kind or character.

### **2.3 Definitions**

**2.3.1 Access Management Plan:** an access control plan prepared for a specific arterial or collector street that designates access point or access standards.

**2.3.2 Accessory Apartment:** a dwelling unit that has been added onto, or created within a single-family house. The accessory apartment has separate kitchen, bathing and sleeping areas.

**2.3.3 Accessory Structure:** a structure detached from the principal building by a minimum 10 ft. distance, clearly incidental and subordinate to the principal building on the same lot.

**2.3.4 Accessory Use:** a use which customarily accessory and clearly incidental and subordinate to the principal use on the same lot. An accessory use may be an accessory to only on principal use.

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- 2.3.5 Administrative Official:** any department, employee, or advisory, elected, or appointed individual or body which is authorized to administer any provision of any zoning regulation, subdivision regulation, and if delegated, any provision of any housing or building regulation or any other land use control regulation. May include Building Official, Building Inspector, Code Enforcement Official, Physical Address Assignment Personnel, GIS systems personnel, or other official capacities as assigned by the local government.
- 2.3.6 Adult Day Care Center:** any adult care facility which provides part-time care, day or night, but less than twenty-four (24) hours, to at least four (4) adults not related to the operator of the adult care facility by blood, marriage, or adoption.
- 2.3.7 Agriculture:** the use of land only, minus agricultural buildings, for the production or cultivation of crops, the raising of animals, or preservation in its natural state, but in no case less than 10 acres.
- 2.3.8 Agricultural Building:** a building used or intended to be used in conjunction with an agricultural use to store farm implements, hay, feed, grain or other agricultural or horticultural products or to house poultry, livestock, or other farm animals. Such structure shall not include habitable or spaces capable of being occupied, spaces in which agricultural products are processed, treated, or packages, nor shall an agricultural building be a place of occupancy the general public.
- 2.3.9 Alley:** any public or private way, set aside for public travel, which is located at the rear or side of property, less that twenty (20) feet in width and intended to afford a secondary means of access to abutting property.
- 2.3.10 Alteration:** any construction or renovation to an existing structure, movement of a structure from one location to another. This definition shall include any change in the intensity of the use of a building.
- 2.3.11 Apartment:** any building which is designed, built, rented, leased, let or hired out to be occupied, or which is occupied by more than two families living independently of each other.
- 2.3.12 Attached Dwelling Unit:** see dwelling, attached.
- 2.3.13 Awning:** a shelter projecting from and supported by the exterior wall of a building constructed of non-rigid materials on a supporting framework.
- 2.3.14 Bed And Breakfast Establishment:** a building occupied as a single family dwelling unit, but which also has addition guest rooms or suites which are used, rented, or hired out to be occupied, or which are occupied for sleeping purposes by persons not members of the family.
- 2.3.15 Board of Adjustment:** the board of zoning adjustment of Simpson County.
- 2.3.16 Boarding House:** a building arranged or used for lodging for compensation, with or without meals, and not occupied as a single family dwelling unit.

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The term boarding and rooming house are interchangeable for purposes of these regulations.

- 2.3.17** Building: a permanently located and enclosed structure intended for occupancy, housing, storage or shelter of any individual, animal, process, equipment, goods or materials of any kind.
- 2.3.18** Building Area: that portion of a lot that can be legally occupied by the ground floor of the principal or accessory building or uses and all permitted conditional uses. The term building area and buildable area are interchangeable.
- 2.3.19** Building, Existing: any structure erected prior to the adoption of these regulations or one for which all permits have been issued.
- 2.3.20** Building Height: the vertical distance measured from the average elevation of the finished grade at the front of the building to the highest roof beams on a flat or shed roof, the deck level on a mansard roof, and the average distance for gable, hip and gambrel roofs.
- 2.3.21** Building Inspector: the individual appointed by the Simpson County Fiscal court to administer the Building Codes for the City of Franklin and Simpson County or his designated representative.
- 2.3.22** Building Permit: an official document issued by the building/administrative official who authorizes the construction, repair, alteration, or addition to a structure.
- 2.3.23** Building, principle: a building on a lot used to accommodate the primary use to which the premises are devoted. In a residence district any building containing a residential dwelling unit shall be deemed to be the principle building for the lot on which it is located.
- 2.3.24** Building Setback Line: a line established by these regulations or by plat beyond which a building shall not extend, except as specifically provided by law.
- 2.3.25** Canopy: a rigid multi-sided structure covered with fabric, metal or other material and supported by one or more points of a building or by column or post embedded in the ground. A canopy may be illuminated by means of internal or external sources.
- 2.3.26** Building canopy: a canopy supported by a building on one or more points or extremities and be column or post embedded in the ground at other points or extremities.
- 2.3.27** Freestanding canopy: a canopy supported only by column or post embedded in the ground.
- 2.3.28** Certificate of Occupancy: an official document issued by the administrative/building official allowing the occupancy or use of a building and certifying the structure or use has been constructed and will be used in compliance with all applicable local codes and regulations.
- 2.3.29** Child Care Center: see day care center.

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- 2.3.30 Child Caring Facility:** any institution or group home other than a Kentucky state government facility providing residential care on a twenty-four (24) hour basis to a person who has not reached its eighteenth (18) birthday and who are not related by blood, adoption, or marriage to the person maintaining the facility.
- 2.3.31 Clinic:** see medical, dental, or mental health clinic.
- 2.3.32 Community Residential Facility:** means any secure or non-secure facility operated or subject to licensure by any federal, state or local agency which provides a supervised residence for mentally, emotionally, physically or socially disabled persons, or for persons in need of supervision or juvenile delinquents. This term includes, but is not limited to, community residences for the mentally disabled operated or licensed by the offices or divisions of mental health or mental retardation and developmental disabilities, or by the offices or divisions of alcoholism and/or substance abuse, agency or privately operated boarding homes, group homes or private proprietary homes for adults operated or licensed by the department of corrections or department of social services, group homes operated by, contracted for licensed by the division for youth and/or halfway houses operated for any purpose. This definition specifically excludes nursing homes and/or facilities to care for the elderly.
- 2.3.33 Conditional Use:** a use permitted in a particular zoning district upon a showing that the use in a specific location would not impair the integrity and character of the zoning district in which it is located or of adjoining zoning district. The Board of Adjustment may place restrictions on location, size, extent and character of performance of the proposed use in order to mitigate the adverse impact that the use may have on surrounding properties.
- 2.3.34 Conditional Use Permit:** legal authorization to undertake a conditional use, issued by the Board of Adjustment, consisting of two parts:
- a. A statement of the factual determination by the Board of Adjustment which justifies the issuance of the permit; and,
  - b. A statement of the specific conditions which must be met for the use to be permitted.
- 2.3.35 Day Care Center:** any child care facility which provides full or part time care, day or night, to at least four (4) children who are not the children, grandchildren, nieces, nephews or children in legal custody of the operator. Day care center shall not include any childcare facility operated by a religious organization while religious services are being conducted.
- 2.3.36 Development:**
- a. The construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure.
  - b. The division of a parcel of land into two (2) or more parcels.
  - c. Any mining, excavation, landfill, or land disturbance.

## Simpson County Zoning Regulations

- d. Any use or extension of the use of land.
- 2.3.37 Driveway:** a private vehicular way providing access from an off-street parking facility onto a public street.
- 2.3.38 Duplex:** a building containing two dwelling units totally separated from each other by an un-pierced wall extending from ground to roof.
- 2.3.39 Dwelling:** a building or portion thereof that is used exclusively for human habitation. The term “dwelling”, shall include the term manufactured home when it is an owner occupied unit and located on a lot in the same ownership as the manufactured home. The term “dwelling” shall not mean hotels, motels, trailers, trailed coaches, mobile homes, with the wheels either in place or detached, or other building designed for transient residence.
- 2.3.40 Dwelling, attached:** a building containing two or more dwelling units attached by a common vertical walls.
- 2.3.41 Dwelling, detached:** a single dwelling unit that is not attached to any other dwelling by any other means.
- 2.3.42 Dwelling, garden apartment:** a building containing two or three story, multi-family dwelling units, generally built at a gross density up to sixteen dwelling units per acre. The building will contain four to eight dwelling units and will have related off-street parking, open space and recreation areas.
- 2.3.43 Dwelling, multi-family:** a building portion thereof contains three (3) or more dwelling units.
- 2.3.44 Dwelling, single family attached:** a building containing one-family dwelling unit, attached to one other one-family dwelling unit by a common vertical wall, with each dwelling located on a separate lot and having an independent means of egress.
- 2.3.45 Dwelling single family detached:** a building containing one dwelling unit that is not attached to any other dwelling unit by any means and is surrounded by open space or yards.
- 2.3.46 Dwelling, townhouse:** single-family dwelling units, consisting of three or more one-family dwelling units which are constructed in a row, such that each dwelling unit has its own front and rear access to the outside. No unit is located over another unit and each unit is separated from any other unity by one or more vertically common walls and has open space on at least two ends.
- 2.3.47 Dwelling, two family:** see duplex.
- 2.3.48 Dwelling unit:** one or more rooms, providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.
- 2.3.49 Exercised:**

## **Simpson County Zoning Regulations**

- a. When construction is involved or when applied to section 12.7.5, binding contracts for the construction of the main building or other improvements have been let; or in the absence of contracts that the main building or other improvements is under construction to a

substantial degree, or that prerequisite conditions involving substantial investment under contract, in development, are completed.

- b. When construction is not a part of the use, the use is in operation in compliance with the conditions as set forth in the permit.

**2.3.50** Family: an individual, or two or more persons related by blood, marriage, or law, or a group of not more than five (5) persons living as a single nonprofit housekeeping unit and using common cooking facilities. Family does not include a group occupying a hotel, club, boarding, lodging, institution for human care or other similar building.

**2.3.51** Flood Insurance Rate Map (FIRM): an official map(s) of a community issued by the Federal Emergency Management Agency, which depicts the boundaries of areas determined to be Special Flood Hazard Areas.

**2.3.52** Floodplain: the channel of a natural stream, river, other watercourse, or the depressed area of a sink and land area susceptible to be inundated by floodwater. As used in these regulations, the term may refer to that area designated as subject to flooding from the one percent (1%) flood as shown on the currently adopted FEMA FIRM maps, a copy of which is on file in the office of the Planning Commission or other area designated by the Planning Commission based upon information provided by a registered Kentucky professional engineer.

**2.3.53** Floodway: the channel of a natural stream, river, other watercourse, or the depressed area of a sink and the adjacent land area that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation.

**2.3.54** Floor area, gross: the sum of the gross horizontal areas of all floors of a structure, from the exterior face of exterior walls or from the centerline of a wall separation two buildings, including finished basements and covered porches, but excluding any space where the floor-to-ceiling height is less than six (6) feet.

**2.3.55** Frontage: the length of the property line abutting one side of the rights-of-way of a street measured along the rights-of-way line of the street between intersecting lot lines.

**2.3.56** Grade:

- a. The average elevation of ground around exterior walls of a building;
- b. The percent of rise or descent of a sloping surface.

## **Simpson County Zoning Regulations**

- 2.3.57** Grade, finished: The final elevation of the ground level after development. Final grade shall be the grade as shown on plans or contained in the specifications related thereto.
- 2.3.58** Height: The vertical distance of a structure measured from the average elevation of the finished grade surrounding the structure to the highest point of the structure. See building height.
- 2.3.59** Home occupation: Professional offices or personal services maintained or conducted within a dwelling or owner owned detached structure. Neither the selling of any merchandise nor processing of any product shall qualify as a home occupation.
- 2.3.60** Hospital: An establishment which provides accommodations, facilities, and services over a continuous period of twenty-four (24) hours or more for observation, diagnosis, and care for two (2) or more individuals suffering from illness, injury, deformity, or abnormality from any condition requiring obstetrical, medical, or surgical services.
- 2.3.61** Hotel: A building or group of buildings containing individual sleeping or living units designed for the temporary occupancy of transient guests. The term includes motels, tourist courts, motor lodges, hotel suites, motor hotels, or auto courts, but not including boarding or lodging houses.
- 2.3.62** Intermediate care facility: A health care facility that provides in-patient beds. Services include twenty-four (24) hour supervision of patients, supervision of patients, services including physician, nursing, pharmaceutical, personal care, activities, and residential services. Patients must have a physical or mental condition that requires intermittent nursing services with continuous supervision of the activities of daily living.
- 2.3.63** Kennel, commercial: a business operation that:
- a. Provides food and shelter and care of animals for purposes not primarily related to medical care (a kennel may or may not be run by or associated with a veterinarian), or
  - b. Engages in the breeding of animals for sale.
- 2.3.64** Kennel, non-commercial: compound in or adjoining a private residence where hunting or other dogs are kept for the hobby of the householder in using them for hunting, practice tracking trails, exhibiting them in dog shows, or field or obedience trials, or for the guarding or protection the householder's property. The occasional sale of pups by the keeper of a non-commercial kennel does not change the character of the residential property.
- 2.3.65** KRS: Kentucky Revised Statutes.
- 2.3.66** Loading and unloading area: an off-street space, area or berth used for the loading or unloading of cargo, products, or materials from vehicles.
- 2.3.67** Light, direct: light which travels directly from its source to the viewer's eye.

## **Simpson County Zoning Regulations**

- 2.3.68** Light, indirect: light which travels from its source through an intermediate object such as a sign surface before being seen by the viewer.
- 2.3.69** Lot: parcel of land occupied by or to be occupied by one or more principal building and its accessory building and including the open spaces required under these regulations and having its principle frontage on a public street. The term lot includes plot, parcel, site, or tract.
- 2.3.70** Lot area: The total area circumscribed by the boundaries of a lot, except that:
- a. When the legal instrument creating a lot shows the boundary of the lot extending into a public street right-of-way, then the lot boundary for purposes of computing the lot area shall be the street right-of-way line, or if the right-of-way line cannot be determined, a line running parallel to and 30 feet from the center of the traveled portion of the street.
  - b. In a residential district, when a private road that serves more than three dwelling units is located along any lot boundary, then the lot boundary for purposes of computing the lot area, shall be the inside boundary of the traveled portion of that road but not less than (30) feet.
- 2.3.71** Lot corner: a lot abutting and situated at the intersection of two or more streets or upon two parts of the same street forming an interior angle of less than 135 degrees.
- 2.3.72** Lot coverage: the computed ground area occupied by all improvements on the ground that are more impervious than the natural surface, such as paving, structures, driveways, patios within a lot.
- 2.3.73** Lot depth: the mean horizontal distance between the frontage and rear lot lines.
- 2.3.74** Lot, double-front: any lot other than a corner lot which abuts on two streets.
- 2.3.75** Lot, frontage: the distance between the side lot lines measured along the front building line of the lot as determined by the prescribed front yard requirement.
- 2.3.76** Lot, interior: a lot other than a corner lot.
- 2.3.77** Lot lines: the property lines bounding a lot.
- 2.3.78** Lot line, front: property line separating the lot from the street.
- 2.3.79** Lot line, rear: the lot line opposite and most distant from the front lot line. In the case of triangular or otherwise irregularly shaped lots, a line ten feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line.
- 2.3.80** Lot line, side: any lot line other than a front or rear lot line. A side lot line separating a lot from a street is called a side street lot line. A side lot line separating one lot from another lot is called an interior side lot line.

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- 2.3.81** Lot of record: a lot which has been placed on file in the Simpson County Clerk's office and which complied with all local regulations at the time of its recordation.
- 2.3.82** Lot, through: a lot having frontage on two parallel or approximately parallel streets or that fronts upon two streets that do not intersect that the boundaries of the lot.
- 2.3.83** Lot width: the mean width of the lot measured at a right angle to its depth.
- 2.3.84** Medical, dental, or mental health clinic: a facility for examination and treatment of human out-patients; provided, however that patients are not kept overnight except under emergency conditions.
- 2.3.85** Medical, dental, or mental health offices: same as medical, dental, or mental health clinic.
- 2.3.86** Manufactured home: a single-family residential unit constructed in accordance with the federal manufactured housing construction and safety standards in an offsite manufacturing facility for installation or assembly at the building site as a permanent structure with transport features removed, bearing a seal certifying that it is built in compliance with the federal manufactured housing construction and safety standards and that satisfies each of the following additional criteria:
- a. The home has a length not exceeding four times its width;
  - b. The pitch of the home's roof has a minimum vertical rise of four inches for each foot of run (4:12). The run is equal to one half the span;
  - c. The roof is finished with a type of shingle that is commonly used on site-built residential construction, such as wood, tile, or composition shingles;
  - d. Exterior covering material extends to the ground or to the top of the foundation shall be used;
  - e. The exterior material shall be material customarily used for site-built dwellings, such as board siding, hardboard, or non-reflective aluminum, vinyl, stucco, brick, comparable in composition, appearance, and durability to the exterior siding commonly used in site-built residential construction;
  - f. A continuous, permanent masonry foundation system, un-pierced except for required ventilation and access, is installed under the home;
  - g. The tongue, axles, transporting lights, and removable towing apparatus are removed after placement on the lot and before occupancy;
  - h. Structural additions or alterations which have been made to the dwelling unit were made in accordance with the residential building code adopted by the City of Franklin or Simpson County.
- 2.3.87** Manufactured Home Park: any parcel of land developed, used or designed for the location, either temporary or permanent, of manufactured homes, on rental basis, and according to the procedures set forth in section 9.5.

## Simpson County Zoning Regulations

- 2.3.88** Manufactured Home construction and safety standards: the standards for the construction, design, and performance, of a manufactured home as set forth in the national manufactured housing construction and safety standards act of 1974, 24 U.S.C. sec.5401 et seq., as amended, and rules and regulations issued there under. The national manufactured housing construction and safety standards act is commonly referred to as the HUD code.
- 2.3.89** Manufactured home space: a plot of ground within a manufactured home park designed for the accommodation of one (1) manufactured home.
- 2.3.90** Manufactured home subdivision: a subdivision intended for individual ownership of lots and designed for residential use by site built, modular or  
  
manufactured homes and developed according to the procedures set forth in section 8.8.
- 2.3.91** Mobile home: a detached residential structure manufactured prior to June 15, 1976 which was not required to be constructed in accordance with the federal manufactured and home construction and safety standards, which is transportable in one (1) or more sections, which in the traveling mode, is eight (8) body feet or more in width and forty (40) body feet or more in length or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities and the plumbing, heating, air conditioning, or electrical systems contained therein. A travel trailer is not to be considered a mobile home.
- 2.3.92** Modular home: a dwelling unit constructed in accordance with the standards set forth in the Kentucky building code as applicable to site-built homes and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. Among other possibilities, a modular home may consist of two sections transported to the site in a manner similar to a manufactured home (except that the modular home meets the Kentucky building code) or a series of panels or room sections transported on a truck and erected or joined together on the site.
- 2.3.93** Motel: see hotel.
- 2.3.94** Multiple building development: the construction of two or more buildings on a single plot of ground which is under single-ownership, and which will not be divided and sold into smaller parcels.
- 2.3.95** Nonconforming building: a building which was lawful before the effective date of these Zoning Regulations or subsequent amendment, which does not conform with all applicable provisions of these regulations.
- 2.3.96** Nonconforming lot: a lot existing and recorded in the Simpson County court clerk's office before these Zoning Regulations were adopted or amended

## **Simpson County Zoning Regulations**

which does not conform with all applicable provisions of the zoning district requirement for the district in which the lot is located.

- 2.3.97** Nonconforming use: a use of a lot, building or land and premises in combination for a purpose or in a manner that was lawful before the adoption of these Zoning Regulations or subsequent amendments, which became unlawful by the use regulations applicable to the zoning district in which the property is located. (For example, a commercial office building in a residential district may be nonconforming use). The term also refers to the activity that constitutes that use made of the property. (For example, all the activity associated with a clothing store in a residentially zoned area constitutes a nonconforming use.)
- 2.3.98** Nursery school facility: see day care facility.
- 2.3.99** Nursing home: a health care facility that provides in-patient beds and medical services and continuous nursing services. Patients require in-patient care but do not currently require in-patient hospital services and have a variety of medical conditions.
- 2.3.100** Parcel: a contiguous lot or tract of land owned and recorded as the property of the same person or controlled by a single entity.
- 2.3.101** Parking area: an off-street public or private facility designed and used for parking motor vehicles. The term includes parking lots, buildings, garages and driveways. The parking area shall consist of necessary access ways, aisles, parking and maneuvering space, but excludes public right-of-way and drive way providing ingress and egress to the parking area.
- 2.3.102** Parking Lot: an off-street, ground level parking area forming the principal use of a lot.
- 2.3.103** Parking space: a portion of the parking area set aside for the parking of one motor vehicle and the aisle immediate adjoining the space. As used in these regulations it is also the numerical designation used to determine the size of a parking area.
- 2.3.104** Permit: an official document issued by the administrative officer, which authorizes performance of a specified activity.
- 2.3.105** Personal care home: a health care facility that provides residential beds and continuous supervision of resident, basic health and health-related services, personal care services, residential care services and social and recreational activities. Residents are ambulatory or mobile non-ambulatory and can manage most of the activities of daily living.
- 2.3.106** Planning Commission: Joint City-County Planning Commission of Simpson County.
- 2.3.107** Public area: parks, playgrounds, trails, sidewalks, paths, and other recreational areas and open spaces; scenic and historic sites; schools and other buildings and buildings; and other places where the public is directly or indirectly invited to visit or permitted to congregate or traverse. Public areas do not indicate ownership.

## Simpson County Zoning Regulations

- 2.3.108** Restaurant: an eating establishment where food is served by employees in self-service and consumed only within the building; and/or served only within the building for the purpose of carry-out with consumption off the premises.
- 2.3.109** Restaurant, drive-in: an eating establishment where food is served by employees or self-service on the premises either inside the building, through a window to an occupant of an automobile, or in an automobile parked on the premises; and the food will not necessarily be consumed on the premises.
- 2.3.110** Roadside stand: a temporary building designed or used for the display or sale of agricultural or other products grown or produced on the premises upon which such a stand is located.
- 2.3.111** Salvage or junk: any item made of glass, metal, rags, rubber tires, paper, plastic, inoperative motor vehicles, or other such material which may be used again in another form. This definition shall apply to both assembled and disassembled items.
- 2.3.112** Salvage yard: a place where salvage is stored, bought, sold, exchanged, shredded, baled, packed, or disassembled.
- 2.3.113** Semi-detached dwelling: a one-family dwelling attached to on other one-family dwelling by a common vertical wall, with each dwelling located on a separate lot.
- 2.3.114** Shopping center: a group of commercial establishments planned, constructed, and managed as a total entity, with off-street parking provided on site, provision of goods delivery separated from customer access, aesthetic considerations and protection from the elements, and landscaping and signage in accordance with an approved plan.
- 2.3.115** Sidewalk: that portion of the road rights-of-way outside the roadway, which is improved for the use of pedestrian walkway.
- 2.3.116** Skilled nursing facility: a health care facility that provides in-patient beds and medical services, continuous nursing services to provide treatment for patients. Patients require inpatient care but are not in an acute phase of illness, and who require primarily convalescent or rehabilitative services.
- 2.3.117** Story: that portion of a building, other than a cellar or mezzanine, including between the upper surface of any floor and the upper surface of the floor next above it, or, if there is no floor above it, then the space between the floor and the ceiling next above it or roof.
- 2.3.118** Street, Road or Highway: a vehicular way that: (a) is an existing state, Simpson County or City of Franklin maintained roadway; (b) is shown upon a plat approved by the Planning Commission; (c) has been approved by the Franklin City council or Simpson County Fiscal Court; (d) is shown on a plat duly filed and recorded in the Simpson County court clerk's office prior to the adoption of the subdivision regulations of Simpson County. The land

## **Simpson County Zoning Regulations**

between the street rights-of-way lines is included within the street, road, or highway.

- 2.3.119** Street, arterial: a major street in the City's street system that serves as an avenue for the circulation of traffic onto, out, or around the City and carries high volumes of traffic.
- 2.3.120** Street, collector: a street whose principal function is to carry traffic between minor local streets and arterial streets but that may also provide direct access to abutting properties. It serves or is designed to serve, directly or indirectly, more than 100 dwelling units and is designed to be used or is used to carry more than 800 trips per day.
- 2.3.121** Street, local: a street whose sole function is to provide access to abutting properties. It serves or is designed to serve at least 10 but no more than 25 dwelling units and is expected to or does handle between 75 and 200 trips per day.
- 2.3.122** Structure: anything constructed or erected whether installed on, above, or below the surface of land or water.
- 2.3.123** Subdivision: the division of a parcel of land into two 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 subdivision of a parcel of land; providing that a division of land for agricultural purposes into lots of parcels of ten (10) acres or more and not involving a new street shall not be deemed a subdivision. The term includes re-subdivision and when appropriate to the context, shall relate to the process of subdivision or the land subdivided.
- 2.3.124** Subdivision identification sign: a freestanding or wall sign identifying a recognized subdivision, condominium complex, or residential development.
- 2.3.125** Tract: see lot.
- 2.3.126** Townhouse: see dwelling, townhouse.
- 2.3.127** Use: the activity or function that takes place or is intended to take place, is designed, arranged or intended to be used, occupied or maintained in a building on land.
- 2.3.128** Use, principal: the primary or predominant use of any lot.
- 2.3.129** Variance, dimensional: a departure from the terms of the Zoning Regulations pertaining to height of width of buildings and size of yards and open spaces, where such departure will not be contrary to the public interest, and where, owing to conditions peculiar to the property because of its size, shape or topography and not as a result of the actions of the applicant, the literal enforcement of the Zoning Regulations would result in unnecessary and undue hardship.
- 2.3.130** Yard: an open space at grade between the principal building and the adjoining lot line, unoccupied and un-obstructed by any portion of a building from the ground upward except where otherwise specifically

## **Simpson County Zoning Regulations**

provided for in these regulations. An accessory building may be located in a portion of a yard required for the principle building.

- 2.3.131** Yard, front: that portion of the yard extending the full width of the lot and extending between the front lot line and the nearest point of the foundation of the principal building, excluding overhangs of 30 inches or less, stoops, patios, and landings at or below the first floor level.
- 2.3.132** Yard, rear: that portion of the yard extending the full width of the lot and extending between the rear lot line and the nearest point of the foundation of the principal building, excluding overhangs of 30 inches or less, stoops, patios, and landings at or below the first floor level.
- 2.3.133** Yard, side: those portions of the yard extending from the front yard to the rear yard and the principal building to the side lot lines, excluding overhangs of 30 inches or less, stoops, patios, and landings at or below the first level.
- 2.3.134** Yard depth: a line drawn parallel to a lot line at a distance there from equal to the depth of the required yard.
- 2.3.135** Yard line: a line drawn parallel to a lot line at a distance there from equal to the depth of the required yard.
- 2.3.136** Zoning Administrative Official: the individual appointed by the Simpson County Fiscal Court and Franklin Board of Commissioners to administer the Zoning Regulations for the City of Franklin and Simpson County or his designated representative.
- 2.3.137** Zone or Zoning district: a portion of the territory within the City of Franklin or Simpson County within which certain regulations and requirements apply under the provisions of these regulations.

### **2.4 Definitions Related Specifically to Adult Oriented Uses**

- 2.4.1** Adult bookstore/video store: an establishment whose primary business includes the sale or rent of materials (including books, periodicals, magazines, films, videotapes, CD-ROM's, DVDs, audio tapes, or other printed or pictorial material) whether for on premise or off-premise viewing, that are intended to provide sexual stimulation or gratification, and characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas (see definition below); and who devotes more than 15 percent of their total floor area to the items listed above.
- 2.4.2** Adult booth: a small enclosed or partitioned area inside and adult oriented establishment which is: (1) designed or used for viewing of adult material by one (1) or more persons and, (2) is accessible to any person, regardless of whether a fee is charged for access. The term "adult booth" includes but is not limited to a "peep show" booth, or other booth used to view adult

## Simpson County Zoning Regulations

material (including, but not limited to videotapes, audiotapes, films, CD-ROM's, and DVDs).

- 2.4.3 Adult cabaret:** see adult dancing establishments.
- 2.4.4 Adult dancing:** any dancing which exposes to view by patrons or spectators on the premises at any time the specified anatomical areas and/or specified sexual activities, as defined in these regulations, or in City ordinances.
- 2.4.5 Adult dancing establishments:** an establishment, including but not limited to any restaurant (eating and/or drinking establishment), lounge, dance hall, night club or other such place whose business includes the offering to customers of live entertainment wherein employees, agents, servants, or independent contractors perform dance routines and/or display or expose specified anatomical areas, offered as adult oriented entertainment for viewing by patrons and spectators on the premises and characterized by the emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas.
- 2.4.6 Adult motel:** a motel or similar establishment with the word "adult" or otherwise that advertises the presentation of adult material, offering public accommodations for any form of consideration which provides patrons
- with closed circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions for the primary purpose of sexual gratification or as related to specified sexual activities.
- 2.4.7 Adult oriented use(s):** uses which intended to provide sexual stimulations or gratification including, but not limited to all of those defined herein.
- 2.4.8 Adult theater:** an establishment, whether open or enclosed, used for presenting material, for viewing, that is distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas. This definition includes but is not limited to the following: adult arcade, adult mini-motion Picture Theater, adult booth(s), and adult drive-in theaters.
- 2.4.9 Licensed massage therapist:** (licensed health care professional) is any person who has graduated from a 500 hour massage therapy school, accredited by a state licensure board or its equivalent and who possess a valid state license in massage therapy from any state which regulates the same by means of a written examination; or may include a physician, nurse, occupation therapist, physical therapist, podiatrist, or chiropractor.
- 2.4.10 Massage parlor:** an establishment providing massages, for hire, by persons other than a licensed health care professional, including those activities that rub, stroke, knead, or tap the body with the hand or an instrument or both for the purpose of or engaging in sexual gratification or as related to specified sexual activities. This definition also includes those activities licensed within "sexual encounter center." This does not include any

## Simpson County Zoning Regulations

licensed or sanctioned athletic activity that generally employs or uses the services of a physical trainer and/or those listed in the definition of licensed massage therapist.

**2.4.11 Protected uses:** any uses or areas identified by these regulations or by City ordinance that are influenced by or are susceptible to the secondary effects of adult oriented uses including: any residentially zoned area, any area platted or developed for cluster residential development, any area containing three (3) or more residential and rural residential lots as shown on an approved and recorded plat, public or private school, college or university, church or other place of worship, library, type 1 day care facility, public park or playground.

**2.4.12 Sexual encounter center:** an establishment whose primary business is the provision on premises where customers either congregate, associate, or consort with employees, agents, servants, or independent contractors; who engage in specified sexual activities in the presence of such customers, or who display specified anatomical areas in the presences of such customers, with the intent of providing sexual stimulation or sexual gratification appealing to adult sexual interest.

**2.4.13 Sexually oriented businesses:** those businesses as are defined in any and all ordinances adopted by the City of Franklin and/or County of Simpson. Said definitions are hereby incorporated herein by reference. These include, but are not limited to adult amusement arcades, adult bookstores, adult novelty stores, adult video stores, adult cabarets, adult

entertainment centers, adult motels, adult motion picture theaters, adult stage show theaters, escort agencies, massage parlors (except as provided herein), or sexual encounter centers.

**2.4.14 Specified anatomical areas:** anatomical areas including less than completely and opaquely covered:

- a. Human genitals or pubic region,
- b. The cleavage of the human buttock;
- c. Any portion of the human female breast below a horizontal line across the top of the areola at its highest point, the entire lower portion of the female breast, not including cleavage of the human female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other wearing apparel provided that the areola is not exposed in whole or in part; and
- d. Human male genitals in a discernible turgid state, even if completely and opaquely covered.

**2.4.15 Specified sexual activities:** such activities including, but are not necessarily limited to, human genitals in a state of sexual stimulation, arousal or tumescence; acts of human masturbation, sexual intercourse or sodomy; fondling or other erotic touching of human genitals, pubic region or pubic

## **Simpson County Zoning Regulations**

hair, buttock or female breast(s); acts of human anilingus, bestiality, buggery, cunnilingus, coprophagy, coprophilia, fellation, flagellations, masochism, necrophilia, pederasty, pedophilia, sadism, sadomasochism; excretory functions as part of or in connection with any of the activities listed herein.

### **2.5 Definitions Related Specifically To Cell Towers**

#### **2.5.1 Antennas or related equipment:**

Transmitting, receiving, or other equipment used to support cellular telecommunications service or personal communications service. This definition does not include towers.

