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**ZONING REGULATIONS
OF THE
CITY OF FRANKLIN AND SIMPSON COUNTY, KENTUCKY
APRIL 21, 1998**

Revised August 2005

REVISIONS

Article 2 – Addenda to Definitions

Adult Oriented Uses

Cell Tower

Article 9.7 added – Adult Oriented Uses

Article 9.8 added – Cell Tower Regulations

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ARTICLE 1

LEGISLATIVE PROVISIONS

1.1 ENACTING CLAUSE

The Fiscal Court of Simpson County and the City Commission of the City of Franklin do 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any provision of these zoning regulations refer to or cite a section of the KRS and that section is later amended or superseded, these zoning regulations shall be deemed amended to refer to the amended section or the section that most nearly corresponds to the superseded section.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 “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 Simpson county Comprehensive Plan, 1992. 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;

Require buffering between non-compatible land uses;

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

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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 AND FLOOD CONTROL OR DRAINAGE REGULATIONS

It is the intention of the City Commission 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, dated 1992
- 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 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 Commission of Simpson County.

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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 with 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 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.

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Yards or lots created shall meet at least the minimum requirements established by these zoning regulations.

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 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 City Commission.
- 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 is 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

A

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 reasonable 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 Officer: The individual appointed by the Simpson County Fiscal Court to administer the building codes and zoning regulations for the City of Franklin and Simpson County or his designated representative.
- 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 occupy able spaces, 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 Awning Sign: See Sign, awning.

B

- 2.3.15 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.
- 2.3.16 Billboard: See off-premise sign.
- 2.3.17 Board of Adjustment: The Board of Zoning Adjustment of Simpson County.
- 2.3.18 Boarding House: A building arranged or used for lodging for compensation, with or without meals, and not occupied as a single family dwelling unit. The term boarding and rooming house are interchangeable for purposes of these regulations.
- 2.3.19 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.

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- 2.3.20 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.
- 2.3.21 Building, Existing: Any structure erected prior to the adoption of these regulations or one for which all permits have been issued.
- 2.3.22 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 able, hip and gambrel roofs.
- 2.3.23 Building Permit: An official document issued by the administrative official which authorizes the construction, repair, alteration, or addition to a structure.
- 2.3.24 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.
- 2.3.25 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.

C

- 2.3.26 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 sign may be illuminated by means of internal or external sources.
(a) 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.
(b) freestanding canopy: A canopy supported only by column or post embedded in the ground.
- 2.3.27 Certificate of Occupancy: An official document issued by the administrative 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.
- 2.3.28 Child Care Center: See day care center.
- 2.3.29 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.
- 2.3.30 Clinic: See medical, dental or mental health clinic.
- 2.3.31 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.

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- 2.3.32 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 in order for the use to be permitted.

D

- 2.3.33 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 child care facility operated by a religious organization while religious services are being conducted.
- 2.3.34 Development:
- (a) The construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure.
 - (b) The division of a parcel of land into three or more parcels.
 - (c) Any mining, excavation, landfill, or land disturbance.
 - (d) Any use or extension of the use of land.
- 2.3.35 Driveway: A private vehicular way providing access from an off-street parking facility onto a public street.
- 2.3.36 Duplex: A building containing two dwelling units totally separated from each other by an un-pierced wall extending from ground to roof.
- 2.3.37 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.
- 2.3.38 Dwelling, Attached: A building containing two or more dwelling units attached by a common vertical walls.
- 2.3.39 Dwelling, Detached: A single dwelling unit that is not attached to any other dwelling by any other means.
- 2.3.40 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.
- 2.3.41 Dwelling, Multi-family: A building portion thereof containing three (3) or more dwelling units.
- 2.3.42 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.
- 2.3.43 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.

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- 2.3.44 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 unit by one or more vertically common walls and has open space on at least two ends.
- 2.3.45 Dwelling, Two Family: See Duplex.
- 2.3.46 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.

EF

- 2.3.47 Exercised: (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.
- 2.3.48 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.
- 2.3.50 Flood Hazard Boundary Map (FHBM): An official map of a community issued by the Federal Emergency Management Agency, where the boundaries of areas of special flood hazard have been defined as flood hazard zone A.
- 2.3.51 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 hundred (100) year flood on the “Flood Boundary and Floodway Map” prepared by the U. S. Department of Housing and Urban Development, 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.
- 2.3.52 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 cumulative increasing the water surface elevation.
- 2.3.53 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.
- 2.3.54 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.

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GHI

- 2.3.55 Grade: (a) The average elevation of ground around exterior walls of a building; (b) The percent of rise or descent of a sloping surface.
- 2.3.56 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.
- 2.3.57 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.
- 2.3.58 Home Occupation: Professional offices or personal services maintained or conducted within a dwelling. Neither the selling of any merchandise nor processing of any product shall qualify as a home occupation.
- 2.3.59 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.
- 2.3.60 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.
- 2.3.61 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.

JK

- 2.3.62 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.
- 2.3.63 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.
- 2.3.64 KRS: Kentucky Revised Statutes.

L

- 2.3.65 Loading and Unloading Area: An off-street space, area or berth used for the loading or unloading of cargo, products, or materials from vehicles.
- 2.3.66 Light, Direct: Light which travels directly from its source to the viewer's eye.

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- 2.3.67 Light, Indirect: Light which travels from its source through an intermediate object such as a sign surface before being seen by the viewer.
- 2.3.68 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.
- 2.3.69 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 purposed 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, and (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 thirty (30) feet.
- 2.3.70 Lot, Corner: A lot abutting and situated at the intersection of two or more streets or upon two parts of the same street forming and interior angle of less than 135 degrees.
- 2.3.71 Lot Coverage: The computed ground area occupied by all improvements on the ground that are more impervious that the natural surface, such as paving, structures, driveways, patios within a lot.
- 2.3.72 Lot Depth: The mean horizontal distance between the frontage and rear lot lines.
- 2.3.73 Lot, Double-Front: Any lot other than a corner lot which abuts on two streets.
- 2.3.74 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.
- 2.3.75 Lot, Interior: A lot other than a corner lot.
- 2.3.76 Lot Lines: The property lines bounding a lot.
- 2.3.77 Lot Line, Front: Property line separating the lot from the street.
- 2.3.78 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.
- 2.3.79 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.
- 2.3.80 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.
- 2.3.81 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.
- 2.3.82 Lot Width: The mean width of the lot measured at a right angle to its depth.

M

- 2.3.83 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.

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- 2.3.84 Medical, Dental, or Mental Health Offices: Same as Medical, dental, or mental health Clinic.
- 2.3.85 Manufactured home: A single-family residential unit constructed in accordance with the Federal Manufactured Housing Construction and Safety Standards in an off site 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.
- 2.3.86 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.
- 2.3.87 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.
- 2.3.88 Manufactured home Space: A plot of ground within a manufactured home park designed for the accommodation of one (1) manufactured home.
- 2.3.89 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.
- 2.3.90 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

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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.

- 2.3.91 **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.
- 2.3.92 **Motel**: See Hotel.
- 2.3.93 **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.

N

- 2.3.94 **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.
- 2.3.95 **Nonconforming Lot**: A lot existing and recorded in the Simpson County Court Clerk's office before these zoning regulations were adopted or amended which does not conform with all applicable provisions of the zoning district requirement for the district in which the lot is located.
- 2.3.96 **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.)
- 2.3.97 **Nursery School Facility**: See day care facility.
- 2.3.98 **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.

OP

- 2.3.99 **Outdoor Advertising Displays**: Any name, identification, display, illustration or device portable or affixed, which directs attention to a product, place, activity, person, institution, or business. (See sign for various types of outdoor advertising displays.)

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- 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 are able to 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.

QR

- 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.

S

- 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.

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- 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 Sign: Any device, building, fixture, or placard using graphics, symbols, and written copy for the primary purpose of identifying, providing directions, or advertising any establishment, product, goods, or services.
- 2.3.118 Sign, Abandoned: A sign which no longer identifies or advertises a bona fide business, lessor, service, owner, product, or activity, or for which no legal owner can be found.
- 2.3.119 Sign, Area of:
- a. Projecting and Freestanding Signs: The total area within a single, continuous perimeter which encloses the extreme limits of the face, which is used to display the sign, not including its supporting poles or buildings. If a sign has two (2) faces that are parallel and supported by the same poles or buildings, the area of the sign is one half (1/2) the area of the two (2) faces. If a sign has two (2) or more faces that are supported by the same poles or buildings but are not parallel, the area of the graphic is the largest area of all faces visible at one time.
 - b. Wall Signs: The total area within a single, continuous perimeter which encloses the extreme limits of the advertising message. If the sign is composed of individual letters or symbols using the wall as a background with no added decoration, the total sign area shall be calculated by measuring the area within the perimeter of each symbol or letter. The combined areas of the individual figures shall be considered the total sign area.
- 2.3.120 Sign, Awning: A sign painted on, printed on, or attached to the surface of an awning.
- 2.3.121 Sign, Canopy: A sign affixed or applied to the exterior facing surface or surfaces of a building or freestanding canopy.
- 2.3.122 Sign, Changeable: A sign which informational content can be changed or altered by manual or electric, electro-mechanical, or electronic means. Changeable signs include the following types;
- a. Manually Activated: Signs whose alphabetic, pictographic, or symbolic information content can be changed or altered by manual means.
 - b. Electrically Activated: Signs whose alphabetic, pictographic, or symbolic information content can be changed or altered on a fixed display surface

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composed of electrically illuminated or mechanically driven changeable segments. Including the following two types:

- a) Fixed Message Electronic Signs: Signs whose basic information content has been pre-programmed to include only certain types of information projection, such as time, temperature, predictable traffic condition or other events subject to prior programming.
- b) Computer Controlled Variable Message Electronic Signs: Signs whose information content can be changed or altered by means of computer-driven electronic impulses.

- 2.3.123 Sign Construction: A temporary sign identifying an architect, contractor, subcontractor, and/or material supplier participating in construction on the property on which the sign is located.
- 2.3.124 Sign, Façade: See Sign, Wall
- 2.3.125 Sign, Face of: The area of a sign on which the copy is placed.
- 2.3.126 Sign, Freestanding: A sign erected on, or permanently attached upon the ground by poles, braces, or frame and not attached to a building.
- 2.3.127 Sign, Ground: A sign, other than a pole sign, which is anchored to the ground similar to a pole sign, but which has a monolithic or columnar line and which has essentially the same contour from grade to top and is independent of any other structure.
- 2.3.128 Sign, Low Profile: A sign mounted directly to the ground with maximum height not to exceed six (6) feet. May also be referred to as monument sign.
- 2.3.129 Sign, Monument: See Sign, Low Profile
- 2.3.130 Sign, Nonconforming: A sign which was erected legally before the effective date of these zoning regulations or subsequent amendment, which does not now comply with the applicable sign regulations.
- 2.3.131 Sign, Off-Premise: A sign advertising and establishment, merchandise, service, or entertainment, which is not sold, produced, manufactured, or furnished at the property on which said sign is located. A billboard or outdoor advertising are considered an off-premise sign.
- 2.3.132 Sign, On-Premise: A sign pertains to an establishment, use, merchandise, service, entertainment, or activity that is conducted, sold or offered at a location on which the sign is located.
- 2.3.133 Sign Permit: An official document issued by the administrative official that authorizes the recipient to erect, move, enlarge, or substantially alter a sign.
- 2.3.134 Sign, Pole: A sign that is mounted on a freestanding pole or other support so that the bottom edge of the sign face is six feet or more above grade.
- 2.3.135 Sign, Projecting: A sign which is attached to and projects more than six (6) inches from a building wall or other structure not specifically designed to support the sign.
- 2.3.136 Sign, Temporary: A sign not constructed or intended for long term use. A sign erected or placed for a period of more than thirty (30) days is considered as permanent. If a sign display area is permanent but the message displayed is subject to periodic changes, that sign shall not be regarded as temporary.

