

**ORDINANCE NO. 920.132**

**AN ORDINANCE AMENDING TEXT IN PLANNING AND ZONING REGULATIONS READOPTED IN ORDINANCE NO.920.128, PART II – GRANDFATHERED EASEMENTS**

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

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

WHEREAS, the Simpson County Planning and Zoning Commission at its regularly scheduled meeting on January 13, 2026, unanimously voted to recommend amendments to the Simpson County Planning and Zoning regulations;

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

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

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

**9.10 Grandfathered Easements for Minor Subdivisions**

**9.10.1 Purpose and Intent**

The purpose of this section is to allow limited, controlled development of single-family dwellings along existing, pre-existing ("grandfathered") easements while maintaining safe access, protecting rural character, and ensuring orderly growth in Simpson County. This provision recognizes long-standing access routes and provides a legal mechanism for the creation of new lots where appropriate.

**9.10.2 Definitions**

- a. Grandfathered Easement means any private access easement or right-of-way established prior to the adoption of the current Zoning regulations, regardless of width or construction standard, and recorded in the Simpson County Clerk's Office.
- b. Minor Subdivision means the division of a tract or parcel into four (4) lots or fewer, not to exceed 4 total lots, or as otherwise defined in the Simpson County Zoning Regulations.

**9.10.3 Authorization to Create New Lots Using Grandfathered Easements**

Subject to the standards of this section, new lots may be created through a Minor Subdivision using access provided by a grandfathered easement. This authorization

applies even where the easement does not meet current roadway standards.

#### 9.10.4 Minimum Standards for Use of Grandfathered Easements

- a. **Proof of Legal Access:** The applicant must provide documentation demonstrating that the easement is recorded, grants ingress and egress rights benefiting the parent tract, and is continuous and unbroken from a public road to the proposed lots. Said recorded easement shall be contained on any new deed or plat thereunto pertaining.
- b. **Minimum Easement Width:** A grandfathered easement may be used if it has a recorded width of not less than 12 feet. If the recorded width is less, the applicant may widen it by obtaining supplemental easements.
- c. **Maximum Number of Lots:** A grandfathered easement may serve up to four (4) total lots. Additional lots require upgrading to County roadway standards or conversion to a Major Subdivision.
- d. **Roadway Condition Requirements:** The easement must be passable by emergency services in normal weather, maintain a minimum travel surface of 12 feet, and provide a turn-around area for easements over 500 feet.
- e. **Utility Access:** The applicant must show that required utilities can be reasonably extended.

#### 9.10.5 Plat Requirements

Any Minor Subdivision plat relying on a grandfathered easement shall clearly show the easement's location, width, length, label it as 'Existing Grandfathered Access Easement,' note maintenance responsibilities, and attach associated recorded documents.

#### 9.10.6 Liability and Maintenance

- a. The County assumes no responsibility for maintenance of any grandfathered easement used under this section.
- b. A note shall be placed on the plat stating: 'This easement is private. Simpson County shall not be responsible for its maintenance, repair, or improvement.'

#### 9.10.7 Approval Criteria

Approval shall be granted if the easement legally serves the lots, provides reasonable emergency access, complies with the lot limit, and does not create unsafe conditions.

#### 9.10.8 No Requirement to Upgrade to Public Road Standard

Nothing in this section shall require the owner to construct a county-standard road, pave the easement, or bring the easement to subdivision roadway standards so long as the Minor Subdivision complies with this regulation.

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

**March 31, 2026**      FIRST READING

**April 21, 2026**      SECOND READING

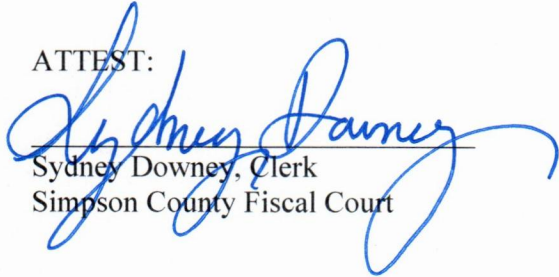
At a meeting of the Fiscal Court of the County of Simpson, Commonwealth of Kentucky held


April 21, 2026, on motion made by Honorable Scott Poston and seconded by Honorable Jeffrey Burr, the foregoing ordinance was adopted, after full discussion, by the following vote:

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

APPROVED:

ATTEST:

  
Sydney Downey, Clerk  
Simpson County Fiscal Court

  
\_\_\_\_\_  
MASON BARNES  
Simpson County Judge Executive