#### **2.5.2 Cellular antenna tower:**

A tower constructed for, or an existing facility that has been adapted for, the location of transmission or related equipment to be used in the provision of cellular telecommunications services or personal communications services.

#### **2.5.3 Cellular telecommunications service:**

A retail telecommunications service that uses radio signals transmitted through cell sites and mobile switching stations.

#### **2.5.4 Co-location:**

Locating two (2) or more transmission antennas or related equipment on the same cellular antenna tower.

#### **2.5.5 Personal communication service:** As defined in 47 U.S.C. sec. 332(c)

#### **2.5.5 Uniform application:**

An application to construct a cellular antenna tower submitted to a Planning Commission in conformity with KRS 100.9865

#### **2.5.6 Utility:** As defined in KRS 278.010(3)

## **Simpson County Zoning Regulations**

### **Article 3 - Zoning Map Atlas and Annexation**

#### **3.1 Zoning Map Atlas**

The City of Franklin is hereby divided into zoning districts as provided herein and as shown on the Franklin Zoning Map Atlas dated March 31, 1998. Simpson County is hereby divided into zoning districts as provided herein and as shown on the Simpson County zoning map atlas dated March 31, 1998. These two atlases together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of these regulations. The Franklin and Simpson County zoning map atlases are composed of a series of map of paper/Mylar sheets, each of which represents a different geographical area of the City or County. Each map sheet shall be identified as part of the respective zoning map atlases. Together these zoning map atlases shall be the official record or controlling copy of zoning status of all land in the City and County and shall be kept on file in the office of the Planning Commission and shall be known herein collectively as the Zoning Map.

#### **3.2 Zoning Map Amendments**

Zoning map amendments changing the zoning district status of an area, after the effective date of said ordinance, shall be promptly inserted into electronic zoning map media by the Planning Commission staff. Each amendment shall be identified on the map by a numerical designation referring to the Planning Commission record of the amendment proceedings. A GIS compatible electronic version also must be submitted to allow for placement accuracy into the local electronic version and should be an exact replica of the paper copy or the controlling copy.

#### **3.3 Replacement of Zoning Map and Retention of Historic Zoning Maps**

In the event that the zoning map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the Planning Commission may adopt a new zoning map atlas or individual map sheet as may be appropriate. The new zoning map may correct drafting or other errors or omissions in the prior zoning map atlas, but no such correction shall have the effect of amending the original zoning ordinance or any subsequent amendment thereof.

#### **3.4 Rules for Interpretation of Zone and District Boundaries**

Where uncertainty exists as to the exact location of the zoning district boundaries as shown on the zoning map, the following rules shall apply:

**3.4.1** Boundaries indicated as approximately following streets, highways, or alleys, the center line of the street, highway or alley shall be construed as the boundary of the zoning district. Vacated rights-of-way shall not affect the original zoning;

**3.4.2** Boundaries indicated as approximately following platted lot lines or property lines, such line shall be construed as the boundary of the zoning district;

## **Simpson County Zoning Regulations**

- 3.4.3** Boundaries indicated as approximately following political boundaries, such boundaries shall be construed as the boundary of the zoning district;
- 3.4.4** Boundaries indicated as following railroad lines, such center line of the tracks shall be construed as the boundary of the zoning district;
- 3.4.5** Boundaries indicated as following shorelines, such shoreline shall be construed as the boundary of the zoning district. In the event of change in the shorelines, the zoning district boundary shall be construed as moving with the actual shoreline. Boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes, or other bodies of water, such center line shall be construed as the boundary of the zoning district.
- 3.4.6** Boundaries indicated as parallel to or extensions of features indicated in sections 3.4.1 through 3.4.5 shall be so construed;
- 3.4.7** Boundaries indicated by specific distances through GIS, CAD drawing or ArcView files that are capable of being applied to the electronic map in the proper location;
- 3.4.8** Boundaries indicated by specific distances on the zoning sheet shall be taken literally and are not subject to review by the Board of Adjustment. Distances not specifically indicated on the zoning map shall be determined by the scale of the map;
- 3.4.9** Where a district boundary line divides a lot which was in single ownership at the time of passage of these regulations, the Board of Adjustment may permit, the extension of the zoning district for either portion of the lot, not the exceed 50 feet beyond the original zoning district line into the remaining portion of the lot;
- 3.4.10** Where the above stated rules do not indicate the exact location of the zoning district boundary, the location of the zoning district boundary shall be determined by appeal before the Board of Adjustment as provided by section 12.2.7.

### **3.5 Zoning Status Not Affected By Annexation**

All land which may hereafter be annexed by the City of Franklin shall retain the existing zoning district classification unless it is determined by the city to be better designated as a different zoning classification. Annexations shall retain the existing zoning district classification whenever possible. However, if the proposed annexation is declared and proved to be better designated as a different zoning classification, then the City may send the matter to the planning commission for a public hearing to alter the zoning. The planning commission has the right to alter the zoning to the proposed zoning or to a zoning classification as recommended by the planning commission during the public hearing. The revised zoning designation shall be updated and provided to the Board of Commissioners prior to the second reading and adoption of the ordinance completing the annexation.

## **Simpson County Zoning Regulations**

### **Article 4 - Nonconforming Uses, Buildings, Premises and Lots**

#### **4.1 Purpose**

Within the zoning districts established by these regulations, or amendments thereto, there exists lots, buildings, and uses of land and buildings which were lawful before these Zoning Regulations were adopted or amended, but which would be prohibited, regulated, or restricted under the terms of these Zoning Regulations or future amendment. It is the intent of these regulations to permit these non-conformities to continue until they are removed, but not to encourage their survival. It is the further intent of these regulations that non-conformities shall not be enlarged or extended beyond the scope and area of their operation at the time of the adoption of amendment of these Zoning Regulations, nor be used as grounds for adding other buildings or uses prohibited elsewhere in the same zoning district.

- 4.1.1** To avoid undue hardship nothing in these regulations shall be deemed to require a change in the plans, construction or designated use of any building or premises on which an application for a building permit was filed with the administrative officer prior to the date of adoption of these Zoning Regulations or amendment thereto. The issuance of said permit shall be valid only in the event that construction on said building, in accordance with the plans and specifications submitted with the application for a building permit, is begun within sixty (60) days after the date on which the building permit was issued and is diligently carried on and completed within one (1) year after the date on which the building permit was issued.
- 4.1.2** Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. When grading, excavation, demolition, or removal of an existing building has been undertaken preparatory to rebuilding or reusing the premises, such grading, excavation, demolition or removal shall be deemed to be actual construction provided that work shall be carried on diligently.

#### **4.2 Non-Conforming Lots of Record**

- 4.2.1** At the time of the adoption of these regulations, there may exist lots of record which do not include sufficient land to conform to the area or lot dimensional requirements of the zoning district in which they are located. The administrative official may issue building permits for such lots, if proposed buildings can comply with all area or lot dimensional requirements of Article 8 for the applicable zoning district with the exception of minimum lot size and minimum lot width requirements. If proposed parking area, access standards cannot comply with the minimum standards of these Zoning Regulations, an application may be submitted to the Board of Adjustment for a variance from the terms of these regulations.
- 4.2.2** If two or more adjoining lots with contiguous frontage in single ownership are of record at the time of passage or amendment of these regulations and if the individual lots or portions of lots do not meet the requirements established for lot area or lot width, but would conform to the requirements

## **Simpson County Zoning Regulations**

of these regulations if all or parts of the lots were considered together, then said contiguous lots shall be considered an undivided parcel for the purposes of these zoning regulations. No portion of said parcel shall be used or sold in a manner which diminishes compliance with the lot area or lot width requirements established by these zoning regulations. Nor shall any division or any parcel be made which creates a lot with an area or width below the requirements states in these regulations.

- 4.2.3** The lot size or lot frontage of a nonconforming lot of record may be enlarged even if that enlargement does not meet the minimum lot size or minimum lot width requirement for that zoning district in which it is located. No subdivision or reduction in lot area or lot frontage of a nonconforming lot of record shall be permitted.

### **4.3 Non-Conforming Uses of Land**

Where at the date of adoption or amendment of these regulations, lawful use of land exists which would not be permitted by the requirements imposed by these regulations, the use may be continued so long as it remains otherwise lawful subject the following provided:

- 4.3.1** No such non-conforming use shall be enlarged or extended to occupy a greater area of land than was occupied at the date of adoption or amendment of these Zoning Regulations.
- 4.3.2** No non-conforming use shall be moved in whole or in part to any part of the lot other than that occupied by such use at the date of adoption or amendment of these regulations. However, said use may be moved to another position on the lot through appeal to the Board of Adjustment under Article 12.
- 4.3.3** When a non-conforming use of land or sign is discontinued or abandoned for six (6) consecutive months or more, or for eighteen (18) months during any three (3) year period (except when governmental action prevents such use), the land shall not thereafter be used except in conformity with the requirements of the zoning district in which it is located.
- 4.3.4** No additional building not conforming to the requirements of these Zoning Regulations shall be erected in connection with such nonconforming use of land.

### **4.3A Non-Conforming Lots of Record with Exceptional Circumstances**

- 4.3A.1** For purposes of this Article 4.3A, “non-conforming lots of record with exceptional circumstances” shall mean lots of record which do not include sufficient land to conform to the area and/or lot dimensional requirements of Article 8 and/or the zoning district in which they are located, and may not meet the minimum lot size and width requirements as mentioned in Article 4.2 hereinabove. In addition, a “non-conforming lot of record with exceptional circumstances,” as defined above, must be located within the corporate city limits and residentially zoned. Property which has been

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rezoned to residential within ten (10) years of the request for a **minor development plan** under this Article 4.3A or any parcels of land created after the adoption of this Article 4.3A shall not be considered as qualifying for a **minor development plan** under this Article 4.3A.

**4.3A.2** If a lot meets the requirements of Article 4.3A.1 above, when it is found by the administrator that the strict application of these regulations and/or the City's subdivision ordinance regarding non-conforming lots of record would result in practical difficulties in the productive use of the lot/land because of the exceptional and unique topographic or other physical conditions and or dimensional standards, the administrator is authorized, but is not required, to execute a **minor development plan** to permit the development of the property, but only if it meets one or more of the following requirements:

(a). Lots with grades of 12% (10 inches of rise per foot of distance) or steeper.

(b). Lots with a natural drainage way or a stream, creek or any other waterway contained on the lot. Provided, however, that the developer and administrator shall be required to plan any development to comply with all federal, state, and local laws pertaining to natural drainage or streams, creeks, or waterways.

(c). Lots within one hundred feet (100') of or contained within a flood zone, flood hazard area or flood plain as designated on the Flood Insurance Rate Map. Provided, however, that the developer shall be required to provide sufficient proof that the development will not be reasonably subject to flooding and, in addition, developer shall execute a waiver and release which releases any and all persons and/or parties approving the **minor development plan** including, but not limited to the Franklin-Simpson Planning and Zoning Commission and the City of Franklin, from all liability with regard to said approval in the event of a flooding event on the property.

(d). Developer must submit proof that a residence existed on the property at one time in history, whether it is before or after the creation of the Planning and Zoning Commission. The administrator shall attempt to require or approve a similar or "like kind" building as a replacement dwelling.

(e). The existence of a property lot width which is less than the width required by these regulations or the City's subdivision ordinance where a variance cannot be requested.

(f). The existence of a property with a minimum lot size which is less than the lot size required by these regulations or the City's subdivision ordinance where a variance cannot be requested.

**4.3A.3** The administrator has full authority to review and approve or deny any requests submitted by and through this Article 4.3A, subject to the approval or denial of the City's representative, as defined hereinbelow. This includes, but is not limited to lot size, width, setbacks, topography, and any other applicable issues governed by these Zoning regulations. If the administrator and the City's representative disagree on approval or

## Simpson County Zoning Regulations

denial of a particular development project, the project shall be deemed denied.

- 4.3A.4** Prior to issuance of a **minor development plan** in accordance with this Article 4.3A, the administrator and City representative, as defined in Article 4.3A.4 below, shall make a determination that the structure that is approved by and through the plan will enhance the aesthetics and/or character of the immediate vicinity and/or neighborhood as a whole.
- 4.3A.5** Developers/applicants may appeal a denied request pursuant to this Article 4.3A to the Board of Adjustments pursuant to KRS 100.261 and, thereafter, appeals from the decision of the Board of Adjustments shall be maintained as provided in the applicable provisions of the Kentucky Revised Statutes. See KRS 100.347.
- 4.3A.6** Prior to any construction or development on the property proposed for development under this Article 4.3A, the City Manager, or his or her designee, shall also be required to approve the **minor development plan**. The approval shall be designated by said individual signing an approval line on the **minor development plan**.
- 4.3A.7** After approval of the **minor development plan**, development can proceed on the property but only in accordance with the requirements contained in the **minor development plan**. If the developer deviates from the requirements of the plan, the administrator and/or code enforcement officer, with approval of the building inspector, is/are authorized to issue appropriate stop work orders requiring immediate cessation of any work on the property pending resolution of any disputes or hearings and/or appeals with regard to the work being performed on the property.
- 4.3A.8** If two or more adjoining lots that individually meet the criteria of this Article 4.3A in single ownership are of record at the time of passage or amendment of these regulations, and if the individual lots or portions of lots do not meet the requirements, but would conform to the requirements of these regulations if all or parts of the lots were considered together, then said contiguous lots shall be considered or be reconfigured to be an undivided parcel for the purposes of these zoning regulations. No portion of said parcel shall be used or sold in a manner which diminishes compliance with the requirements of this Article 4.3A. nor shall any division of any parcel be made which will create a parcel which meets the requirements stated in this Article 4.3A, as the goal of this Article is to create usable, buildable lots and not to create more substandard lots.
- 4.3A.9** Should a building, structure or dwelling constructed in compliance with the Article 4.3A be damaged, destroyed, or demolished by any means except natural causes (such as damage caused by wind or tornado) to and extent of fifty five (55) percent or more of its replacement cost exclusive of foundation, at time of destruction, it shall not be repaired or reconstructed except in conformity of these Zoning Regulations and in full compliance with the **minor development plan** issued pursuant to this Article 4.3A. If such non-conforming building be damaged, destroyed or demolished by natural causes, it may be reconstructed or repaired but not the exceed the number of cubic feet existing at the time of the natural disaster and not to extend the scope and area of its operation prior to its damage,

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destruction, or demolition as approved on the **minor development plan** issued pursuant to this Article 4.3A.(added 10/20/2020)

### **4.4 Non-Conforming Buildings**

Where a lawful building exists at the effective date of adoption or amendment of these regulations that could not be built under the terms of these regulations by reason of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the building, such building may be continued so long as it remains otherwise lawful subject to the following provisions:

- 4.4.1** No such non-conforming building may be enlarged, except for a one time grant of a variance by the Board of Adjustment as set out in 4.4.4 below, moved, or structurally altered in a way which increases its non-conformity, but any building or portion thereof may be altered to decrease its non-conformity.
- 4.4.2** Should a non-conforming building be damaged, destroyed, or demolished by any means except natural causes (such as damage caused by wind or tornado) to and extent of fifty five (55) percent or more of its replacement cost exclusive of foundation, at time of destruction, it shall not be repaired or reconstructed except in conformity of these Zoning Regulations. If such non-conforming building be damaged, destroyed or demolished by natural causes, it may be reconstructed or repaired but not the exceed the number of cubic feet existing at the time of the natural disaster and not to extend the scope and area of its operation prior to its damage, destruction, or demolition, except as otherwise provided in section 4.6.
- 4.4.3** Should such building be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the zoning district in which it is located after it is moved. However, said building may be moved to another part of the same lot by appeal to the Board of Adjustment as provided under Article 12.
- 4.4.4** The Board of Adjustment may grant a single variance to section 4.4.1 to permit the enlargement of a non-conforming building. In granting the variance the Board of Adjustment must find the following:
  - a.** That the non-conforming building existed at the time of adoption of these zoning regulations;
  - b.** That in granting the non-conforming expansion of the building that the expanded building does not create a sight visibility problem, or diminish the minimum off street parking required for the type of use intended for the building.
  - c.** That the enlargement does not exceed then (10) percent of the gross floor area of the building existing as of the adoption of these Zoning Regulations.

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### **4.5 Non-Conforming Uses of Building or of Buildings and Premises in Combination**

If an otherwise lawful use involving individual buildings or of building and premises in combination existed as of the date of adoption or amendment of these regulations that would not now be allowed in the zoning district under the terms of these regulations, the otherwise lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- 4.5.1** No building, or building and premises in combination, devoted to a use not permitted by the zoning district in which it is located shall be enlarged, except for a one time grant of a variance by the Board of Adjustment as set out in 4.5.7, extended, constructed, reconstructed, moved, or structurally altered except in changing the use to a use permitted in the zoning district in which it is located.
- 4.5.2** Any non-conforming use may be extended throughout any part of a building which were arranged or designed for such use at the date of adoption or amendment of these Zoning Regulations, but no such use shall be extended to occupy any land outside such building.
- 4.5.3** If no structural alterations are made, any non-conforming use of a building, or building and premises, may be changed to another non-conforming use by appeal to the Board of Adjustment as provided under Article 12 if the proposed use is in the same or a more restrictive classification. In permitting such a change, the Board of Adjustment may require appropriate conditions and safeguards in accordance with the provisions of these regulations. This section does not allow for the expansion of a nonconforming building containing a new nonconforming use, nor does it permit the establishment of a use not permitted by the zoning district in which it is located.
- 4.5.4** Any building, or building and land in combination, in which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations for the zoning district in which it is located. The non-conforming use may not thereafter be resumed.
- 4.5.5** Should a non-conforming use of a building or building and premises in combination be damaged, destroyed, or demolished by any means except natural causes (such as damage caused by wind or tornado) to an extent of fifty five (55) percent or more of its replacement cost, exclusive of foundation, at time of destruction, it shall not be repaired or reconstructed except in conformity of these Zoning Regulations. If such non-conforming use of building or buildings and premises in combination be damaged, destroyed or demolished by natural causes, it may be reconstructed or repaired but it may not exceed the number of cubic feet existing in it is and not to extend or enlarge the scope and area of its operation prior to its damage, destruction or demolition except as otherwise provided in section 4.6 herein below.
- 4.5.6** No non-conforming use of a building or building and premises in combination, may be reestablished after it has been discontinued for six (6) months or more or for eighteen (18) months during any three (3) year period

## **Simpson County Zoning Regulations**

(except when government action prevents such use), the building or building and premises in combination shall not thereafter be used except in conformance with the regulating of the zoning district in which it is located.

**4.5.7** The Board of Adjustment may grant one only variance to section 4.4.1 in order to permit the enlargement of a non-conforming building. In granting the variance the Board of Adjustment must find the following:

- a. That the non-conforming building existed at the time of adoption of these zoning regulations;
- b. That in granting the non-conforming expansion of the building, the expanded building does not create a sight visibility problem, or diminish the minimum off street parking required for the type of use intended for the building;
- c. That the enlargement does not exceed ten (10) percent of the gross floor area of the building as of the date of adoption of these Zoning Regulations.

### **4.6 Repairs and Maintenance**

On any non-conforming building and on any building containing a non-conforming use, work on ordinary repairs may be done, or repair or replacement of walls, fixtures, wiring, plumbing or other parts provided that the cubic content of the non-conforming building shall not be increased. Nothing in these Zoning Regulations shall be deemed to prevent the strengthening, repairing, or restoring to a safe condition of any building.

If a non-conforming building containing a non-conforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance and is declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the zoning district regulations in which it is located.

### **4.7 Conditional Uses Are Not Non-Conforming Uses**

Any use that existed at the date of the adoption or amendment of these Zoning Regulations which would thereafter require a conditional use permit shall without further action be deemed a conforming use, but any enlargement or replacement of such use, in buildings or on land, shall require a conditional use permit.

## **Simpson County Zoning Regulations**

### **Article 5 - Sign Regulations**

#### **5.1 Intent**

This article provides content-neutral sign standards that allow legitimate signage for agricultural, residential, professional office, business, and industrial activities while promoting signs that:

- a. Reduce intrusions and protect property values;
- b. Minimize undue distractions to the motoring public;
- c. Protect the tourist industry by promoting a pleasing community image; and
- d. Enhance and strengthen economic stability.

#### **5.2 Scope**

These provisions apply to the display, construction, erection, alteration, location, and maintenance of all new and existing signs within the City of Franklin and Simpson County.

#### **5.3 Exempt Signs**

The following signs are exempt from the provisions of this Article and are, therefore, exempt from the requirement to obtain a sign permit:

- a. Signs not visible beyond the boundaries of the property upon which they are located.
- b. Government signs that are placed by government officers in the performance of their professional/elected duties.
- c. Temporary or permanent signs erected by public utility companies or construction companies in the performance of their professional duties.
- d. Vehicle signage when painted directly on a vehicle or attached magnetically.
- e. Temporary signage of 3 square feet or smaller placed on or after April 15 and removed by the last day of May. Temporary signage of three square feet or smaller placed on or after the first day of October and removed by November 15.
- f. Temporary signs for a new business for up to 30 consecutive days from the first day of business. Exempt signage shall only be displayed on the property where the new business is located.
- g. Signage placed by realtors in the performance of their professional duties.
- h. Window signage
- i. Signs erected by any entity which (a) are located on property contained within corporate limits of the City of Franklin, (b) located within 150 feet of the right-of-way of Interstate 65, and (c) the entity erecting the sign is licensed pursuant to KRS Chapter 230 regarding Kentucky Horse Racing Facilities.

## **Simpson County Zoning Regulations**

### **5.4 Permit Requirements**

- a. No sign regulated by this ordinance (except those specifically exempted in Section 5.4.1 below) shall be displayed, erected, relocated, or altered unless all necessary permits have been issued by the Franklin-Simpson County Planning Commission. Applicants shall submit an application form to the department before any permit may be issued.
- b. Signs shall only be erected or constructed in compliance with the approved permit.
- c. Applicants shall obtain a building permit for the footer of freestanding and monument signs. Applicants shall also obtain an electrical permit for signs that require electrical service. Final inspections for building permits and electrical permits require a minimum notice of 24 hours to the city's building inspector and/or state electrical inspector.
- d. Signs permitted as an accessory to a legal, nonconforming use shall be subject to the regulations of the zone in which the nonconforming use is located.

#### **5.4.1 Signs Exempt from Permit Requirements**

The following signs shall not require a permit:

- a. Incidental signs
- b. Historic markers
- c. Change of copy on any sign where the framework or other structural elements are not altered

### **5.5 Nonconforming Signs**

A legal, nonconforming sign may continue in existence if it is properly maintained in good condition.

These provisions shall not prevent the repair or restoration to a safe condition of any sign, but a nonconforming sign shall not be:

- a. Changed to another nonconforming sign except where only the face or copy is changed;
- b. Structurally altered to increase the degree of nonconformity of the sign;
- c. Expanded or enlarged;
- d. Reestablished after its removal; or
- e. Moved to a new location on the building or lot.

### **5.6 Illegal Signs**

All illegal signs shall be subject to immediate enforcement action as outlined in Article 5 of the Franklin-Simpson County Zoning Ordinance.

### **5.7 General Requirements**

All signs in all zones shall meet the following requirements:

## **Simpson County Zoning Regulations**

- a. Illuminated signs shall be in a fashion which prevents all direct rays of light from shining beyond the property lines of the lot on which the sign is located.
- b. No light, sign, or other advertising device shall be designed or erected to imitate or resemble any official traffic sign, signal, or device or use any words, phrases, symbols, or characters implying the existence of danger, or the need to stop or maneuver the vehicle.
- c. No sign shall be attached to or painted on the surface of any tree, utility pole, or streetlight.
- d. Projecting signs shall have at least 7' of clearance above a sidewalk.
- e. Neon or other lighted tubing signs shall not be permitted except where such lighting is used behind solid lettering to produce a "halo" effect, or where it is used indirectly. Neon lighting shall not be used to outline buildings, structures, or ornamental features.
- f. No sign, except for government signs, shall be located within the sight triangle of any intersection. Refer to Article 7 Section 7.8.2.
- g. No sign shall be placed in or project into the public or private street right-of-way, except as specifically permitted herein.
- h. Freestanding, monument, and projecting face sign area shall be computed as follows:
  - i. Double-faced signs shall have both sides counted in calculating the area.
  - ii. Sign with more than two faces shall have the area calculated by summing the area of all sign faces and dividing by two (2).
  - iii. The area enclosing the perimeter of each cabinet shall be calculated to determine the area.
  - iv. The perimeter of the measurable area shall not include embellishments (e.g., pole covers, framing, or decorative roofing) provided there is no written copy on such embellishments.
  - v. Maximum height shall be measured from the finished grade at the center of the sign and shall include the sign's base.
- i. Every sign, including those for which a permit is not required, shall always be maintained in good condition.
- j. Electronic Message/Changeable Copy Signs (EMC sign) shall comply with the following:
  - i. Only one EMC sign per zoning parcel.
  - ii. The minimum display time for each message is six (6) seconds
  - iii. Must include sign usage control software that allows for automatic scheduling of brightness levels for minimal driver distractions.
  - iv. Signs may not imitate or be similar in operation to emergency response vehicle lights or traffic lights.
  - v. The electronic message portion may not greater than 50% of the sign area.

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### **5.8 Prohibited Signs in All Zones**

The following signs and/or sign features shall be prohibited in all zones:

- a. Mobile signs;
  - b. Roof signs that extend higher than the top of the roof;
  - c. Rotating or moving signs;
  - d. Abandoned signs;
  - e. Streamers, pennants, and tag signs or similar signs or devices except when attached to a permitted temporary sign;
  - f. Any sign which emits any noise or odor;
  - g. Freestanding signs which overhang any part of a building;
  - h. Flashing or blinking signs;
  - i. Billboards with an electronic message display system;
  - j. Signs in a public right-of-way; and
  - k. Handbills.
- l. Signs specifically attached to a vehicle or trailer for the express use as a moveable sign. Does not apply to company vehicles that accompany workers to a job site and are not left unattended.

### **5.9 Signs Requiring a Conditional Use Permit in All Zones**

- a. Signs painted directly on a building.
- b. Only the Board of Zoning Adjustments shall have the authority to approve sign variances or conditional use permits for signs unless the request is made to the Planning Commission in conjunction with a Development Plan.

### **5.10 Signs Permitted by Specific Zone**

Any sign not specifically permitted shall be prohibited.

#### **5.10.1 Agricultural Zones (AG & RV)**

- a. **Residence:** One wall sign not exceeding one (1) square foot in area. Every parcel shall be entitled to one sign not exceeding 36 square inches in area to be placed in any of the following locations:
  - i. on the front of every building, residence or structure;
  - ii. on each side of an authorized U.S. Postal Service mailbox;
  - iii. On one post which measures no more than 48 inches in height and four (4) inches in width.
- b. **Farm:**
  - i. Two signs per entrance if incorporated into a fence or wall feature, or one freestanding sign per entrance. Signs shall not exceed 32 square feet in area each.
  - ii. Incidental signs - which shall not exceed two (2) square feet in area nor require sign permits.
- c. **Buildings Used for Religious or Educational Activities:**

## **Simpson County Zoning Regulations**

- i. One freestanding sign not exceeding 32 square feet in area and eight (8) feet in height.
- ii. One bulletin board, not exceeding 12 square feet in area and eight (8) feet in height.
- iii. One wall sign per building not exceeding 32 square feet in area.
- iv. Incidental signs which shall not exceed two (2) square feet in area and do not require sign permits.

### **d. All Other Conditional Uses:**

- i. One freestanding sign for any other permitted or conditional use not noted herein; signage shall not exceed 32 square feet in area and eight (8) feet in height.
- ii. One wall sign that shall not exceed 12 square feet in area, and eight (8) feet in height.

### **5.10.2 Low-Density Residential Zones (R-1) and (R1-S)**

- a. **Residence:** One nameplate wall sign not exceeding one (1) square foot in area; one wall sign not exceeding (1) square foot in area; and, every parcel shall be entitled to one sign not exceeding 36 square inches in area to be placed in any of the following locations:
  - i. On the front of every building, residence or structure;
  - ii. One each side of an authorized U.S. Postal Service mailbox;
  - iii. On one post which measures no more than 48 inches in height and four (4) inches in width.
- b. **Home Occupation:** One wall sign not exceeding three (3) square feet in area.
- c. **Subdivision:** One freestanding sign per entrance into the subdivision not to exceed 32 square feet in area and eight (8) feet in height.
- d. **Buildings Used for Religious or Educational Activities:**
  - i. One freestanding sign that shall not exceed 32 square feet in area and eight (8) feet in height;
  - ii. One wall sign that shall not exceed 12 square feet in area;
  - iii. One bulletin board that shall not exceed 12 square feet in area and eight (8) feet in height; and
  - iv. Incidental signs which shall not exceed two (2) square feet in area nor require sign permits.
- e. **All other Conditional Uses:**
  - i. One freestanding sign that shall not exceed 32 square feet in area and eight (8) feet in height;
  - ii. One wall sign that shall not exceed 12 square feet in area; and
  - iii. Incidental signs which shall not exceed two (2) square feet in area nor require sign permits.

### **5.10.3 High-Density Residential Zones (R1-S, R-2, R-3, R-4, R-5, Mobile Home Park and Mobile Home)**

- a. **Single Family Residence** - All single-family homes within these zones

## **Simpson County Zoning Regulations**

- i. comply with the signage regulations for low-density residential zones
  - ii. Regulated under paragraph 5.10.2 above.
- b. Multi-Family Residence** - Multi-family residential buildings and conditional uses may have:
  - i. One freestanding sign that shall not exceed 32 square feet in area and eight (8) feet in height and shall have a front yard setback of 20 feet;
  - ii. One wall sign that shall not exceed 12 square feet in area.
  - iii. Incidental signs which shall not exceed two (2) square feet in area nor require sign permits.
- c. Buildings Used for Religious or Educational Activities**
  - i. One freestanding sign that shall not exceed 32 square feet in area and eight (8) feet in height;
  - ii. One wall sign per building that shall not to exceed 12 square feet in area;
  - iii. One bulletin board that shall not exceed 12 square feet in area and eight (8) feet in height; and
  - iv. Incidental signs - which shall not exceed two (2) square feet in area nor require sign permits.
- d. Mobile Home Park & Mobile Home Subdivision**
  - i. One freestanding sign per park entrance. Sign shall not exceed 32 square feet in area, eight (8) feet in height, and shall have a minimum setback of 20 feet from any street.
  - ii. One nameplate wall sign per mobile home that shall not exceed one (1) square foot in area.

### **5.10.4 Standard Signage Permitted in Professional, Commercial and Industrial Zones (B-1, B-2, B-3, B-4, B-5, O-P, I-1, and I-2)**

- a.** One freestanding or monument sign per street frontage with a maximum of two (2) signs per lot.
  - i. Freestanding signs shall not exceed 75 square feet in area, 25 feet in height, and shall have a minimum setback of 10 feet. When street frontage permits two (2) signs, the two freestanding signs may be combined into one (1) freestanding sign that shall not exceed 110 square feet in area. For buildings with more than one occupying business this freestanding sign may list all businesses within the building.
  - ii. Monument signs shall not exceed 60 square feet in area, eight (8) feet in height, and shall have a minimum setback of 10 feet.
- b.** One wall sign, canopy sign or awning sign per street frontage with a maximum of two (2) signs per building. The maximum allowed area for all signage in this category is 32 square feet or 15 percent of the wall area to which the sign, canopy or awning is attached, whichever is greater. Awnings shall have at least seven (7) feet of clearance when fully extended. When a building contains two or more separate businesses, these requirements shall be applied

## **Simpson County Zoning Regulations**

separately to the wall area of the portion of the building occupied by the individual business.