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- 2.3.137 Sign, Wall: A sign attached to or painted on the wall of a building or structure in such a manner that they become the supporting structure for, or forms the background surface of, the sign and that does not project more than six (6) inches from such building or structure. Wall signs don't have copy on the sides or edges.
- 2.3.138 Sign, Window: A sign installed inside a window and intended to be viewed from the outside.
- 2.3.139 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.
- 2.3.140 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 between the street rights-of-way lines is included within the street, road, or highway.
- 2.3.141 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.
- 2.3.142 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.
- 2.3.143 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.
- 2.3.144 Structure: Anything constructed or erected whether installed on, above, or below the surface of land or water.
- 2.3.145 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 or parcels of five 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.
- 2.3.146 Subdivision Identification Sign: A freestanding or wall sign identifying a recognized subdivision, condominium complex, or residential development.

TUVW

- 2.3.147 Tract: See Lot.
- 2.3.148 Townhouse: See Dwelling, Townhouse.

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- 2.3.149 **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.
- 2.3.150 **Use, Principal**: The primary or predominant use of any lot.
- 2.3.151 **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.

XYZ

- 2.3.152 **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 provided for in these regulations. An accessory building may be located in a portion of a yard required for the principal building.
- 2.3.153 **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.
- 2.3.154 **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.
- 2.3.155 **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.
- 2.3.156 **Yard Depth**: A line drawn parallel to a lot line at a distance there from equal to the depth of the required yard.
- 2.3.157 **Yard Line**: A line drawn parallel to a lot line at a distance there from equal to the depth of the required yard.
- 2.3.158 **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 ADDENDUM TO DEFINITIONS (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-ROMs, 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.

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- 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 material (including, but not limited to videotapes, audiotapes, films, CD-ROMs, 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 listen within “Sexual Encounter Center.” This does not include any 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

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shown on an approved and recorded plat, public or private school, college or university, church or other place of worship, library, type I 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 book stores, 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: i. human genitals or pubic region, ii. The cleavage of the human buttock; iii. 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 iv. 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 hair, buttock or female breast(s); acts of human analingus, 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 ADDENDUM TO DEFINITIONS (CELL TOWERS)

- 2.5.1 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.
- 2.5.2 Cellular Telecommunications Service: A retail telecommunications service that uses radio signals transmitted through cell sites and mobile switching stations.
- 2.5.3 Co-location: Locating tow (2) or more transmission antennas or related equipment on the same cellular antenna tower.
- 2.5.4 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 100.987 and KRS _____ (section number not yet assigned).

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2.5.6 Utility: As defined in KRS 278.010(3)

2.5.7 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.

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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 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 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 posted on the appropriate map sheet 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 proceeding.

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 effect 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;
- 3.4.3 Boundaries indicated as approximately following political boundaries, such boundaries shall be construed as the boundary of the zoning district;

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- 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 shore lines, such shore line shall be construed as the boundary of the zoning district. In the event of change in the shore lines, the zoning district boundary shall be construed as moving with the actual shore line. 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 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;
- 3.4.8 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;
- 3.4.9 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 12.7.2.

3.5 ZONING STATUS NOT AFFECTED BY ANNEXATION

All territory which may hereafter be annexed by the City of Franklin shall remain in its existing zoning district classification until otherwise changed as provided by Article 10.

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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 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

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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 enlarge 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.

4.4 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 an means except natural causes (such as damage caused by wind or tornado) to and extent of fifty five

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(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 tin 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 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 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.

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

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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 (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 nonconforming building containing a nonconforming 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.

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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.

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ARTICLE 5 - SIGN REGULATIONS

5.1 PURPOSE

These regulations are intended to define, permit, and control the use of signs. They have been established to achieve the following purposes:

- 5.1.1 Protect the health, safety and welfare of the public;
- 5.1.2 Recognize the commercial communication requirements of all sectors of the business community;
- 5.1.3 Control visual clutter, encourage high professional standards in design and display of signs and promote both renovation and proper maintenance of signs;
- 5.1.4 Promote the safety of persons and property by requiring that signs not create a hazard due to collapse, fire, decay or abandonment;
- 5.1.5 Promote the economic growth of the City of Franklin and Simpson County by creating a community image that is conducive to attracting new business and industrial development;
- 5.1.6 Ensure that signs do not create traffic hazards by confusing or distracting motorists or by impairing drivers' ability to see pedestrians, obstacles, or other vehicles or to read traffic signs;
- 5.1.7 Establish clear procedures for the administration and enforcement of these regulations.

The sign regulations shall be accomplished by regulation of the display, erection, use, and maintenance of signs. The use of signs is regulated according to zoning districts. The placement and scale of signs are regulated primarily by type and length of street frontage, although lot size, investment, and surrounding conditions must also be considered.

No sign shall be permitted as a principal or accessory use except in accordance with the provisions of these zoning regulations.

5.2 SCOPE OF SIGN REGULATIONS

The sign regulations shall not relate to building design. Nor shall the sign regulations apply to official traffic or governmental signs; the copy and message of signs; signs not intended to be viewed from a public right-of-way; window displays; product dispensers and point of purchase displays; flags of any nation, government or noncommercial organization; gravestones; religious symbols; commemorative plaques; the display of street numbers; scoreboards on athletic fields; or any display or construction not defined herein as a sign.

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5.3 GENERAL REGULATIONS FOR ON-PREMISE SIGNS

On-premise signs shall be allowed in the following zoning districts provided the following location and design standards are met. On-premise signs may be a wall, ground, façade, or projecting sign or combination thereof so long as their total sign area does not exceed the maximum permitted by the zoning district. Roof signs are not a permitted on-premise sign.

5.3.1 Agricultural Zoning District

The following on-premise signs shall be allowed in the agricultural zoning district subject to the regulations contained herein:

- A. Identification signs in conjunction with hospitals, cemeteries, airports, schools, quarries, country club, golf course, or driving ranges, public parks, playgrounds and community centers, marinas, boat docks, or churches: A maximum of thirty two (32) square feet shall be allowed of signage per use;
- B. Home Occupation Signs: A maximum of two (2) square feet shall be allowed per home occupations;
- C. Historic site signs: A maximum of fifteen (15) square feet shall be allowed of sign area;
- D. temporary signs: temporary signs shall be allowed in accordance with Section 5.8.

5.3.2 Rural Village Zoning District

- A. Lots within a rural village zoning district shall be allowed a maximum signage allocation not the exceed one (1) square feet of sign area per one (1) lineal foot of lot frontage on a public street.
- B. The following on-premise signs shall be allowed in the rural village zoning district subject to the regulations contained herein:
 - a. Business signs: Each business in the rural village zoning district shall be allowed a maximum of one hundred (100) square feet of sign area, provided that the total signage on the lot does not exceed the allowable maximum as defined in Section 5.3.2.A
 - b. Identification signs in conjunction with churches, cemeteries, noncommercial kennels, golf courses, schools or colleges, parks, playgrounds or community centers, docks, private outdoor recreational activities, fishing lakes, or sportsman's lake: A maximum of thirty two (32) square feet shall be allowed per use;
 - c. Home occupation signs: A maximum of two (2) square feet shall be allowed per home occupation;
 - d. Historic site signs: A maximum of fifteen (15) square feet shall be allowed per sign;

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- e. Temporary signs: Temporary signs shall be allowed in accordance with section 5.8.
- C. No establishment shall be allowed more than five (5) signs.
- D. No sign shall be constructed at a height greater than the maximum building height permitted in the rural village zoning district.
- E. No sign shall be erected, placed, painted, repainted, or hung nearer to any street right-of-way line upon which said display faces than the building line, except that one sign may have a setback not closer than six (6) feet to the rights-of-way lines, but in no case be permitted to obstruct the view of traffic.
- F. The required minimum separation for freestanding signs on a lot or ground of lots in single ownership of control shall be fifty (50) feet. No freestanding sign shall be located within fifteen (15) feet of any other freestanding sign on an adjacent or adjoining lot.

5.3.3 Residential Zoning Districts

- A. The following on-premise signs shall be allowed in any residential zoning district subject to the regulations contained herein:
 - a. Business signs: One (1) unlighted real estate sign located on the premises or subdivision advertising property for sale or rent, not to exceed twelve (12) square feet in area;
 - b. Identification signs in conjunction with churches, private swimming pool or recreation area, hospitals, personal care and nursing homes, bed and breakfast, libraries, child care centers, day care, or nurseries, schools and colleges and apartments or multi-family: A maximum of thirty-two (32) square feet shall be allowed per use;
 - c. Home Occupation Signs and signs advertising sleeping rooms for rent: A maximum of two (2) square feet shall be allowed per home occupation and two (2) square feet advertising sleeping rooms for rent;
 - d. Historic site signs: A maximum of fifteen (15) square feet shall be allowed per sign.
 - e. Temporary signs: Temporary signs shall be allowed in accordance with section 5.8.
 - f. One (1) subdivision or manufactured home park identification sign: One (1) subdivision sign containing the name of the subdivision, not to exceed sixty (60) square feet in area of the sign;
- B. No sign shall be constructed at a height greater than four (4) feet from the average ground level.

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C. No sign shall be located nearer than six (6) feet from any property line.

5.3.4 Office and Professional Zoning District

A. The following on-premise signs shall be allowed in the professional zoning district subject to the regulations contained herein:

- a. Business signs: Not over thirty two (32) square feet in sign area identifying the primary professional practice or business shall be permitted in professional zoning districts. Such signs shall be at least six (6) feet from the front property line.
- b. Identification signs in conjunction with churches, private swimming pool or recreation area, hospitals, personal care and nursing homes, bed and breakfast, libraries, child care centers, day care, hospitals, nursing homes, nurseries, schools and colleges, and apartments or multi-family: A maximum of thirty two (32) square feet shall be allowed per use.

5.3.5 Central Business Zoning District

A. Lots within the central business zoning district shall be allowed a maximum signage allocation not to exceed one (1) square foot of sign area per one (1) lineal foot of lot frontage on a public street.

B. The following on-premise signs shall be allowed in the central business zoning district subject to the regulations contained herein:

- a. Business signs: Each business in a central business zoning district shall be allowed a maximum of one hundred (100) square feet of sign area, provided that the total signage on the lot does not exceed the allowable maximum as defined in section 5.3.5.A. Business that request sign permits for lots that do not meet section 5.3.5.A are allowed a sign allocation of twenty-five (25) square feet of signage;
- b. Identification signs: Identification signs for hospitals, or medical, dental or mental health clinics, churches and other places of worship schools and colleges, day care centers and philanthropic institutions and clubs, shall be subject to the same regulations as business signs within this district;
- c. Historic site signs: A maximum of fifteen (15) square feet shall be allowed per sign.
- d. Temporary signs: Temporary signs shall be allowed in accordance with Section 5.8.
- e. Business signs may be placed on an awning or canopy if approved by the Planning Commission. Business signs may be a part of a changeable sign, if approved by the Planning Commission under the provisions of Article 13. Changeable signs may be either manually or electrically activated.

C. No establishment shall be allowed more than five (5) signs.

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- D. No sign shall be greater than five (5) feet in height, not including any standard that is attached to the ground. A standard shall, in all cases, contain no advertising.
- E. No sign shall be constructed at a height greater than the maximum building height permitted in the central business zoning district.
- F. No signs shall be erected within the building line of the building on which it is erected, except that one sign advertising the primary nature of business or industry conducted on the premises may project from the face of the building, provided that no projecting sign shall project over a public street, alley, or other public space over ten (10) feet, but in no case shall any such sign project beyond a line drawn perpendicularly upward from two (2) feet inside the curb line. A clear space of not less than ten (10) feet shall be provided below all parts of such signs. Projecting signs shall be securely attached to the building or building by bolts, anchors, chains, or guys.
- G. The required minimum separation for freestanding signs on a lot or lots under single ownership or control shall be thirty (30) feet. No freestanding sign shall be located within fifteen (15) feet of any other freestanding sign on an adjacent or adjoining lot.

5.3.6 General and Highway Business Zoning Districts

- A. Lots within the general and highway business zoning districts shall be allowed a maximum signage allocation not to exceed one and one-half (1.5) square feet of sign area per one (1) lineal foot of lot frontage on a public street.
- B. The following on-premise signs shall be allowed in the general and highway business zoning districts subject to the regulations contained herein.
 - a. Business signs: Each business in general and highway business zoning district shall be allowed a maximum of two hundred (200) square feet of sign area, provided that the total signage on the lot does not exceed the allowable maximum as defined in section 5.3.2.1 above. Businesses that request sign permits for lots that meet or exceed their allowable sign allocation shall be allowed a maximum of twenty-five (25) square feet of signage.
 - b. Identification signs in conjunction with churches, and places of worship, schools and colleges, day care centers and nurseries, and philanthropic institutions or clubs. A maximum of thirty two (32) square feet shall be allowed per use.
 - c. Historic site signs: A maximum of fifteen (15) square feet shall be allowed per sign.
 - d. Temporary signs: Temporary signs shall be allowed in accordance with section 5.8.
 - e. Business signs may be placed on an awning or canopy approved by the Planning Commission. Business signs may be a part of a changeable sign if approved by the Planning Commission under the provisions of Article 13. Changeable signs may be either manually or electrically activated.
- C. No establishment shall be allowed more than five (5) signs.
- D. No sign shall be constructed at a height greater than the maximum building height permitted in the general business or highway business zoning districts.

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- E. No sign shall be erected, placed, painted, repainted, or hung nearer to any street rights-of-way line upon which said display faces than the building lines, except that one sign may have a setback not closed than six (6) feet to the right-of-way line, but in no case be permitted to obstruct the view of traffic.
- F. The required minimum separation for freestanding signs on a lot or lots under single ownership or control shall be one hundred (100) feet. No freestanding sign shall be located within fifty (50) feet of any other freestanding sign on an adjacent or adjoining lot.

5.3.7 Neighborhood Business Zoning District

- A. Lots within the neighborhood business zoning district shall be allowed a maximum signage allocation not to exceed one (1) square feet of sign area per one (1) lineal foot of lot frontage on a public street.
- B. The following signs shall be allowed in the neighborhood business zoning district subject to the regulations contained herein:
 - a. Business signs: Each business in a neighborhood business zoning district shall be allowed a maximum of fifty (50) square feet of sign area, provided that the total signage on the lot does not exceed the allowable maximum as defined in section 5.3.7.A above. Businesses that request sign permits for lots that meet or exceed their allowable sign allocation shall be allowed a maximum of twenty-five (25) square feet of signage.
 - b. Identification signs: For day care centers, child care centers, nurseries, philanthropic institutions, churches and other places of worship shall be subject to the same regulations as business sings within this district.
 - c. Historic site signs: A maximum of fifteen (15) square feet shall be allowed per sign.
 - d. Temporary signs: Temporary signs shall be allowed in accordance with section 5.8
 - e. Business signs may be placed on an awning or canopy if approved by the Planning Commission. A business sign may be a part of a changeable sign if approved by the Planning Commission under the provisions of Article 13. Changeable signs may be either manually or electrically activated.
- C. No establishment shall be allowed more than five (5) signs.
- D. No sign shall be constructed at a height greater than five (5) feet from the average ground level.
- E. No sign shall have a height greater than three (3) feet.
- F. Only signs attached to the building shall be permitted on Neighborhood Business Districts. Projecting signs shall not project more than one (1) foot from the building, measured from the building line or a point at which the sign is attached, whichever is greater from the street right-of-way or lot line.
- G. The required minimum separation for freestanding signs on a lot or group of contiguous lots under single ownership or control shall be thirty (30) feet. No freestanding sign shall be located within fifteen (15) feet of any other freestanding sign on an adjacent or adjoining lot.
- H. No sign shall be lighted.

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5.3.8

Interstate Interchange Business Zoning Districts

- A. Lots within the interstate interchange business zoning district shall be allowed a maximum signage allocation no to exceed one and one-half (1.5) square feet of sign area per one (1) lineal foot of lot frontage on a public street.
- B. The following signs shall be allowed in the interstate interchange business zoning district subject to the regulations contained herein.
- a. Business signs: Each business in an interstate interchange business zoning district shall be allowed a maximum of two hundred (200) square feet of sign area, provided that the total signage on the lot does not exceed the allowable maximum as defined in section 5.3.8.A above. Businesses that request sign permits for lots that meet or exceed their allowable sign allocation shall be allowed a minimum of twenty-five (25) square feet of signage.
 - b. Identification signs: For churches and other places of worship, day care centers, child care centers and nurseries, shall be subject to the same regulations as business signs within this district.
 - c. Historic site signs: A maximum of fifteen (15) square feet shall be allowed per sign.
 - d. Temporary signs: Temporary signs shall be allowed in accordance with Section 5.8.
 - e. Business signs may be placed on awning or canopy approved by the Planning Commission. Business signs may be a part of a changeable sign if approved by the Planning Commission under the provisions of Article 13. Changeable signs may be either manually or electrically activated.
- C. No establishment shall be allowed more than five (5) signs.
- D. No sign shall be constructed at a height greater than the maximum building height permitted in the interstate interchange business zoning district.
- E. No sign shall be erected, placed, painted, repainted, or hung nearer to any street right-of-way line upon which said display faces than the building lines, except that one sign may have a setback not closer than six (6) feet to the right-of-way line, but in no case be permitted to obstruct the view of traffic.
- F. Each individual parcel of land may be permitted one freestanding sign which will be identified as an interstate identification sign. The interstate identification sign must be at least eighty five (85) feet in height but not more than one hundred forty (140) feet in height. For purposes of this section, the height of the sign shall be measured to the bottom (post height) of the sign area. The total sign area of the interstate identification sign shall not exceed four hundred seventy five (475) square feet in sign area.
- G. The required minimum separation for freestanding signs on a lot or lots under single ownership or control shall be two hundred (200) feet. No freestanding sign shall be located within one hundred (100) feet of any other freestanding sign on an adjacent or adjoining lot.

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5.3.9

Industrial Zoning Districts

- A. Lots within an industrial zoning districts shall be allowed a maximum signage allocation not to exceed one and one-half (1.5) square feet of sign area per one (1) lineal foot of lot frontage on a public street.
- B. The following signs shall be allowed in the industrial zoning districts subject to the regulations contained herein:
 - a. Business signs: Each business in an industrial zoning district shall be allowed a maximum of two hundred (200) square feet of sign area, provided that the total signage on the lot does not exceed the allowable maximum as defined in section 5.3.9.A above. Business that request sign permits for lots that meet or exceed their allowable sign allocation shall be allowed a maximum of twenty-five square feet of signage;
 - b. Identification signs: For child care, day care centers and nurseries, shall be subject to the same regulations as business signs within this district;
 - c. Historic site signs: A maximum of fifteen (15) square feet shall be allowed per sign.
 - d. Temporary signs: Temporary signs shall be allowed in accordance with section 5.8.
- C. No establishment shall be allowed more than five (5) signs.
- D. No sign shall be constructed at a height greater than the maximum building height permitted in the industrial zoning district.
- E. No sign shall be erected, placed, painted, repainted, or hung nearer to any street right-of-way-line upon which said display faces than the building lines, except that one sign may have a setback not closer than six (6) feet to the right-of-way line, but in no case be permitted to obstruct the view of traffic.
- F. The required minimum separation for freestanding signs on a lot or group of contiguous lots under single ownership or control shall be one hundred (100) feet. No freestanding sign shall be located within fifty (50) feet of any other freestanding sign on an adjacent or adjoining lot.

5.4 LIGHTING AND NOISE

- A. Information on any illumination proposed as part of a sign must be provided by the on the sign permit application.
- B. No light from any illuminated sign shall cause direct glare into or upon any building other than the building to which the sign is related.
- C. No light from any illuminated sign shall cause direct glare on to any adjoining piece of property, or any adjoining right-of-way.

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5.4.2 Any sign containing electrical components shall conform to current UL, ETL, CSA, or ULC standards and display a label from one of these recognized testing labs, or as an alternative, shall be designed and constructed to standards that would allow one of the above referenced labels to be affixed and thereafter inspected by local electrical inspector to insure compliance with these standards.

5.4.3 No sign shall constitute a nuisance because of light, glare, focus, animation, flashing, or any illuminated signs of such intensity of illumination as to unduly disturb the use of residential property, shall be erected or continue in operation.

5.4.4 No sign shall have devices which emanate noise or sound.

5.5 MAINTENANCE AND COMPLIANCE

All signs shall be properly maintained. Exposed surfaces shall be clean and painted if paint is required. Defective parts shall be replaced. If a sign is not maintained, written notice of any disrepair shall be issued by the Administrative Official to the owner of said structure. If the disrepair or violation is not corrected within thirty (30) days of issuance of said notice, the structure may be removed by order of the Planning Commission at the owner's expense.

5.6 EXEMPT SIGNS

The following signs shall be exempted from this article, and may be displayed within the City of Franklin and Simpson County without obtaining a sign permit. However, an electrical permit shall be required for any sign requiring or incorporating electrical service.

5.6.1 Official traffic signs or similar regulatory devices owner, erected and maintained by a state, county or city government.

5.6.2 Signs required to be displayed or maintained by a law or governmental order, rule or regulation.

5.6.3 Memorial tablets or signs, provided they are displayed by a public agency.

5.6.4 Directional signs, provided they are displayed by a public agency.

5.6.5 Street address signs, not exceeding ten (10) square feet in size.

5.6.6 Construction signs, not exceeding sixteen (16) square feet in size.

5.6.7 Non-illuminated signs, not more than three (3) square feet in area warning trespassers or announcing property as posted.

5.6.8 Signs displayed on a truck, bus, or other vehicle while in use in the normal conduct of business. This section shall not be interpreted to permit the parking for display purposes as vehicle to which a sign is attached or the use of such a vehicle as a portable sign.

5.6.9 Flags and insignias of any government except when displayed in connection with commercial

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purposes.

- 5.6.10 Political campaign signs provided that they are located outside of the public rights-of-way, and are removed within fourteen (14) days after the campaign.
- 5.6.11 Signs displayed between Thanksgiving and Christmas associated with the sale of Christmas trees or wreaths.
- 5.6.12 On-premise signs associated with the sale of agricultural products on property where the primary land use is residential or agricultural, provided such signs do not exceed four (4) square feet in area.
- 5.6.13 Signs that are displayed by or promote civic, religious, educational or charitable organizations or causes, provided such signs are displayed no longer than thirty (30) days per calendar year.

5.7 PROHIBITED SIGNS

5.7.1 The following signs are prohibited in the City of Franklin and Simpson County

- A. Any sign that due to its size, location, color or illumination obscures a sign displayed by a public authority for the purpose of giving traffic or safety instructions or directions.
- B. Any sign, except an official public notice, which is nailed, tacked, posted, or in any other manner attached to any utility pole, or building supporting wire, cable, or pipe; or to public property of any description.
- C. Any abandoned sign.
- D. Any sign located within a public rights-of-way, except for signs displayed by a duly constituted government authority.
- E. Flashing or revolving lights, or beacons intended to direct attention to a location, building or service, or any similar device otherwise displayed that imitates by its design or use, emergency service vehicles equipment.
- F. Any sign that simulates an official traffic sign or signal, and which contains the words "STOP", "GO", "SLOW", "CAUTION", "DANGER", "WARNING", or similar words.
- G. Signs advertising activities or products that are illegal under federal, state, or county law.
- H. Any sign that obstructs any building door, window, or other means of egress.
- I. Any electrical sign that does not display the UL, ETL< CSA, or ULC unless such sign is constructed, installed, and inspected in accordance section 5.3.4.
- J. Signs or sign buildings that are erected on, or extend over, a piece of property without the expressed consent of the owner, or the owner's agent.

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- K. Any sign that due to its size, location or height obstructs the vision of motorists entering a public rights-of-way from private property.