- c. One wall sign per tenant or lessee not exceeding two (2) square feet in area.
- d. One attraction board either attached to the wall or attached to the permitted freestanding sign not to exceed 32 square feet in area and eight (8) feet in height.
- e. One menu board for every property that includes a drive-thru lane, walk-up window, or drive-up curbside. Menu boards shall not exceed 55 square feet in area and shall have a maximum height of eight (8) feet.
- f. Temporary signs – Shall include banners, streamers, tethered balloons, and inflatable signs and objects. One temporary sign per street frontage shall be allowed subject to the following conditions:
  - i. Shall not exceed 50 square feet per sign where non-rigid materials are used.
  - ii. Shall not exceed 32 square feet per sign where rigid materials, such as wallboard or plywood, are used.
  - iii. Shall comply with the applicable regulations for the zone in which they are located.
  - iv. Shall not remain in place for a period of more than 14 continuous days.
  - v. Shall not be displayed for more than a total of eight (8) times in any calendar year.
  - vi. Shall not be placed within the public right-of-way or the sight triangle at intersections.
- g. One marquee per theatre. A marquee shall not exceed 32 square feet in area, shall not project more than eight (8) feet from the building face to which it is attached, and shall have a minimum clearance of eight (8) feet.
- h. Incidental signs – which shall not exceed two (2) square feet in area nor require sign permits.
- i. Buildings Used for Religious or Educational Activities
  - i. In addition to signage permitted above, one bulletin board, not exceeding 32 square feet in area and eight (8) feet in height.
  - ii. One wall sign that shall not exceed 12 square feet in area and eight (8) feet in height.
  - iii. One bulletin board that shall not exceed 12 square feet in area and (8) ft. in height.
  - iv. Incidental signs which shall not exceed two (2) square feet in area nor would require a permit.
- j. Signs with electronic message display systems shall be prohibited in the B-3 (Neighborhood Business). Electronic message display systems may be incorporated into one freestanding or wall sign for each property located within the B-5, B-4, I-1, and I-2 zones.

### **5.10.5 Additional Signage Permitted in Specific Commercial and Industrial Zones**

- A. Central Business Zone (B-1)-** In addition to the signage permitted in 5.10.4 above, the following signs shall be permitted:

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- i. Permanent sidewalk sign- Where a building is located adjacent to the public right-of-way, one non-illuminated, freestanding sign may be placed on the public sidewalk with the following restrictions:
- ii. Sign shall not exceed 5 ½ square feet in area.
- iii. The edge of the sign shall not extend beyond the curb line.
- iv. The maximum dimensions of the support frame shall not exceed eight (8) square feet in area (maximum 48 inches wide or 36 inches high).
- v. The bottom of such support shall be seven (7) feet above the sidewalk and vertical support shall be 24 inches from the curb.
- vi. Portable sign - One shall be permitted for business entrance subject to the following restrictions:
- vii. Maximum surface area of the sign shall be six (6) square feet per face, maximum height of the sign shall be three (3) feet, and maximum width of sign shall be two (2) feet.
- viii. A minimum 36 inches wide pedestrian travel way shall be maintained on the sidewalk. Signs may be designed with a changeable face and shall be removed from the public sidewalk when the business is closed.

**b. Highway Business Zone (B-4)** - In addition to the signage permitted in 11.10.5 the following signs shall be permitted:

- i. Shopping Center Malls larger than 100,000 square feet may have one freestanding sign per street frontage with a maximum of 250 square feet per sign face and a maximum height of 30 feet. All other shopping malls may have one freestanding sign per street frontage with a maximum of 75 square feet per sign face and a maximum height of 25 feet.
- ii. One interstate sign for those businesses which lie within a 2,500-foot radius of the center point of an interstate interchange overpass. This interstate sign shall take the place of either the permitted freestanding or wall sign outlined in 5.10.4 above. These businesses may have a combination of any two of these signs: interstate sign, freestanding sign, or wall sign. Interstate signs shall be subject to the following restrictions:
  - a) Shall not have an electronic message display system;
  - b) Individual signs shall not exceed 250 square feet in area;
  - c) Height (from the base to the top of the sign) shall not exceed 90 feet;
  - d) The sign base shall be at least 90 feet from any residential zoned property;
  - e) In addition to a sign permit, a building permit shall be obtained prior to installation.

**c. General Business, Light Industrial, and Heavy Industrial Zones (B-2, I-1, and I-2)** - In addition to the signage permitted in 5.10.4, the following signs shall be permitted:

- i. Shopping Center Malls larger than 100,000 square feet may have one freestanding sign per street frontage with a maximum of 250 square feet per sign face and a maximum height of 30 feet. All other shopping malls

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may have one freestanding sign per street frontage with a maximum 75 square feet per sign face and a maximum height of 25 feet.

- ii. One interstate sign for those businesses which lie within a 2,500-foot radius of the center point of an interstate interchange overpass. This interstate sign shall take the place of either the permitted freestanding or wall sign outlined in 5.10.4 above. These businesses may have a combination of any two of these signs: interstate sign, freestanding sign, or wall sign. Interstate signs shall be subject to the following restrictions:
  - a) Shall not have an electronic message display system.
  - b) Individual signs shall not exceed 250 square feet in area
  - c) Height (from the base to the top of the sign) shall not exceed 90 feet.
  - d) The sign base shall be at least 90 feet from any residential zoned property.
  - e) In addition to a sign permit, a building permit shall be obtained prior to installation.
- iii. One billboard shall be permitted subject to the following:
  - a) The sign shall not have an electronic message display system.
  - b) The property on which the billboard is located shall abut a
  - c) Federal or State highway.
  - d) The sign shall be the principal use; there shall be no other
  - e) Buildings, freestanding signs, etc., on the lot.
  - f) Signage face shall not exceed 720 square feet in area.
  - g) The sign shall be located no closer than 300 feet to any other structure.
  - h) The sign shall be at least 150 feet away from any residential zone or residential use
  - i) There shall be a 40-foot setback requirement from any right-of-way.
  - j) Maximum height shall be 35 feet.

### **5.11 Zones Where Development Plans Are Required**

A permitted sign's height, size, location, and design features shall be determined by the sign requirements set forth in the zone in which the proposed or existing use is first permitted.

### **5.12 Advertising on Interstate Interchange District Zone (B-5)**

No billboard shall be permitted adjacent to interstate or limited-access highways except in conformance with the setback requirements established by the Federal Bureau of Public Roads, the Kentucky Transportation Cabinet, and the requirements of this Zoning Ordinance with respect to the zoning district involved.

### **5.13 Maintenance Standards**

Every sign, including those signs for which a permit is not required, shall always be maintained in good condition.

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### **5.14 Penalties for Violation**

Violation of the provisions of these sign regulations shall constitute a misdemeanor which shall be subject to the fines and penalties as set forth in Article 11 for violation of this Zoning Ordinance.

### **5.15 Substitution Clause**

The owner of any sign which is otherwise allowed by this chapter may substitute noncommercial speech in lieu of any other commercial speech or noncommercial speech. This substitution of copy may be made without any additional approval or permitting. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over noncommercial speech or favoring of any noncommercial speech over any other noncommercial speech. This provision prevails over any more specific provision to the contrary.

### **5.16 Severability Clause**

In the event any word or sentence in this article, or provision or portion of this article, or rules adopted by this ordinance is invalidated by any court of competent jurisdiction, the remaining words and/or sentences, provisions, or portions thereof shall not be affected and shall continue in full force and effect.

### **5.17 Definitions**

The definitions contained in this section shall be applied in the interpretation of all sections within Article 5 of this ordinance, except where the context clearly indicates otherwise. Words used in the present tense shall include the future tense, singular number shall include the plural, and plural include the singular.

- 1. Abandoned Sign:** Signage that has been neglected and fallen into disrepair.
- 2. Attraction Board:** Copy is changed manually or electronically on a regular basis.
- 3. Awning Sign:** Applied directly to the surface of an awning; defined as a shelter supported entirely on a wall and made of non-rigid material supported by a frame.
- 4. Banner Sign:** Made of non-rigid material with no enclosing framework.
- 5. Billboard:** Signage intended for lease to a variety of businesses, organizations, and/or individuals. In such case, the sign itself shall be the income generator and the primary commercial use of the property.
- 6. Bulletin Board:** Allows the manual or electronic change of copy and is used to notify the public of noncommercial events or occurrences such as church services, political rallies, civic meetings, or similar events.
- 7. Canopy Sign:** Applied directly to the surface of a canopy; defined as a permanently roofed shelter covering a sidewalk, driveway, or similar area. Canopies may be supported by a building, columns, poles, braces, or a combination of both.

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- 8. Double-faced Sign:** Two (2) faces either set parallel or up to a 45-degree angle. Any two (2) sign faces set at an angle greater than 45 degrees shall be considered two (2) separate signs.
- 9. Electronic Message Display System:** Copy which uses rotating reflective discs, direct illumination, rotating veils, light emitting diodes (LEDs), liquid crystal diodes (LCDs) or other digital devices and is changed by a central computer.
- 10. Farm:** A tract of at least ten (10) contiguous acres used for production of agricultural or horticultural crops. Agricultural and horticultural crops shall be defined as, but not limited to, livestock, livestock products, poultry, poultry products, grain, hay, pasture, soybeans, tobacco, timber, orchard fruits, vegetables, flowers, ornamental plants, vineyards, and wineries.
- 11. Flashing or Blinking:** Intermittent or sequential illumination for the purpose of attracting attention to the sign.
- 12. Freestanding Sign:** Attached to the ground by columns, poles, braces, or other means and not attached to any building.
- 13. Government Sign:** Temporary or permanent, erected by government employees or officers in the performance of their professional/elected duties.
- 14. Handbill:** Printed or written material, circular, leaflet, pamphlet, or booklet designed for distribution on vehicles or other property, excluding postal distribution, which advertises merchandise, commodities, or services.
- 15. Illegal Sign:** Does not meet the requirements of this zoning ordinance and has not been identified as a legal, nonconforming sign.
- 16. Illuminated Sign:** Emits or reflects artificial light from any source
- a. Directly illuminated:** Lighted by an unshielded light source (including neon tubing) which is visible as a part of the sign and where light travels directly from the source to the viewer's eye.
  - b. Indirectly illuminated:** Light source projects light onto the exterior of the sign surface or onto the building where the sign is located.
  - c. Internally illuminated:** Light source is within the sign, with transparent or translucent background or cover which silhouette letters or designs.
- 17. Incidental Sign:** Not exceeding two (2) square feet in area.
- 18. Interstate Sign:** Sign that is designed to be seen from an interstate highway.
- 19. Marquee Sign:** Used in conjunction with a theatre, is attached to the building, and projects from the building.
- 20. Menu Board:** Freestanding signs placed at properties where there is a drive-thru lane, walk-up window, or drive-up curbside.

## **Simpson County Zoning Regulations**

- 21. Mobile Sign:** Affixed to a frame having wheels or capable of being moved. Mobile signs do not have a permanent foundation and cannot withstand the wind-load stress requirements of the adopted building code as they are designed to stand free from a building. The removal of wheels from such a sign or temporarily securing a sign of this type shall not prevent it from being classified as a mobile sign within this definition. This includes signage placed in a truck bed or on a trailer designed to be pulled behind a vehicle.
- 22. Monument Sign:** Attached to a permanent foundation or decorative base and not attached to or dependent for support from any building, pole, post, or similar upright.
- 23. Nonconforming Sign:** Legally erected but does not comply with the current regulations for the zone in which it is located.
- 24. Non-illuminated Sign:** Does not emit or reflect artificial light from any source.
- 25. Portable Sign:** Small sign, easily transported by hand, placed outside during business hours, and brought into the business after hours, usually tent style or A-frame.
- 26. Projecting Sign:** Attached to a building, extends more than 24 inches.
- 27. Roof Sign:** Projects above the cornice of a flat roof or the ridgeline of a gabled or hipped roof. In determining the top edge of the roof, calculation shall not include cupolas, pylons, chimneys, or other projections above the roofline.
- 28. Rotating or Moving Sign:** Any portion of which moves by mechanical or the wind; does not refer to changing copy with an electronic message display system.
- 29. Sign:** Any copy, including material used to differentiate the copy from the background, which is applied to a surface as a means of identifying, advertising, announcing, or illustrating products, services, and/or events.
- 30. Sign Clearance:** The vertical distance between the lowest points of any sign and the grade at the base of the sign.
- 31. Sign Copy:** Any word, figure, number, symbol, or emblem affixed to a sign.
- 32. Sign Height:** The vertical distance measured from the highest point of the sign, including the frame and any embellishments, to the bottom of the base of the sign.
- 33. Sign Setback:** The horizontal distance between any street right-of-way and a sign. The measurement shall be taken at the closest point between the right-of-way and any part of the sign.
- 34. Sign Surface:** That part of the sign on which the message is displayed.
- 35. Square Foot:** A unit of area equal to one foot by one-foot square.

## **Simpson County Zoning Regulations**

**36. Street Frontage:** Property line that lies adjacent to street right-of-way.

**37. Temporary Sign:** A banner, pennant, poster, or advertising display constructed of paper, cloth, canvas, plastic sheet, cardboard, wallboard, plywood or other like materials and that appears to be intended to be displayed for a limited period of time. They are intended to be displayed for not more than 14 continuous days or more than eight (8) times per calendar year.

**38. Vehicle Signage:** Signage painted directly on a vehicle or attached magnetically.

**39. Wall Sign:** Attached directly to a building; includes mansards, canopies, awnings, and signs attached to a roof which do not project above the roofline.

**40. Window Display:** Merchandise or other objects placed inside a building to be viewed from outside the building.

**41. Window Sign:** Attached to or located within three (3) feet of the interior of a window and which can be seen through the window from the exterior of the structure.

## **Simpson County Zoning Regulations**

### **Article 6 - Vehicle Regulations**

#### **6.1 Purpose**

The purpose of this Article is to establish and describe the onsite parking, loading and unloading standards for various types of land use, development and maintenance standards, screening requirements for Franklin and Simpson County.

#### **6.2 Scope of Off-Street Parking and Loading and Unloading of Motor**

##### **Vehicles**

**6.2.1** No building shall be erected, enlarged or substantially altered, or its use changed unless permanently maintained off-street parking, loading and unloading spaces have been provided in accordance with the provisions of these Zoning Regulations.

**6.2.2** The provisions of this Article, except where there is a change of use or where the building is enlarged, shall not apply to any existing building. Where a new use involves no additions or enlargements to the building, the property owner shall provide as many spaces as may be required by these Zoning Regulations.

**6.2.3** Off-street parking area provided for any existing building or use shall be maintained so long as said building or use remains.

**6.2.4** Any existing off-street parking area provided for any building or use shall not be reduced unless the off-street parking provided exceeds the requirements of these zoning regulations.

**6.2.5** Whenever a building is changed or enlarged in floor area, number of dwelling units, seating capacity, or otherwise and additional parking area is required as a result of such change, under the terms of these Zoning Regulations, the additional parking spaces shall be provided.

**6.2.6** It shall be unlawful to begin to alter a building or change a use until such time as the additional required off-street parking is provided to the existing parking area.

**6.2.7** The additional parking spaces provided will be computed to the basis of number of spaces required by the size of the enlargement or change.

**6.2.8** If a building existing prior to June 30, 1971 is enlarged to the extent of forty (40) percent or more in floor area, number of housing units, seating capacity, or otherwise, said building shall then and thereafter comply with the full parking requirements set forth herein as if it were new construction.

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### **6.3 Parking Area Development and Maintenance Standards**

The following development and maintenance standards shall apply to all parking areas:

**6.3.1** Off-street parking areas shall be provided with vehicular access to either a Public Street or alley.

**6.3.2** Off-street parking areas shall be of useable shape and surface and have convenient ingress and egress. Aisle and access drives shall be designed so as to provide adequate vehicular maneuvering upon the property being served and in no case shall off-street parking areas be permitted which encourage or require the backing onto or maneuvering within any public rights-of-way, except as allowed in section 6.7.1.c.

**6.3.3** Where parking areas are provided for five (5) or more vehicles, they shall be improved within six (6) months of application of any base material with an asphalt, bituminous, cement or other properly bound surface, so as to be durable and dustless, and shall be graded and drained so as to dispose of all surface water accumulation within the area without carrying said water accumulation over a public sidewalk.

**6.3.4** Where parking areas are illuminated, lighting fixtures shall be so arranged that no part of any fixture shall be more than 30 feet above the finished grade of the parking area. Fixtures shall be so designed and installed that the light is directed downward and reflected away from adjacent lots, and public streets.

### **6.4 Units of Measurement for Parking Area**

**6.4.1** ~~For purposes of calculating the required parking area for a given lot, the ratio of three hundred (300) square feet of ground shall be provided for each parking space required by these Zoning Regulations.~~ Each parking space provided may not be less than 162 square feet per parking space. Furthermore, for the purposes of calculating the parking to paved area ratio to provide for the Minimum 162 s. ft. per space, a minimum ratio of Three Hundred (300) square feet of ground area shall be provided for each space allocation. (added 10/20/2020)

**6.4.2** When determining maximum capacity, seats or other standards, calculations will be based on Kentucky building code occupancy load requirements.

**6.4.3** When units of measurement determining the number of required parking spaces result in the requirement of a fractional space, any fraction up to one-half (1/2) shall be disregarded, and fractions of one-half (1/2) or more shall require one (1) parking space.

### **6.5 Loading and Unloading Spaces Required**

All business, industrial, and rural village zoning districts shall provide loading and unloading spaces as required in these Zoning Regulations. Any building erected or enlarged that is to be occupied by uses requiring the receipt or distribution by motor vehicles of material objects or merchandise, there shall be provided and maintained on

## **Simpson County Zoning Regulations**

the same lot not less than one (1) loading and unloading space for each separate occupancy requiring delivery of goods and having a gross floor area of up to two thousand (2,000) square feet. One additional loading space shall be provided for each additional ten thousand (10,000) square feet or fraction thereof.

**6.5.1** Each loading space shall not be less than twelve (12) feet in width, fifty (50) feet in length, exclusive of driveways, aisles, and other circulation areas, and a minimum vertical height clearance of fifteen (15) feet. The minimum vertical clearance for funeral homes may be reduced to nine (9) feet. Each space shall be located with respect to access drives and aisles to preclude backing onto or occupying any public right-of-way.

**6.5.2** Loading and unloading space may occupy all or any part, of any required yard space, unless otherwise provided in these Zoning Regulations.

**6.5.3** The provisions of this section, except where there is a change of use or where the building is enlarged, shall not apply to any existing building. Where the new use involves no additions or enlargements, there shall be provided as many loading and unloading spaces as may be required by these Zoning Regulations.

**6.5.4** Existing off-street loading spaces provided for any building or use shall be maintained thereafter so long as said building or use remains.

**6.5.5** Any existing off-street loading and unloading space provided for any building or use shall not be reduced unless the off-street loading and unloading space provided exceeds the requirements of these Zoning Regulations.

**6.5.6** Whenever a building is changed or enlarged in floor area, seating capacity, or otherwise and additional loading and unloading spaces are required as a result of such change, under the terms of these Zoning Regulations, the additional loading and unloading spaces shall be provided.

**6.5.7** It shall be unlawful to begin altering a building or change a use until such time as the additional required off-street loading or unloading spaces are provided. The additional loading and unloading spaces provided will be computed on the basis of number of loading and unloading spaces required by the size of the enlargement or change.

**6.5.8** If a building of building existing prior to June 30, 1971 is enlarged to the extent of forty (40) percent or more in floor area, seating capacity, or otherwise, said building or building shall then and thereafter comply with the full loading and unloading requirements set forth herein as if it were new construction.

### **6.6 Screening or Landscaping of Parking Areas**

Any off-street parking area containing one thousand eight hundred (1,800) square feet and used by five (5) or more motor vehicles shall be effectively screened as required by Article 14. It is further provided that walls or fences as required in this section shall not be used for advertising purposes and shall be maintained in good condition.

**6.6.1** Every parcel of land hereafter uses as automobile, truck, manufactured home, boat, trailer and camper sales lot or as an automobile service station shall be subject to the requirements of this Article concerning surfacing, lighting and

## Simpson County Zoning Regulations

screening, and shall be considered, in the application thereof, as the equivalent of a parking area for more than six (6) motor vehicles. With respect to automobile service stations, the requirements of Article 14 for screening of parking areas from property in a residential zoning district or used for residential

or institutional purposes shall apply only to that area used for parking of more than five (5) motor vehicles.

### **6.7 Parking, Loading, and Unloading Areas in Required Yards**

#### **6.7.1 Where permitted:**

- a. Minimum required off-street parking areas and loading, unloading spaces and parking lots, may be located in any required yard unless prohibited in section 6.5.4.
- b. In all residential zoning districts, except R-5, driveways and parking areas for dwelling units not sharing a common parking area may allow the backing onto a public rights-of-way (as exception to section 6.2.2 herein) if said rights-of-way is designated by the comprehensive plan as a local or minor collector street. In no case, shall such driveways or parking areas exceed fifty (50) percent coverage of the total required front yard or side-street yard.
- c. In all residential or business zoning districts any parking area, loading or unloading space, or parking lot may allow the backing onto a public alleys (as exception to section 6.2.2 herein). In such cases where a perimeter landscape easement would be required (see Article 14), such easement may be eliminated for those portions where continuous pavement would preclude the application of the landscape easement along the alley.

#### **6.7.2 Where Prohibited:**

Minimum required off-street parking areas, loading and unloading areas, and parking lots are prohibited in the following yards or portions of yards, except for permitted access drives:

- a. In the R-1 and R-2 zoning districts, parking areas shall not be permitted in required front or side-street yards. Access to such parking areas may be by driveways from a public alley or street.
- b. In all zoning districts other than B-1, required off-street parking areas and loading and unloading areas, and parking lots shall have a setback requirement in any yard adjacent to an arterial or major collector street right-of-way. No portion of such areas except for permitted access drives shall be located close to the rights-of-way than twenty (20) feet for arterials or fifteen (15) feet for major collectors. Such vehicular use areas shall be deemed to adjoin the public rights-of-way for the purposes of perimeter landscape requirements (see Article 14); and any required landscape easements adjacent and parallel to streets shall be

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considered part of the parking or loading and unloading area for the purposes of calculation the setback. Vehicular use areas adjacent to one-way streets, or those designated by the transportation element of the comprehensive plan as future one-way streets, will not be required to provide the setbacks mentioned above.

### **6.8 Number of Off-Street Parking Spaces or Off-Street Parking Area Required**

In all zoning districts, the following off-street parking space minimum requirements shall apply regardless of whether the use is principally or conditionally permitted.

#### **Residential**

**6.8.1 Single Family Detached or Semi-Detached Dwellings:** Two (2) spaces per dwelling unit plus one (1) space for each two (2) rooms rented out (see 6.8.4).

**6.8.2 Duplex:** Two (2) spaces per dwelling unit plus one (1) space for each two (2) rooms rented out (see 6.8.4).

**6.8.3 Multi-family Dwellings:** Two (2) spaces per dwelling unit plus one (1) additional space for every four (4) units in the development.

**6.8.4 Boarding Houses, Lodging Houses or Apartment Hotels:** One (1) space for each two (2) bedrooms rented or intended to be rented out.

**6.8.5 Manufactured Home on Individual Lot:** Two (2) spaces for each unit.

**6.8.6 Manufactured Home within Manufactured Home Park:** One (1) space for each manufactured home space plus one fourth (1/4) space for common or visitor parking per manufactured home space.

**6.8.7 Home Occupations:** Four (4) spaces for offices of physicians or dentists; two (2) spaces for all others.

**6.8.8 Residential Care Facilities and Homes Emphasizing Special Services, Treatment, or Supervision:** Two (2) spaces for each five (5) beds except for uses exclusively serving children under 16. One (1) space for every three beds for all others.

#### **Commercial**

**6.8.9 Automotive Showroom or Dealer (new or used) and Motor Vehicle Repair when an accessory use to the dealership or showroom:** One (1) space per four hundred (400) square feet of gross floor area in the showroom and office area plus two (2) spaces per service bay and one (1) space per one thousand five hundred (1,500) square feet of outdoor motor vehicle display area.

**6.8.10 Automotive Parts Sales:** One (1) per two hundred (200) square feet of gross floor area.

**6.8.11 Motor Vehicle Repair and Maintenance, not including substantial body work:** One (1) per two hundred (200) square feet of gross floor area.

**6.8.12 Motor Vehicle Painting and Body Work:** One (1) per two hundred (200) square feet of gross floor area.

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**6.8.13 Salvage Yards:** One (1) per two hundred (200) square feet of gross floor area.

**6.8.14 Business and Professional Office uses not elsewhere listed:** One (1) space for each three hundred (300) square feet of gross floor area.

**6.8.15 Offices for Personal Services such as Attorneys, Stockbrokers, Insurance, Accounting, Engineering, Travel Agencies:** One (1) per two hundred (200) square feet of gross floor area.

**6.8.16 Banks with Drive-In Windows:** One (1) per two hundred (200) square feet of gross floor area.

**6.8.17 Barber or Beauty Shop:** Two (2) spaces per barber or beauty chair.

**6.8.18 Bed & Breakfast:** One (1) space for each bedroom.

**6.8.19 Commercial or Business Service:** Four (4) spaces for the first one thousand (1,000) square feet of gross floor space used or usable in the sale of merchandise, and one additional space for each additional two hundred fifty (250) square feet of such floor space.

**6.8.20 Commercial Greenhouses:** One (1) per two hundred (200) square feet of gross floor area.

**6.8.21 Dry Cleaner, Laundromat:** One (1) per two hundred (200) square feet of gross floor area.

**6.8.22 Funeral Home:** One (1) per one hundred (100) square feet of gross floor area.

**6.8.23 Furniture Stores:** One (1) space for each five hundred (500) square feet of gross floor area.

**6.8.24 Hotels and Motels:** One (1) space per suite or rooms offered for rent plus one (1) space for each three (3) employees. If a restaurant or meeting rooms comprises part of the use, the restaurant and meeting room parking standards shall be required in addition to the above requirements.

**6.8.25 Restaurant, Café, or Establishment serving food, beverages or refreshments:** One (1) space for each one hundred (100) square feet of gross floor area. Employee parking shall be provided at the ratio of one space of each three (3) employees.

**6.8.26 Retail Stores, Supermarkets, Department Stores, and other Personal Service Establishments not elsewhere listed:** Five and one half (5 ½) spaces per one thousand (1,000) square feet of gross floor area.

**6.8.27 Convenience Stores:** one (1) space for each one hundred fifty (150) square feet of gross floor area. Employee parking shall be provided at the ratio of one space of each three (3) employees.

**6.8.28 Veterinarian and related animal services:** One (1) per two hundred (200) square feet of gross floor area.

### **Recreational or Entertainment**

## **Simpson County Zoning Regulations**

**6.8.29 Auditorium, Stadium, or other place of Public Assembly:** One (1) space for each five (5) seats available at maximum capacity.

**6.8.30 Automobile and Motorcycle Racing Tracks:** One (1) space for each three (3) seats available at maximum capacity.

**6.8.31 Boat Ramp:** One (1) space per two hundred (200) square feet of ramp area plus six (6) spaces large enough to accommodate a motor vehicle with trailer, minimum dimensions of 9.5 feet by 35 feet.

**6.8.32 Boat Dock:** One (1) space for each boat slip plus one (1) space per each three (3) employees per maximum shift plus six (6) spaces large enough to accommodate a motor vehicle with trailer, minimum dimensions of 9.5 feet by 35 feet.

**6.8.33 Bowling Lanes, Tennis and Racquetball Courts, and similar facilities:** Five (5) spaces for each lane, court or other recreational facility plus one (1) space per each two hundred (200) square feet of gross floor area used in a manner not susceptible to such calculation.

**6.8.34 Community Centers:** One (1) space for every six hundred (600) square feet of gross floor area.

**6.8.35 Miniature Golf Courses, Skateboard Parks, Water Slides and similar uses:** One (1) space per three hundred (300) square feet of activity area plus one (1) space per two hundred (200) square feet of gross floor area of building.

**6.8.36 Driving ranges not accessory to Golf Courses:** One (1) space per tee plus one (1) space per two hundred (200) square feet gross floor area of building.

**6.8.37 Par 3 Golf Courses:** Two (2) spaces per golf hole plus one (1) space per two hundred (200) square feet of floor area of building.

**6.8.38 Publicly Owned and Operated Outdoor Recreational Facilities such as Athletic Fields, Golf Courses, Tennis Courts, Swimming Pools, Parks when not provided in conjunction with a school:** One (1) space per two hundred (200) square feet of area within enclosed buildings, plus (1) space for every three (3) persons that the outdoor facilities are designed to accommodate when used to the maximum capacity.

**6.8.39 Privately Owned Outdoor Recreational Facilities such as Golf and Country Clubs, Swimming Exercise and Tennis Clubs:** One (1) space per two hundred (200) square feet of area within enclosed buildings, plus one (1) space for every three (3) persons that the outdoor facilities are designed to accommodate when used to the maximum capacity.

**6.8.40 Private Clubs, Lodge, or Union Halls:** One (1) space per three (3) members or one (1) per one hundred (100) square feet of gross floor area in meeting rooms whichever is greater.

**6.8.41 Theater, Indoor:** One (1) space for each three (3) seats.

### **Industrial**

**6.8.42 Manufacturing or Industrial Plant:** one (1) space for each four (4) employees at maximum employment on a single shift plus one parking space for

## **Simpson County Zoning Regulations**

each truck operated by the business. The Planning Commission may require additional space if it deems necessary.

**6.8.43 Wholesale, Storage and Warehousing:** two (2) spaces per one thousand (1,000) square feet of gross floor area.

### **Institutional**

**6.8.44 Airports:** one (1) space per two hundred (200) square feet of gross floor area.

**6.8.45 Cemeteries:** one (1) space per two hundred (200) square feet of gross floor area of office and maintenance building.

**6.8.46 Crematorium:** one (1) space per two hundred (200) square feet of gross floor area.

**6.8.47 Child Care Facility, Day Care Center and Nursery:** one (1) space per each employee and one (1) space per two hundred (200) square feet of gross floor area.

**6.8.48 Church:** one (1) space for each three (3) seats available at maximum capacity.

**6.4.49 Hospitals, Clinics, other Medical Facilities including Mental Health Treatment facilities in excess of 10,000 square feet of gross floor area:** one (1) space for each two (2) authorized patient beds plus one (1) space for each five (500) square feet of gross floor area used for administrative, surgical and diagnostic purposes.

**6.8.50 Library, Museum, Art Galleries, and similar uses:** one (1) space per three hundred (300) square feet of gross floor area plus five (5) spaces for each craft room, meeting room, or special facility room.

**6.8.51 Medical and Dental Offices and Health Clinics with not more than 10,000 square feet of gross floor area:** one (1) space for each two hundred (200) square feet of gross floor area.

**6.8.52 Nursing and Intermediate Care Facilities:** one (1) space per two hundred (200) square feet of gross floor area.

**6.8.53 Penal and Correctional Facilities:** one (1) space per every two (2) employees on maximum shift.

**6.8.54 Personal Care Facility:** one (1) space per two hundred (200) square feet of gross floor area.

**6.8.55 Post Office:** one (1) space per two hundred (200) square feet of gross floor area.

**6.8.56 Residential Care Facility:** one (1) space per two hundred (200) square feet of gross floor area.

### **Schools**

**6.8.57 Colleges, Community Colleges, and Universities:** one (1) space per one hundred fifty (150) square feet of gross floor area. If auditorium, stadium or other

## **Simpson County Zoning Regulations**

place of public assembly comprise part of the use, the parking standards for auditorium, stadium or other place of public assembly shall be required in addition to the above requirements.

**6.8.58 Day Care Center for Children or Adults:** one (1) space for each four hundred and twenty (420) square feet of gross floor area exclusive of kitchen and bathroom.

**6.8.59 Elementary and Middle School:** two (2) spaces for each classroom plus one (1) space per two hundred (200) square feet of gross floor area in the administrative areas.

**6.8.60 Secondary and Post-Secondary Schools:** four (4) spaces per classroom. If auditorium, stadium, or other place of public assembly comprise part of the use, the parking standards for auditorium, stadium or other place of public assembly shall be required in addition to the above requirements.

**6.8.61 Trade, Vocational or Technical Schools:** one (1) space per one hundred (100) square feet of gross floor area.

### **Other uses or combinations of uses**

**6.8.62 Combination of Uses:** combined uses shall provide parking equal to the total requirements for the individual uses.

**6.8.63 Uses Not Elsewhere Specified:** one (1) space for each three hundred (300) square feet of gross floor area.

### **6.9 Variances from Motor Vehicle Standards**

**6.9.1** For any dwelling unit or manufactured home requiring two (2) off-street parking spaces, one space may be in front of the other only if said dwelling unit does not share a common parking area with other units.

**6.9.2** If a garage, carport, or other enclosed structure is provided for the exclusive use of the residents of a dwelling unit or manufactured home, that enclosure shall count as one (1) of the required parking spaces.

**6.9.3** Deviations from the minimum requirements for planned residential development projects or planned multi-family developments shall be presented to the Planning Commission for approval.