5.8 TEMPORARY SIGNS

- 5.8.1 Any person wishing to display a temporary sign must apply for a sign permit. Except as provided in subsections (b) and (c) below, pertaining to real estate and construction signs, temporary signs shall comply with the following standards:
- A. Each business or use on a lot shall be allowed to display a temporary signs a maximum of four (4) times per calendar year. No business may display temporary signage for more than one hundred twenty (120) days per calendar year. Businesses that wish to display temporary signage in excess of these provisions may apply for a permanent sign permit which shall be evaluated against the applicable zoning district standards.
 - B. Only one (1) portable sign may be displayed on a lot or at a shopping center, at any one time. Any portable sign displayed shall have a minimum sign setback of fifteen (15) feet from the front property line.
 - C. No business or establishment shall display more than two (2) temporary signs simultaneously and the total square footage of the temporary signs displayed at on time shall not exceed sixty (60) square feet.
- 5.8.2 Real estate signs greater than twelve (12) square feet in commercial or industrial zoning districts may be installed on a lot provided that each such sign does not exceed thirty two (32) square feet in area, and has a minimum sign setback of fifteen (15) feet from any property line. All real estate signs must be removed within fourteen (14) days after the property has been sold or leased.
- 5.8.3 On premises construction signs may be installed on active construction sites. No construction sign shall exceed ninety-six (96) square feet in area. Any such sign must have a minimum sign setback of fifteen (15) feet from any property line. All construction signs must be removed from a construction site prior to the issuance of a certificate of occupancy for the building or project.

5.9 NON-CONFORMING SIGNS AND ADVERTISING BUILDINGS

- 5.9.1 Any sign which is lawfully existing and maintained at the time these regulations become effective which does not conform with the provisions hereof shall not be structurally reconstructed, or altered in any manner; except a sign head may be changed so long as the new head is equal to, or reduced in height, sign area, and/or projection, and so long as the sign is not changed from an on-premises sign to an off-premises sign.
- 5.9.2 The addition of lighting or illumination to a nonconforming sign, shall constitute an expansion of a nonconforming building, and shall not be permitted under these regulations.

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5.10 MEASUREMENT OF SIGN AREA AND DISTANCES

5.10.1 Sign area shall be calculated as follows:

- A. The area of a suspended attached, or projecting sign, where the letters, numerals, or symbols are on a sign surface which is hung or affixed to a building, shall be the total area of the hung or affixed surfaces.
- B. The area of an attached sign where the sign consists of words, symbols, or numerals painted on or affixed to a wall, fence or other building element shall be the entire area within a continuous perimeter enclosing the extreme limits of each word, group of words, symbol, numeral, groups of symbols, or groups of numerals, where the symbols or numbers are meant to be read as a unit.
- C. The area of a freestanding sign shall be the total area of all surfaces (excluding poles or other support buildings) visible from the public rights-of-way. For double or multi-faced signs, only the area of surfaces visible at any one time, at any one point on the public right-of-way shall be measured when calculating sign area.
- D. The area of monument type freestanding signs shall be determined by (1) the size of the copy area, (2) visual breaks in the structural components of the sign, and /or (3) variation in the monuments color scheme.

5.10.2 The minimum separation between freestanding signs shall be the shortest distance between two (2) signs, measured in a straight line.

5.10.3 In situations where these criteria do not provide guidance in determining sign area or minimum separation the administrative official shall make the determination.

5.11 CALCULATION OF ALLOWABLE SIGN AREA ON CORNER LOTS

5.11.1 On corner lots, the front shall be either (a) the side fronting the public street providing major access, or (b) the side which the main entrance of the building faces. In situations where neither of these methods clearly distinguishes the front, the administrative official shall make a determination.

5.11.2 For commercial or industrial uses, the front shall not be a primarily residential street.

5.11.3 On corner lots where a building or buildings face more than one street, sign area shall be allowed for front lineal footage as indicated in one-half the side street frontage, provided:

- A. The side street does not front on a primarily residential area;
- B. Sign area as determined by each frontage is placed only on the frontage from which it is determined.

5.12 DAMAGED OR NEGLECTED SIGNS

5.12.1 Administrative Officer shall have the authority to order the removal, without compensation, of any sign or sign building that due to neglect or damage poses a clear danger to the health, safety and welfare of the public.

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5.13 OFF-PREMISES SIGNS

5.13.1 Off-premise signs shall be allowed in the B-2, B-4, B-5, I-1 and I-2 zoning districts provided the following location and design standards are met:

- A. No off-premise sign shall be located within a five hundred (500) foot radius of an existing off-premise sign, or an off-premise sign for which a valid permit has been obtained, but has not yet been erected.
- B. No off-premises sign shall be located within two hundred (200) feet of any residential zoning district, public square, park, school, library, or religious assembly property.
- C. No off-premises sign shall be allowed to be installed on any roof building, nor shall any such sign exceed thirty-five (35) feet in height above the abutting road.
- D. Side by side, double and multi-decker off-premises signs shall not be permitted.
- E. No off-premises sign shall be nearer to any public street rights-of-way line upon which said sign faces than the building line provided for in zoning district where the sign is located. Any off-premises sign shall have a minimum side and/or rear yard setback of fifteen (15) feet.
- F. The maximum size of any off-premises sign on a lot shall be three hundred seventy-eight (378) square feet plus ten (10) percent for embellishments.

5.14 EXCEPTIONS TO SIGN REGULATIONS

5.14.1 Shopping Centers

Within shopping centers that existed at the time of the adoption of these zoning regulations, the square footage of signs that existed at that time may be maintained. New or existing businesses may modify or replace their existing attached signs provided the area of the modified or new signage is equal to or less than the original displayed signage. Modifications to freestanding signs shall be in accord with the district regulations.

5.14.2 Planned Developments

A signage plan shall be submitted as part of any proposal that must be approved as a development plan under article 13. The signage plan shall be part of the required preliminary development plan. All signage plans shall be of sufficient detail to allow the Planning Commission to judge the compatibility of the proposed signage with the character of the proposed development. At a minimum, all signage plans shall provide information on the general size, location, style, color, and materials of all signs proposed. In evaluation the proposal, the Planning Commission shall consider the appropriateness of the proposed signage plan in relation to the character of the proposed development, and the surrounding area.

5.14.3 Lots Without Public Street Frontage

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Lots without public street frontage that existed upon the effective date of these zoning regulations shall be allowed signage based upon the applicable district regulations as provided for in Section 5.3. Permitted signage shall be calculated based upon the frontage width of the lot that parallels the nearest public street.

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ARTICLE 6 – VEHICLE REGULATIONS

6.1 PURPOSE

The purpose of this article is to establish and describe the on site 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.
- 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

- 6.5.1 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 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

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thousand (2,000) square feet. One additional loading space shall be provided for each additional ten thousand (10,000) square feet or fraction thereof.

- 6.5.2 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 so as to preclude backing onto or occupying any public rights-of-way.
- 6.5.3 Loading and unloading space may occupy all, or any part, of any required yard space, unless otherwise provided in these zoning regulations.
- 6.5.4 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.
- 6.5.5 Existing off-street loading spaces provided for any building or use shall be maintained thereafter so long as said building or use remains.
- 6.5.6 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.
- 6.5.7 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.
- 6.5.8 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.
- 6.5.9 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,

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trailer and camper sales lot or as an automobile service station shall be subject to the requirements of this Article concerning surfacing, lighting and 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 6.6.4.
- 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 closed 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 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.

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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) space 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

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of gross floor area.

- 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, Stock Brokers, 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.

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

Recreational of Entertainment

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 slip 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 Racquet Ball 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)

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per one hundred (100) square feet of gross floor area in meeting rooms which ever 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 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.

6.8.49 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.

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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 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.

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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.

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.

7.4 HEIGHT STANDARDS

No building shall exceed two (2) stories or thirty (30) 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 thirty (30) feet. In no case shall the height exceed fifty (50) feet. This section shall not apply to the Central Business District or Heavy Industrial Districts. See Section 7.12.13 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.

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

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area; (d) to have narrower or smaller rear yards, front yards, side yards, or other open spaces; or (e) to have less perimeter and interior lot landscaping for vehicular 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 and R-4 zoning districts according to Section 9.4.

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 sink, 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 sink. 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 rely upon information contained in the FHB Maps. For areas not shown on the FHB Maps, the applicant will be responsible for providing Planning Commission certified 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

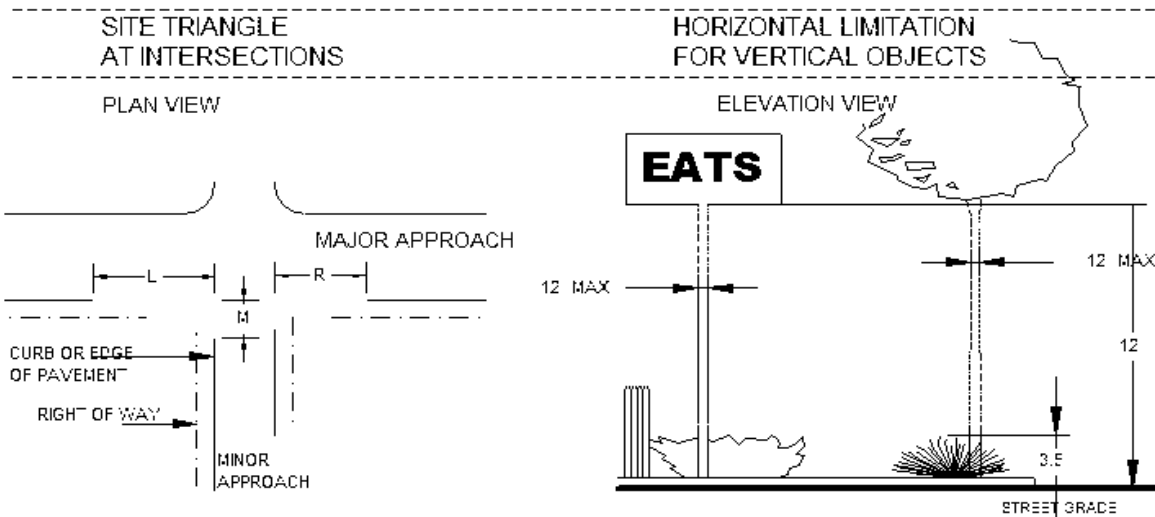
A multiple building development or redevelopment, when permitted in a zoning district, must be approved by the Planning Commission as a development plan. (see Article 13). When a multiple building development is proposed, the developer must establish lot lines for each principle building and lot. The developer must establish set back lines and meet all other requirements of these zoning

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regulations and the subdivision regulations of Simpson Co. The Planning Commission at the time of approval of the preliminary development plan may waive 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 with the limitations of the applicable visual clearance requirements as shown in the following illustration and table, unless specifically excepted below. The requirement established in this section shall not apply to the Central Business District.



NOTHING PERMITTED IN SIGHT TRIANGLE FROM 3.5 TO 12 FT. ABOVE STREET GRADE. OTHER THAN VERTICAL OBJECTS 12 IN. OR LESS IN DIAMETER

OR	INTERSECTION	ANY STREET	ALLEY
	<u>MAJOR APPROACH</u>	<u>EXCEPT ALLEY</u>	<u>DRIVEWAY</u>
	Arterial	L=300'	L=200'
	Street	R=150'	R=100'
		M=15'	M=10'
	Collector, Local or	L=150'	L=100'
	Any Other	R=75'	R=50'
	Street	M=15'	M=10'

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

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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.

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. Where ever public water and sewer mains are accessible, buildings shall be connected to such mains. The Barren River District Health Department's certificate approving proposed or

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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 an interstate and other controlled access highways where access is not permitted from the site.

For any yard that adjoins an 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 for 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 requirement for the subject lot shall equal the more restrictive rear yard requirement of the adjoining

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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 and features that are accessory to a principal 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 residential zoning districts, accessory building shall not be used for or involved with the conduct of any business, trade or industry.

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- B. In any zoning district, no accessory building shall be used in whole or in part for human occupancy.
- C. In any zoning district, temporary buildings or accessory buildings may be allowed for the storage of equipment during construction.
- D. All unattached accessory buildings shall be a minimum five (5) feet from all property lines, except as provided in section 7.13.3.

7.13.2 Height of accessory building

An accessory building shall not exceed the height limitations for principal 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 rights-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.

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- 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 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.

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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 SATELLITE DISH ANTENNA

7.17.1 A satellite dish is an accessory structure to a principal building. As an accessory structure satellite the satellite dish shall conform to the setback and height requirements applicable to an accessory building. (see Section 7.13)

7.17.2 In business and industrial zoning districts, satellite dish antennae may also be located in required yards adjoining streets, where no portion of such antennae shall be located closer than twenty-five (25) feet to an adjoining lot which is in any residential zoning district.

7.17.3 In any zoning district, accessory satellite dish antennae may be ground – or roof-mounted and shall comply with applicable structural requirements of the local building code. Satellite dish antennae that are mounted on towers and/or are owned by public utilities shall comply with provisions of these zoning regulations.