## **Simpson County Zoning Regulations**

### **Article 7 - General Zoning and District Regulations**

#### **7.1 Purpose**

The purpose of this Article is to establish and describe the following items: general regulations applicable to all zoning districts; exceptions and adjustment to site requirements as prescribed for principal buildings in Article 8; regulations for accessory building, and features in required yards. Land zoned light industrial or heavy industrial and under the guidance of the industrial authority should be submitted to the planning and zoning board for approval to be included in the industrial board overlay district. It should be noted that the review and approval of the development plans within these overlay districts are the jurisdiction of the industrial authority and subject to city ordinance regulations regarding utilities, streets, curbs, gutters, sidewalks and storm water runoff. Development plan review and approval for industrial parcels not contained within the industrial board overlay district are subject to planning and zoning review.

#### **7.2 Application of Zone and District Regulations**

The requirements set by the Zoning Regulations within each zoning district shall be minimum or maximum limitations, as appropriate to the case, and shall apply uniformly to each class or kind of building or land, except as exempted by these regulations.

#### **7.3 Required Street Frontage**

No building shall be erected or placed on a lot which does not abut on at least one public street for at least forty (40) feet. Legal nonconforming Lots of record prior to the inception of these regulations that are less than 40 feet are exempt from this rule and are considered acquired in.

#### **7.4 Height Standards**

No building shall exceed ten (10) stories or one hundred fifty (150) feet in height, unless each side yard is increased over the required minimum by five (5) feet for every five (5) feet, or fraction thereof, of additional height over one hundred fifty (150) feet. In no case shall the height exceed one hundred fifty (150) feet. This section shall not apply to the central business district or heavy industrial districts. See section 7.20.10 for exceptions to height limitations.

#### **7.5 Reductions in Lot Area Prohibited**

No lot, even though it may consist of one or more adjacent lots of record, shall be reduced in area so that yards, lot area per dwelling unit, lot width, building area, or other requirements of these regulations are not maintained.

#### **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.

## **Simpson County Zoning Regulations**

**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.

## **7.7 Drainage and Floodplain Limitations**

### **7.7.1 Sinkhole**

- a. Sinkhole and other similar depressions and the area within twenty-five (25) feet from the lowest point of said sinkhole or the floodplain associated with the sinkhole, whichever is greater, shall be preserved in its natural state for the purpose of providing drainage of the surrounding area. No building, street or any other improvement shall be made within this area. In determining the floodplain around a sinkhole, the applicant is responsible for providing the Planning Commission certified information, prepared by a Kentucky registered professional engineer, showing the floodplain area surrounding the sinkhole. The sinkhole may be “punched” or otherwise altered to improve drainage with the approval of the Planning Commission.
- b. The Planning Commission shall apply the conservancy zoning district, in accordance with standards of section 8.17 to any area of a lot which it determines to be in the sinkhole floodplain.

**7.7.2 Floodplains** No building shall be built in areas within the floodway or other area subject to flooding or in areas that are either natural or man-made drainage ways in determining the floodplain around any area other than a sinkhole, the Planning Commission may upon information contained in the flood hazard boundary maps. The applicant, will be responsible for providing the Planning Commission certified

## **Simpson County Zoning Regulations**

information, prepared by a Kentucky registered professional engineer, showing the floodplain or drainage ways for the lot.

### **7.8 General Regulations for Lots and Yards**

#### **7.8.1 Multiple Building Development Compliance**

A multiple building development or redevelopment, when permitted in a zoning district, must be approved by the Planning Commission as a development plan. (See Article 13). When a multiple building development is proposed, the developer must establish lot lines for each principle building and lot. The developer must establish set back lines and meet all other requirements of these Zoning Regulations and the subdivision regulations of Simpson County. The Planning Commission at the time of approval of the preliminary development plan may waiver the requirement for establishing lot lines.

#### **7.8.2 Visual Clearance at Intersections, Curb Cuts and Railroad Crossings**

Notwithstanding any other provisions of these Zoning Regulations, in any zoning district, at any street intersection, any driveway intersection or railroad crossing, structures erected or installed shall conform to the limitations of the applicable visual clearance requirements as shown in the following illustration and table, unless specifically accepted below. The requirement established in this section shall not apply to the central business district.

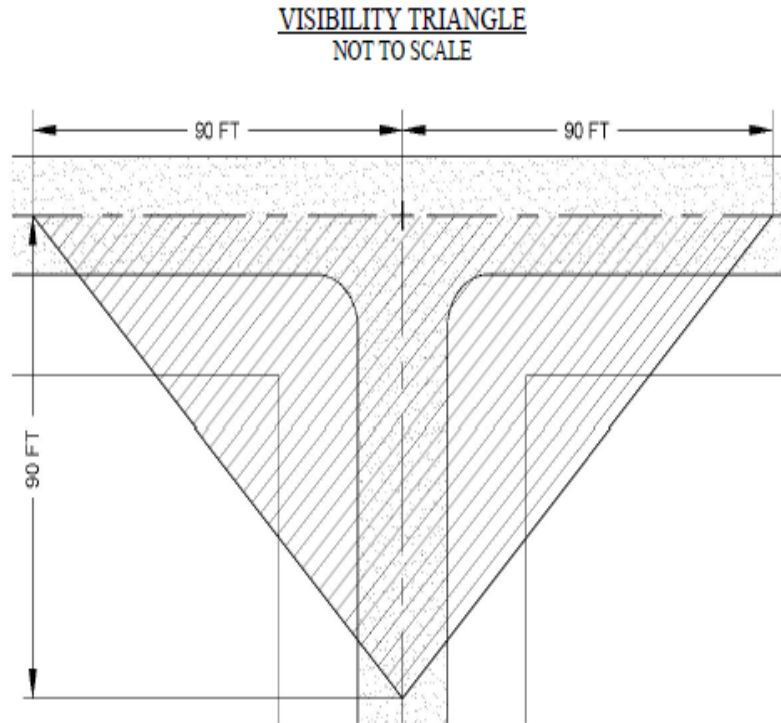
**(Nothing permitted in visibility triangle 3.5 to 12 feet above street grade other than vertical objects 12 inches or less in diameter.)**

## Simpson County Zoning Regulations

### § 158.022 OBSTRUCTIONS TO VISION AT STREET INTERSECTIONS.

Notwithstanding any other provision of this chapter, in any zone, except the Central Business District, at any street, alley or driveway intersection, any structure, fences or shrubs shall conform with the limitations of the applicable sight distance triangle as follows.

(A) *Street intersections.* No obstruction to vision will be permitted within the triangular area formed by a straight line connecting the points on the center lines of the street at a distance of 90 feet from their intersections, see example below:



(B) *Alley or driveway intersecting with a street.* No obstruction to vision will be permitted within the triangular area formed by a straight line connecting the points on the pavement edges of the street and alley/driveway at a distance of 20 feet on the street from the alley/driveway and ten feet on the alley/driveway from the street.

(C) *Alley or driveway intersecting with an alley.* No obstruction to vision will be permitted within the triangular area formed by a straight line connecting the points on the pavement edges of the

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alley/driveway and the alley at a distance of 20 feet on the alley from the alley/driveway and two feet on the alley/driveway from the alley.

(1989 Code, § 154.022) (Ord. 1063, passed - -1967; Am. Ord. 2124, passed 8-28-1995)

## **Simpson County Zoning Regulations**

### **7.8.3 One-way Street Exception**

Sight triangles shall not apply on one-way streets at corners where traffic does not approach the intersection.

### **7.8.4 Building Line Setback**

A building line to provide a front yard for all buildings and buildings shall be established at a minimum distance of twenty-five (25) feet from the street rights-of-way line. Except in cases of corner lots, variances may be granted where existing development on adjoining lots does not meet this requirement, but in no case shall this distance be less than fifteen (15) feet. The requirement established in this section shall not apply to a central business district.

### **7.8.5 Setback Requirements for Corner Lots**

In residential zoning districts, if the building setback is greater than twenty-five (25) feet from the street right-of-way, a corner building either along its front or side, shall not be closer than the distance established for the building setback line in that district.

### **7.8.6 Regulations for Double-Front or Through Lots**

Double-front or through lots shall, on both adjacent streets, meet the front yard requirements of the zoning district in which they are located.

### **7.9 Conversion of Buildings**

The conversion of any building, whether residential or nonresidential, so as to accommodate an increased number of dwelling units or to accommodate another permitted use, shall be permitted only within a zoning district in which a new building for similar occupancy would be permitted under these Zoning Regulations. The resulting occupancy shall comply with the requirements governing new construction in such zoning district with respect to building codes, parking supply, and landscape buffers. If the conversion involves no expansion of principal building volume or no conversion of an accessory building into a principal building, the resulting occupancy shall be exempt from the following requirements: minimum lot size, maximum floor area, lot coverage, dimensions of yard, and minimum open space. Any conversion that involves changes other than those stated above shall be subject to all site requirements stated above, and such further requirements as may be specified hereinafter applying to such zoning district.

### **7.10 No New Non-Conforming Yards or Lots**

No yard or lot existing at the time of adoption of these Zoning Regulations shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the adoption of these Zoning Regulations shall meet at least the minimum requirements established by these Zoning Regulations.

## Simpson County Zoning Regulations

### **7.11 Water Supply and Sewage Disposal Requirements**

It shall be unlawful to construct any building unless the associated water supply and sewage disposal facilities meet the requirements of the barren river district

health department. Wherever public water and sewer mains are reasonably accessible, buildings shall be connected to such mains. The Barren River District Health Department's certificate approving proposed or completed water and sewage facilities must accompany application for building permits and certificates of occupancy.

### **7.12 Adjustment to Principal Building Yard Requirements Prescribed In Article 8**

Yard requirements for principal buildings shall conform to the dimensions prescribed in Article 8 of these regulations unless adjusted by the provisions of the following subsections.

#### **7.12.1 Adjustments to Yards Adjoining Streets**

- a. A yard adjoining interstate and other controlled access highways where access is not permitted from the site** - For any yard that adjoins interstate and other controlled access highways where access is not permitted from the site, the minimum setback requirement for principal buildings shall be twenty (20) feet from the rights-of-way line of said highway.
- b. Yard adjoins alley** - For any yard that adjoins an alley, setback requirements shall apply as if the alley did not exist and the property lines on either side of the alley were a common line between two adjoining properties.
- c. Yard adjoins street other than interstate and other controlled access highways where access is not permitted from the site or alley** - For any side or rear yard that adjoins a street other than a controlled access highways where access is not permitted from the site or alley, the minimum setback requirements or principal buildings shall equal the front yard setback requirement for a street of such classification and zoning district. In single-family residential zoning district side yards along local streets may be reduced to fifteen (15) feet where lots are back-to-back.

#### **7.12.2 Adjustments to Yards Adjoining More Restrictive Zoning Districts**

- a. Side yard adjoins more restrictive zoning district** - When the side yard of the subject lot in any zoning district adjoins the side or rear yard of a lot in a zoning district imposing a larger side yard requirement, the side yard for the subject lot shall equal the more restrictive side yard requirement for the adjoining zoning district.
- b. Rear yard adjoining more restrictive zoning district** - When the rear yard of the subject lot in any zoning district adjoins the rear yard of a lot in a zoning district which imposes a larger rear yard, the rear yard

## **Simpson County Zoning Regulations**

requirement for the subject lot shall equal the more restrictive rear yard requirement of the adjoining zoning district.

### **7.12.3 Adjustments to Yards Designated On Plats of Record**

- a. Public utility - Principal buildings shall not be erected in public utility easements.
- b. Building setback lines - When the building setback lines designated on a plat of record conflict with the requirements of these Zoning Regulations, principal buildings shall conform to the more restrictive setback requirements.

### **7.12.4 Adjustments to Yards for Existing Alignment of Buildings Along a Street**

For a single lot on a street with existing development and where there are existing buildings on one or more sides of the proposed building site, the required setback for a new, separate principal building may be reduced to:

- a. The average of the actual setbacks of the existing principal buildings that are located nearest both sides of the proposed building site, and in the same block front; or
- b. Any intersecting street other than an alley shall constitute the end of the block front

### **7.12.5 Adjustments to Yards for Additions to Legal Nonconforming Buildings.**

When an existing principal building which has a nonconforming yard, additions may be made to the building, subject to the limitation that such addition shall be located no closer to the lot line than that part of the original principal building foundation that is closest to the lot line and such addition may be located at least ten (10) feet from the edge of any street rights-of-way, including alleys, and at least three (3) feet from any lot line adjoining property in a residential zoning district. The addition shall not violate the building setback line designated on a record plat or the site visibility requirements for corner lots set out in section 7.8.2.

## **7.13 General Provisions for Accessory Building and Features**

The provisions of this section shall regulate the location, height, and size of all buildings, buildings features that are accessory to a principle building or land use.

### **7.13.1 Use Limitation** - Unless provision is specifically made elsewhere in these zoning regulations, the following use limitations shall apply.

- a. In any zoning district, no accessory building shall be used in whole or in part for human occupancy.
- b. In any zoning district, temporary buildings or accessory buildings may be allowed for the storage of equipment during construction.

## **Simpson County Zoning Regulations**

- c. All unattached accessory buildings shall be a minimum five (5) feet from all property lines, except as provided in section 7.13.3.
- d. All unattached accessory buildings 200sf. or larger in any zoning district built or assembled on or transported to property to be located are subject to Kentucky building code standards for installation. Also, must have a building permit applied for and inspected after installation.
- e. All unattached accessory buildings 200 square feet or smaller are subject to local regulation in any zoning district built or assembled on or transported to must be anchored to the property located by means of footer/ foundation, concrete slab foundation, or portable building anchor kit. Also, must have a building permit applied for and inspected after installation.

**7.13.2** Height of Accessory Building - An accessory building shall not exceed limitations for principle buildings for the zoning districts in which they are located.

**7.13.3** Use of yards for accessory building - no accessory building is permitted in front yards. They are permitted only in rear or side yards according to the dimension and area regulations established in these zoning regulations.

**7.13.4** Lot Coverage - The accessory building together with its principal building, Shall not exceed maximum lot coverage for the zoning districts in which they are located.

**7.13.5** Encroachments - An accessory building shall not encroach upon or be located within public right-of-way, public utility easements, or adjoining lots, unless specifically permitted elsewhere in this article.

### **7.14 Outdoor Floors and Stairs**

For the purpose of these provisions, an outdoor floor shall be any pedestrian, ground pavement or floor building that is not enclosed within principal or accessory building outdoor stairs shall be any paved or structural steps that are not enclosed within principal or accessory building.

**7.14.1** Up to three (3) feet above grade – where the floor level of outdoor floors or the step level of outdoor stairs is no more than three (3) feet above the adjoining finished grade, such features may be located in any required yard.

**7.14.2** More than three (3) feet above grade, at or below first floor level – where the floor level of outdoor floors or the step level of outdoor stairs is more than three (3) feet above the adjoining finished grade, and is at or below the first floor level of the principal building, such features shall be located no closer than ten (10) feet to the edge of any street right-of-way or closer than three (3) to any other lot line.

**7.14.3** More than three (3) feet above grade, above first floor level – where the floor level of outdoor floors or the step level of outdoor stairs is more than three (3) feet above the adjoining grade, and is above the first floor level of the principal building, such feature shall conform to the setback requirements for principal

## **Simpson County Zoning Regulations**

buildings when attached to principal buildings, and shall conform to the setback requirements for enclosed accessory building in all other cases.

### **7.15 Swimming Pools and Tennis Courts**

Swimming pools and tennis courts shall conform to the setback requirements applicable to enclose an accessory building. Walls and fences around such features shall conform to the requirements in these Zoning Regulations.

### **7.16 Walls and Fences**

Walls and fences may be located in required yards subject to the following limitations.

**7.16.1 Height in Industrial Zoning Districts** - In industrial zoning districts, a wall or fence in any yard may be of any height, subject to sight triangle visibility requirements.

**7.16.2 Height Outside Of Industrial Zoning Districts** - Outside of industrial zoning districts, a wall or fence of not more than six (6) feet in height may be erected or maintained within any yard adjoining an arterial, collector or local street, subject to sight triangle visibility requirements. A wall or fence of not more than eight (8) feet in height may be erected in any other yard. Where walls and fences are located in conformance with setback requirements for principal buildings, they shall conform to the height limitations for principal buildings for the zoning district in which they are located.

**7.16.3 Barbed Wire** - Barbed wire on walls and fences shall be prohibited in residential zoning district but shall be permitted in all other zoning districts. Barbed wire may be installed upon walls or fences that are accessory to legally nonconforming commercial or industrial uses in any zoning district. Barbed wire along any boundary adjoining residential zoning district shall be at least six (6) feet above ground level, except when the adjoining an agricultural zoning district. Barbed wire fencing used in conjunction with an agricultural use shall be exempt from this section.

**7.16.4 Required Landscape Buffers** - Article 14 may impose additional requirements or limitations on walls and fences erected to satisfy perimeter landscaping requirements.

**7.16.5 Public Utility Easements** - Walls and fences may be erected within public utility easements subject to the discretion and limitations of the agencies that maintain facilities in such easements. Walls and fences shall not preclude the natural flow of surface storm water through yards, even if no formal easements exist for storm water runoff.

### **7.17 Signs**

Signs shall comply with the provisions of Article 5.

## **Simpson County Zoning Regulations**

### **7.18 Vehicular Use Areas**

Parking areas and other vehicular use areas and their accessory features shall comply with the provisions of Article 6.

### **7.19 Vehicular Access to Lots**

#### **7.19.1 Basic Standard**

Total access to any lot shall not exceed forty percent (40%) of the lot width and at no point shall exceed twenty-six (26) feet in width. No point of access shall be allowed within twenty five (25) feet of an intersection of the rights-of-way lines of intersection streets. This basic standard may not apply in the following cases.

- a. Alleys - Access points to any lot which adjoins an alley may be established as necessary.
- b. Planned Developments - access requirements that differ from the basic standard may apply to planned developments, approved under Article 13.
- c. Subdivision Plats - access requirements that differ from the basic standard may be approved to subdivision plats, provided that they otherwise comply with the Simpson County subdivision regulations and public improvement specifications of the City of Franklin or Simpson County.
- d. Access management plan for designated streets - access requirements that differ from the basic standard may apply to building developments located on an arterial or collector streets where the Planning Commission has adopted an access management plan.

#### **7.19.2 Traffic Impact Studies (TIS)**

Traffic Impact Studies (TIS) shall be provided to the Franklin-Simpson Planning and Zoning Commission and to the Kentucky Transportation Cabinet ("KYTC") if required by the KYTC in accordance with the Kentucky Revised Statutes, Kentucky Administrative Regulations, or other rules or regulations promulgated by the KYTC. Further, the Administrative Official of the Franklin-Simpson Planning and Zoning Commission may also require a TIS in conjunction with or independent of the KYTC requirements when reviewing or processing a zoning map amendment, new development/site plans, or any other application or building proposal that, in the discretion of the Administrative Official or a majority vote of a quorum of the Franklin-Simpson Planning and Zoning Commission, is likely to generate significant traffic above current conditions.

### **7.20 Exception**

#### **7.20.1 Use Exceptions**

Several types of buildings and uses are exempt from Zoning Regulations and are permitted in all districts, notwithstanding any other provision of these zoning regulations, even though they are not listed as permitted uses

## **Simpson County Zoning Regulations**

under the zoning district regulations. These buildings and uses are listed as follows:

### **7.20.2 Agricultural Land Use Exemptions**

Land which is used *solely* for agricultural use as defined in these Zoning Regulations shall have no regulations imposed as to building permits, certificates of occupancy, height, yard, or location requirements for agricultural buildings, except as follows:

- a. Building setback lines shall be adhered to and shall meet the standard for the zoning district in which the subject property is located for the protection of existing and proposed streets and highways.
- b. All buildings in a designated floodway of floodplain or which tend to increase flood heights or obstruct the flow of flood waters are fully regulated.
- c. Where the Board of Adjustments previously granted a conditional use permit to allow a mobile or manufactured home to be located on AG zoned property no larger than 9.99 acres and no smaller than 1 acre, and where a legitimate need subsequently arises for the mobile/manufactured home to be replaced, renovated or upgraded in a manner which requires removal of the existing mobile or manufactured home, a new conditional use permit shall not be required to be obtained prior to locating the new mobile or manufactured home if, and only if, all of the following conditions are met:

Conditions required for building permit issuance for replacement mobile or manufactured home:

1. The replacement mobile or manufactured home shall be owner occupied only.
2. The existing mobile or manufactured home that received the conditional use permit must have been continuously inhabited as a dwelling before this exemption for replacement can be granted.
3. The replacement mobile or manufactured home shall be installed on the property by an installer duly licensed in the Commonwealth of Kentucky.
4. Lot dimensions shall be verified and be in compliance with the then current zoning requirements.
5. The replacement mobile or manufactured home shall be anchored and underpinned.

## **Simpson County Zoning Regulations**

6. Replacement mobile or manufactured home shall be required to have electrical permit(s) and septic acceptance from the local health department.
7. Replacement mobile or manufactured home shall be permitted and inspected by local planning and zoning office to verify all of the above conditions have been met prior to occupancy.

Application requirements.

1. The lot of record must have an existing mobile or manufactured home on the site at time of inspection by the local planning and zoning office in order to submit an application to locate a replacement mobile or manufactured home on the lot.
2. The applicant must be owner of both the real property and mobile or manufactured home being removed.
3. The applicant must list the installer information and proof of installer's valid license to operate in the Commonwealth of Kentucky.

### **7.20.3 Public Utility Service Facilities when excepted: Acquisition, Disposal and Changes, Referral to Commissions, effect of KRS 100.324**

- a. Public utilities operating under the jurisdiction of the public service Commission or the Kentucky department of vehicle registration, or federal power Commission, and common carriers by rail shall not be required to receive the approval of the Planning Commission for the location or relocation of any of their service facilities. Service facilities include all facilities of such utilities and common carriers by rail other than office space, garage space, and warehouse space when such space is incidental to a service facility. The public service Commission and the Kentucky bureau of vehicle regulation shall give notice to the Planning Commission of any hearing which affects locations or relocations of service facilities within the planning area of Simpson County.
- b. Those non-service facilities of public utilities which are otherwise excluded under this section must be in accordance with these Zoning Regulations.
- c. Service facility information requested by Planning Commission. Upon request of the Planning Commission, the public utilities referred to in this section shall provide the Planning Commission with information concerning service facilities which have been located on or relocated on private property.
- d. Agreement of Public Facility Proposals With Comprehensive Plan

## **Simpson County Zoning Regulations**

- i. Any proposal for acquisition of land for public facilities or for disposition of lands used for public facilities, or changes in the character, location, or extent of buildings or land for public facilities, excluding state and federal highways and public utilities and common carriers by rail mentioned in this section, shall be referred to the Planning Commission to be reviewed in the light of its agreement with the comprehensive plan for Simpson County.
- ii. The Planning Commission shall within sixty (60) days from the date of its receipt, review the project and advise the referring body whether the project is in accordance with the comprehensive plan. If the Planning Commission finds the project to comply with the comprehensive plan for Simpson County, it shall state the reasons for this finding in writing and make suggestions for change which will, in the opinion of the Planning Commission, better accomplish the objectives of the comprehensive plan.
- iii. A majority of the entire membership of either the Franklin City council or Simpson County Fiscal Court depending upon which jurisdiction the public facility project is located may override the findings of the Planning Commission.
- iv. No permit required for construction or occupancy of such public facility shall be issued until the expiration of the sixty (60) day period or until the Planning Commission issues its report, whichever occurs first.

**7.20.4** Public streets and all official appurtenances necessary for traffic direction and safety. All streets and traffic control signs shall conform to the code established and adopted by the Kentucky Department of Highways or the city or county code of ordinances, whichever controls.

**7.20.5** Private drive, private parking areas, and the parking of vehicles incidental to the principle use on the same premises. In commercial, industrial, and professional zoning districts, plans for such uses must be submitted to the Planning Commission in accordance with Article 13.

**7.20.6** Unlighted real estate signs located on the premises or subdivision signs advertising property for sale or rent with less than an area of twelve (12) square feet. Such signs shall be at least six (6) feet from the right-of-way line.

## **Simpson County Zoning Regulations**

- 7.20.7** Unlighted signs not over two (2) square feet in area identifying permitted home occupation or the renting of sleeping rooms on the same premises in residential zoning districts. Such signs shall be at least six (6) feet from the right-of-way line.
- 7.20.8** Signs, unlighted, and not over two (2) square feet in area identifying the primary professional practice shall not require a building permit.
- 7.20.9** Horticulture, landscaping and fencing of any premises, provided they comply with section 7.8.2.
- 7.20.10** Exception to Height Limitations

Height regulations apply to buildings occupied regularly by persons or their activities. Height limitations do not apply to the following buildings which are not occupied regularly by persons except for maintenance, unless otherwise stipulated in these Zoning Regulations:

- a. Church spires; belfries; cupolas and domes not intended for human occupancy; monuments, water towers, observation towers, transmission towers, windmills not intended for human occupancy, chimneys, smoke stacks, derricks, conveyors, flag poles, light poles, masts and aerials.
- b. The Planning Commission shall interpret whether or not height regulations apply upon application by the administrative officer in doubtful cases. The Kentucky Department of Aviation and the Federal Aviation Agency height regulations in the vicinity of an airport shall take precedence over all other height regulations.

## Simpson County Zoning Regulations

### Article 8 - Schedule of Zoning District Regulations

#### **8.1 Establishment of Zoning Districts**

For the purpose of these Zoning Regulations, the City of Franklin and Simpson County is hereby divided into zoning districts which shall be designated as follows:

##### Agricultural

AG Agricultural District

RV Rural Village District (Use discontinued with no new additions or expansions).  
Existing RV district is a legal non-conforming use.

##### Residential

R-1 - Single Family District

R-1S - Single Family Small Lot

R-2 - Single Family and Duplex (Two Family) District

R-3 - Single Family & Limited Multi-Family, (up to four dwelling units per lot) District

R-4 - High Density/Multi-Family District

R-5 - Manufactured Home District

##### Commercial

B-1 - Central Business District

B-2 - General Business District

B-3 - Neighborhood Business District

B-4 - Highway Business District

B-5 - Interstate Interchange District

##### Office and Related Uses

O-P - Office and Professional District

##### Industrial

I-1 - Light Industrial District

I-2 - Heavy Industrial District

An Industrial Park Overlay District shall include any of the above Industrial Districts that are a part of the Industrial Authority land and under the direct supervision of the Industrial Authority.

##### Special

CO - Conservancy District

#### **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.

## **Simpson County Zoning Regulations**

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.

## **Simpson County Zoning Regulations**

- 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

## **Simpson County Zoning Regulations**

- 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.

### **8.3 Rural Village District – RV**

#### **8.3.1 Purpose**

The existing Rural Village Districts are to remain as historical zoning only. B3 designation shall be used for future small market centers and the lot size requirement shall reflect the minimum size allowed outside of public areas served by public sewer and be subject to the requirements of private sewage disposal systems. There shall be no new designation of additional rural village districts. As of the date of adoption of these regulations, the existing rural village areas and lot sizes are legal uses and shall continue to be a legal use.

#### **8.3.2 Geographic Location**

KY Hwy. 585 and 622, KY Hwy. 73 and Hatcher Road  
KY Hwy. 1885 and 591, KY Hwy. 100, 665 and 103  
KY Hwy. 73 and 621, KY Hwy. 621 and US 31W  
KY Hwy. 73 and Vaughn Road

#### **8.3.3 Permitted Uses**

- a. Those permitted in the AG Zone district
- b. Those permitted in the R1 Zone district
- c. Agricultural and horticultural services
- d. Churches and cemeteries
- e. Those permitted uses in neighborhood B-1 zoning district
- f. Post offices
- g. An accessory building and accessory use which is not part of the principle building. Including barns, sheds, and other farm buildings.

#### **8.3.4 Conditional Uses**

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

- a. public or private sewerage disposal plants;
- b. public or private schools or colleges for academic instruction;

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- c. golf course;
- d. public parks, playgrounds, and community centers;
- e. public utility and railroad buildings;
- f. home occupations in compliance with Section 9.3;
- g. dock, private outdoor recreational activity such as fishing lakes, sportsman lakes, private clubs;
- h. manufactured home parks; and,
- i. Veterinarian clinics.

### **8.3.5 Prohibited Uses**

Any use not specifically listed in this section as permitted or conditional.

### **8.3.6 Exempt Uses**

Agricultural uses and buildings on parcels larger than 10 acres shall be exempt from these regulations so long as they are used exclusively for agricultural purposes, are not in the flood plain, and meet the front yard setbacks of these regulations.

### **8.3.7 RV District Table of Zoning Dimensions**

- a. Minimum lot size (with public sewer) – 22,000 square feet or one-half (½) acre
- b. Minimum lot size (septic system) – 43,560 square feet or one (1) acre.
- c. Minimum lot width at building line and front property line - 85 feet
- d. Front yard setback - 35 feet
- e. Side yard setback - 15 feet
- f. Rear yard setback - 25 feet
- g. Accessory structure setback side and rear - 10 feet
- h. Lot coverage percentage - structures and impervious areas - 30%
- i. Building height - 30 feet

## **8.4 Single Family Residential District R-1**

### **8.4.1 Purpose**

The purpose of the single family residential (R-1) zoning district is to permit the establishment of low density residential as the principle land use in the district. Related recreational, religious and educational facilities normally required providing the basic elements of a balanced, orderly, convenient and attractive residential area are also permitted. The permitted residential density shall not exceed 3.5 dwelling units per net acre developed.

### **8.4.2 Permitted Uses**

The following uses is permitted in any R-1 zoning district, subject to all the applicable development standards and requirements:

- a. Single family detached dwellings
- b. Site built or modular home
- c. Residential care facilities as defined in KRS chapter 100.982 through 100.984

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- d. Garage or other building not used as a dwelling; private swimming pools and other private recreational facilities.

### **8.4.3 Conditional Uses**

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

- a. Churches and other places of worship;
- b. parish houses and parsonage;
- c. libraries;
- d. public and private schools or colleges offering general or specialized education courses;
  
- e. childcare center, day care center, and nursery services;
- f. public parks and recreational facilities and community centers;
- g. personal care and nursing homes;
- h. hospitals for the care of humans;
- i. bed and breakfast as regulated under Section 9.6;
- j. home occupations in compliance with Section 9.3.;
- k. boarding house, provided no more than three (3) sleeping rooms as the maximum that shall be rented in any building

### **8.4.4 Prohibited Uses**

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

### **8.4.5 R-1 District Table of Zoning Dimensions**

- a. Minimum lot size (with public sewer) – 12,500 square feet
- b. Minimum lot size (with septic system) – 43560 square feet or one (1) acre.
- c. Minimum lot width at building line and front property line -100 feet
- d. Front yard setback - 25 feet
- e. Side yard setback - 15 feet
- f. Rear yard setback - 25 feet
- g. Accessory structure setback side and rear – 5 feet
- h. Lot coverage percentage structures and impervious areas - 40%
- i. Building height – 42 feet

### **8.4S Single Family Residential District R-1S**

#### **8.4.1S Purpose**

The purpose of the single family residential(R-1S) zoning district to permit the establishment of medium density residential as the principle land use in the district. Related recreational, religious, and educational facilities normally required providing the basic elements of a balanced, orderly, convenient, and attractive residential area also permitted. The permitted residential density shall not exceed 5.5 dwelling units per acre developed. This district is essentially the same as the R-1district but allows for a smaller more economical lot size.

#### **8.4.2S Permitted Uses**

## **Simpson County Zoning Regulations**

The following uses are permitted in any R-1S zoning district, subject to all the applicable development standards and requirements:

- a. Single family detached dwellings
- b. Site built or modular home
- c. Residential care facilities as defined in KRS Chapter 100.982 through 100.984
- d. Garage or other building not used as a dwelling; private swimming pools and other private recreational facilities.