7.18 SIGNS

Signs shall comply with the provisions of Article 5.

7.19 VEHICULAR USE AREAS

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

7.20 VEHICULAR ACCESS TO LOTS

7.20.1 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

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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 to 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.

7.21 EXCEPTIONS

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

7.21.2 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.

7.21.3 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

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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

a. 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.

b. 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.

c. 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.

E. 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.

7.21.4 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.

7.21.5 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

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accordance with Article 13.

- 7.21.6 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.
- 7.21.7 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.
- 7.21.8 Signs, unlighted, and not over two (2) square feet in area identifying the primary professional practice shall not require a building permit.
- 7.21.9 Horticulture, landscaping and fencing of any premises, provided they comply with section 7.8.2.
- 7.21.10 Exceptions 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.

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**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

Residential

- R-1 Single Family District
- R-2 Single Family and Duplex (two family) District
- R-3 Single Family through Limited Multi-family, (four dwelling units per lot)

District

- R-4 High Density/Multi-family District
- R-5 Manufactured home District

Office and Related Uses

- O-P Office and Professional 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

Industrial

- I-1 Light Industrial District
- I-2 Heavy Industrial District

Special

- CO Conservancy District

8.2 AGRICULTURAL DISTRICT – AG

8.2.1 PURPOSE

A 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

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statewide importance that should be preserved to the maximum extent practical.

It is acknowledged that some of the lands currently in agricultural use and within the agricultural district will become an 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 PRINCIPAL USE AND BUILDING

- 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

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- a. One manufactured home on a tract of land 10-100 acres in size.
- b. Two manufactured homes on a tract of land 101-200 acres in size.
- c. Three manufactured homes on a tract of land 201-200 acres in size.
- d. If a need exists for additional trailers above stated number, the applicant may come before the Planning Commission and make a request.

8.2.3 PERMITTED ACCESSORY USE AND BUILDING

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.

8.2.4 CONDITIONAL PERMITTED USE AND BUILDING

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

- A. One duplex per lot; airports and landing strips; cemeteries; public or private sewerage disposal plants; disposal of garbage or refuse by Simpson County or the City of Franklin; hospitals; wireless transmitting stations; public or private schools or colleges; home occupations when in compliance with Section 9.3; oil or gas wells; country club or golf course; public parks, playgrounds and community centers; churches; public utility and railroad buildings; antenna tower for cellular or personal communications services; private marine, boat dock, boat ramp, or driving range or private outdoor recreational activity; and quarries and gravel pits. Manufactured home parks complying with Section 9.5.
- B. Other uses which are similar in nature to the uses listed in 8.2.4.A and which would not be detrimental to or alter the basic agricultural character of the neighborhood in which the use is located.

8.2.5 PROHIBITED USE AND BUILDING

Within the City of Franklin, the following agricultural activities or buildings designed or intended for such uses are prohibited: animal husbandry; egg and poultry production; dairying; farrowing; and other agricultural activities which constitute a noise or waste nuisances; and mobile homes.

8.2.6 EXEMPT USE AND BUILDINGS

Agricultural uses buildings 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

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maintained street or highway;

- B. The agricultural use building is located outside of a designated floodway or floodplain.

8.2.7 MNIMUM LOT REQUIREMENTS

- A. Five (5) acres qualify as agriculture.
- B. One (1) acre for non-agriculture uses.

8.2.8 YARD REQUIREMENTS

- A. Minimum lot width at front building line: No limitation.
- B. Minimum front yard setback: Fifty (50) feet from the front property line.
- C. Minimum side yard setback from the side property line: Fifteen (15) feet unless side yard has frontage on public road in which case the setback will be same as front yard setback.
- D. Minimum rear yard setback from rear property line: Twenty five (25) feet unless rear property line has frontage on public road in which case the setback will be same as front yard setback.
- E. Minimum lot depth: One hundred (100) feet.
- F. Minimum lot width: Forty (40) feet.

8.2.9 OTHER SETBACK REQUIREMENTS

An accessory structure or facility used in conjunction with the permitted and conditionally permitted use shall be setback from the adjoining property line when that property is in a residential, commercial, industrial district or the rural village zoning district and shall observe the following setbacks:

- A. Raising of Farm animals and feed lots: 500 feet.
- B. Animal kennels, either commercial or non-commercial, pens, runs: 100 feet.
- C. Commercial greenhouses and plan nurseries: 50 feet.

8.2.10 LOT COVERAGE B ALL STRUCTURES AND OTHER IMPERVIOUS AREAS

No limitation.

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8.2.11 HEIGHT OF BUILDING

No limitation.

8.2.12 OFF STREET PARKING, LOADING AND UNLOADING AREA REQUIREMENTS

See Article 6.

8.2.13 SIGN REQUIREMENTS

See Article 5.

8.3 RURAL VILLAGE DISTRICT – RV

8.3.1 PURPOSE

The purpose of the rural village district is to allow the continuation of the existing commercial and residential mixed use areas found in the predominantly agricultural areas of Simpson County. The residential density recommendation for these areas is intended to average between one and three units per acre. The rural village serves as the focal point and brings a sense of community and identification to the surrounding rural areas, with an emphasis on providing essential goods and services to rural residents, but are not intended as employment designations for urban residents. The rural village districts are the same areas designated as general business in section 4.2.23 the zoning ordinance adopted in June of 1971. New development should be carefully considered for its compatibility with the surrounding development and the purpose and intent of this district. Expansions of these areas should be contiguous to the existing village center in order to avoid leap-frog urban development. Similarly additional development may warrant additional public services such as water, fire protection and sewers.

8.3.2 GEOGRAPHIC LOCATION

Seven (7) intersections were designated in the 1971 edition of these zoning regulations which were the following. The district has a depth of two hundred (200) feet and a frontage of five hundred (500) feet along each of the intersecting highways. These locations have been placed on the zoning atlas maps.

Kentucky Highway 585 and 622
Kentucky Highway 73 and Hatcher Road
Kentucky Highway 1885 and 591
Kentucky Highway 100 and 665 and 103
Kentucky Highway 73 and 621
Kentucky Highway 621 and U.S. 31-W
Kentucky Highway 73 and Vaughn Road

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The Planning Commission may from time to time add additional rural village districts as it deems appropriate to carry out the objectives of the Simpson County Comprehensive Plan.

8.3.3 PERMITTED PRINCIPAL USE AND BUILDING

- A. Those uses permitted in the Agricultural zoning district.
- B. Those permitted uses in the Residential R-1 zoning district.
- C. Agricultural and horticultural services.
- D. Churches and cemeteries.
- E. Those permitted uses in the Neighborhood B-1 zoning district.
- F. Post offices.

8.3.4 PERMITTED ACCESSORY USE AND BUILDING

An accessory building and an accessory use which is not part of the principal building, including barns, sheds and other farm buildings, and private garages shall be permitted as customarily incidental to the principal and conditional uses.

8.3.5 CONDITIONAL PERMITTED USE AND BUILDING

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

Public or private sewerage disposal plants; wireless transmitting stations; public or private schools or colleges for academic instruction; golf course; public parks, playgrounds and community centers; public utility and railroad buildings; home occupations in compliance with section 9.3; dock, private outdoor recreational activity such as fishing lakes, sportsman's lakes, private clubs; manufactured home parks; and veterinarian clinics.

8.3.6 PROHIBITED USE AND BUILDING

The following agricultural activities or buildings designed or intended for such uses are prohibited: animal husbandry; egg and poultry production; dairying; farrowing; and other agricultural activities which constitute a noise or waste nuisance; mobile homes; and manufactured homes, except in manufactured home parks.

8.3.7 EXEMPT USE AND BUILDING

Agricultural uses and buildings shall be exempt from these regulations so long as they are used exclusively for agricultural purposes, are not located within a floodplain and meet the front yard setbacks of these regulations. Agricultural buildings are required to file for building permit for the exclusive purpose of determining that:

- A. The agricultural buildings meet the building setback lines from all publicly maintained

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street or highway;

B. The agricultural building is located outside of a designated floodway or floodplain.

8.3.8 MINIMUM LOT REQUIREMENTS

22,000 square feet.

8.3.9 YARD REQUIREMENTS

A. Minimum lot width at front building line: Eighty five (85) feet.

B. Minimum front yard setback: Thirty five (35) feet from the front property line.

C. Minimum side yard setback from the side property line: Fifteen (15) feet unless side yard has frontage on public road. See Section 7.12.1 for exceptions and modifications.

D. Minimum rear yard setback from rear property line: Twenty-five (25) feet unless rear property line has frontage on public road in which case the setback will be same as front yard setback.

E. Minimum lot depth: One hundred seventy five (175) feet.

F. Minimum lot width: Forty (40) feet.

8.3.10 LOT COVERAGE BY ALL STRUCTURES AND OTHER IMPERVIOUS AREAS

The maximum percent of lot that may be covered by the principal building and accessory building is thirty (30) percent of the total lot area.

8.3.11 HEIGHT OF BUILDING

No principal building containing a single family detached or semi-detached dwelling unit shall exceed three (3) stories, or forty (40) feet in height. No principal building containing a use other than residential dwelling unit shall exceed four (4) stories, or fifty (50) feet. No permitted accessory building on a lot with a principal building containing a residential use may be taller than one (1) story or twenty (20) feet in height. No permitted accessory building on a lot with a principal building containing a use other than residential may be taller than two (2) stories or thirty (30) feet in height.

8.3.12 OFF STREET PARKING, LOADING AND UNLOADING AREA REQUIREMENTS

See Article 6.

8.3.13 SIGN REQUIREMENTS

See Article 5.

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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 to provide 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 PRINCIPAL USE AND BUILDING

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

Single family detached dwellings, site build or modular home; residential care facilities as defined in KRS Chapter 100.982 through 100.984.

8.4.3 PERMITTED ACCESSORY USE AND BUILDING

The following accessory buildings and uses shall be permitted as customarily incidental to the principal and conditional uses:

Garage or other building not used as a dwelling; Private swimming pools and other private recreational facilities; and boarding house, provided no more than three (3) sleeping rooms as the maximum that shall be rented in any building.

8.4.4 CONDITIONAL PERMITTED USE AND BUILDING

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

Churches and other places of worship; Parish houses and parsonage; Libraries; Public and private schools or colleges offering general or specialized education courses; Child care center, day car center, and nursery services; Public parks and recreational facilities and community centers; Personal care and nursing homes; Hospitals for the care of humans; Bed and breakfast as regulated under Section 9.6; Home occupations in compliance with Section 9.3.

8.4.5 PROHIBITED USE AND BUILDING

All business and industrial uses or buildings designed or intended for such uses not specifically allowed by this zoning district are prohibited; mobile homes; manufactured homes and manufactured home parks.

8.4.6 LOT AREA REQUIREMENTS

Minimum lot area:

12,500 square feet when principal building is connected to public sanitary sewers or 22,000

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square feet when principal building is connected to an on site disposal system.

8.4.7 YARD REQUIREMENTS

- A. Minimum lot at front building line: One hundred (100) feet at building line.
- B. Minimum front yard setback: Thirty (30) feet from the front property line.
- C. Minimum lot width at front property line: Forty (40) feet.
- D. Minimum side yard setback from the side property line: Fifteen (15) feet unless side yard has frontage on public road in which case the setback will be same as front yard setback requirements. See Section 7.12.1 for exceptions and modifications.
- E. Minimum rear yard setback from rear property line: Twenty five (25) feet unless rear property line has frontage on public road in which case the setback will be same as front yard setback requirement.
- F. Minimum lot depth: One hundred (100) feet.
- G. The minimum width of side yards along intersecting streets shall be the same as the front yard setback required for the residential district on such side street. See Section 7.12.1 for exceptions and modifications.

8.4.8 LOT COVERAGE BY ALL STRUCTURES AND OTHER IMPERVIOUS AREAS

The maximum percent of lot that maybe covered by all buildings are forty (40) percent of the total lot area.

8.4.9 HEIGHT OF BUILDINGS

No principal building containing residential dwelling units only, shall exceed three (3) stories or forty (40) feet in height. No permitted accessory building on a lot with a principal building containing a residential use may be taller than one (1) story or twenty (20) feet in height. Finished first floor must be six (6) inches above the sidewalk or one (1) foot above roadway.