### **8.4.3S Conditional Uses**

The following uses are conditional uses in R-1 and R-1S district, and require the written approval of the Board of Adjustment:

- a. Churches and other places of worship;
- b. parish houses and parsonage;
- c. libraries;
- d. public and private schools or colleges offering general or specialized education courses;
- e. child care center, day care center, and nursery services;
- f. public parks and recreational facilities and community centers;
- g. personal care and nursing homes;
- h. hospitals for the care of humans;
- i. bed and breakfast as regulated under Section 9.6;
- j. home occupations in compliance with Section 9.3.;
- k. boarding house, provided no more than three (3) sleeping rooms as the maximum that shall be rented in any building

### **8.4.4S Prohibited Uses**

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

### **8.4.5S R-1S District Table of Zoning Dimension**

**(This district is only available within city limits)**

- a. Minimum lot size (with public sewer) – 7,500 square feet
- b. Minimum lot size (with septic system) **(NOT AVAILABLE)**
- c. Minimum lot width at building line and front property line - 75 feet
- d. Front yard setback - 25 feet
- f. Side yard setback - 10 feet
- g. Rear yard setback - 25 feet
- h. Accessory structure setback side and rear – five (5) feet
- i. Lot coverage percentage structures and impervious areas - 40%
- j. Building height - 38 feet

## **8.5 Single Family And Two Family Residential District R-2**

### **8.5.1 Purpose**

The purpose of the single family and two family residential (R-2) zoning district is to provide for the establishment of a low density residential uses. The principal

## **Simpson County Zoning Regulations**

use of land in this district is for single family and two family uses. Related recreational, religious, and educational facilities normally required providing the basic elements of a balanced, orderly, convenient and attractive residential area are also permitted. The permitted residential developed density shall not exceed 6.0 dwelling units per acre developed.

### **8.5.2 Permitted Uses**

The following uses are permitted in any R-2 zoning district, subject to all the applicable development standards and requirements:

- a. Single family detached or semi-detached and two-family dwellings (duplexes), single structure or multiple structures per lot not to exceed the above mentioned density formula of 6.0 dwelling units per acre developed. However, in order to consider multiple structure configurations per lot, the developer must file and receive approval for a development plan under Article 13 of these regulations and maintain compliance with Sections 13.2.6 and 13.2.8 of these regulations to ensure the proposal is consistent with the character of the neighborhood and complies with Section 13.2.8. The developer must receive preliminary and final approvals by the Commission before any permits can be issued to construct the proposed development. Furthermore, development plan proposals submitted to the Commission must be consistent and/or comply with existing or proposed neighborhood restrictions or bylaws regarding types of construction. A copy of all such restrictions shall be submitted with the development plan proposal by the developer.
- b. Site built or modular home. Lots may be in condominium form of ownership.
- c. Residential care facilities as defined in KRS chapter 100.982 through 100.984.
- d. Garage or other building not used as a dwelling; private swimming pools and other private recreational facilities;

### **8.5.3 Conditional Uses**

The following uses are conditional uses in R-2 zoning district, and require the written approval of the Board of Adjustment:

- a. Churches and other places of worship;
- b. parish houses and parsonage;
- c. libraries;
- d. public and private schools or colleges offering general or specialized education courses;
- e. child care center, day care center, and nursery services;
- f. public parks and recreational facilities and community centers;
- g. personal care and nursing homes;
- h. hospitals for the care of humans;
- i. bed and breakfast as regulated under Section 9.6;
- j. home occupations in compliance with Section 9.3.;

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- k. boarding house, provided no more than three (3) sleeping rooms as the maximum that shall be rented in any building

### **8.5.4 Prohibited Uses**

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

### **8.5.5 R-2 District Table of Zoning Dimensions**

- a. Minimum lot size (with public sewer) – 7,500 square feet
- b. Minimum lot size (with septic system)–43,560 square feet or one acre.
- c. Minimum lot width at building line and front property line - 75 feet
- d. Front yard setback - 25 feet
- f. Side yard setback - 10 feet
- g. Rear yard setback - 25 feet
- h. Accessory structure setback side and rear – five (5) feet
- i. Lot coverage percentage structures and impervious areas - 40%
- j. Building height - 38 feet

### **8.5.6 R-2 Townhouse Dwelling Units**

- a. A duplex or multi-family building may be subdivided into separate lots provided that the original lot meets all current zoning requirements in regard to square footage, lot frontage, all setbacks for proposed building, etc. for the proposed multi-family building.
- b. The minimum lot frontage may be reduced to 18 feet per unit. The minimum building width shall be 18 feet. The property lines of each separate unit are to be located within the common walls of each unit.
- c. The minimum lot size shall be 1800 square feet per unit.
- d. The minimum side yard setback requirement is eliminated for all interior separate units.
- e. The minimum side yard setback is eliminated on the interior side of all outer units.
- f. The minimum side yard setback of the exterior wall of all outer unit shall be eight (8) feet.
- g. The front setback of each separate unit shall be 25 feet.
- h. The rear setback of each separate unit shall be 20 feet.
- i. There shall be a minimum of two (2) off street parking spaces provided for each separate unit. The driveways for the parking spaces of each unit shall be physically separated to adequately ensure the integrity of the separate driveways.
- j. No building shall exceed two (2) stories or 30 feet in height, unless each side yard is increased over the required minimum by five (5) feet for every (5) feet, or fraction thereof, of additional height over 30 feet, in no case shall the height exceed (50) feet.
- k. There shall be a minimum three (3) foot front to rear offset between all units.
- l. Not less than 180 square feet of total lot area for any townhouse units shall be devoted to private usable open space on each lot. Such open

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space shall be for the private use of the residents of each individual townhouse and shall be physically separated from other private open space or common space by planting, fences, or walls. The least dimension of the private open space shall be ten (10) feet.

- m. A preliminary plat of the proposed construction and subdivision shall be approved by the Planning and Zoning Commission prior to the issuance of a building permit or starting construction.
- n. The builder shall provide the building inspector with a set of plans prepared by a licensed architect which shows that all separation walls meet the current building code for the state of Kentucky at the time of obtaining a building permit.
- o. A final subdivision plat shall be presented to the Planning and Zoning Commission showing location of the building(s) and the subdivision of the buildings into separate lots after construction of the foundation and prior to framing construction to ensure property lines are located in the common and otherwise meet all requirements.
- p. If the dwellings are not served by sanitary sewer, the requirements of the R-1 district shall apply.

### **8.6 Single Family through Multi-Family Residential (Up To Four Dwelling Units per Building) District R-3**

#### **8.6.1 Purpose**

The purpose of the single family and multi-family residential R-3 zoning district is to provide for the establishment of a medium high density residential use. The residential uses range from single family to multi-family dwellings up containing more than four (4) dwelling units per lot. The type of residential buildings range from detached to attached and from townhouse to multi-family buildings. Related recreational, religious, and educational facilities normally required to provide the basic elements of a balanced, orderly, convenient, and attractive residential area are also permitted. The permitted residential density shall not exceed eight (8) dwelling units per net acre developed.

#### **8.6.2 Permitted Uses**

The following uses are permitted in any R-3 zoning district, subject to all the applicable development standards and requirements:

- a. Single family detached or semi-detached dwellings, whether site built or modular home;
- b. Two family dwellings or duplexes, and multi-family attached dwelling up to a maximum of four dwellings per building and lot and may be in condominium form of ownership; Multi-family dwellings may be townhouse, triplex, efficiency units, quadraplex, apartments, or other attached configuration. Multi-family land use developments may be proposed in a multiple building development configuration provided that a development plan has been approved by the Planning Commission (see Article 13).

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- c. Residential care facilities as defined in KRS chapter 100.982 through 100.984.
- d. Garage or other building not used as a dwelling; private swimming pools and other private recreational facilities;

### **8.6.3 Conditional Uses**

The following uses are conditional uses in R-3 district, and require the written approval of the Board of Adjustments:

- a. Churches and other places of worship;
- b. parish houses and parsonage;
- c. libraries;
- d. public and private schools or colleges offering general or specialized education courses;
- e. child care center, day care center, and nursery services;
- f. public parks and recreational facilities and community centers;
- g. personal care and nursing homes;
- h. hospitals for the care of humans;
- i. bed and breakfast as regulated under Section 9.6;
- j. home occupations in compliance with Section 9.3.;
- k. boarding house, provided no more than three (3) sleeping rooms as the maximum that shall be rented in any building

### **8.6.4 Prohibited Uses**

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

### **8.6.5 R-3 District Table of Zoning Dimensions**

(Allowance for up to four (4) dwelling units per acre.)

- a. Single Family Dwelling - Minimum lot size (with public sewer) – 7,500 square feet
- b. Duplex - Minimum lot size (with public sewer) – 10,000 square feet  
First three (3) units – 13,500 square feet plus 3,000 square feet for each additional unit
- c. Minimum lot size (with septic system) **(NOT AVAILABLE)**
- d. Minimum lot width at building line and front property line - 75 feet single family and duplex dwelling; 100 feet for multi-family dwelling
- e. Front yard setback – 25 feet
- f. Side yard setback – 10 feet for single family and duplex; 20 feet for multi-family
- g. Rear yard setback – 25 feet
- h. Accessory building setback front and rear – 5 (five) feet
- i. Lot coverage percentage for structures and impervious areas
  - i. 40 percent - single family and duplex
  - ii. 50 percent - multi-family
- j. Building height – 45 feet

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### **8.7 Multi-Family/High Density Residential District – R-4**

#### **8.7.1 Purpose**

The purpose of the R-4 zoning district is to provide for the establishment of a high density residential district. The principal use of land in this district is for higher density and more diverse residential uses with the minimum of four dwelling units per lot. The types of multi-family residential units may vary in configuration and number of units per building. Related recreational, religious, and educational facilities normally required providing the basic elements of a balanced, orderly, convenient and attractive residential area are also permitted. The permitted residential density shall not exceed sixteen (16) dwelling units per net acre.

#### **8.7.2 Permitted Uses**

The following uses are permitted in any R-4 zoning district, subject to all the applicable development standards and requirements:

- a. Single family, site built or modular;
- b. Two-family site built; or multi-family attached dwellings (apartments) when approved with a development plan (see section 8.7.6 and Article 13). Multi-family units may be in a townhouse, garden apartment, mid-rise, or multiple building development configurations and may be in condominium form of ownership provided there is a minimum of two dwelling units on the lot.
- c. Residential care facilities as defined in KRS chapter 100.982 through 100.984.
- d. Garage or other building not used as a dwelling; private swimming pools and other private recreational facilities.

#### **8.7.3 Conditional Uses**

The following uses are conditional uses in R-4 zoning district, and require the written approval of the Board of Adjustment:

- a. Churches and other places of worship;
- b. parish houses and parsonage;
- c. libraries;
- d. public and private schools or colleges offering general or specialized education courses;
- e. child care center, day care center, and nursery services;
- f. public parks and recreational facilities and community centers;
- g. personal care and nursing homes;
- h. hospitals for the care of humans;
- i. bed and breakfast as regulated under Section 9.6;
- j. home occupations in compliance with Section 9.3.;
- k. boarding house, provided no more than three (3) sleeping rooms as the maximum that shall be rented in any building

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### **8.7.4 Prohibited Uses**

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

### **8.7.5 Development Plan Required**

When a building containing multi-family dwelling units are proposed for a single building or more than one (1) principal building is proposed for a single lot, a development plan must be approved by the Planning Commission in accordance with Article 13. When more than one principal building is proposed for a single lot this development will be referred to as a multiple building development.

### **8.7.6 R-4 District Table of Zoning Dimensions**

Allowance for up to (16) Dwelling units per acre

- a. Minimum lot size (with public sewer)
  - i. Single family and duplex - 7,500 square feet
  - ii. Multi-family – 16,000 square feet
- b. Minimum lot width
  - i. Single family and duplex – 75 feet
  - ii. Multi-family – 100 feet
- c. Front yard setback – 25 feet
- d. Side yard setback – 20 feet
- e. Rear yard setback – 25 feet
- f. Accessory structure setback side and rear – 5 (five) feet
- g. Lot coverage percentage for structures and impervious areas
  - i. 40 percent - single family and duplex
  - ii. 50 percent - multi-family
- h. Building height – 45 feet

## **8.8 Manufactured Home Residential District – R-5**

### **8.8.1 Purpose**

The purpose of the manufactured home residential (R-5) zoning district is to provide for the establishment of residential areas containing manufactured home parks and subdivisions with a minimum of five (5) manufactured homes and one (1) acre in size. Related recreational, religious, and educational facilities normally required to provide the basic elements of a balanced, orderly, convenient, and attractive residential area are also permitted. The permitted

residential density shall not exceed twelve (12) manufactured home units per net acre developed.

### **8.8.2 Permitted Uses**

The following uses are permitted in any R-5 zoning district, subject to all the applicable development standards and requirements:

- a. Manufactured home parks and subdivisions provided no less than five (5) single family detached manufactured homes spaces in the case of a manufactured home park and five (5) lots in the case of a

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manufactured home subdivision and five (5) acres are initially developed.

- b. Residential care facilities as defined in KRS chapter 100.982 through 100.984.
- c. Accessory buildings and uses shall be permitted as customarily incidental to the principal and conditional uses.
- d. Garage or other building not used as a dwelling; swimming pools and other private recreational facilities; laundry facilities; office for onsite property management; maintenance building.

**8.8.3 Conditional Permitted Uses** The following uses are conditional uses in the R-5 zoning district, and require the written approval of the Board of Adjustment:

- a. Libraries;
- b. child care facility, day care center, and nursery services;
- c. public parks and recreational facilities;
- d. home occupations in compliance with section 9.3.
- e. Recreational Vehicle Parks in compliance with Article 13 and Section 9.9 of these regulations, and full compliance with KRS 219.310 through 219.410 including, but not limited to obtaining a permit through the Commonwealth of Kentucky.

### **8.8.4 Prohibited Uses**

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

### **8.8.5 R-5 District Table of Zone Dimensions Mobile Home Park and Mobile Home Subdivision**

- a. Minimum lot size – 5 (five) acres
- b. Minimum lot width – 100 feet
- c. Mobile Home Park front yard setback – 20 feet
- d. Mobile Home Subdivision front yard setback – 25 feet
- e. Mobile Home Park side yard setback – 8 (eight) feet
- f. Mobile Home Subdivision side yard setback – 20 feet
- g. Mobile Home Park rear yard setback – 20 feet
- h. Mobile Home Subdivision rear yard setback – 25 feet
- i. Accessory structure setback side and rear – 5 (five) feet
- j. Lot coverage percentage structures and impervious areas – 60 percent
- k. Building height – 30 feet

### **8.8.6 Standards for Development of Manufactured Home Park**

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- a. **Manufactured home space requirements:** individual spaces within a manufactured home park shall not be less than the minimum area requirement, see section 8.8.6, no more than one manufactured home shall be permitted on one manufactured home space.
- b. **Setback:**
  - a. No manufactured home or building shall be located closer to any public street than the minimum front yard setback. See section 8.7.7.b.
  - b. No manufactured home shall be located closer than twenty-five (25) feet to any building or internal street within the manufactured home park.
  - c. No manufactured home shall be located closer than twenty-five (25) feet to any exterior property line of the manufactured home park.
- c. **Frontage:** All trailer parks shall front on a public street for at least one hundred (100) feet.
- d. **Spacing:** No manufactured home shall be located within twenty-five (25) feet of another manufactured home except that a minimum end-to-end clearance of not less than twelve (12) feet shall be permitted, and in instances where the sides opposite the entrance of two manufactured homes face each other, the amount of space between the two manufactured homes may be reduced to no less than twenty (20) feet.
- e. **Internal Streets:**
  - i. Each manufactured home park shall have at least one street within the mobile park which gives access to a public street.
  - ii. All manufactured home spaces shall abut upon a street within the mobile park which gives access to a public street.
  - iii. All streets within the trailer park shall have a right-of-way of not less than twenty-five (25) feet and a pavement of not less than twenty (20) feet.
  - iv. The manufactured home street which provides access may not be located closer than one hundred (100) feet from another access street, nor may it be closer than one hundred twenty five (125) feet from an intersection of any public street.
  - v. All streets within the park shall be hard-surfaced and well lighted.
  - vi. No street rights-of-way within the manufactured home park shall be within three (3) feet of the property line.

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- vii. The owner of the mobile park shall maintain the streets within the manufactured home park.
- f. **Parking:** One (1) paved automobile parking space shall be provided on every manufactured home space, plus one fourth (1/4) parking space for each manufactured home space for visitor or common parking. The additional parking may be in a central location.
- g. **Utilities:** All manufactured home spaces shall be provided with public water, sewer and electrical facilities meeting the standards specified by the City of Franklin or Simpson County and state regulations, and each manufactured home shall be properly connected with said utilities.
- h. **Lighting:** All streets within a manufactured home park shall be lighted and meet the minimum standards of street lighting in the City of Franklin. This provision applies when the subdivision is located in the unincorporated area of Simpson County.
- i. **Drainage:** A drainage plan for the entire manufactured home park shall be filed with the development plan and shall be approved prior to development of any part of the manufactured home park. The drainage plan must meet the minimum standards of the City of Franklin or Simpson County and if developed, in phases all drainage facilities required to accommodate the individual phases shall be constructed at time of development of that phase.
- j. **Accessory building:** An accessory building, patio, and pad shall be located at least five (5) feet from any manufactured home space line. The maximum floor area shall be one hundred (100) square feet. The accessory building shall be built in compliance with the Kentucky building code.
- k. **Foundation:** All manufactured homes must have their wheels removed and placed on permanent foundations. The bottom of the manufactured home must not be more than four (4) feet above the ground at any point. A solid form of permanent skirting material shall be placed around each manufactured home.
- l. **Connecting buildings:** only porches, stairs, and other open buildings may be attached to a manufactured home, but must be easily removed. No building for human occupancy or for storage shall be built to the manufactured home.
- m. **Procedure:** before applying for a building permit for a manufactured home park, the owner of the property where the manufactured home park is proposed shall submit a development plan to the Planning Commission for its approval in accordance with Article 13.
- n. **House Numbers:** each manufactured home space shall be clearly marked with a manufactured home space number. The manufactured home space number shall be made of durable

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material and may be mounted either on the manufactured home or on a ground monument. The manufactured home space number shall be clearly visible from the manufactured home street.

- o. Insurance of building permit:** The Planning Commission may attach reasonable conditions to its approval of a development plan for a manufactured home park. The administrative officer may issue a building permit when the property owner has satisfied all development plan conditions and has presents a valid construction permit from the state department of health, divisional of environmental health, as required by KRS 219.150.
- p. Nonconforming manufactured homes and manufactured home parks:**

  - i.** All existing manufactured homes within Simpson County or the City of Franklin which have complied with all existing regulations at the time of passage of these zoning regulations shall be allowed to remain in their present location as long as the manufactured home is occupied by the present residents. Should the resident owner decide to replace his present manufactured home, the right to maintain a manufactured home other than specified in these regulations shall terminate. No manufactured home shall be permanently relocated on another lot unless it meets all requirements specified in these regulations.
  - ii.** Existing manufactured home parks legally operating at the time shall be required to maintain a manufactured home space size of three thousand five hundred (3,500) square feet per and comply with other provisions of these Zoning Regulations. Existing occupants will be allowed to remain in their present manufactured home, but as the occupants move out no new residents or new manufactured home will be permitted until the park meets the three thousand five hundred (3,500) square feet per manufactured home space size. No future manufactured home shall be permanently located outside of an approved park.

### **8.8.7 Standards for Development of a Manufactured Home Subdivision**

- a. Setback:**

  - i.** No manufactured home or building shall be located closer to any public street than the minimum front yard setback. See section 8.7.7.b.
  - ii.** No manufactured home shall be located closer than twenty-five (25) feet to any building or public street within the manufactured home subdivision.

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- iii. No manufactured home shall be located closer than twenty-five (25) feet to any exterior property line of the manufactured home subdivision.
- b. **Frontage:** All manufactured home subdivisions shall front on a public street for at least one hundred (100) feet.
- c. **Street:** All manufactured home lots shall abut on an internal street of the manufactured home subdivision. All streets in a manufactured home subdivision shall be constructed to the specifications of the subdivision regulations of Simpson County.
- d. **Street maintenance:** The City of Franklin of Simpson County shall take over the maintenance of these streets as prescribed by the subdivision regulations of Simpson County and KRS chapter 100.
- e. **Access to Public Street:** Each manufactured home subdivision shall have one (1) street which gives access to a public street. The manufactured home subdivision street which provides access may not be located closer than one hundred (100) feet from another access street nor may it be closer than one hundred twenty-five (125) feet from an intersection of any public street.
- f. **Lighting:** All streets within a manufactured home subdivision must be lighted and meet the minimum standards of street lighting in the City of Franklin. This provision applies when the subdivision is located in the unincorporated area of Simpson County.
- g. **Drainage:** A drainage plan for the entire manufactured home subdivision shall be filed with the development plan and shall be approved prior to development of any part of the manufactured home subdivision. The drainage plan must meet the minimum standards of the City of Franklin or Simpson County and if developed in phases all drainage facilities required to accommodate the individual phases shall be constructed at time of development.
- h. **Utilities:** All manufactured home spaces shall be provided with public water, sewer and electrical facilities meeting the standards specified City of Franklin or Simpson County and state regulations, and each manufactured home shall be properly connected with said utilities.
- i. **Accessory Building:** All accessory buildings, patios and pads shall be located at least five (5) feet from any lot line. The maximum floor area shall be one hundred (100) square feet. Accessory buildings shall be built in compliance with the Kentucky building code.
- j. **Procedure:** Before applying for a building permit for a manufactured home subdivision, the owner of the property where the manufactured home subdivision is proposed shall submit a development plan to the Planning Commission for its approval in accordance with Article 13.

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- k. **House Numbers:** Each lot shall be clearly marked with a house number. The house number shall be made of durable material and may be mounted either on the manufactured home or on a ground monument. The house number shall be clearly visible from the street.
- l. **Issuance of Building Permit:** The Planning Commission may attach reasonable special conditions to its approval of a development plan for a manufactured home subdivision including, but not limited to requiring a Conditional Use Permit for the Recreational Vehicle Parks. The administrative officer may issue a building permit when the property owner has satisfied all development plan conditions in accordance with the procedure outlined in Article 13 and Section 9.9 of these regulations.

### **8.9 Central Business District – B-1**

#### **8.9.1 Purpose**

The purpose of the central business district is to accommodate and encourage further expansion and renewal of the traditional and central business core of Franklin. A variety of business, institutional, public, quasi-public, cultural, residential and other related uses are encouraged in an effort to provide the mix of activities necessary to maintain the traditional nature of the central business core of Franklin.

#### **8.9.2 Permitted Uses**

- a. **Retail sales:** Stores which deal in retail sales exclusively; restaurants; and places of amusement.
- b. **Consumer and Personal Services:** Outlets which provide repair, grooming, business, information, financial or maintenance service for the consumer, either on the premises or at another location; self-service laundries; hotels and motels; and private gymnasiums.
- c. **Office buildings.**
- d. **Limited Manufacturing:** any retail business or retail service which includes the making of Articles to be sold at retail on the premises. Any such manufacturing or processing shall be incidental to a retail business or service and not more than five (5) persons shall be employed in such manufacturing.
- e. **Residential:** ~~residential dwellings as permitted in R-4 zoning districts. (See section 8.7.2).~~ Residential apartment dwelling units may not be less than five hundred (500) square feet in living space per apartment dwelling units. Further, there shall be no more than twenty (20) apartments dwelling units per building in the b-1 zoning district, and all buildings containing apartment dwelling units shall be equipped with an approved fire suppression and monitoring system. Multi-family land use developments may be proposed in a multiple

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building development configuration provided that a development plan has been approved by the Planning Commission (see Article 13). **Provided, however, that the residential uses permitted in a**

**B-1 (Central Business District) Zone are specifically subject to and/or limited by the provisions of any and all other ordinances adopted by the City of Franklin, Kentucky including, but not limited to ordinances relating to the permitted uses of buildings located in the Downtown Historic District.** (Amended 4/2/2019)

- f. Retail sales, consumer and personal services or office land uses may be proposed in a multiple building development configuration provided that a development plan containing the proposed land uses have been approved by the Planning Commission (see section 8.9.6).
- g. Any accessory use or building customarily and incidental to permitted principle or conditional uses may be permitted.

### **8.9.3 Conditional Permitted Uses**

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

- a. Churches and other places of worship, and parish houses;
- b. Schools;
- c. Day care centers and nurseries;
- d. Funeral home;
- e. Hospital or medical, dental, or mental health clinic;
- f. Philanthropic institutions and clubs.

### **8.9.4 Prohibited Uses**

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

### **8.9.5 Development Plan Required**

When a building containing multi-family dwelling units or a multiple building development is proposed including commercially use structures, a development plan must be approved by the Planning Commission in accordance with Article 13.

### **8.9.6 B-1 District Table of Zoning Dimensions**

Must be on public sewer only.

- a. Minimum lot size – 7,500 square feet
- b. Minimum lot width at building line and front property line – 40 feet
- c. Front yard setback – 0 feet
- d. Side yard setback – 0 feet
- e. Rear yard setback – 0 feet
- f. Lot coverage percentage for structures and impervious areas - no limitations
- g. Accessory structure **(Not Allowed)**
- h. Building height - 45 feet

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**(Any Residential use in the B1 District Reference R-4 Zone Dimensions.)**

### **8.9.7 Off street parking, loading, and unloading area requirements.**

**(See Article 6.)**

### **8.9.8 Sign Requirements**

**(See Article 5.)**

### **8.9.9 Landscaped Buffer Requirements**

A permanent landscaped buffer of evergreen plant material or a solid wall or fence of other suitable enclosure of a minimum height of six (6) feet shall be required on all rear and side yards of B-1 zoning district that that abuts a residential district. Landscaped area shall be properly maintained at all times.

## **8.10 General Business District, B-2**

### **8.10.1 Purpose**

The purpose of the general business (B-2) zoning district is to serve the adjoining neighboring residential areas and to provide selected retail and service uses that may serve the entire community but not those retail and service uses intended to serve the regional retail service area of Franklin. These districts are located adjacent to the B-1 zoning district and in selected residential neighborhoods, on highways leading from the B-1 zoning district.

### **8.10.2 Permitted Uses**

The following uses are permitted in any B-2 zoning district, subject to all the applicable development standards and requirements of these Zoning Regulations:

- a.** Retail sales: Retail establishments which deal in retail sales, restaurants; drive-in restaurants and places of amusement.
- b.** Consumer and personal services: Service establishments which provide repair, grooming, business, financial or maintenance service for the consumer, either on the premises or at another location; self-service laundries, hotels and motels, and private gymnasiums.
- c.** Office and professional uses and buildings.
- d.** Limited manufacturing: Any retail business or retail service which includes the making of Articles to be sold at retail on the premises. Any such manufacturing or processing shall be incidental to a retail business or service and not more than five (5) persons shall be employed in such manufacturing.
- e.** Residential: Residential dwellings as permitted in residential R-4 zoning district (see section 8.6.2). Multi-family land use developments may be proposed in a multiple building development

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configurations provided that a development plan has been approved by the Planning Commission (see section 8.10.6).

- f. Any accessory use or building customarily and incidental to permitted principle or conditional uses may be permitted.

Retail sales, consumer and personal services or office and professional land uses may be proposed in a multiple building development configuration provided that a development plan containing the proposed land uses have been approved by the Planning Commission (see section 8.10.6).

### **8.10.3 Conditional Uses**

The following uses are conditional uses in B-2 zoning district and require written approval of the Board of Adjustment:

Churches and other places of worship, and parish houses; schools; day care centers and nurseries; funeral homes; intermediate care facilities; skilled nursing facilities; nursing homes; personal care, hospital, or medical, dental or mental health clinic; and philanthropic institutions and clubs, microbreweries. Breweries or distilleries of alcoholic beverages, provided, however, alcohol storage above ground on the premises shall not exceed the maximum amount as set forth in the Kentucky Building Code, as proscribed by the State Fire Marshall's office, or as provided in any federal, state or local law or regulation; philanthropic institutions and clubs; garages, service stations, new and used car sales, farm implement sales, drive-in restaurants, drive-in theaters, building supply dealer and other uses which in the opinion of the board of zoning adjustment would not be detrimental to the development of the general business district shall be allowed as conditional uses in the general business district.

### **8.10.4 Prohibited Uses**

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

### **8.10.5 Development Plan Required**

When a building which contains multi-family dwelling units, a multiple building development including commercially use structures, or a new development or conversion is proposed a development plan must be approved by the Planning Commission in accordance with Article 13.

### **8.10.6 B-2 District Table of Zoning Dimensions**

Must be on public sewer only.

- a. Minimum lot size – 7,500 square feet
- b. Minimum lot width at building line and front property line – 75 feet
- c. Front yard setback – 30 feet
- d. Side yard setback – 12 feet
- e. Rear yard setback – 20 feet
- f. Accessory structure setback side and rear – 10 feet

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- g.** Lot coverage percentage of structures and impervious areas.
  - i. Single family and duplex – 40 percent
  - ii. Multi-family – 50 percent
  - iii. All other residential – 30 percent
- h.** Building height- 45ft.

**(Any and all residential use in B-2 Reference R-4 Zone Dimensions)**

### **8.10.7 Outside Storage Prohibited**

There shall be no outdoor storage of merchandise or materials and no outdoor processing in the business B-2 zoning district unless authorized as a conditional use.

### **8.10.8 Landscaped Buffer Requirements**

A permanent landscape buffer of evergreen plant material or a solid wall or fence of other suitable enclosure of a minimum height of six (6) feet shall be required on all rear and side yards of b-2 district land that abuts a residential district. Landscaped area shall be properly maintained at all times.

## **8.11 Neighborhood Business District, B-3**

### **8.11.1 Purpose**

The purpose of the neighborhood business (**B-3**) district is to serve the adjoining neighboring residential areas with limited retail and service uses but not those retail and service uses intended to serve the entire community or regional retail service area of Franklin. These districts are located adjacent to, but not in a residential neighborhood, in defined nodes that have direct access to a highway. Neighborhood business districts should never draw through traffic into a residential neighborhood.

### **8.11.2 Permitted Uses**

The following uses are permitted in the B-3 district, subject to all the applicable development standards and requirements of these Zoning Regulations:

- a.** Grocery, self-service laundries, drug stores, meat or fruit markets, barber or beauty shops, shoe repair shops, laundry or dry cleaning establishments where no laundering or cleaning is to be done on the premises, restaurants which do not provide window or car service.
- b.** Residential uses: Residential dwellings as permitted in residential R-4 zoning district (see section 8.6.2); residential care facilities as defined in KRS chapter 100.982 through 100.984; multi-family land use developments may be proposed in a multiple building development configuration provided that a development plan has been approved by the Planning Commission (see Article 13).

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- c. Any use set out in 8.11.2.a or 8.11.2.b above may be proposed in a multiple building development configuration provided that a development plan containing the proposed land uses have been approved by the Planning Commission (see section 8.11.14 and Article 13).
- d. Any accessory use or building customarily and incidental to permitted principle or conditional uses may be permitted.

### **8.11.3 Conditional Uses**

The following uses are conditional uses in a B-3 zoning district and require written approval of the Board of Adjustment:

Day care centers and nurseries; philanthropic institutions and clubs, (except which carry on a business).

### **8.11.4 Prohibited Uses**

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

### **8.11.5 B-3. District Table of Zoning Dimensions**

- a. Minimum lot size – 7,500 square feet (with public sewer)
- b. Minimum lot size – two (2) acres (with septic system)
- c. Minimum lot width at building line and front property line – 60 feet
- d. Front yard setback – 30 feet within City limits; 50 feet outside City limits
- e. Side yard setback – 12 feet
- f. Rear yard setback – 20 feet
- g. Accessory structure setback side and rear – 10 feet
  
- h. Lot coverage percentage of structures and impervious areas
  - i. Single Family and Duplex – 40 percent
  - ii. All other non-residential – 80 percent
  - iii. Building height – 42 feet

### **8.11.6 Outside Storage Prohibited**

There shall be no outdoor storage or merchandise or materials and no outdoor processing in the neighborhood business B-3 zoning district.

### **8.11.7 Sign Requirements – See Article 5**

### **8.11.8 Off Street Parking, Loading and Unloading Area Requirements – See Article 6**

### **8.11.9 Landscaped Buffer Requirements**

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A permanent landscaped buffer of evergreen plant material or a solid wall or fence of other suitable enclosure of a minimum height of six (6) feet shall be required on all rear and side yards of neighborhood business, B-3, zoning district land that abuts a residential district. Landscaped area shall be properly maintained at all times.

### **8.11.10 Development Plan Approval Required**

Each new development or conversion within the business B-3 zoning district or when a building contains multi-family dwelling units or a multiple building development including commercially use structures, shall submit a development plan to the Planning

Commission. The development plan shall be approved in accordance with Article 13.

## **8.12 Highway Business District, B-4**

### **8.12.1 Purpose**

The purpose of the highway business, B-4 district is to encourage the establishment of commercial areas that can accommodate motor vehicle oriented customers. This district is specifically designed to service the motoring public and will be located along the major highways of Simpson County.

### **8.12.2 Permitted Uses**

The following uses are permitted in any B-4 district, subject to all the applicable development standards and requirements:

- a. Retail sales: stores which deal in retail sales exclusively; restaurants; drive-in restaurants; and places of amusement.
- b. Consumer and personal services: outlets which provide repair, grooming, business, financial or maintenance service for the consumer, either on the premises or at another location; self-service laundries; hotels and motels; and private gymnasiums.
- c. Office and professional uses.
- d. Limited manufacturing: any retail business or retail service which includes the making of Articles to be sold at retail on the premises. Any such manufacturing or processing shall be incidental to a retail business or service and not more than five (5) persons shall be employed in such manufacturing.
- e. Funeral homes and cemeteries; intermediate care facilities; skilled nursing facilities; nursing homes; personal care home; hospitals and medical, dental, or mental health clinics.

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- f. Residential: residential dwellings as permitted in the R-4 zoning district. (See section 8.7.2). Multi-family land use developments may be proposed in a multiple building development configuration provided that a development plan has been approved by the Planning Commission (see Article 13).
- g. Shopping centers when a development plan has been approved in accordance with Article 13.
- h. Retail sales, consumer and personal services, office and professional, hospital or medical, dental or mental health clinic land uses may be proposed in a multiple building development configuration provided that a development plan containing the proposed land uses have been approved by the Planning Commission (see section 8.12.7 and Article 13).
- i. Any accessory building or use customarily incidental to the permitted uses are permitted.

### **8.12.3 Conditional Uses**

The following uses are conditional uses in a B-4 district and require written approval of the Board of Adjustments:

Churches and other places of worship, parish houses; child care facility, day care center and nurseries; public parks and commercial recreational facilities; schools; and philanthropic institutions and clubs; microbreweries, breweries or distilleries of alcoholic beverages, provided, however, alcohol storage above ground on the premises shall not exceed the maximum amount as set forth in the Kentucky Building Code, as proscribed by the State Fire Marshalls office, or as provide in any federal, state or local law or regulation.

### **8.12.4 Required Conditions**

- a. Screening: where a commercial lot adjoins a residential lot, a well maintained compact hedge, a solid fence, or similar solid screening device at least six (6) feet in height shall be installed to screen the business use from the adjoining lot in the residential district. The screen shall begin at the front building line and extend along the common side lot line to the rear lot line.
- b. Refuse facilities are permitted to be located outside a building provided it is completely screened from view of public streets and adjoining non-industrial zoned properties. These refuse facilities shall be screened on all sides except one by masonry walls or solid wood fencing not less than the height of the bin or container. One side shall be equipped with an opaque gate. Gates must have tie back to secure in open position.

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### **8.12.5 Prohibited Uses**

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

### **8.12.6 Development Plan Required**

When a building containing multi-family dwelling units are proposed or a multiple building development is proposed including commercially use structures, a development plan must be approved by the Planning Commission in accordance with Article 13.

### **8.12.7 B-4 District Table of Zoning Dimensions**

(Must be on public sewer)

- a. Minimum lot size Residential - (Reference to R-4 District of zone dimensions)
- b. Minimum lot size all other uses - 10,000 square feet
- c. Minimum lot width at building line and property line -100 feet
- d. Front yard setback – 50 feet
- e. Side yard setback – 15 feet
- f. Rear yard setback – 15 feet
- g. Accessory Structure setback side and rear – 10 feet
- h. Lot coverage percentage structures and impervious areas
  - i. Non-residential – 60 percent
  - ii. Residential - Reference to R-4 District zone dimensions
- i. Building height – 75 feet

## **8.13 Interstate Interchange Business District, B-5**

### **8.13.1 Purpose**

The purpose of the interstate interchange business, B-5 zoning district is to provide highway oriented services at interstate highway interchanges, while avoiding traffic conflicts and incompatible land use mixtures often associated with this type of commercial development. The regulations for this district are intended to encourage development compatible with surrounding districts, with suitable landscaping and parking areas. The district is intended primarily for automobile and other vehicular service establishments, transient sleeping accommodations, and eating and drinking establishments.

### **8.13.2 Permitted Uses**

The following uses are permitted in the interstate interchange business, B-5, zoning district, subject to all the applicable development standards and requirements:

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Gasoline service stations and truck stops; camping grounds; motor hotels and motels; truck terminals; gift shops, souvenir shops, and curio shops; restaurants, drive-in restaurants, and cafes; shopping centers; mini-warehouses; truck rental and trailer rental; recreation equipment sales and service; other compatible and appropriate commercial uses, if included within an overall plan of development within which most of the activity is of the uses listed above; outdoor advertising signs as regulated in Article 5. Any accessory building or use customarily incidental to the permitted uses are permitted.

### **8.13.3 Conditional Uses**

The following uses are conditional uses in a B-5 district and require written approval of the board of adjustment churches and other places of worship, parish houses; day care centers, and nurseries; public parks and commercial recreational facilities.

### **8.13.4 Required Conditions**

- a. Screening: where a commercial lot adjoins a residential district, a well maintained compact hedge, a solid fence, or similar solid screening device at least six (6) feet in height shall be installed to screen the business use from the adjoining lot in the residential district. The screen shall begin at the front building line and extend along the common side lot line to the rear property line.
- b. Refuse facilities are permitted to be located outside a building provided it is completely screened from view of public streets and adjoining non-industrial zoned properties. These refuse facilities shall be screened on all sides except one by masonry walls or solid wood fencing not less than the height of the bin or container. One side shall be equipped with an opaque gate. Gates must have tie backs to secure in open position.
- c. Outside storage is not permitted, unless required by law.

### **8.13.5 Prohibited Use and Building**

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

### **8.13.6 Development Plan Required**

When building a multi-family dwelling unit, a multiple building development, or a new development or conversion is proposed, a development plan must be approved by the Planning Commission in accordance with Article 13.

### **8.13.7 B-5 District Table of Zoning Dimension**

(Must be on public sewer.)

- a. Minimum lot size – two (2) acres
- b. Minimum lot width at building line and front property line -100 feet

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- c. Front yard setback – 100 feet
- d. Side yard setback – 15 feet
- e. Rear yard setback – 15 feet
- f. Accessory structure setback side and rear – ten (10) feet
- g. Lot coverage percentage for structures and impervious areas – 50 percent
- h. Building height – 75 feet

### **8.13.8 Landscaped Buffer Requirements**

A permanent landscaped buffer of evergreen plant material or a solid wall or fence of other suitable enclosure of a minimum height of six (6) feet shall be required on all rear and side yards of interstate interchange business, B-3 zoning district land that abuts a residential or agricultural zoning district. Landscaped area shall be properly maintained at all times.

## **8.14 Office and Professional District O-P**

### **8.14.1 Purpose**

The purpose of the office and professional district is to encourage the establishment of groupings of professional, laboratory, executive, administrative, accounting, and similar uses. The district is designed to act as a buffer between other more intense nonresidential uses and high density residential districts.

### **8.14.2 Principal Uses**

The following uses are permitted in any O-P district, subject to all the applicable development standards and requirements: Permitted uses for this district are: diagnostic clinics and medical, dental, or mental health clinics; architectural, engineering, realtor, management, insurance, accounting and financial institutions; single family dwellings; medical offices for treatment by physicians, dentists, and other licensed practitioners; museums; art galleries; libraries; and allied or similar uses to include the sale at retail of consumer items such as drugs, medical supplies or appliances, office equipment and supplies. Any accessory building or use customarily incidental to permitted or conditional uses may be permitted.

### **8.14.3 Conditional Uses**

The following uses are conditional uses in and O-P district and require written approval of the Board of Adjustment:

Hospitals; nursing homes and other facilities for the extended care of the sick and injured; churches and other places of worship; parks, recreational facilities and other public institutions; public and private schools offering a

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general education curriculum; philanthropic institutions and clubs.

### **8.14.4 Prohibited Uses and Building**

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

### **8.14.5 O-P District Table of Zoning Dimensions**

(Must be on public sewer)

- a. Minimum lot size – 7,500 square feet
- b. Minimum lot width at building line and front property line – 75 feet
- c. Front yard setback – 50 feet
- d. Side yard setback – 12 feet
- e. Rear yard setback – 25 feet
- f. Accessory structure setback side and rear – 10 feet
- g. Lot coverage percentage of structures and impervious areas - 40%
- h. Building height – 42 feet

### **8.14.6 Landscaped Buffer Requirements**

A permanent landscaped buffer of evergreen plant material or a solid wall or fence of other suitable enclosure of a minimum height of six (6) feet

shall be required on all rear and side yards of abutting a residential district. Landscaped area shall be properly maintained at all times.

### **8.14.7 Development Plan Approval Required**

New development or conversion within the O-P district shall submit a development plan to the Planning Commission. The development plan shall be approved in accordance with Article 13.

## **8.15 Light Industrial District, I-1**

### **8.15.1 Purpose**

The purpose of the light industrial I-1, zoning district is intended to provide areas in which the principal use of land is for light manufacturing and assembly plants, distribution, storage, warehousing and wholesale business establishments which are clean, quiet, and free of hazardous and objectionable elements such as noise, odor, dust, smoke, or glare; operate entirely within enclosed buildings and generate little industrial traffic. In addition to such activity, certain types of commercial sales and service establishments are deemed to be especially suited for location in the light industrial district.

### **8.15.2 Permitted Uses**

The following uses are permitted in any I-1 district, subject to all the applicable development standards and requirements:

- a. General manufacturing
- b. Sales, Construction and Service Establishments
- c. Warehousing and Storage
- d. Public warehousing and storage
- e. Mini-warehouses.

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- f. Planned Industrial Parks which have been approved by the Planning Commission under the development plan provisions of Article 13, or, Industrial Park land which is under the care and supervision of the Industrial Authority, and placed in the Industrial Park Overlay District.
- g. Adult oriented use(s) and/or sexually oriented business.
- h. Any accessory building or use customarily incidental to the above permitted or conditionally permitted use shall be permitted.
- i. Community residential facilities (added 4/2/2019)

### **8.15.3 Conditional Uses**

The following uses are conditional uses in and 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  
~~Community residential facilities~~ (removed 4/2/2019)
- 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 childcare facility.
- i. Solar Farms 10 acres or more as described in Article 9.8. (added 1/7/2020)

### **8.15.4 Required Conditions**

- a. On lots adjacent to a residential district, all buildings shall be located so as to provide a minimum side yard of fifty (50) feet on the side adjoining the residential property.
- b. Loading docks: where possible, loading docks should be located so as not to front on a public highway.
- c. Storage facilities: no materials or supplies shall be stored or permitted to remain on any part of the property outside of the buildings constructed thereon.
- d. Manufacturing, processing, service, and repair operations shall be conducted only within completely enclosed buildings.
- e. Screening: where a commercial lot adjoins a residential lot, a well maintained buffer at least six (6) feet in height shall be installed to screen the business use from the adjoining lot in the residential district. The screen shall begin at the front

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- building line and extend along the common side lot line to the rear property line.
- f. Refuse facilities are permitted to be located outside a building provided it is completely screened from view of public streets and adjoining non-industrial zoned properties. These refuse facilities shall be screened on all sides except one by masonry walls or solid wood fencing not less than the height of the bin or container. One side shall be equipped with an opaque gate. Gates must have tie backs to secure in open position.
  - g. Outside storage is not permitted.
  - h. Waste disposal: No waste material or refuse may be dumped upon, or be permitted to remain upon any part of an industrial site outside of the buildings erected thereon except as may be required for pretreatment of waste prior to its being discharged into the municipal sewage system. No property shall be used for industrial purposes unless the City agrees to accept its sewage, or the industry constructs its own approved facilities.
  - i. For adult oriented use(s) and/or sexually oriented businesses, any and all businesses shall comply with the provisions of Article 9, section 9.7 of these regulations

specifically including, but not limited to section 9.7.5 entitled "locational standards".

### **8.15.5 Prohibited Uses**

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

### **8.15.6 Development Plan Required**

When five or more acres of land are proposed for rezoning to I-1 or a multiple building development is proposed, a development plan must be approved by the Planning Commission in accordance with Article 13.

### **8.15.7 I-1. District Table of Zoning Dimensions**

- a. Minimum lot size (on public sewer) – one (1) acre
- b. Minimum lot size (on septic system) – two (2) acres
- c. Minimum lot width at building line and front property line – 100 feet
- d. Front yard setback – 50 feet
- e. Side yard setback – 25 feet
- f. Rear yard setback – 25 feet
- g. Accessory Structure setback side and rear – 25 feet
- h. Lot coverage percentage structures and impervious areas – 60 feet
- i. Building height – 45 feet

### **8.15.8 Landscaped Buffer Requirements**

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A permanent landscaped buffer of evergreen plant material or a solid wall or fence of other suitable enclosure of a minimum height of six (6) feet shall be required on all rear and side yards of the I-1 zoning district land that abuts a residential or agricultural zoning district. Landscaped area shall be properly maintained at all times.

### **8.16 Heavy Industrial District, I-2**

#### **8.16.1 Purpose**

The purpose of the heavy industrial (I-2) zoning district is to encourage the development of major manufacturing, processing, warehousing and other business establishments. These uses require extensive community facilities, and reasonable access to arterial highways. They may have extensive open space and service areas and may have associated with the use certain environmental factors that may extend beyond their property boundaries.

#### **8.16.2 Permitted Uses**

The following uses are permitted in the I-2 zoning district, subject to all the applicable development standards and requirements:

- a. Manufacturing
- b. Sales and Service Farms
- c. Service Establishments
  
- d. Warehousing and storage
- e. Public Warehousing and Storage
- f. Mini-Warehouse
- g. Planned industrial parks which have been approved by the Planning Commission under the development plan provisions of Article 13. Including industrial park land which is under the care and supervision of the local Industrial Authority and placed in the industrial park overlay district
- h. An accessory building and use, which are customarily incidental to the principle and conditional use shall be permitted. Garages and employee recreational facilities which may be located and conducted outdoors, except when lighted when adjacent to residential zoning districts.

#### **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

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- 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
- cc.** Solar farms 10 acres or more as described in Section 9.8 (added 1/7/2020)

### **B. Business services:**

- a.** Linen supply
- b.** Industrial laundries

### **C. Wholesale trade:**

- a.** Livestock auction markets and farm product raw materials

### **D. Mining and Quarrying:**

- a.** Crushed and broken stone, including riprap
- b.** Sand and gravel
- c.** Agricultural lime

### **E. Other Conditional Uses Include:**

- a.** Refuse dump;
- b.** Land fill
- c.** Scrap iron and salvage yards
- d.** Salvage car lots, see section 9.2 for standards for approval
- e.** Coal washing
- f.** Wrecking material yards

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- g. Employee recreational facilities which may be located and conducted out of doors and which have lighting
- h. Child care facilities when developed in conjunction with a planned industrial park or is exclusively for the benefit of employees of the manufacturing plant
- i. Two (2) more adjoining manufacturing plants may jointly operate a childcare facility

### **8.16.4 Required Conditions**

- a. Lots adjacent to a residential district: All buildings shall be located so as to provide a minimum side yard of one hundred (100) feet on the side adjoining the residential property;
- b. Loading docks: where possible, loading docks should be located so as not to front on a public street;
- c. Storage facilities: no materials or supplies shall be stored or permitted to remain on any part of the property outside of the buildings constructed thereon without proper screening and adequate distance from adjoining properties;
- d. Waste disposal: no waste material or refuse may be dumped upon, or be permitted to remain upon any part of an industrial site outside of the buildings erected thereon except as may be required for pretreatment of waste prior to its being discharged into the municipal sewage system. No property shall be used for industrial purposes unless the City agrees to accept its sewage, or the industry constructs its own approved facilities.

### **8.16.5 Prohibited Uses**

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

### **8.16.6 Development Plan Required**

When five (5) or more acres are proposed for rezoning to I-2 or a multiple building development is proposed, a development plan must be approved by the Planning Commission in accordance with Article 13.

### **8.16.7 I-2. District Table of Zone Dimensions**

(Must be on public sewer only)

- a. Minimum lot size – Two (2) Acres
- b. Minimum lot width – 100 feet
- c. Front yard setback – 100 feet
- d. Side yard setback – 50 feet
- e. Rear yard setback – 50 feet
- f. Accessory structure setback side and rear – 25 feet
- g. Lot coverage percentage-building and impervious areas – 60 percent
- h. Building height – no limit

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### **8.16.8 Landscaped Buffer Requirements**

A permanent landscaped buffer of evergreen plant material or a solid wall or fence of other suitable enclosure of a minimum height of six (6) feet shall be required on all rear and side yards of I-2 zoning district land that abuts a residential or agricultural district. Landscaped area shall be properly maintained at all times.

## **8.17 Conservancy District**

### **8.17.1 Purpose**

The purpose of the conservancy district is to protect the public health and reduce the financial burdens imposed on the community, its governmental units and its individuals, that may result from improper use of land which because of certain natural and/or man-made features is not suitable to extensive development. Areas subject to frequent or periodic flood and overflows, unstable soil conditions, underground caverns, and other conditions that are deemed by the Planning Commission to be detrimental to the public welfare. Upon proof that such conditions do not exist, or that corrective measures can be taken to correct such conditions, the land in question may be rezoned.

### **8.17.2 Land to Which Flood Hazard Designation Applies**

All lands determined to be: subject to periodic flooding within the 100 year flood level; impacted by storm drainage; or which contain an opening into the subterranean water channel, shall be subject to these regulations.

The originally designated areas shall include those areas shown on either flood insurance studies for the City of Franklin or for Simpson County as prepared by

the federal emergency management administration (FEMA), the flood hazard boundary maps (FHBM) and flood insurance rate maps (FIRM), latest editions.

Other lands within the City of Franklin and Simpson County which are subsequently designated as being subject to the 100 year frequency flood or impacted by storm drainage or which contain an opening into the subterranean water channel by the Planning Commission or the City of Franklin or Simpson County Fiscal Court shall be added to the conservancy district.

### **8.17.3 Criteria for Determining Area of Conservancy District**

The criteria for determining the areas of within the conservancy district shall be drainage calculations prepared by a registered Kentucky professional engineer using the 100 year frequency flood and a recognized national drainage formula, such as Denver method, SCS method, and rational method.

### **8.17.4 Warning and Disclaimer of Liability**

The degree of flood protection required by these regulations is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This Article does not warrant, directly or indirectly, that areas outside

## **Simpson County Zoning Regulations**

the conservancy district will be free from flooding or flood damage. This Article shall not create liability on the part of the City of Franklin or Simpson County for any flood damages that result from reliance on this Article or any administrative decision lawfully made there under.

### **8.17.5 Maintenance of Property**

This Article does not obligate the City of Franklin or Simpson County or any agency any assumption of maintenance of any area designated as conservancy district. Nor does it assume any maintenance obligation for storm drainage systems approved by the Planning Commission, the City of Franklin, or Simpson County.

### **8.17.6 Permitted Uses**

- a. Any use that does not require the erection of a building or buildings intended for year-round use or occupancy, fences accepted.
- b. Agricultural uses such as general farming outdoor plant; nurseries, truck farming, forestry, sod farming, horticulture, wild crop harvesting provided the use does not require the construction of a structure and that the use conforms to the location requirements set forth in the agricultural zoning district.
- c. Accessory uses, which are customarily incidental to the principal and conditional use, shall be permitted so long as there is no building structure associated with the accessory use. An accessory building is not permitted in the conservancy district.

### **8.17.7 Conditional Uses**

The following uses are conditional uses in the conservancy zoning district, and require the written approval of the Board of Adjustment:

Public and private recreational uses such as golf courses, driving ranges, picnic grounds, parks, fishing lakes, wild life and nature preserves, trap and skeet ranges, hunting and fishing areas, playgrounds, recreational areas, boat-launching ramps, hiking and horseback riding traces provided no building intended for regular occupancy is erected.

### **8.17.8 Prohibited Uses**

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

## **8.18 Industrial Authority/Industrial Park Overlay District**

### **8.18.1 Profile**

Land zoned light industrial or heavy industrial and under the guidance of the industrial authority should be submitted to the planning and zoning board for approval to be included into the industrial boards overlay district. It should be noted, that the review and approval of the plans within these overlay districts are the jurisdiction of the industrial authority and are subject to city ordinance regulation with regards to streets, sidewalks, curbs and gutters, utilities and storm water runoff.

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### **8.18.2 Purpose**

To allow the industrial authority to recruit with a level of confidentiality, promoting future economic growth for the community.

### **8.19 CO.(CONSERVANCY) District Table of Zoning Dimensions**

(No dimensions)

(No construction permitted in this zone)

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### **Article 9 Special Regulations**

The following uses are considered to have unique characteristics that warrant special regulation to govern their placement within the community.

#### **9.1 Multi-Family**

**9.1.1** Multi-family buildings shall be permitted on the Medium Density Multi-Family Residential (R-3), High Density Multi Residential (R-4), Central Business (B-1), General Business (B-2), Neighborhood Business District (B-3), and Highway Business District (B-4) zoning districts following the approval of a development plan by the Planning Commission. (See Article 13.)

#### **9.1.2 Area Density Requirements:**

A multi-family building shall have a minimum lot area as specified for the zoning district in which the multi-family building is to be located. The minimum required lot width at the building line shall be one hundred (100) feet. The minimum lot width requirement shall not apply in the central business district unless the Planning Commission deems these requirements necessary.

#### **9.1.3 Yard Requirements:**

- a. Minimum front yard setback: 25 feet.
- b. Minimum rear yard setback from rear property line: 25 feet.
- c. Minimum side yard setback from side property line: 15 feet.
- d. These requirements shall not apply in the central business district unless the Planning Commission deems these requirements necessary.
- e. Corner lots shall meet the applicable requirements of section 7.8.2.

#### **9.1.4 Lot Coverage**

The combined area occupied by all buildings shall not exceed fifty percent (50%) of the total lot area, except in the central business district.

#### **9.1.5 Off-Street Parking**

Off-street parking may be provided in communal parking garages or areas. All required parking shall be located on the same site as the multi-family building. All parking areas shall be hard-surfaced concrete or asphalt and shall meet the parking standards of section 6.8.

#### **9.1.6 Procedure**

The prospective developer, before attempting to obtain a building permit or beginning any construction, shall prepare a plan showing the lot dimensions and bearings of the parcel intended to be developed, the location with respect to the City; the intended general layout or design and improvements to be installed on the land, the total number of dwelling units in the project, the number of dwelling

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units in each building, and the number of structures. The proposal shall then be presented to the Planning Commission for its approval.

Before approving the intended development plan, the Planning Commission may make conditional requirements pertaining to landscaping, screening, road requirements, open space or any other similar items. These requirements shall be made a part of the plan before approval is given to the plan. Once approval is received, a building permit can be issued.

### **9.2 Salvage Yards**

Salvage yards are a conditional use. They are permitted in industrial zoning districts only. All salvage yards shall comply with the following regulations.

- 9.2.1** All salvage yards must be completely screened from the surrounding property with said screening being not less than eight (8) feet in height. The planning commission shall be required to approve the type of screening used.
- 9.2.2** No salvage items shall be left outside of the screened area for more than twenty-four (24) hours.
- 9.2.3** Any salvage yard located closer than two thousand (2,000) feet from a center line of any public road and must comply with KRS 177.905 through 177.990. The administrative officer shall ensure that all salvage yards comply with city and state regulations.
- 9.2.4** No salvage yard shall be within one thousand (1,000) feet of any residential zoning district.
- 9.2.5** The Board of Adjustment shall have the power to determine if a parcel is being used for salvage yard operation or not. An occupational license, sign, words, or written agreements shall not be evidence alone as to whether a parcel of land is being used for a salvage yard.

### **9.3 Home Occupations**

The provisions of this section shall govern the conduct, establishment and maintenance of a home occupation in the RV, R-1, R1-S, R-2, R-3 and R-4 districts. Home occupational permits are granted to a specific person for a specific location and are not transferable. In general, a home occupation will be so located and conducted that the average neighbor, under normal circumstances, would not be aware of its existence other than for a sign as permitted elsewhere in these regulations. The standards for home occupations in this section are intended to ensure compatibility with other permitted uses and with the residential character of the neighborhood. No home occupation shall be established unless and until a permit is issued by the Board of Adjustment, in accordance with the provisions of these regulations:

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### **9.3.1 The Following Types of Activity May Be Considered For A Home Occupation Permit:**

An office in the residence of a physician, dentist, lawyer, engineer, architect, realtor, insurance agent; the studio of an artist; a teacher of music (limited to two pupils at a time), making of handicraft, dressmaking, laundering, and beauty and barber shops and other occupations in the opinion of the staff of the commission that are similar in nature to above type of activities.

### **9.3.2 Conditions of Conduct That Must Be Met**

Home occupations may be conducted within a dwelling subject to compliance with all of the following conditions:

- a. One person other than members of the applicant's immediate family residing on the premises may be engaged/employed in such home occupation.
- b. The home occupation shall be clearly incidental and subordinate to the use of the building as a residence.
- c. The dwelling unit where the home occupation is to be carried out shall be the principal residence of the applicant.
- d. No more than one (1) home occupation shall be carried on in or on the same premises nor shall an individual be granted more than one home occupation permit simultaneously.
- e. The home occupations can be conducted within the dwelling unit or within a detached garage of which the applicant is the owner or occupant. The location of where the home occupation is conducted will be determined at time of approval of application. Regardless of where conducted, the home occupation may not utilize more than twenty five (25) percent of the area of one floor of the principal dwelling in which it is located. In the case of the detached structure home occupation use, the entire structure may be utilized.
- f. There shall be no change in the outside appearance of the dwelling or accessory building, nor shall the residence be altered or structural features changed in a manner which would not customarily found in a residential dwelling or accessory building associated with a dwelling of the neighborhood where the residence or accessory building is located.
- g. There is no external storage or display of material, containers, finished products, equipment, or associated trucks or commercial vehicles.
- h. No more than one commercially licensed vehicle on the premises related to the home occupation.
- i. There shall be no change in the outside appearance of the dwelling or premises, or other visible evidence of the conduct of such home occupation.
- j. Retail sales on the premises shall be incidental to the home occupation and are limited to only the goods or services produced by the home occupation.

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- k. Two (2) parking spaces shall be provided for the proper conduct of the home occupation off the street and other than in a required front yard.
- l. No equipment or process shall be used in the home occupation which creates noise, vibration, glare, fumes, odors, or electrical interferences, outside the dwelling unit. In the case of electrical interferences, no equipment or process shall be used which creates visual or audible interference in any television or radio receivers off the premises, or cause fluctuations in line voltage off the premises.

### **9.3.3 Findings Necessary for Granting a Home Occupation**

Before a home occupation is granted, the Board of Adjustment must find:

- a. That the applicant has or can fully comply with the standards of conduct of a home occupation.
- b. That the granting of the home occupation will not alter the basic character of the vicinity where the home occupation will be conducted.
- 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.

### **9.3.4 Application for Home Occupation and Notice Requirements**

An application for a home occupation 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 home occupation will be conducted.

### **9.3.5 Abatement – Revocation**

A home occupation permit may be revoked by the Board of Adjustment, following a public hearing, upon a determination that the occupation or use has been and is conducted so as to create one or more of the following conditions:

- a. A nuisance or other undesirable condition interfering with the public health, safety, morals, or general welfare of the neighborhood in which it is located.
- b. A violation of the provisions of these regulations or any other applicable law, ordinance, or violation of the conditions imposed at the time the home occupation permit was granted.
- c. The administrative official may initiate proceedings for the revocation of a home occupation 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:
  - i. Prepare a notice of revocation hearing. Such notice shall set forth precisely the grounds of revocation and

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shall be forwarded to the Board of Adjustment and to the holder of the home occupation.

- ii. Notice of revocation proceedings shall be given to the holder of the home occupation permit at least fourteen (14) days in advance of the hearing by U.S. Certified First Class 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 home occupation has the right to appear in person or be represented by an attorney and that the holder of the home occupation may be present and be heard and to evidence to refute the allegations of the administrative official.

### **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.

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- 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.

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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.

### **9.5 Bed and Breakfast Facilities**

Bed and breakfast facilities may be approved by the Board of Adjustment in the AG, RV, R-1, R-2, R-3, and R-4 zoning districts as a conditional permitted use provided that the following requirements are met:

- 9.5.1 Adequate off street parking shall be provided of each applicant, with at least one paved parking space for each authorized guest room. All plans for construction of new parking must accompany the application. If non- resident employees are anticipated, additional parking may be required.
- 9.5.2 Meals may be served to guests other than breakfast but may not be served to non-registered guests. Guests may not be permitted to prepare food within the facility.
- 9.5.3 No other commercial activities of any kind shall be conducted on the premises.
- 9.5.4 The number of guest rooms in a facility shall be limited by the Board of Adjustment by the size of the building and density of the neighborhood and in no event shall it exceed five (5) rooms and the number of guests in the facility at any one time shall not exceed fifteen (15) persons
- 9.5.5 The maximum length of stay of any guest, at any one time, shall be twenty-one (21) days.
- 9.5.6 Exterior modifications shall be allowed only if the facility would retain the look of a home and would not resemble a commercial establishment.

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- 9.5.7** The establishment shall pass periodic inspections by agencies that oversee such an establishment, and it shall be licensed by all proper agencies. These certifications shall be posted in a conspicuous location, with telephone numbers for emergency services posted near each telephone.
- 9.5.8** A resident manager shall live in the facility during all periods of operation.
- 9.5.9** Before an application can be approved, a signed consent form must be obtained from all adjoining property owners. The failure to obtain these consents shall automatically result in the disapproval of the application. A form for this consent shall be prepared by the administrative official for use in all applications. Written notification by first class mail shall be given to all property owners within one hundred fifty (150) feet from any boundary line of the proposed facility.
- 9.5.10** The approval of an application and issuance of a permit shall be a non-transferable, (personal right that shall not pass with the property to subsequent owners). The failure of the applicant to actively participate in the management of the facility or if the facility is operated so that it unduly interferes with the residential nature of the area shall be grounds for revocation of the permit.

### **9.6 Adult Oriented Uses**

#### **9.6.1 Purpose**

The purpose of this section is to establish appropriate requirements under which adult oriented uses and/or sexually oriented businesses may locate within the City of Franklin and Simpson County. It has been demonstrated statistically through verifiable studies in numerous communities that adult oriented uses and/or sexually oriented businesses have harmful secondary effects on the communities in which they locate, particularly when near residential or other areas in which residential, educational, religious and/or recreational uses are permitted.

#### **9.6.2 Findings upon Which This Ordinance Is Based**

The harmful secondary effect which adult oriented uses and/or sexually oriented businesses have on communities in which they locate include inappropriate exposure of children and teenagers to graphic sexual images, increased incidence in crime, diminished property values, discouragement of other types of commercial activities, discouragement of residential, education, religious and recreational uses, hereafter referred to as protected uses. The cumulative effect of the location of adult oriented uses and/or sexually oriented businesses, especially in concentration, is a change in the perceived community character and the diminishment of the quality of life or business for the other uses in the

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neighborhood in which the adult orient uses are located. Regulation of adult oriented uses is necessary to reduce the secondary harmful effects of these uses, including but not limited to, the decline of community health and safety and the blighting of surrounding neighborhoods and uses.

Regulation of adult oriented uses and sexually oriented businesses is also necessary for the integrity of residential areas, schools, churches, or other places of worship, libraries, child care centers, parks and playgrounds, all of which are areas in which minors congregate, a segment of the community particularly at risk when in proximity to adult oriented uses and sexually oriented businesses. Further, the findings of the City and County governments, in adopting adult business ordinances are incorporated by reference in the ordinance.

### **9.6.3 Exclusions from Operation of This Ordinance**

Excluded from this ordinance are activities which are not for the purpose of sexual stimulation or gratification, including but, not limited to the following: licensed massage therapist, as defined in this ordinance; other persons engaged in massage e.g. Sports massage administered by a team trainer; and artistic studios, photographic or otherwise, utilizing the nude body as a model.

### **9.6.4 Permitted Districts**

Adult oriented uses are permitted in I-1, light industrial districts, and subject to the general provisions of the Zoning Regulations of the City of Franklin and Simpson County, Kentucky.