No principal building containing a use other than residential dwelling unit shall exceed four (4) stories, or fifty (50) feet. No permitted accessory building on a lot with a principal building containing a use other than residential may be taller than two (2) stories or thirty (30) feet in height. For structures proposed to be two (2) or more stories in height, the property owner must present evidence to the Administrative officer that there is an adequate water supply and that fire hydrants exist or will be installed by the property owner within the minimum distance specified by these regulations or other applicable regulations.

8.4.10 OFF STREET PARKING, LOADING AND UNLOADING AREA REUIREMENTS

See Article 6.

8.4.11 SIGN REQUIREMENTS

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See Article 5.

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 use of land in this district is for single family and two family uses. 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 developed density shall not exceed 6.0 dwelling units per acre developed.

8.5.2 PERMITTED PRINCIPAL USE AND BUILDING

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

Single family detached or semi-detached and two family dwellings (duplexes), site built or modular home. Lots may be in condominium form of ownership. Residential care facilities as defined in KRS Chapter 100.982 through 100.984.

8.5.3 PERMITTED ACCESSORY USE AND BUILDING

Accessory buildings and uses shall be permitted as customarily incidental to the principal and conditional uses.

Garage or other building not used as a dwelling; Private swimming pools and other private recreational facilities; Boarding homes provided no more than three (3) sleeping rooms as the maximum are rented in any building.

8.5.4 CONDITIONAL PERMITTED USE AND BUILDING

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

Churches and other places of worship; parish and parsonage houses; Libraries; Public and private schools or colleges offering general or specialized education courses; Child care centers, day care center, and nursery services; Public parks and recreational facilities; Personal care and nursing homes; Hospitals for the care of humans; Bed and breakfast as regulated under Section 9.6; Home occupations in compliance with Section 9.3.

8.5.5 PROHIBITED USE AND BUILDING

All business and industrial uses or buildings designed or intended for such uses not specifically allowed by this zoning district; Mobile homes; manufactured homes; and manufactured home parks are prohibited.

8.5.6 LOT REQUIREMENTS

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Minimum lot area:

7,5000 square feet when principal building is single family or two family and connected to public sanitary sewers.

22,000 square feet when principal building is single family or two family and connected to on site disposal system.

8.5.7 YARD REQUIREMENTS

- A. Minimum lot width at front building line: Seventy five (75) feet for a lot with single family building; Eighty (80) feet for a lot with two family building.
- B. Minimum front yard setback: Twenty five (25) feet from the front property line.
- C. Minimum lot width at front property line: Forty (40) feet.
- D. Minimum side yard setback from the side property line: Ten (10) feet unless side yard has frontage on public road in which case the setback will be same as front yard setback.
- E. Minimum rear yard setback from rear property line: Twenty five (25) feet unless rear property line has frontage on public road in which case the setback will be same as front yard setback.
- F. Minimum lot depth: One hundred (100) feet.
- G. The minimum width of side yards along intersecting streets shall be the same as the front yard setback required for the residential district on such side street. See Section 7.12.1 for exceptions and modifications.

8.5.8 LOT COVERAGE BY ALL STRUCTURES AND OTHER IMPERVIOUS AREAS

The maximum percent of lot that may be covered by all buildings is forty (40) percent of the total lot area.

8.5.9 HEIGHT OF BUILDING

No principal building containing a single family or two family dwelling units may not exceed three (3) stories or forty (40) feet in height. No permitted accessory building on a lot with a principal building containing residential dwelling units only may be taller than one (1) story or twenty (20) feet in height.

No principal building containing a use other than residential dwelling units may not exceed four (4) stories, or fifty (50) feet. No permitted accessory building on a lot with a principal building containing a use other than residential may be taller than two (2) stories or thirty (30) feet in height. For structures proposed to be two (2) or more stories in height, the property owner must present evidence to the Administrative Officer that there is an adequate water

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supply and that fire hydrants exist or will be installed by the property owner within the minimum distance specified by these regulations or other applicable regulations.

Finished first floor must be six (6) inches above the sidewalk or one (1) foot above roadway.

8.5.10 OFF STREET PARKING, LOADING AND UNLOADING AREA REQUIREMENTS

See Article 6.

8.5.11 SIGN REQUIREMENTS

See Article 5.

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 PRINCIPAL USE AND BUILDING

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

Single family detached or semi-detached dwellings, whether site built or modular home; 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; Residential care facilities as defined in KRS Chapter 100.982 through 100.984. Multi-family dwellings may be townhouse, triplex, efficiency units, quadruplex, 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).

8.6.3 PERMITTED ACCESSORY USE AND BUILDING

Accessory buildings and uses shall be permitted as customarily incidental to the principal and conditional uses.

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Garage or other building not used as a dwelling; Private swimming pools and other private recreational facilities; boarding houses, provided no more than three (3) sleeping rooms as the maximum are rented in any building.

8.6.4 CONDITIONAL PERMITTED USE AND BUILDING

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

Churches and other places of worship; Parish houses; Libraries; Public and private schools and colleges offering general or specialized education courses; child care facility, day care center, Hospitals for the care of humans; bed and breakfast as regulated under Section 9.6; Home occupations in compliance with Section 9.3.

8.6.5 PROHIBITED USE AND BUILDING

All business and industrial uses and buildings designed or intended for such uses not specifically allowed by this zoning district; Mobile homes; Manufactured homes and manufactured home parks are prohibited.

8.6.6 LOT REQUIREMENTS

Minimum lot area:

A. Single family and duplex structures:

7,500 square feet when principal building is single family detached building and connected to public sanitary sewers; 22,000 square feet when principal building is single family and connected to on site disposal system.

10,000 square feet when principal building is two family building and connected to public sanitary sewers; 30,000 square feet when principal building is two family building and connected to on site disposal system.

B. Multi-family (apartment) structures

When connected to public sanitary sewer collection system, 13,500 square feet for the first three dwelling units and 3,000 square feet for each additional dwelling unit when principal building is a multi-family building.

When connected to on site disposal system, 33,000 square feet for the first dwelling unit when the principal building is a multi-family or apartment building and 4,000 square feet for each additional dwelling unit up to a maximum of 4 dwelling units per lot.

C. Other uses

The minimum required lot area for other uses shall be 7,5000 square feet.

8.6.7 YARD REQUIREMENTS

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- A. Minimum lot width at front building line: Seventy five (75) feet for a lot with single family building; Eighty (80) feet for a lot with two family building and One hundred (100) feet for a lot with a multi-family building.
- B. Minimum front yard setback: Twenty five (25) feet from the front property line.
- C. Minimum lot width at front property line: Forty (40) feet.
- D. Minimum side yard setback from rear property line: Ten (10) feet for single family and two family buildings and twenty (20) feet for apartment houses, unless side yard has frontage on public road in which case the setback will be same as front yard setback.
- E. Minimum rear yard setback from rear property line: Twenty five (25) feet unless rear property line has frontage on public road in which case the setback will be same as front yard setback.
- F. Minimum lot depth: One hundred (100) feet.
- G. The minimum width of side yards along intersecting streets shall be the same as the front yard setback required for the residential district on such side street. See section 7.12.1 for exceptions and modifications.
- H. The minimum spacing between buildings: Twelve (12) feet, measured from building face to building face.

8.6.8 LOT COVERAGE BY ALL STRUCTURES AND OTHER IMPERVIOUS AREAS

- A. Single family and two family buildings

The maximum percent of lot that may be covered by all buildings is forty (40) percent of the total lot area.

- B. All other buildings containing more than two residential dwelling units or residential multiple building developments.

The maximum percent of lot that may be covered by all buildings is fifty (50) percent of the total lot area.

8.6.9 HEIGHT OF BUILDING

No principal building containing single family or two family dwelling units may exceed three (3) stories or forty (40) feet in height. No principal building containing multi-family dwelling units shall exceed four (4) or fifty (50) feet in height. No permitted accessory building on a lot with a principal building containing a residential use may be taller than one (1) story or twenty (20) feet in height.

No principal building containing a use other than residential dwelling units shall exceed four (4) stories, or fifty (50) feet. No permitted accessory building on a lot with a principal

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building containing a use other than residential may be taller than two (2) stories or thirty (30) feet in height. For structures proposed to be two (2) or more stories in height, the property owner must present evidence to the Administrative Officer that there is an adequate water supply and that fire hydrants exist or will be installed by the property owner within the minimum distance specified by these regulations or other applicable regulations.

8.6.10 OFF STREET PARKING, LOADING AND UNLOADING AREA REQUIREMENTS

See Article 6.

8.6.11 SIGN REQUIREMENTS

See Article 5.

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 to provide 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 PRINCIPAL USE AND BUILDING

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

Single family, site built or modular; 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 configuration and may be in condominium form of ownership provided there is a minimum of two dwelling units on the lot.

Residential care facilities as defined in KRS Chapter 100.982 through 100.984.

8.7.3 PERMITTED ACCESSORY USE AND BUILDING

Accessory buildings and uses shall be permitted as customarily incidental to the principal and conditional uses.

Garage or other building not used as a dwelling; private swimming pools and other private recreational facilities; boarding houses provided no more than three (3) sleeping rooms as a maximum shall be rented in any building.

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8.7.4 CONDITIONAL PERMITTED USE AND BUILDING

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

Churches and other places of worship; Parish houses and parsonage; Libraries; Public and private schools or colleges offering general or specialized education courses; Child care facility, day care center, and nursery services; public parks and recreational facilities; personal care and nursing homes; hospitals for the care of humans; bed and breakfast as regulated under section 9.6 of these zoning regulations; home occupations in compliance with section 9.3.

8.7.5 PROHIBITED USE AND BUILDING

All business and industrial uses not specifically allowed by this zoning district; mobile homes; manufactured homes and manufactured home parks and residential development not connected to public sewer system are prohibited.

8.7.6 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.

8.7.7 LOT REQUIREMENTS

Minimum lot area:

- A. 7,500 square feet when principal building is single family or two family and connected to public sanitary sewers.
- B. 22,000 square feet when principal building is single family or two family and connected to on site disposal system.
- C. 3,000 square feet for each dwelling unit with a minimum of 16,000 square feet per lot when building contain more than a two residential dwelling units and the units are connected to public sanitary sewers.

8.7.8 YARD REQUIREMENTS

- A. Minimum lot width at front building line: One hundred (100) feet.
- B. Minimum front yard setback: Twenty five (25) feet from the front property line.
- C. Minimum lot width at front property line: Forty (40) feet.
- D. Minimum side yard setback from the side property line: Twenty (20) feet unless side

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yard has frontage on public road in which case the setback will be same as front yard setback.

- E. Minimum rear yard setback from rear property line: Twenty five (25) feet unless rear property line has frontage on public road in which case the setback will be same as front yard setback.
- F. Minimum lot depth: One hundred (100) feet.
- G. The minimum width of side yards along intersecting streets shall be the same as the front yard setback required for the residential district on such side street. See Section 7.12.1 for exceptions and modifications.
- H. The minimum spacing between buildings: Twelve (12) feet, measured from building face to building face.

8.7.9 LOT COVERAGE BY ALL STRUCTURES AND OTHER IMPERVIOUS AREAS

- A. Single family and two family buildings

The maximum percent of a lot that may be covered by all buildings is forty (40) percent of the total lot area.

- B. All other building containing more than two residential dwelling units or residential multiple building developments.

The maximum percent of a lot that may be covered by all buildings is fifty (50) percent of the total lot area.

8.7.10 HEIGHT OF BUILDING

No principal building containing a single family or two family dwelling units may not exceed three (3) stories, or forty (40) feet in height. No principal building containing multi-family dwelling units may not exceed four (4) stories or fifty (50) feet in height. No permitted accessory building on a lot with a principal building containing a residential use may be taller than one (1) story or twenty (20) feet in height.

No principal building containing a use other than residential dwelling unit shall exceed four (4) stories or fifty (50) feet. No permitted accessory building on a lot with a principal building containing a use other than residential may be taller than two (2) stories in height, the property owner must present evidence to the Administrative Officer that there is an adequate water supply and that fire hydrants exist or will be installed by the property owner within the minimum distance specified by these regulations or other applicable regulations.