### **9.6.5 Locational Standards**

- a. Distance from residential use: no lot occupied, or to be occupied, by an adult oriented use or sexually oriented business shall be located closer than a seven hundred fifty (750) feet radius of any residential zoning district.
- b. Distance from educational, religious and child related uses: no lot occupied, or to be occupied, by an adult oriented use or sexually oriented business shall be located closer than a seven hundred fifty (750) feet radius of any school, public or private, college, university, church or other place of worship, library, type 1 day care facility, or any public park or playground.
- c. Distance from rural village district: no lot occupied, or to be occupied, by an adult oriented use or sexually oriented business shall be located closer than a seven hundred fifty (750) feet radius of any rural village district.
- d. Distance from other adult orient use: no lot occupied, or to be occupied, by an adult orient use or sexually oriented business shall be located closer than a seven hundred fifty (750) feet radius of any other adult oriented use or sexually oriented business as defined above.
- e. Method of measurement of distances: the distances required by this section shall be measured from the closest property line occupied, or to be occupied, by an adult oriented use or sexually oriented business to the closest property line occupied by a protected use, zone district in which an adult oriented use or sexually oriented business is not or another adult oriented use or sexually oriented business.

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- f. Landscape requirements: all newly constructed or renovated structures that are used for, or proposed for use as, adult oriented uses or sexually oriented business shall meet all landscaping requirements set out

in the Zoning Regulations of the City of Franklin and Simpson County, Kentucky.

- g. Effect of establishment of protected use: the establishment of any protected use, zone district in which an adult oriented use or sexually oriented business is not permitted, or another adult oriented use or sexually oriented business, subsequent to the lawful commencement of an adult oriented use or sexually oriented business shall not render the adult oriented use or sexually oriented business non-conforming.
- h. Amortization of existing adult oriented uses or sexually oriented business: an existing adult oriented use or sexually oriented business established prior to the passage of this ordinance shall be deemed a non-conforming use for a period of two (2) years or for the remaining term of the adult oriented uses sexually oriented business lease which is in force at the time of the effective date of this ordinance, whichever occurs first. For the purpose of this provision, the term of the adult oriented uses or sexually oriented business lease shall not include extensions. At the expiration of the period established in this subsection, the existing adult-oriented use or sexually oriented business established prior to the passage of this ordinance shall comply with the requirements of the ordinance.
- i. Extension of time for the amortization of existing adult oriented uses or sexually oriented business: applications for an extension of the time for compliance established by section 9.7.5.h., above, may be granted for good cause shown and must be received by the office of the building inspector, with copy to the planning and zoning Commission office, not less than 90 days prior to the termination date. The application shall be heard by the Board of Adjustments.
- j. Miscellaneous adult dancing performance standards: any adult oriented establishment and/or sexually oriented business that features in whole or in part, adult dancing shall comply with the following requirements.
- i. No person shall display or expose specified anatomical areas.
  - ii. No person, except an employee, agent, servant or independent contractor in any adult dancing establishment, or similar type use described herein, shall simulate any form of specified sexual activity, except while positioned in or occupying an entertainment area defined as:

*“A platform or other similar structure raised not less than eighteen (18) inches above the immediately surrounding main floor area, encompassing an area of at least one hundred (100) square feet and position not less than ten (10) feet from any patron or spectator.”*

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- k. No person maintaining, managing, owning or operating an adult dancing establishment, or similar type use described herein, shall suffer, allow, or permit the construction, maintenance, or use of areas partitioned or screened from public view that are to be occupied, alone or together by any person or persons on the premises of such establishments for performances, private or otherwise, involving the display of or exhibition of specified anatomical areas or specified sexual activities or permit an

employee, agent, servant, or independent contractor to violate any provision of this ordinance.

- l. No person on the premises of an adult dancing establishment, or similar type use described herein, shall be permitted to use or be present in areas partitioned or screened from public view that are designed to be occupied, together or alone, by any person or persons on the premises of such establishment for the display of or exhibition of specified anatomical areas or specified sexual activities.
- m. Locational restriction on display or exposure of specified anatomical areas or simulation of specified sexual activities: No person shall display or expose specified anatomical areas or simulate specified sexual activities, except in accordance with all applicable laws, regulations and/or ordinances and while on the premises of an approved adult oriented use and/or sexually oriented business.
- n. Operating Hours: no adult-oriented use and/or sexually oriented business shall be open for business between the hours of 1:00 a.m. and 6:00 p.m. Further, no adult-oriented use and/or sexually oriented business shall be open on any Sunday.
- o. Prohibition of Physical Contact: while on the premises of an adult oriented use and/or sexually oriented business, no employee, agent, servant or independent contractor shall be permitted to have and physical contact with any other adult entertainment employee, other employee, patron or spectator while the employee, agent, servant or independent contractor is entertaining, dancing or otherwise involved in the display of or exhibition of specified anatomical areas or specified sexual activities.
- p. No act is authorized if not otherwise permitted by law: nothing in this ordinance pertaining to adult dancing establishments, adult oriented use(s) or similar type use, shall be construed to permit or authorize any act or activities that are prohibited by federal, state or local law. These sections are meant to be in addition to any acts or activities that are so prohibited.

### **9.7 Regulations for Cellular Antenna Towers and Cellular Telecommunications Services**

#### **9.7.1 Purpose**

The purpose of the cellular antenna tower application and procedures are: to provide for the safest and most efficient integration of cellular antenna towers for cellular telecommunications services or personal communications services within

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the community; to provide for such facilities in coordination with the recommendations of the comprehensive plan; and to allow for such facilities with the intention of furthering the public health, safety, and general welfare.

### **9.7.2 Applicability**

Every utility, or a company that is engaged in the business of providing the required infrastructure to a utility, that proposes to construct an antenna tower for cellular telecommunications services or personal

communications services shall submit a completed uniform application to the Planning Commission. The Planning Commission shall not regulate the placement of antennas or related equipment on an existing structure.

### **9.7.3 Pre-Application Conference**

Applicants are encouraged to notify the Planning Commission to discuss proposals, allow for early coordination and to identify those items which are in conformance/nonconformance with the comprehensive plan, zoning ordinance, and the provisions of these regulations.

### **9.7.4 General**

Cellular antenna towers for cellular telecommunications services or personal communications services may be allowed in any zone after Planning Commission review in accordance with the following procedures to ascertain agreement with the adopted comprehensive plan and the regulations contained within the zoning ordinance.

### **9.7.5 Application Requirements**

Applications for the construction of cellular antenna towers for cellular telecommunications services or personal communications services shall be submitted in accordance with the provisions of KRS100.9865.

### **9.7.6 Application Fee**

An applicant for the construction of cellular antenna towers for cellular telecommunications services or personal communications services shall pay an application fee in the amount of \$2,500 upon submission of a uniform application with \$2,500 being the maximum aggregate amount for application and any applicable building permit fees.

### **9.7.7 Processing Application Criteria** (amended 10/15/2019. Criteria moved to 9.7.9)

Applications for the construction of cellular antenna towers for cellular telecommunications services or personal communications services shall be processed as follows:

1. At least one (1) public hearing on the proposal shall be held, at which hearing interested parties and citizens shall have the

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opportunity to be heard. Notice of the time and place of such hearing shall be published at least once, in a newspaper of general circulation in the county, provided that one (1) publication occurs not less than seven (7) calendar days not more than twenty one (21) calendar days before the occurrence of such hearing.

2. Notice of the proposal shall be posted by the applicant and shall remain in a visible location on the proposed site until final disposition of application. Such notice shall consist of a written notice, of durable material at least two (2) feet by four (4) feet in size, stating that “[Name of applicant] proposed to construct a telecommunications tower on this site” and including the addresses and telephone numbers of the applicant and the planning commission:
3. Notice of the proposal shall be posted by the applicant and shall remain on the public road nearest the site until final disposition of the application. Such notice shall consist of a written notice, of durable material at least two (2) feet by four (4) feet in size, stating that “[Name of applicant] proposes to construct a telecommunications tower near this site” and including the addresses and telephone numbers of the applicant and the planning commission.
4. Notice of the hearing shall be given at least fourteen (14) days in advance of the hearing, by certified mail, return receipt requested, to the owner of every parcel of property within five hundred (500) feet of the proposed tower or property contiguous to the site upon which the tower is proposed to be constructed. Said notice shall include a map of the location of the proposed construction, the telephone number and address of the planning commission and shall inform the addressee of his or her right to participate in the planning commission’s proceedings on the application. Records maintained by the property valuation administrator may be relied upon conclusively to determine the identity and address of said owner. In the event such property is in condominium or cooperative forms of ownership, then the person notified by mail shall be the president or chairperson of the owner group which administers property commonly owned by the condominium or cooperative owners. A joint notice may be mailed to two or more co-owners of an adjoining property who are listed in the property valuation administrator’s records as having the same address.
5. Upon holding such hearing, the planning commission shall, within sixty (60) days commencing from the date that the application is received by the planning commission, or within a date specified in a written agreement between the planning commission and the applicant, make its final decision to approve or disapprove the uniform application. If the planning commission fails to issue a final decision within sixty (60) days, and if there is no written agreement between the planning commission and the utility to a specific date for the planning commission to issue a decision, it shall be presumed that the planning commission has approved the utility’s uniform application. In the event the application is filed in a timely manner where the planning commission’s regular scheduled monthly meeting will not accommodate a public hearing, the

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planning commission with request a written agreement between said commission and the applicant to extend the sixty (60) day deadline.

### **9.7.8 Design Standards Amendments** (amended 10/15/2019-Amendments moved to 9.7.10)

The applicant shall provide information demonstrating compliance with the following requirements. Where the planning commission finds that circumstances or conditions relating to the particular application are such that one or more of the requirements listed below are not necessary or desirable for the protection of surrounding property or the public health, safety, and general welfare, and that such special conditions or circumstances make one or more said requirements unreasonable, the planning commission, or its duly authorized representative, may modify or waive such requirement, either permanently or on a temporary basis. Any such modification or waiver shall be requested by the applicant, and the applicant shall submit a written justification for each requested modification or waiver.

1. All structures, except fences, shall be located a minimum distance from the property line or lease line of any adjoining property that is equal to one-half (1/2) the height of the tower, but not less than fifty (50) feet.
2. A cellular antenna tower, or alternative antenna tower structure, may be constructed to a maximum height of two hundred (200) feet regardless of the maximum height requirements listed in the specific zoning district. This also applies to any tower taller than fifteen (15) feet constructed on the top of another building or structure, with the height being the overall height of building/structure and tower together, measured from the grade to the highest point. The planning commission may allow antennas greater than two hundred (200) feet in height upon review of the applicant's justification that the additional height meets the criteria identified in Section 9.7.9.
3. The cellular antenna tower shall be constructed in compliance with the current ANSI/EIA/TIA 222-F standards and other applicable state standards.
4. Cellular antenna towers shall not be illuminated, except in accordance with other state or federal regulations.
5. The site shall be un-staffed. Personnel may periodically visit the site for maintenance, equipment modification or repairs. To accommodate such visits, ingress/egress shall only be from approved access points.
6. Woven wire or chain line (eighty (80) percent open) or solid fences made from wood or other materials (less than fifty (50) percent open) shall be used to enclose the site. Such fences shall not be less than six (6) feet in height or more than eight (8) feet in height. The use of barb wire or sharp pointed fences shall be prohibited. Such fence may be located within the front, side, or rear yard.
7. Screening shall be provided by evergreen trees, with a minimum height of six (6) feet, planted in a staggered pattern at a maximum distance of

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fifteen (15) feet on center. The screening shall be placed in an area between the property line, or lease line, and a ten (10) feet setback.

8. Any site to be purchased or leased for the installation of a cellular antenna tower, or alternative antenna tower, and ancillary facilities, shall be at least five thousand (5,000) square feet in area.
9. All new cellular antenna towers shall be designed and constructed to accommodate a minimum of three (3) service providers.
10. All option and site lease agreements shall not prohibit the possibility of co-location.

### **9.7.9 Criteria** (amended Title/Article Number Only 10/15/2019. Previously 9.7.7)

- a. Approval or disapproval of the proposal shall be based upon evaluation of the proposal's agreement with the comprehensive plan and Zoning Regulations.
- b. The Planning Commission may require the applicant to make a reasonable attempt to co-locate additional transmitting or related equipment. The Planning Commission may provide the location of existing cellular antenna towers on which the Commission deems the applicant can successfully co-locate its transmitting and related equipment. If the Planning Commission requires the applicant to attempt co-location, the applicant shall provide the Planning Commission with a statement indicating that the applicant has:
  - i. Successfully attempted to co-located on towers designed to host multiple wireless service providers' facilities or existing structures such as a telecommunications tower of another suitable structure capable of supporting the applicant's facilities, and that identifies the location of the tower or suitable structure on which the applicant will co-locate its transmission and related facilities.
  - ii. Unsuccessfully attempted to co-locate on towers designed to host multiple wireless service providers' facilities or existing structures such as a telecommunications tower or another suitable structure capable of supporting the applicant's facilities and that:
    - 1) Identifies the location of the towers or other structures on which the applicant attempted to co-locate; and,
    - 2) Lists the reasons why the co-location was unsuccessful in each instance.
    - 3) The Planning Commission may deny a uniform application to construct a cellular antenna tower based on an applicant's unwillingness to attempt to co-locate additional transmitting or related equipment on any new or existing towers or other structures.
    - 4) The Planning Commission shall not regulate the placement of a cellular antenna tower on the basis of the environmental effects of radio frequency missions to the extent that the proposed facility complies with the regulations of the Federal Communications Commission concerning radio frequency emissions.

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### **9.7.10 Amendments** (amended Title/Article Number Only 10/15/2019. Previously 9.7.8)

Any amendments to plans, except for minor adjustments as determined by the Planning Commission, or its duly authorized representative, shall be made in accordance with the procedure require by section 9.8.5, subject to the same limitations and requirements as those under which such plans were originally approved.

### **9.7.11 Preferred Deployment Strategies** (amended Title/Number Only10/15/2019. Previously 9.7.9)

Recommends that the joint City-County Planning Commission work cooperatively with the service providers of cellular telecommunications services or personal communications services and use the following list of recommended strategies when evaluating the sitting of service facilities:

Strategy 1: Service providers should be required to file an “annual plan” covering the applicant’s present telecommunications towers and co-location sites within Simpson County.

Strategy 2: Service providers should be required to co-locate or share towers/facilities with other providers in order to minimize the proliferation of towers/facilities.

Strategy 3: Wherever possible, service providers should be required to use existing structures or facilities that meet all the requirements of the proposed installation. For example, water towers, radio and television towers, tall buildings, commercial signs, etc., to minimize the proliferation of new towers/facilities.

Strategy 4: Wherever possible, sitting of such facilities should be required to be located in areas identified for industrial or commercial type uses.

Strategy 5: Ground level compounds such as equipment shelters, backup generators, etc. should be heavily screened from view.

Strategy 6: Towers should be camouflaged or designed in such a manner to blend into the surrounding area. For example, changes in topography of the land may be used effectively to separate such facilities from adjacent residential uses.

Strategy 7: To provide for proper separation, adequate setback should be provided based upon adjacent land uses and character of affected areas.

Strategy 8: The type of tower (e.g. Monopole, carillon, etc.) Should be evaluated based upon adjacent land uses and character of affected areas.

Strategy 9: When the facility is no longer required, the owner should remove it and the land restored to its natural state.

### **9.7.12 Confidentiality** (amended addition 10/15/2019)

From the time that a uniform application is received by the planning commission, all information contained in the application and any updates, **except for any map or other information that specifically identifies the proposed location of the cellular antenna tower** then being reviewed, shall be deemed confidential and proprietary within the meaning of KRS 61.878. The planning

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commission shall deny any public request for the inspection of this information, whether submitted under Kentucky's Open Records Act or otherwise, except when ordered to release the information by a court of competent jurisdiction, or when and to the extent that confidentiality is waived in writing by the applying utility.

### **9.8 Solar Farms 10 ACRES OR MORE** (amended addition 1/7/2020)

**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 of 10 acres or more to be permitted under CUP Application in an AG, I-1, & I-2 Zone District only.

**Setbacks:** 50 feet from any public road right-of-way  
250 feet from any abutting residential zoned properties, rural village districts, churches, cemetery, school, or nursing home.  
100 feet from any abutting internal or external AG zoned properties.

**Height requirements:** No structure may exceed the maximum height of 15 feet. However, under special circumstances in the developmental plan phase the planning commission may approve a waiver for up to a maximum 25 feet.

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

**Development plan required:** Yes

**Development plan requirements:** Must display 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 same property and principle structures on other properties that would 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 foot in height. A vegetative landscape buffer may be provided between the fence and the property line under the Planning 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 or adjacent roadway when it creates a nuisance or safety hazard for passing motorist.

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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 and restoration and 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 includes removing of solar panels, buildings, cabling, electrical components, and any other associated materials.
10. Property must be maintained to standards maintained within international property maintenance codes and local ordinances. (added 1/7/2020)

### **9.9 Recreational Vehicle Parks** (amended addition 11/16/2021)

- 9.9.1** Recreational Vehicle Parks may be approved by the Board of Adjustments with a Conditional Use Permit and only in R-5 Zoning Districts provided the following conditions are met and maintained:
- a. A development plan has been prepared for consideration and a preliminary and final approval from the Planning and Zoning Commission is obtained under Article 13 of these regulations:
  - b. An application for a Conditional Use Permit in an R-5 Zone has been obtained from the Board of Adjustments to operate a planned Recreational Vehicle Park for transient purposes as outlined in this section 9.9.1c. through 9.9.1g.
  - c. A permit is obtained from the Commonwealth of Kentucky as provided and required in KRS 219.310 through 219.410 and further providing evidence of the ability to comply with reasonable standards and regulations as prescribed in those statutes.
  - d. No Recreational Vehicle shall be used as an incidental or accessory structure to any residential or commercial use of property.
  - e. No Recreational Vehicle shall be used as a primary residential structure for over 60 days while parked in the permitted park. Furthermore, no Recreational Vehicle shall be used as a business or commercial structure.
  - f. No Recreational Vehicle Park conditional use application can be approved for no less than 10 spaces or 40% of the single park row of homes populated.
  - g. Recreational Vehicle Parks must comply with all requirements and standards of KRS 219.310 through 219.410. and continually maintain

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compliance with said statutes. Failure to do so will result in the revocation of the Conditional Use Permit issued by the Board of Adjustments.

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### **Article 10 Amendments**

#### **10.1 Amendments in General**

**10.1.1** Whenever, by public necessity, convenience, general welfare, or good zoning practices require, the City of Franklin Board of Commissioners or the Simpson County Fiscal Court may by ordinance, after receiving a recommendation thereon from the Planning Commission, and subject to procedures by law, amend, supplement, change or repeal these Zoning Regulations and boundaries or zoning district classification of property. Because of procedural requirements, amendments will be classified as either text amendments or zoning atlas map amendments.

**10.1.2** Amendments to the text of these Zoning Regulations shall be made in accordance with the provisions of this Article.

**10.1.3** Amendments to a zoning atlas map shall be made in accordance with the provisions of this Article.

**10.1.4** Nothing in this Article shall be construed or implied as requiring the Franklin Board of Commissioners or the Simpson County Fiscal Court to pass any amendment to these Zoning Regulations contingent on the adoption or amendment of such zoning regulation by the other legislative body.

#### **10.2 Initiation of Amendments**

**10.2.1** A proposal for amendment to text of these regulations may originate with the Planning Commission, Simpson County Fiscal Court or Franklin Board of Commissioners, or the Board of Adjustment. Regardless of the origin of the proposed text amendment, it shall be referred to the Planning Commission before adoption.

**10.2.2** A proposal for amendment to zoning atlas map may originate with the Planning Commission, Simpson County Fiscal Court or Franklin Board of Commissioners, or with an owner of the property in question. Regardless of the origin of the proposed zoning map amendment, it shall be referred to the Planning Commission before adoption.

#### **10.3 Pre-Application Conference**

- a.** Prior to formal application for amendment of the zoning atlas map, the applicant and their attorney, must hold a conference with the administrative official to discuss the application procedures. The pre-application conference shall also be utilized to inform the applicant or their attorney, whether or not a general development plan is required by these regulations and that a general development plan must be to be

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submitted concurrently with the zoning map amendment, and whether the Planning Commission will require a development plan, when such decision is at the discretion of the Planning Commission. When the Planning Commission determines that a development plan must be submitted it must be submitted concurrently with the application for of the zoning map amendment.

- b. At the time of the pre-application conference, the applicant and his attorney, must be prepared to discuss: the general nature of the development, including size and location of the property in question, the land uses proposed for the property; the general size of the development, or in the case of residential units, the number and type of dwelling units and the general location of these units; the capacity of the utilities serving the property shall be stated and how the property will have ingress and egress to the public road system.
- c. No application will be accepted for a public hearing prior to the pre-application conference being held and no pre-application conference may be scheduled for any day which is a filing deadline.

### **10.4 Compliance with These Zoning Regulations**

The administrative officer shall not accept any amendment for the zoning map amendment that does not comply with the minimum lot area, width, or frontage requirements for the zoning district where the amendment is proposed.

### **10.5 Public Hearing**

The Planning Commission shall hold at least one (1) public hearing, after notice as required by this Article and KRS Chapter 100, for any text or zoning map amendment.

### **10.6 Notice**

The Planning Commission shall hold its public hearing, after the following notice has been given:

#### **10.6.1 Text Amendment**

A Published notice of the public hearing is given in accordance with the provisions of KRS Chapter 424.

#### **10.6.2 Zoning Map Amendment**

- a. **Published Notice:** Published notice of the public hearing is given in accordance with the provisions of KRS chapter 424. This published notice shall also include the street address of the property in question. If a street address is not available or if it is not practicable to use addresses, due to the number of addresses involved, a geographic description sufficient to

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locate and identify the property may be used. In addition, the names of two (2) streets on either side of the property which intersect the street on which the property is located shall be given. When the property in question is located at the intersection of two (2) streets, the notice shall designate the intersection by name of both streets rather than name the two (2) streets on either side of the property.

- b. Sign Notice:** A sign complying with the KRS 100.212 shall be posted, conspicuously on the property with the classification of the proposed zoning amendment fourteen (14) days immediately prior to the hearing. It shall be the responsibility of the Planning Commission to see that the sign is placed on the property in question in a timely fashion. The posted sign shall state the following:

“Zoning District Change” and the proposed classification change in letters three (3) inches in height. The time, place and date of hearing shall be in letters at least one (1) inch in height. The sign shall state the telephone number and address of the Planning Commission.

- c. Mail Notice:** If the zoning map amendment is proposed by a property owner, the notice of the hearing shall be given at least fourteen (14) days in advance of the hearing, by First Class U.S. mail, to an owner of every parcel or property adjoining to the property, the classification of which is proposed to be changed. It shall be the duty of the person proposing the zoning map amendment to furnish to the Planning Commission the names and addresses of the owners of all adjoining property. Records maintained by the Property Valuation Administrator (PVA) may be relied upon conclusively to determine the identity and address of the owner. If the property is in condominium or cooperative forms of ownership, the person notified by mail shall be the president or chairperson of the owner group which administers property commonly owned by the condominium or cooperative owners. A joint notice may be mailed to two co-owners of an adjoining property who are listed in the PVA’s records as having the same address. If the property, the classification of which is proposed to be changed, adjoins property in a different planning unit, or property which is not part of any planning unit, notice of the hearing shall be given at least fourteen (14) days in advance of the hearing, by registered mail to certain public officials, as follows: **(a)** if the adjoining property is part of a planning unit, notice shall be given to that unit’s planning commission; or **(b)** if the adjoining property is not part of a planning unit, notice shall be given to the mayor of the City in which the property is located or, if the property is in an unincorporated area, notice shall be given to the judge/executive of the County in which the property is located.

If the zoning map amendment is proposed by the Planning Commission, the Simpson County Fiscal Court or the Franklin Board of Commissioners, the notice of the hearing shall be given at least thirty (30) days in advance of the hearing by First Class mail, to an owner of every parcel of property adjoining

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the property, the classification of which is proposed to be changes. It shall be the duty of the Planning Commission, Fiscal Court or Board of Commissioners who is proposing the map amendment to furnish the names and addresses of the owners of all adjoining property to the Planning Commission. In all other respects the requirements for notice

shall be the same as for a property owner, including use of PVA records, and notice of adjoining jurisdictions.

### **10.7 Planning Commission Consideration and Action**

All proposed amendments to the text of these Zoning Regulations or to a zoning map shall be referred to the Planning Commission for study and recommendation. If a transcript of the minutes of the Planning Commission meeting is requested by a party, such transcript shall be provided to the Planning Commission and the transcript provided shall constitute the record of the Planning Commission. Any expense incurred by the Planning Commission directly related to producing the transcript shall be borne by the requesting party.

#### **10.7.1 Text Amendment**

- a. The Planning Commission shall at its public hearing study the need and justification for the proposed text amendment and shall make a recommendation as to the text of the amendment and whether the amendment shall be approved or disapproved and state in writing its reasons for its recommendation. If the amendment originated with the Simpson County Fiscal Court or the Franklin Board of Commissioners, the Planning Commission shall make its recommendation within sixty (60) days of the date of its receipt of the proposed amendment.
- b. In making its recommendation, the Planning Commission shall state that it either recommends the amendment by approved or that the amendment be disapproved. Further, the Planning Commission shall state the reasons for its recommendation. It shall take a majority of the entire Board of Commissioners of the City of Franklin or the Fiscal Court of Simpson County to adopt the proposed amendment.

#### **10.7.2 Zoning Atlas Map Amendment**

- a. The Planning Commission shall at its public hearing, study the need and justification for the proposed zoning map amendment, make findings of fact and a recommendation of approval or disapproved of the proposed map amendment to the Simpson County Fiscal Court or the Franklin Board of Commissioners, which ever has jurisdiction. The findings of fact and recommendations shall include a summary of the evidence and testimony presented by the proponents and opponents of the proposed amendment. A tie vote shall be subject to further consideration by the Planning Commission for a period not to exceed thirty (30) days, at the end of which if the tie has not been broken, the application shall be

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forwarded to the Simpson County Fiscal Court or Franklin Board of Commissioners without a recommendation of approval or disapproval.

- b.** Before any zoning atlas map amendment is granted, the Planning Commission and the Simpson County Fiscal Court or Franklin Board of Commissioners, which ever has jurisdiction over the property in question, must find that the map amendment is in agreement with the

community's adopted comprehensive plan, or, in the absence of such a finding, that one or more of the following apply and such finding shall be recorded in the minutes and records of the Planning Commission and the legislative body.

- i. That the original zoning classification given to the property was inappropriate or improper.
- ii. That there have been major changes of an economic, physical or social nature within the area involved which were not anticipated in the community's comprehensive plan and which have substantially altered the basic character of such area.
- iii. In the event that a Map amendment request is denied by either the Planning Commission or the legislative body, the map amendment decision shall become final subject to the provisions below, and the applicant shall not be permitted to withdraw an application for a map amendment after the decision is made for purposes of this section. Upon said denial by the Planning Commission, the Planning Commission shall not hear or accept a new application for a map amendment request which is similar for the same property for a period of two (2) years from the date of the public hearing in which the original request was made.

### **10.8 Simpson County Fiscal Court or Franklin Board of Commissioners Study and Action**

Before enacting any proposed amendments to the text of these Zoning Regulations or to a zoning map, the Simpson County Fiscal Court or Franklin Board of Commissioners shall consider the recommendation of the Planning Commission together with its written comments, findings of fact, and summary of the evidence presented at the public hearing.

#### **10.8.1 Text Amendment**

It shall take an affirmative vote of a majority of the entire Simpson County fiscal court or Franklin Board of Commissioners to adopt the proposed text amendment to these regulations.

#### **10.8.2 Zoning Map Amendment**

- a.** It shall take a majority of the quorum of Simpson County Fiscal Court or Franklin Board of Commissioners to adopt a zoning map

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- amendment when the Planning Commission forwards the application with a recommendation of approval of the zoning map amendment.
- b. It shall take the majority of the entire Simpson County Fiscal Court or Franklin Board of Commissioners to adopt a zoning map amendment, whenever the Planning Commission forwards the application to the Simpson County Fiscal Court or Franklin Board of Commissioners without a recommendation of approval or disapproval due to a tie vote.
  - c. It shall take a majority of the entire Simpson County Fiscal Court or Franklin City Commission to override the recommendation of the Planning Commission.
  - d. The Simpson County Fiscal Court or Franklin Board of Commissioners, whichever has jurisdiction over the zoning map amendment, shall take final action upon the proposed zoning map amendment within ninety (90) days of the date upon which the Planning Commission takes its final action upon such proposal.
  - e. Without regard to any other provision contained herein, if the Planning Commission denies a request for a zoning map amendment, the decision of the Planning Commission shall be deemed to be adopted by the Simpson Fiscal Court or Franklin Board of Commissioners, whichever body is appropriate under the circumstances, unless the Simpson Fiscal Court or Franklin Board of Commissioners files a notice with the Planning Commission within twenty-one (21) days after the decision or date of the decision of the Planning Commission that the Simpson Fiscal Court or Franklin Board of Commissioners shall decide the map amendment. If the notice from the Simpson Fiscal Court or Franklin Board of Commissioners is not received by the time provided, the decision of the Planning Commission shall become final.
  - f. Unless a majority of the entire Simpson County Fiscal Court or Franklin Board of Commissioners votes to override the Planning Commissioner's recommendation, such recommendation shall become final and effective and if a recommendation of approval was made by the Planning Commission, the ordinance of the Simpson County Fiscal Court or Franklin Board of Commissioners adopting the zoning map amendment shall be deemed to have passed by operation of law.

### **10.9 Certificate of Land Development**

A certificate of land development shall be filed with the County Clerk by the administrative official in accordance with the requirements of KRS 100.3681 through 100.3684.

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### **Article 11 Administrative Mechanisms and Enforcement**

#### **11.1 Appointment of Code Enforcement Officer**

The provisions of these regulations shall be administered and enforced by the Code Enforcement officer appointed by the Franklin Board Commissioners or the Simpson County Fiscal Court. The Code Enforcement officer may have the assistance of the Administrative Official or such other persons as the Planning Commission appoint in carrying out the duties assigned to them.

The Code Enforcement Officer shall have the power to make inspection or examinations of buildings and premises necessary to carry out his duties in the enforcement of these regulations. In the performance of his duties, the Code Enforcement officer, may enter upon any land and make surveys that do not cause damage or injury to private property. In addition to his/ her authority elsewhere in the City or County Code of Ordinances, the Code Enforcement Officer shall have the powers set forth in article 11.2.2, 11.2.4, and 11.2.5.

For purposes of this Article 11, Code Enforcement officer means Property Maintenance Code Enforcement Officer, Community Development Director, Building Inspector, Administrative Official, or other public law enforcement officer that has been given specific authority to issue a citation for violations of these regulations or other city or county ordinances.

#### **11.2 Powers and Duties of Administrative Official**

The Administrative Official shall be a person recommended for the position by the Planning Commission and appointed and approved by the Board of Commissioners of the City of Franklin and the Simpson Fiscal Court. The Zoning Administrative Official shall have the following powers and duties.

##### **11.2.1 Make and Keep Permanent Records**

To make and keep accurate records in a permanent file of all actions necessary and appropriate for the administration of these regulations. These records shall include, but not be limited to, the issuance of building permits, certificates of occupancy, inspection violations, stop orders, applications for hearing before the Planning Commission, and condemnations.

##### **11.2.2 Enforcement**

To enforce these regulations and take all necessary steps to remedy any found in violation of the provisions of these regulations.

##### **11.2.3 Collect Fees**

Collect any fees authorized by these regulations.

##### **11.2.4 Inspection of Buildings and Lands**

Make inspections of any building or land to determine if violations of these

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Zoning Regulations have been committed or exist.

### **11.2.5 Citations for Violations**

To issue civil citations for violations of these Zoning Regulations which the Code Enforcement Officer or Administrative Official has observed the provisions set forth in these regulations shall be in lieu of any penalties set forth in KRS Chapter 100, specifically, KRS 100.991. The procedure for citations issued by the Code Enforcement Officer or Administrative Official shall be provided in the City or County Code of Ordinances, depending on where the property is located.

### **11.3 Building Permits Relative to Zoning**

No building permit shall be issued by the building inspector except in conformity with the provisions of these regulations unless he has a written order from the Board of Adjustment in the form of an administrative review decision, a conditional use permit, or dimensional variance as provided under the provisions of Article 12.

### **11.4 Building Permits Required**

It shall be unlawful to begin the excavation for or the construction and erection of any structure until the building inspector has issued a building permit for such work. It shall be unlawful to begin moving, adding to, or structurally altering any structure, until the building inspector has issued a building permit for such work. No excavation, cut or fill of earth or debris, shall hereafter be undertaken, until the building inspector has issued a permit for such excavation, cut or fill. Excavation related to agricultural uses, for public utilities, and in an approved subdivision shall not require such permits.

### **11.5 Exceptions When Building Permits Not Required**

No building permit or certificate of occupancy shall be required in the following cases:

**11.5.1** Recurring maintenance work;

**11.5.2** Those buildings and uses exempted by these regulations; and,

**11.5.3** Installation of required improvements according to an approved subdivision plat.

### **11.6 Procedure for Obtaining Building Permit**

#### **11.6.1 Application**

The property owner or their designated representative may apply for a building permit. The administrative official may require that the application be filed on a form and in a manner approved by the Planning Commission. The application for a building permit shall be filed with the administrative

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official at the office of the Planning Commission. In applying to the administrative official for a building permit, the applicant shall submit a plan drawn to scale showing the dimensions of the lot to be built upon, the

outside dimensions of all buildings to be constructed or altered and all existing buildings, the use of buildings, yard depths, and any other information necessary for determining conformance with these regulations. The Simpson County health officer's certificate approving proposed water and sewerage facilities and a plumbing permit from the state plumbing inspectors must accompany the application.

### **11.6.2 Issuance**

If the proposed construction or alteration conforms with all applicable provisions of these Zoning Regulations and all other applicable ordinances, regulations and codes, the administrative officer shall issue a building permit authorizing such construction or alteration. If the proposed construction or alteration fails to conform, the administrative officer shall refuse to issue a building permit and shall deliver written notice to the applicant stating the reasons for the refusal. The administrative official shall act upon applications for building permits within two (2) weeks from the date of their submission. Provided, however, that the Administrative Official may issue a Stop Work Order on or suspend or revoke any building permit previously issued if the Administrative Official determines that the permittee is in violation of these regulations or any provisions of the applicable local government's Code of Ordinances. A Stop Work Order shall be in effect for a period of time not to exceed sixty (60) days so long as permittee remains in violation of the regulations or a local ordinance during that time. If the violation is remedied, the Administrative Official shall rescind the Stop Work Order. If the Stop Work Order is ineffective or if the Administrative Official deems the violation more serious in nature, the Administrative Official may suspend or revoke a building permit provided that he or she shall provide the reasons for the suspension or revocation, in writing, within ten (10) days of the effective date of said suspension or revocation. A permittee aggrieved by this provision shall file a request for appeal, in writing, with the Administrative Official or the Chairperson of the Planning Commission within ten (10) days of receipt of the written notice of suspension or revocation is not warranted. The Administrative Official or Chairperson shall schedule a hearing on the matter at a meeting of the Planning Commission to be held no later than thirty (30) days after receipt of the request for appeal.

### **11.6.3 Validity**

The issuance of a building permit by the administrative official shall not waive any provisions of these regulations.

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### **11.6.4 Duration**

A building permit shall become void (180 DAYS) from the date of issuance unless substantial progress has been made by that date on the construction or alteration authorized therein. A building permit may be renewed without fee upon review by the administrative officer before it becomes void.

### **11.7 Certificate of Occupancy**

It shall be unlawful to use or otherwise occupy any land, building, or other building or part thereof until the administrative officer shall have issued a certificate of occupancy.

### **11.8 Procedure for Obtaining a Certificate of Occupancy**

#### **11.8.1 Application**

The property owner or their designated representative may apply for a certificate of occupancy. The administrative official may require that the application be filed on a form and in a manner approved by the Planning Commission. The application for a certificate of occupancy shall be filed with the administrative official at the office of the Planning Commission.

#### **11.8.2 Time Limit For Conducting Final Inspection**

Within one (1) week of notification, by the owner of the property, that the land, structure, or part of the premises thereof is ready for occupancy or use, it shall be the duty of the administrative officer to make a final

inspection. Upon completion of the final inspection the administrative officer shall issue in writing either:

- a. A certificate of occupancy which states that the land, building or part thereof may be occupied. The certificate of occupation shall state that the proposed use thereof has been found to conform to the provisions of these regulations.
- b. A letter denying the certification of occupancy. In the event to administrative official denies the certificate of occupancy, the administrative official shall inform the owner of the property of the reason for denial.

### **11.9 Exceptions When Building Permits Not Required**

No certificate of occupancy shall be required for recurring maintenance work, or for the installation of required improvements according to an approved subdivision plat.

### **11.10 Temporary Certificates of Occupancy**

Upon the request of the holder of a building permit, a temporary certificate of occupancy shall be issued before the completion of the entire work covered by the

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permit provided that such portions shall be occupied safely prior to full completion of the structure without endangering life or public welfare. Any occupancy permitted to continue during the work shall be discontinued within 30 days after completion of the work unless a certificate of occupancy issued by the administrative official.

### **11.11 Certificate of Occupancy for Existing Use or Building**

Upon application from the owner or tenant, and upon inspection to determine the facts in the case, the administrative official shall issue a certificate of occupancy for any building, premises or use, certifying that the building, premises or use is in conformity with the provisions of these regulations or that a legal non-conformity exists as specified in the certificate.

### **11.12 Use and Building to Be As Provided In Building Permits, Development Plans, and Certificates of Occupancy**

Building permits or certificates of occupancy issued on the basis of plans and applications approved by the administrative official authorize only the use, arrangement and construction set forth in such permits, plans and certificates, and no other. The use, arrangement, or construction at variance with that authorized shall be deemed a violation of these regulations.

### **11.13 Complaints Regarding Violations**

Whenever a violation of these regulations occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the administrative official. The administrative official or Codes Enforcement Officer shall record properly such complaint, immediately investigate, and take action thereon as provided by these Zoning Regulations.

### **11.14 Penalties for Violations**

**11.14.1** Any person or entity that violates any of the provisions of these regulations for which no other penalty is provided, shall incur a civil fine no less than ten dollars (\$10) but no more than five hundred dollars (\$500) for each violation.

**11.14.2** Any person, owner, or agent who violates these regulations shall incur a civil fine no less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) for each lot or parcel which was the subject of sale or transfer, or a contract for sale or transfer.

**11.14.3** If no building permit has been issued and a builder begins or continues to build, a restraining order may be obtained upon application to the proper court. The record and evidence of the lack

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of a building permit shall establish a prima facie case for the issuance of the restraining order.

- 11.14.4** For all purposes under these regulations, in cases of a continuing violation, each day a violation occurs or is allowed to remain shall constitute a separate and distinct offense.
- 11.14.5** In addition to all sums set forth in this section for fines, the person found to have committed the violation and /or owner of the property shall be liable and/ or responsible for all abatement fees and/ or fees for remedying the violation.
- 11.14.6** Enforcement proceedings for these Regulations shall generally be initiated by the issuance of a notice of violation or a citation by a code official as set out in the procedures of these Regulations. Provided, however and in addition to all procedures as set out herein and other available injunctive remedies, the Code Enforcement Officer may also take immediate action to remedy a violation of these Regulations, including the issuance of a Stop Work Order, for construction under an active permit, detailed development plan or subdivision if work is not in compliance with the requirements of these Regulations. A Stop Work Order may remain in effect for as long as the condition exists which gave rise to the issuance of said Stop Work Order. Any person violating any portion of these Regulations shall also be subject to civil penalties as set out in Article 11 of the Regulations.
- 11.14.7** Any person causing a violation of the Regulations which requires the City or County to expend public funds for the response to the violation, its abatement or the cleanup or removal of any prohibited discharges, pollutants or hazardous materials shall be liable to the City or County, depending on the primary jurisdiction of the violation, for all recoverable costs incurred by the City or County for such response and/or cleanup and removal. These costs shall include but not limited to personnel costs of the Police Department, Fire Department, Public Works Department and other responding City or County departments, replacement costs of supplies and equipment contaminated as a result of the discharge, proper disposal of offending materials, cleanup, evacuation, administrative and all other expenses, including legal expenses incurred in recovering such costs. The City or County shall have a lien against the property for its recoverable costs required to be expended as set forth herein.

### **11.15 Appeals From Decisions Of Local Building And/Or Electrical Inspector**

- a.** Establishment of the Inspector Appeals Board: Pursuant to KRS 198B.070(3), any party to a decision by the local building or electrical inspector may appeal that decision to the local appeals board which shall be

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known as the "Inspector Appeals Board." This Board shall consist of five (5) members who are technically qualified and have professional experience related to the building industry.

- b. Membership on the Appeals Board, How Appointed, and Miscellaneous Provisions:** The Inspector Appeals Board members shall be chosen as follows;
- i.** Three (3) members shall be chosen by the County Judge Executive with approval from the Simpson Fiscal Court; and,
  - iii.** Two (2) members shall be chosen by the Mayor of the City of Franklin with approval from the Franklin City Commission.
  - iv.** Term of Office: The initial members appointed by the County Judge Executive shall serve a term of one (1), two (2), or three (3) years at the discretion of the County Judge Executive with the approval of the Simpson Fiscal Court. Likewise, the initial members appointed by the Mayor shall serve a term of one (1) or two (2) years at the discretion of the Mayor with the approval of the Franklin City Commission. After the initial term, all members shall serve for a term of three (3) years. Further, any member may be reappointed subject to the approval of the respective legislative body.
  - v.** Removal from Office: A board member may be removed from office by the legislative authority for misconduct, inefficiency, or willful neglect of duty. The legislative authority shall submit a written statement to the member and the legislative body setting forth the reasons for removal. The member so removed shall have the right of appeal to the Circuit Court.
  - vi.** Oath of Office: Members of the board shall, before entering upon the duties of their office, take the oath of office as prescribed by Section 228 of the Kentucky Constitution.
- (A) Time for Appeal and Hearing:** Upon receipt of an appeal from a qualified party, the Inspector Appeals Board shall convene a hearing to consider the appeal within fifteen (15) days of receipt. All parties to the appeal shall be notified of the time and place of the hearing by letter mailed certified mail no later than ten (10) days prior to the date of the hearing. The Building Inspector Appeals Board shall render a decision within five (5) working days after the hearing.
- (B) Results of Building Inspector Appeals Board Decisions and Appeals from the Board:** The Inspector Appeals Board may uphold, amend, or reverse the decision of the City/County building inspector. There is no appeal from the

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Building Inspector Appeals Board other than by appeal to the  
Commonwealth of Kentucky Board of Housing, Buildings, and Construction  
pursuant to KRS 198B.070.(added 5/5/2020)

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### **Article 12 Board of Adjustment**

#### **12.1 Powers and Duties**

The Board of Adjustment shall possess those powers and duties as established by KRS Chapter 100.217 through 100.271. More specifically, the Board of adjustment shall have the following powers and duties:

##### **12.1.1 General Powers**

- a. Issue subpoenas to compel witnesses to attend its meetings and give evidence bearing upon the questions before it.
- b. The chairperson shall have the power to administer oaths to witnesses prior to their testifying before the Board of Adjustment on any issue.
- c. The Board of Adjustment shall prescribe the procedures to be followed at its public hearings. No information offered at a hearing of the Board of Adjustment shall be excluded for failure to follow judicial rules of evidence.
- d. Members of the Board of Adjustment may visit a site pertinent to a public hearing prior to the final decision of the Board of Adjustment.
- e. All information allowed to be received shall constitute evidence upon which action may be based.

##### **12.1.2 Conditional Uses**

Hears and decide applications for conditional use permits.

##### **12.1.3 Variance**

Hears and decide on applications for variances.

#### **12.2 Administrative Procedures**

##### **12.2.1 Administrative Procedures Applicable To All Duties of the Board of Adjustment**

- a. All applications for decisions by the Board of Adjustment must be made in writing and submitted to the Board of Adjustment by filing a copy of the application and drawing with the administrative officer at the office of the Planning Commission.
- b. When required by these regulations, it shall be the duty of the applicant to furnish to the Board of Adjustment the name and address of those parties entitled to receive written notice of a public hearing before the Board of Adjustment. Records maintained by the property valuation administrator may be relied upon conclusively to determine the identity and address of said owner. In the event such property is in

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condominium or cooperative forms of ownership, then the person notified by mail shall be the president or chairperson of the owner group which administers property commonly owned by the condominium or cooperative owners.

- c. Notice of every public hearing shall be given in accordance with the requirements of KRS Chapter 424.
- d. When written notice of a public hearing is required, the written notice shall be by First Class mail. The Board of Adjustment's secretary or other officer as may be designated by the Board of Adjustment shall certify that the notice was mailed in accordance with the requirements of KRS Chapter 100 and these regulations.
- e. All interested parties may appear and shall be given an opportunity to be heard. The affected party may appear at the hearing in person or by attorney.
- f. The Planning Commission shall adopt a schedule of fees for all requests for appeals, interpretations, conditional use permits, and variances.
- g. All request for appeals granted, interpretations, conditional use permits approved, or variances granted by the Board of Adjustment shall be recorded, at the expense of the applicant, in the office of the Simpson County Clerk.
- h. A certificate of land use restriction of each request for interpretation, conditional use permit approved or variance approved by the Board of Adjustment shall be recorded in the office of the Simpson County court clerk in accordance with KRS Chapter 100.3681 through 100.3684. The cost of recording the certificate of land use restriction shall be at the expense of the applicant.

### **12.2.2 Filing Procedures for Conditional Use Permits**

- a. Applications for conditional use permits may be filed by any person having the legal authority to act in accordance with the permit. The request for a conditional use permit must be taken prior to commencing the specific land use requiring a conditional use permit.
- b. The application for a conditional use permit shall include the application form and a plan. The plan, drawn to scale, shall show as a minimum, the dimensions of the lot to be built upon, the outside dimensions of all existing buildings and all buildings to be constructed or altered. In addition, the use of buildings, yard depths, and any other information necessary in order to refer a decision on the conditional use permit.
- c. The Board of Adjustment shall give written notice to the applicant, the administrative official and an owner of every parcel of property adjoining

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the property to which the application applies. The notice shall contain the time, location, and date of the public hearing when the

conditional use permit will be heard. The written notice shall be given at least (14) days in advance of the public hearing.

- d. The Board of Adjustment shall hold a public hearing within thirty (30) days of the receipt of an application for conditional use permit. Within sixty (60) days of the date of the public hearing, the Board of Adjustment shall take final action on the request for interpretation.

### **12.2.3 Notice Requirements for Conditional Use Permits**

- a. The Board of Adjustment shall give written notice to the applicant, the landowner and owner of every parcel of land adjoining property to which the application applies, and the administrative official at least fourteen (14) days prior to the hearing.
- b. Posted sign: a sign, stating the proposed conditional use, the time, date and location of the public hearing shall be posted, conspicuously on the property for which the conditional use is provided, fourteen (14) days prior to the public hearing. The secretary of the board of adjustment or other person appointed by the Board of Adjustment shall post the sign.

### **12.2.4 Time Limit for Exercising Conditional Use Permits Following Approval**

In any case where a conditional use permit has not been exercised within the time limit set by the Board of Adjustment, or within one (1) year from its date of issuance, if no specific time limit has been set, the Board of Adjustment may reverse the approval of a conditional use permit. Such conditional use permit shall not revert to its original designation unless the Board of Adjustment has held a public hearing. Once there is a public hearing, the conditional use permit shall be revoked by the Board of Adjustment unless it determines that there are unusual circumstances that warrant the issuance of a new conditional use permit. The procedure for issuing the new conditional use will be the same manner as the original requested conditional use.

### **12.2.5 Conditional Use as a Permitted Use**

Once the Board of Adjustment has completed a conditional use permit and all of the conditions required are of such a type that they can be completely and permanently satisfied, the administrative official, upon request of the applicant, may, if the facts warrant, make a determination that the conditions have been satisfied, and enter the facts which indicate that the conditions have been satisfied and enter the conclusion in the margin of the copy of the conditional use permit which is on file with the Simpson County Clerk. Thereafter said use, if it continues to meet the other requirements of these Zoning Regulations will be treated as a permitted use.

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### **12.2.5 Special Notice Requirements for Appeals**

The Board of Adjustment shall give written notice to the appellant and the administrative official at least seven (7) days prior to the hearing.

### **12.2.6 For Appeals**

- a. When an appeal is filed, the administrative official shall forthwith transmit to the Board of Adjustment all the papers constituting the record relating to the action appealed from in a timely fashion prior to the hearing.
- b. The administrative official shall be treated as and be the respondent at the hearing before the Board of Adjustment.
- c. At the public hearing on the appeal held by the Board of Adjustment, any interested person may appear and enter his appearance, and all shall be given an opportunity to be heard.
- d. With respect to appeals, the Board of Adjustment may reverse or affirm in whole or in part, or may modify the order, requirement or decision or determination appealed from and shall make any order, requirement, decision or determination that in its opinion ought to be made in the case before it. Provided, however, that any appeals filed pursuant to this article 12 shall be only for matters relating to variances, conditional uses of property, or issuance or denial of issuance of building permits. All other violations of these regulations for which citations are issued shall be handled in accordance with Article 11 hereinabove. Further, a decision on appeal shall be made within sixty (60) days from the hearing date in accordance with KRS 100.263. The affected person shall appear in person or by attorney.

### **12.2.8 Filing Procedures for Variance**

- a. Applications for a variance will be accepted only from a property owner. The applicant for a variance shall bear the burden of showing in the application that sufficient specific facts exist which would permit the Board of Adjustment to grant the variance.
- b. The application for a variance shall include the application form and a drawing. The drawing, prepared to scale shall contain the following information as a minimum: the location of all existing buildings and property boundary lines, the location of the variance, the dimensions of the variance being requested, and any new or intended new buildings. The Board of Adjustment may require additional information from the applicant in order to complete its deliberations.

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- c. The Board of Adjustment shall give written notice to the applicant, the administrative official and an owner of every parcel of property adjoining the property to which the application applies. The notice shall contain the time, location, and date of the public hearing when the variance will be heard. The written notice shall be given at least fourteen (14) days in advance of the public hearing.
- d. The Board of Adjustment shall hold a public hearing within thirty (30) days of the receipt of an application for a variance. Within sixty (60)

days of date of the public hearing, the Board of Adjustments shall take final action on the request for interpretation.

### **12.2.9 Public Notice Requirements for Variances**

The Board of Adjustment shall give written notice to the applicant, the administrative official, and the owner of every parcel of property adjoining the property to which the application applies. Written notice shall be given at least fourteen (14) days in advance of the public hearing.

## **12.3 Hearings before the Board of Adjustments**

### **12.3.1 For Request for Conditional Use Permits**

- a. The Board of Adjustment shall have the power to hear and decide applications for conditional use permits to allow the proper integration into the community uses which are specifically named in these Zoning Regulations which may be suitable only in specific locations in the zoning district only if certain conditions are met.
- b. The Board of Adjustment may approve, modify, or deny any application for a conditional use permit. If it approves such permit, it may attach necessary conditions such as time limitations, requirements that one or more things be done before the request can be initiated, or conditions of a continuing nature. Any such conditions shall be recorded in the Board of Adjustment's minutes and on the conditional use permit, along with a reference to the specific section in these Zoning Regulations listing the conditional use under consideration.

**Granting of a conditional use permit does not exempt the applicant from complying with all the requirements of building, housing and other regulations.**

### **12.3.2 Revocation of Conditional Use Permit**

- a. The Board of Adjustment has the power to revoke a conditional use permit if the landowner for non-comply with the conditions thereto. Furthermore, the board shall have the right of action to compel offending buildings or uses removed at the cost of the violator and may have judgment in person for such cost.

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- b. Procedure: The administrative officer shall review all conditional use permits, except those for which all conditions have been permanently satisfied, at least once annually or more often if requested by the Board of Adjustment, to determine if the all conditions which were listed on the conditional use permit are being met.
- c. Power to inspect: The administrative officer shall have the power to inspect the land or building where the conditional use is located in order to ascertain that the landowner is complying with all the conditions which are listed on the conditional use permits.
- d. Report of violation: If the landowner is not complying with all the conditions listed on the conditional use permit, the administrative officer shall report the fact in writing to the chairperson of the Board of Adjustment. The report shall state specifically the manner in which the landowner is not complying with the conditions on the conditional use permit, and a copy of the report shall be furnished to the landowner at the same time that it is furnished to the chairperson of the Board of Adjustment.
- e. Public hearing: The Board of Adjustment shall hold a hearing on the report within thirty (30) days of receipt of the report, and notice of the time and place of the hearing shall be furnished to the landowner at least one (1) week prior to the hearing.
- f. Action of the Board of Adjustment: If the Board of Adjustment finds that the facts alleged in the report of the administrative officer are true and that the landowner has taken no steps to comply with them between that date of the report and the date of the hearing, the Board of Adjustment may authorize the administrative officer to revoke the conditional use permit and the Board of Adjustment shall take the necessary legal action to cause the termination of the activity on the land which the conditional use permit authorizes.

### **12.4 Request for Variance**

**12.4.1** The Board of Adjustment may approve or deny any application for a variance. In granting a variance, the Board of Adjustment may attach thereto such conditions regarding the location, character and other features of the proposed building, building or use as it may deem advisable in the furtherance of the purposes of these regulations.

#### **12.4.2 Findings Necessary To Grant A Variance**

Before any variance is granted, the Board of Adjustment must find that the granting of the variance will not:

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- a. Adversely affect the public health, safety, or welfare, will not alter;
- b. Alter the essential character of the general vicinity;
- c. Cause a hazard or a nuisance to the public;
- d. Allow an unreasonable circumvention of the requirements of these Zoning Regulations.

**In making these findings, the Board of Adjustment shall consider whether:**

- e. For a lot of record:
  - i. That the lot of record is of an unusual shape, smallness of size or other extraordinary physical conditions not of the making of the property owner or their predecessor in title.
  - ii. That the property owner is deprived of a reasonable capacity to use the land in a manner equivalent to the use permitted other landowners whose land is in the same zoning district classification.
  - iii. That the conditions which warrant a variance existed at the time these zoning regulations were adopted.
- f. For other variances (such as the height of a building on a conforming lot or the size of an open space):
  - i. The requested variance arises from special circumstance which do not generally apply to land in the general vicinity, or in the same zoning district classification;
  - ii. The strict application of the provisions of the Zoning Regulations would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant; and
  - iii. The circumstances are the result of actions of the applicant taken subsequent to the adoption of these Zoning Regulations.

### **12.4.3 Variances Which Are Prohibited**

**The Board of Adjustment shall not possess the power to:**

- a. Grant a variance to permit a use of any land, or building which is not permitted in the zone district where the property is located;
- b. Permit a use not authorized by these regulations;
- c. Alter the density requirements of the zoning district where the property is located;
- d. Permit the expansion of a nonconforming use.

### **12.4.4 Granting a Variance**

The approval granted by the Board of Adjustment must contain the following:

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- a. A listing of the specific conditions in detail which are unique to the applicant's land and do not exist on other land in the general vicinity or in the same zoning district.
- b. The manner in which the strict application of the provisions of these regulations would deprive the applicant of the reasonable use of the land in the manner equivalent to the use permitted other landowners in the same zoning district.
- c. That the unique conditions and circumstances are not the result of actions of the applicant taken after the adoption of these Zoning Regulations.
- d. Reasons that the variance will preserve and not harm the public safety and welfare and will not alter the essential character of the neighborhood.

### **12.4.5 Variance Runs With the Land**

A variance applies to the property for which it is granted, and not to the individual who applied for it. The variance runs with the land and is transferable to any future owner of the land but may not be transferred by the applicant to a different site.

### **12.4.6 Denied Conditional Use Application or Variance Request and/or Subsequent Appeal Request**

In the event that a conditional use permit request and or the subsequent appeal request or a variance request and or the subsequent appeal request is denied the Board of Adjustment shall not hear or accept a new application request which is similar for the same property for a period of two (2) years from the date from which the request and or appeal was denied.

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### **Article 13 Development/Site Plans**

#### **13.1 Purpose for Development Plans**

The purpose of this Article is to establish and define a development plan. A development plan is a review procedure whereby the Planning Commission affords the applicant the opportunity to:

Demonstrate to the Planning Commission the character and objectives of the proposed development;

There is sufficient capacity of community facilities and services to adequately provide for the proposed development and the proposed development will not adversely impact or over burden those services.

Demonstrate there will be no adverse impact on the character of the neighborhood.

Demonstrate there will be no adverse impact on the community.

Provide the Planning Commission adequate detail for it to evaluate the proposed development and determine what shall be binding on the use and development of the property.

The Article outlines the content and procedure for submission, review, and approval of all development plans required by these regulations and subdivision regulations.

#### **13.2 Where Required**

As a condition to the granting of any amendment to the zoning map, the Planning Commission shall require the submission of a conceptual development plan. Applications for any proposed zoning district amendment to the zoning map shall include a conceptual development plan in accordance with the provisions of this Article when proposed amendment is for:

**13.2.1** Residential zoning proposal of ten (10) acres or more;

**13.2.2** Industrial zoning proposal of five (5) acres or more;

**13.2.3** Multiple principal buildings for residential use are proposed in single ownership, on a single lot, or which contains commonly owner lands which are governed by a horizontal (condominium) property regime (KRS Chapter 381.805 through 381.910);

**13.2.4** Manufactured Home Park or subdivision and Conditional Use Permit for the proposed Recreational Vehicle Parks as outlined in Section 9.9.

**13.2.5** Multiple building developments are proposed;

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**13.2.6** Buildings containing multi-family residential dwelling units are proposed;

**13.2.7** All new commercial developments or conversions within a B-1, B-2, B-3, B-4, B-5, or OP zoning districts.

**13.2.8** When the Planning Commission requires a development plan to be filed in conjunction with any other request for a zoning district map amendment, the Planning Commission must find there exists issues associated with the application that could have an adverse impact the neighborhood where it is proposed to be located. These issues may include substantial flooding or drainage problems, need for public sanitary sewage, traffic, topographic, land use or buffering.

**13.2.9** Additionally, the Planning Commission may require a development plan be filed when it has determined there is a pattern of requests for zoning district amendments intended to avoid the filing of a development plan.

### **13.3 Development Plans for Land Within the Franklin-Simpson Industrial Authority**

Land within the planned Industrial Park Authority jurisdiction and which is subject to the Industrial Authorities Planning Covenants shall not require development plan approval by the Planning and Zoning Commission and are therefore subject to city ordinances and regulations regarding streets, utilities, and storm water runoff. At the time of the rezoning request by Industrial Authority for land intended for industrial park use, an overlay district shall be established to identify the property as land under the Industrial Board's Authority which is to be included in the Industrial Park system.

### **13.4 Relationship to Subdivision Regulations**

The relationships between development plans and the subdivision regulations are established as follows:

#### **13.4.1 Applicability of Subdivision Regulations**

Although development plans are not subdivision plats, quite often the development plan does indicate a need or intent to subdivide property. For any development plan, the design and improvement standards contained within the City of Franklin Subdivision Regulations shall be applied to proposals contained on the development plan and located in the corporate limits of the City. All residentially zoned subdivisions in the city limits shall be required to form and have a functional Homeowner's Association unless the Planning and Zoning Commission exempts the residential subdivision from the requirement of a Homeowner's Association for valid cause. The Homeowner's Association shall be formed in order to maintain all common

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areas of the subdivision including, but not limited to storm water structures, and for all other purposes as required by the City of Franklin Subdivision Regulations.

### **Article 14 Landscape and Land Use Buffers**

#### **14.1 Intent**

The intent of this Article is to improve the appearance of vehicular use areas and property abutting public rights-of-way; to require buffering between non-compatible land uses; and to protect, preserve, and promote the aesthetic appeal, character, and value of the surrounding neighborhoods; to promote public health and safety through the reduction of noise, pollution and light glare.

#### **14.2 Sites Affected**

##### **14.2.1 New Development**

Any new development, building, structure or vehicular use area (VUA) hereafter created and used in a district requiring landscaping to be provided as required by the provisions of this Article.

##### **14.2.2 Existing Sites**

No building, structure, or vehicular use area may be enlarged or expanded unless the minimum landscaping required by the provision of this Article is provided when the expanded area is for a multi-family, commercial or industrial land use. The provisions of this Article will apply only to the area altered or expansion and not for the entire property.

#### **14.3 Where Landscape Materials Required**

**14.3.1** The minimum requirements that shall be met in regard to interior and perimeter landscaping for non-compatible land use areas.

**14.3.2** Unless otherwise provided, landscape materials shall be installed to provide a minimum of fifty (50) percent winter opacity, between one (1) foot above finished grade level to the top of the required planting, hedge, fence, wall, or earth mound within four (4) years after installation.

**14.3.3** A landscape easement shall be required as a buffer between non-compatible zones and between particular non-compatible land uses. Such easement shall be located adjacent to all common boundaries except street

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frontage, unless otherwise specified. The following situations shall require landscape easements:

- a. When any other residential zone district adjoins any R-5 zoning district.
- b. When a residential zoning district abuts any business or industrial zoning district.
- c. When a residential zoning district abuts any railroad or interstate highway rights-of-way.
- d. When any residential zone district adjoins a utility substation, salvage yard, land fill, sewage treatment plan, or similar use.

- e. Where landscaping may be requested as a visual buffer to improve the aesthetics of an area as recommended by the Planning & Zoning Board.

**14.3.4** The minimum landscape easement shall be as specified in the zoning district regulations.

### **14.4 Trees, Planting, Hedge, Fence, Wall, or Earth Mound**

**14.4.1** Within the landscape easement, one tree per forty (40) feet of linear boundary, or fraction there of shall be required.

**14.4.2** Landscaped buffers required by specific district regulations shall be a continuous planting, hedge, fence, wall, or earth mound at least six (6) feet in height.

**14.4.3** Grass or ground cover shall be planted on all portions of the landscape easement not occupied by other landscape material.

**14.4.4** Alternative landscaping designs may be proposed or suggested by the local Planning & Zoning Board

**14.4.5** The following screening buffer types shall be used in the proposed development plan either by proposal of the developer or by requirement from the administrative official and/or local planning commission which could be in the form of a binding element as a condition of approval of the proposed development plan. See drawings attached hereto and incorporated herein by reference.

#### **14.4.6 Definitions**

The following definitions shall be used for terms contained with this Article.

**A. Buffer Yard:** A designated area of a yard or open area together with any plant materials, barriers, or berms required thereon to separate and partially obstruct the view of two (2) adjacent land uses or properties from one another.

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**B. Landscaped Area:** That area within the boundaries of a given lot consisting primarily of plant material including, but not limited to, grass, trees, shrubs, flowers, vines, groundcover, and other organic plant materials except weeds. Inorganic materials, such as brick, stone, or aggregate, may be used within landscaped areas provided that such material compromises no more than thirty-five (35) percent of the area of the required landscaped area. Concrete or asphalt surfaces, other than for walkways or bikeways, shall not be used within the required landscaped area.

**C. Opaque Barrier:** A vegetative material or man-made structure designed and placed to prevent overt lighting, reduce noise levels and generally to prevent line of sight between two points or locations.

**D. Tree:** A woody plant having at least one (1) well-defined trunk or stem and a more or less definitely formed crown which includes broadleaf and evergreen canopy trees and broadleaf and evergreen ornamental trees. (Examples include: oaks, hickory, poplar, elm, maple, sweetgum, sycamore, pine, redbud, dogwood, ash, cedar, holly, and myrtle trees).

1. Large Tree – Native tree species capable of achieving a height of thirty (30) feet or more. Examples include oaks, maples, ash, walnut, elm hickory, sweetgum, sycamore, tulip poplar, birch, cypress, pine, and cedar trees. (Also known as canopy trees).
2. Medium Trees – Tree species capable of achieving a height of between fifteen (15) feet and thirty (30) feet in height. Examples include holly, dogwood, redbud, and serviceberry trees.
3. Small (understory or ornamental) trees – Tree species capable of achieving between eight (8) and fifteen (15) feet in height. Examples include Virginia willow, mountain laurel, crape myrtle trees, and other similar sizes trees.

### **14.5 Landscaping At Driveways and Street Intersections**

To ensure that landscape materials do not constitute a driving hazard, a site visibility triangle. Reference 7.8.2 and 7.8.3, shall be observed at all street intersections or intersections of driveways or alleys with streets. No landscaped buffer is required in these areas.

### **14.6 Maintenance and Installation**

**14.6.1** All landscaping buffers shall be installed in a sound, workmanship like manner and according to accepted good construction and planting procedures. The owner of the property shall be responsible for the continued proper maintenance of all landscaping buffer areas and shall keep them in a proper, neat, and orderly appearance, free from refuse and debris at all times. All unhealthy or dead plant material shall be replaced within three (3) months. Deteriorating or missing materials from a fence shall be repaired, replaced, or refurbished within thirty (30) days.

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### **14.7 Violations**

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