Finished first floor must be six (6) inches above the sidewalk or one (1) foot above roadway.

8.7.11 OFF STREET PARKING, LOADING AND UNLOADING AREA REQUIREMENTS

See Article 6.

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8.7.12 SIGN REQUIREMENTS

See Article 5.

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 PRINCIPAL USE AND BUILDING

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

B. Residential care facilities as defined in KRS Chapter 100.982 through 100.984.

8.8.3 PERMITTED ACCESSORY USE AND BUILDING

Accessory buildings and uses shall be permitted as customarily incidental to the principal and conditional uses.

Garage or other building not used as a dwelling; swimming pools and other private recreational facilities; laundry facilities; office for on site property management; maintenance building.

8.8.4 CONDITIONAL PERMITTED USE AND BUILDING

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

Libraries; child care facility, day care center, and nursery services; public parks and recreational facilities; home occupations in compliance with Section 9.3.

8.8.5 PROHIBITED USE AND BUILDING

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All business and industrial uses or buildings designed or intended for such uses not specifically allowed by this zoning district are prohibited

8.8.6 LOT REQUIREMENTS

- A. Minimum area:
 - a. 4,500 square feet per manufactured home space within a manufactured home park when the manufactured home is connected to public sanitary sewers. All manufactured home spaces in a manufactured home park must be connected to public sanitary sewers.
 - b. 7,500 square feet per manufactured home lot in a manufactured home subdivision when principal building is connected to public sanitary sewers. 22,000 square feet per manufactured home lot in a manufactured home subdivision when principal building is connected to on site disposal system.

- B. Minimum land area:

Each manufactured home subdivision or park shall contain a minimum of five (5) contiguous acres of land. Development of a smaller tract of land adjacent to an existing mobile home park or subdivision may be permitted if:

- a. The proposed development conforms to and extends the original mobile home subdivision, and;
- b. Proposed development otherwise conforms to all of the requirements of these regulations.

8.8.7 YARD REQUIREMENTS FOR MANUFACTURED HOME PARK

MANUFACTURED HOME PARK

- A. Minimum lot width at front building line: One hundred (100) feet.
- B. Minimum front yard setback for all structures: Twenty five (25) feet from the manufactured home park front property line.
- C. Minimum lot width at front property line: Forty (40) feet.
- D. Minimum side yard setback from the side property line for all structures: Twenty (20) feet unless side yard has frontage on public road in which case, the set back will be the same as front yard set back.
- E. Minimum rear yard setback from rear property line for all structures: Twenty five (25) feet unless rear property line has frontage on public road in which case, the setback will be same as front yard setback.
- F. Minimum lot depth: One hundred twenty (120) feet.

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- G. The minimum width of side yards along intersecting streets for all structures shall be the same as the front yard setback required on such side street in section 8.8.7.B. See Section 7.12.1 for exceptions and modifications.

MANUFACTURED HOME SPACE WITHIN A MANUFACTURED HOME PARK

- A. Minimum lot width at front building line: Forty (40) feet.
- B. Minimum front yard setback for all structures: Twenty (20) feet from the edge of pavement of the internal park street.
- C. Minimum side yard setback from all structures: Eight (8) feet.
- D. Minimum rear yard setback from rear property line for all structures: Twenty (20).
- E. Minimum lot depth: Ninety (90) feet.

8.8.8 YARD REQUIREMENTS FOR MANUFACTURED HOME SUBDIVISION

- A. Minimum lot width at front building line: One hundred (100) feet.
- B. Minimum front yard setback: Twenty five (25) feet from the front property line.
- C. Minimum lot width at front property line: Forty (40) feet.
- D. Minimum side yard setback from the side property line: Twenty (20) feet unless side yard has frontage on public road in which case, the set back will be the same as front yard set back.
- E. Minimum rear yard setback from rear property line: Twenty five (25) feet unless rear property line has frontage on public road in which case, the setback will be same as front yard setback.
- F. Minimum lot depth: One hundred twenty (120) feet.
- G. The minimum width of side yards along intersecting streets shall be the same as the front yard setback required on such side street in section 8.8.7.B. See section 7.12.1 for exceptions and modifications.

8.8.9 LOT COVERAGE BY ALL STRUCTURES AND OTHER IMPERVIOUS AREAS

- A. Manufactured home park

The maximum percent of a lot that may be covered by all buildings is sixty (60) percent of the total lot area.

- B. Manufactured home subdivision

The maximum percent of a lot that may be covered by all buildings is sixty (60)

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percent of the total lot area.

8.8.10 HEIGHT OF BUILDING IN MANUFACTURED HOME PARK OR SUBDIVISION

No principal building in a manufactured home park shall exceed two (2) story or thirty (30) feet in height measured from the average grade to eave line. No principal building containing a use other than a residential unit shall exceed one (1) story or twenty (20) feet in height.

No principal building in a manufactured home subdivision shall exceed two (2) story or thirty (30) feet in height measured from the average grade to eave line. No principal building containing a use other than residential unit shall exceed one (1) story or twenty (20) feet in height.

Finished first floor must be six (6) inches above the sidewalk or one (1) foot above roadway.

8.8.11 OFF STREET PARKING, LOADING AND UNLOADING AREA REQUIREMENTS

See Article 6.

8.8.12 SIGN REQUIREMENTS

See Article 5.

8.8.13 STANDARDS FOR DEVELOPMENT OF MANUFACTURED HOME PARK

- 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 than 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

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two manufactured homes may be reduced to no less than twenty (20) feet.

- E. Internal Streets:
- a. Each manufactured home park shall have at least one street within the mobile park which gives access to a public street.
 - b. All manufactured home spaces shall abut upon a street within the mobile park which gives access to a public street.
 - c. 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.
 - d. 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.
 - e. All streets within the park shall be hard-surfaced and well lighted.
 - f. No street rights-of-way within the manufactured home park shall be within three (3) feet of the property line.
 - g. 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

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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 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:
 - a. All existing manufactured homes within Simpson County or the City of Franklin which 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.
 - b. 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.

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8.8.14 STANDARDS FOR DEVELOPMENT OF A MANUFACTURED HOME SUBDIVISION

- A. 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 public street within the manufactured home subdivision.
 - c. 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.

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- I. Accessory Building: An 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.
- 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. Insurance of Building Permit: The planning commission may attach reasonable special conditions to its approval of a development plan for manufactured home subdivision. 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.

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 PRINCIPAL USE AND BUILDING

The following uses are permitted in the Central Business (B-1) zoning district, subject to all the applicable development standards and requirements of these zoning regulations:

- 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

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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). 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).
- 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).

8.9.3 ACCESSORY USE AND BUILDING

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

8.9.4 CONDITIONAL PERMITTED USE AND BUILDING

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; schools; day care centers and nurseries; funeral home; hospital or medical, dental or mental health clinic; and philanthropic institutions and clubs.

8.9.5 PROHIBITED USE AND BUILDING

The following uses are prohibited in the B-1 zoning district:

- A. Any business which is primarily of a wholesale storage or warehouse nature; coal, lumber, or building supply yard; fertilizer bulk plant; fed mill; dairy; bottling works; dry leaning plant; electric welding; live animal or poultry sales; gasoline, oil or alcohol storage above ground in excess of 500 gallons; ice plant; laundry or bakery employing more than fifteen (15) persons; mobile homes; manufactured homes and manufactured home parks and any similar uses which in the opinion of the Board of Zoning Adjustment would be detrimental to the development in the central business district.
- B. Garages and service stations shall be prohibited except when they are a part of an off-street parking facility which has parking as its main function. New and used car sales, farm implement sales, trailer sales, drive-in theaters.

8.9.6 DEVELOPMENT PLAN REQUIRED

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

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8.9.7 LOT REQUIREMENTS

- A. The minimum required lot area for residential development shall be 7,500 square feet for the first dwelling unit and 2,000 square feet for each additional dwelling unit. When residential and commercial land uses are located on same lot, the residential calculation for determining minimum lot requirements shall be use exclusively.
- B. The minimum required lot area for other uses shall be 7,500 square feet.

8.9.8 YARD REQUIREMENTS

- A. Minimum lot width at front building line: Forty (40) feet.
- B. Minimum front yard setback: No limitation.
- C. Minimum lot width at front property line: Forty (40) feet.
- D. Minimum side yard setback from side property line: No limitation.
- E. Minimum rear yard setback from rear property line: No limitation.
- F. Minimum lot width: Forty (40) feet.

8.9.9 LOT COVERAGE BY ALL STRUCTURES AND OTHER IMPERVIOUS AREAS

No limitation

8.9.10 HEIGHT OF BUILDINGS

No principal or permitted accessory building in a B-1 zoning district shall n exceed three (3) stories, or forty (40) feet in height. No permitted accessory building may be taller than two (2) story or thirty (30) feet in height. For structures proposed to be two (2) or more stories in height, the property owner must present evidence to the Administrative Officer that there is an adequate water supply and that fire hydrants exist or will be installed by the property owner within the minimum distance specified by these regulations or other applicable regulations. Finish first floor must be six (6) inches above sidewalk.

8.9.11 OFF STREET PARKING, LOADING AND UNLOADING AREA REQUIREMENTS

See Article 6.

8.9.12 SIGN REQUIREMENTS

See Article 5.

8.9.13 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

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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 PRINCIPAL USE AND BUILDING

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 exclusively; 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 configurations provided that a development plan has been approved by the Planning Commission (see Section 8.10.6).
- F. 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 ACCESSORY USE AND BUILDING

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

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8.10.4 CONDITIONAL PERMITTED USE AND BUILDING

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

A. 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, 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 Central Business District shall be allowed as conditional uses in the General Business District.

8.10.5 PROHIBITED USE AND BUILDING

The following uses are prohibited in the B-2 zoning district:

Any business which is primarily of a wholesale storage or warehouse nature; coal, lumber, or building supply yard; fertilizer bulk plant; feed mill; dairy and bottling works; dry cleaning plant; electric welding; live animal or poultry sales; gasoline, oil or alcohol storage above ground in excess of 500 gallons; ice plant; laundry or bakery employing more than fifteen (15) persons; mobile homes; manufactured homes; manufactured home parks; and any similar uses which in the opinion of the Board of Zoning Adjustment would be detrimental to the development in the central business district.

Garages and service stations shall be prohibited except when they are a part of an off-street parking facility which has parking as its main function. New and used car sales, farm implement sales, trailer sales, drive-in theaters.

8.10.6 DEVELOPMENT PLAN REQUIRED

When a building which contains multi-family dwelling units, 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.

8.10.7 LOT REQUIREMENTS

Minimum lot area:

- A. 7,500 square feet when principal building is single family or two family and connected to public sanitary sewers.
- B. 22,000 square feet when principal building is single family or two family and connected to on site disposal system.
- C. 3,000 square feet for each dwelling unit with a minimum of 16,000 square feet per lot when buildings contain more than a two residential dwelling units and the units

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are connected to public sanitary sewers.

8.10.8 YARD REQUIREMENTS

- A. Minimum lot width at front building line: seventy-five (75) feet.
- B. Minimum front yard setback: thirty (30) feet.
- C. Minimum lot width at front property line: seventy-five (75) feet.
- D. Minimum lot width: forty (40) feet.

8.10.9 LOT COVERAGE BY ALL STRUCTURES AND OTHER IMPERVIOUS AREAS

- A. Single family and two family buildings

The maximum percent of lot that may be covered by all buildings is forty (40) percent of the total lot area.

- B. All other building containing more than two residential dwelling units or residential multiple building developments.

The maximum percent of lot that may be covered by all buildings is fifty (50) percent of the total lot area.

- C. All building containing non-residential dwelling units.

The maximum percent of lot that may be covered by all buildings is thirty (30) percent of the total lot area.

8.10.10 HEIGHT OF BUILDINGS

No principal or permitted accessory building in a B-2 zoning district shall not exceed three (3) stories, or forty (40) feet in height. For structures proposed to be two (2) or more stories in height, the property owner must present evidence to the Administrative Officer that there is an adequate water supply and that fire hydrants exist or will be installed by the property owner within the minimum distance specified by these regulations or other applicable regulations. Finished first floor must be six (6) inches above sidewalk.

8.10.11 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.

8.10.12 OFF STREET PARKING, LOADING AND UNLOADING AREA REQUIREMENTS

See Article 6.

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8.10.13 SIGN REQUIREMENTS

See Article 5.

8.10.14 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, but not in, a residential neighborhood, in defined nodes that have direct access to a highways. Neighborhood business districts should never draw through traffic into a residential neighborhood.

8.11.2 PERMITTED PRINCIPAL USE AND BUILDING

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).
- 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).

8.11.3 ACCESSORY USE AND BUILDING

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

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8.11.4 CONDITIONAL PERMITTED USE AND BUILDING

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

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

8.11.5 PROHIBITED USE AND BUILDING

The following uses are prohibited in the B-3 zoning district:

Any business which is primarily of a wholesale storage or warehouse nature; coal, lumber, or building supply yard; fertilizer bulk plant; feed mill; dairy or bottling processing plants; dry cleaning plant; electric welding; garages and service stations; new and used car sales, farm implement sales, trailer sales, drive-in theaters; live animal or poultry sales; gasoline, oil or kerosene storage above ground in excess of 100 gallons; ice plant; laundry or bakery employing more than fifteen (15) employees; mobile homes; manufactured homes; manufactured home parks; and any similar uses which in the opinion of the Board of Zoning Adjustment would be detrimental to the development in the neighborhood business district.

8.11.6 LOT REQUIREMENTS

The minimum lot area:

- A. 7,500 square feet when principal building is single family or two family and connected to public sanitary sewers.
- B. 22,000 square feet when principal building is single family or two family and connected to on site disposal system.
- C. 7,500 square feet when principal building contains a use other than residential and connected to public sanitary sewers.

8.11.7 YARD REQUIREMENTS

- A. Minimum lot width at front building line: sixty (60) feet.
- B. Minimum front yard setback: thirty (30) feet.
- C. Minimum lot width at front property line: forty (40) feet.
- D. Minimum lot width: forty (40) feet.

8.11.8 LOT COVERAGE BY ALL STRUCTURES AND OTHER IMPERVIOUS AREAS

- A. Single family and two family buildings

The maximum percent of lot that may be covered by all buildings is forty (40) percent of the total lot area.

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B. All building containing non-residential dwelling units.

The maximum percent of lot that may be covered by all buildings is eighty (80) percent of the total lot area.

8.11.9 HEIGHT OF BUILDINGS

No principal building or accessory building in a B-3 District shall exceed two (2) stories, or thirty (30) feet in height. Finished first floor must be six (6) inches above sidewalk.

8.11.10 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.

8.11.11 OFF STREET PARKING, LOADING AND UNLOADING AREA REQUIREMENTS

See Article 6.

8.11.12 SIGN REQUIREMENTS

See Article 5.

8.11.13 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 neighborhood business, B-3, zoning district land that abuts a residential district. Landscaped area shall be properly maintained at all times.

8.11.14 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 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 PRINCIPAL USE AND BUILDING

Franklin-Simpson County Zoning Ordinance

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.
- F. Residential: Residential dwellings as permitted in the R-4 zoning district. (see Section 8.6.2). 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).

8.12.3 PERMITTED ACCESSORY USE AND BUILDING

Any accessory building or use customarily incidental to the permitted uses are permitted.

8.12.4 PERMITTED CONDITIONAL USE AND BUILDING

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

- A. 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.

8.12.5 REQUIRED CONDITIONS

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- 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.

8.12.6 PROHIBITED USE AND BUILDING

The following uses are prohibited in the B-4 zoning district:

All industrial uses not specifically allowed by this article; outside storage, unless required by law; mobile homes; manufactured homes; and manufactured home parks.

8.12.7 DEVELOPMENT PLAN REQUIRED

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

8.12.8 LOT REQUIREMENTS

- A. The minimum required lot area for residential development shall be 5,000 square feet for first dwelling unit and 2,000 additional square feet for each additional family in a multi-family dwelling.
- B. The minimum required lot area for other uses shall be 10,000 square feet.

8.12.9 YARD REQUIREMENTS

- A. Minimum lot width at front building line: one hundred (100) feet.
- B. Minimum front yard setback: fifty (50) feet. All above ground buildings accessory to an outdoor use shall be located a minimum of fifty (50) feet from front lot liens.
- C. Minimum lot width at front property line: seventy (75) feet.
- D. Minimum side yard setback from side property line: No limitation if lot line is adjacent to a business or industry zoning district. Twenty-five (25) feet if the lots is adjacent to a residential or agricultural zoning district on the side adjacent to the residential or agricultural zoning district.
- E. Minimum rear yard setback from rear property line: No limitation if lot line is

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adjacent to a business or industrial zoning district. Twenty-five (25) feet if the lot is adjacent to a residential or agriculture zoning district on the side adjacent to the residential or agricultural zoning district.

F. Minimum lot width: seventy five (75) feet.

8.12.10 LOT COVERAGE BY ALL STRUCTURES AND OTHER IMPERVIOUS SURFACES

A. Single family and two family buildings

The maximum percent of lot that may be covered by all buildings is forty (40) percent of the total lot area.

B. All other building containing more than two residential dwelling units or residential multiple building developments.

The maximum percent of lot that may be covered by all buildings is fifty (50) percent of the total lot area.

C. All building containing non-residential dwelling units.

The maximum percent of lot that may be covered by all buildings is sixty (60) percent of the total lot area.

8.12.11 HEIGHT OF BUILDINGS

No permitted accessory building may be taller than two (2) story or thirty (30) feet in height. No principal building in a B-4 zoning district shall exceed four (4) stories, or fifty (50) feet in height. No permitted accessory building may be taller than two (2) stories or thirty (30) feet in height. For structures proposed to be two (2) or more stories in height, the property owner must present evidence to the Administrative Officer that there is an adequate water supply and that fire hydrants exist or will be installed by the property owner within the minimum distance specified by these regulations or other applicable regulations. Finished first floor must be six (6) inches above sidewalk or one foot above the road level.

8.12.12 OFF STREET PARKING, LOADING AND UNLOADING AREA REQUIREMENTS

See Article 6.

8.12.13 SIGNS

See Article 5.

8.13 INTERSTATE INTERCHANGE BUSINESS DISTRICT, B-5

8.13.1 PURPOSE

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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 PRINCIPAL USE AND BUILDING

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

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.

8.13.3 PERMITTED ACCESSORY USE AND BUILDING

Any accessory building or use customarily incidental to the permitted uses are permitted.

8.13.4 PERMITTED CONDITIONAL USES AND BUILDINGS

The following uses are conditional uses in a B-5 district and require written approval of the Board of Adjustment;

- A. Churches and other places of worship, parish houses; day care centers and nurseries; public parks and commercial recreational facilities.

8.13.5 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.

8.13.6 PROHIBITED USE AND BUILDING

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All industrial uses not specifically allowed by this article are prohibited.

8.13.7 DEVELOPMENT PLAN REQUIRED

When building containing a multi-family dwelling units, 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.

8.13.8 LOT REQUIREMENTS

The minimum lot area shall be at least two (2) acres.

8.13.9 YARD REQUIREMENTS

- A. Minimum lot width at front building line: 100 feet.
- B. Minimum front yard setback: 100 feet.
- C. Minimum lot width at front property line: 75 feet.
- D. Minimum side yard setback from side property line: Twenty (20) feet if lot line is adjacent to a business or industrial district, forty (40) feet if the lots is adjacent to a residential or agricultural zoning district on the side adjacent to the residential or agricultural district.
- E. Minimum rear yard setback from rear property line: Twenty five (25) feet if lot line is adjacent to a business or industrial district. Fifty (50) feet if the lot is adjacent to a residential or agricultural zoning district or the side adjacent to the residential or agricultural zoning district.
- F. Minimum lot width: 75 feet.

8.13.10 LOT COVERAGE BY ALL STRUCTURES AND OTHER IMPERVIOUS AREAS

The maximum percent of lot that may be covered by all buildings building is fourth 50% of gross lot area.

8.13.11 HEIGHT OF BUILDINGS

No principal building shall exceed three (3) stories, or forty (40) feet in height. No permitted accessory building may be taller than two (2) stories or thirty (30) feet in height. For structures proposed to be two (2) or more stories in height, the property owner must present evidence to the Administrative Officer that there is an adequate water supply and that fire hydrants exist or will be installed by the property owner within the minimum distance specified by these regulations or other applicable regulations.

Notwithstanding other provisions of these zoning regulations, all signs in this zoning district shall have a maximum height of fifty (50) feet above the average grade level of the road to

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which it is oriented or thirty five (35) feet above the average grade of the lot upon which the sign is placed, whichever is greater.

Finished first floor must be six (6) inches above sidewalk or one foot above the road level.

8.13.12 OFF STREET PARKING, LOADING AND UNLOADING AREA REQUIREMENTS

See Article 5.

8.13.13 SIGN REQUIREMENTS

See Article 6.

8.13.14 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 non residential uses and high density residential districts.

8.14.2 PERMITTED PRINCIPAL USE AND BUILDING

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 licenses 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.

8.14.3 PERMITTED ACCESSORY USE AND BUILDING

Any accessory building or use customarily incidental to permitted or conditional uses may be permitted.

8.14.4 CONDITIONAL PERMITTED USE AND BUILDING

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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 general education curriculum; philanthropic institutions and clubs.

8.14.5 PROHIBITED USE AND BUILDING

All commercial and industrial uses not specifically allowed by this article are prohibited.

8.14.6 LOT REQUIREMENTS

Lot area: 7,500 square feet when principal building is connected to public sanitary sewers, 22,000 square feet when principal building is connected to on site disposal system.

8.14.7 YARD REQUIREMENTS

- A. Minimum lot width at the building line: Seventy five (75) feet.
- B. Minimum front yard setback: Twenty-five (25) feet, except along federal or state maintained highways. Buildings may be no closer to the highway rights-of-way than fifty (50) feet on lots fronting a federal or state maintained highway.
- C. Minimum lot width at front property line: Forty (40) feet.
- D. Minimum side yard setback from side property line: Ten (10) feet.
- E. Minimum rear yard setback from side property line: Twenty five (25) feet.
- F. Minimum lot width: Forty (40) feet.

8.14.8 LOT COVERAGE BY ALL STRUCTURES AND OTHER IMPERVIOUS AREAS

The maximum percent of lot that may be covered by all buildings is forty (40) percent of gross lot area.

8.14.9 HEIGHT OF BUILDING

No principal building in an O-P zoning district shall exceed three (3) stories or forty (40) feet in height. For structures proposed to be two (2) or more stories in height, the property owner must present evidence to the Administrative Officer that there is an adequate water supply and that fire hydrants exist or will be installed by the property owner within the minimum distance specified by these regulations or other applicable regulations.

No permitted accessory building may be taller than one (1) story or twenty (20) feet in height. Finished first floor must be six (6) inches above sidewalk or one foot above level of roadway.

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8.14.10 OFF STREET PARKING, LOADING AND UNLOADING AREA REQUIREMENTS

See Article 6.

8.14.11 SIGN REQUIREMENTS

See Article 5.

8.14.12 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.

8.14.13 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 METHOD OF CLASSIFICATION

The Planning Commission hereby adopts the Standard Industrial Classification (SIC) Manual and the Standard Industrial Codes, 1972, as prepared by the Executive Office of the President, Office of Management and Budget, as the method of classifying and defining permitted industrial uses within the I-1 district. Any subsequent amendments to said codes or standards may be hereafter adopted by the Planning Commission from time to time. A copy of the standard industrial codes shall be available from the Administrative Official.

8.15.3 PERMITTED PRINCIPAL USE AND BUILDING

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

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A. MANUFACTURING

The following manufacturing activity unless the use is specifically classified as needing a conditional use permit, in an I-2 district or emits a noise, odor, smoke or particulate matter, or toxic or noxious matter beyond the site.

Apparel and other finished products (SIC code 23);
Newspaper Printing and publishing and commercial printing, lithographic (SIC codes 271 and 2752);
Office and computing machines (SIC code 357);
Electric and electronic equipment (SIC code 36) [except for electronic transmission and distribution equipment and electrical industrial apparatus (SIC codes 361 and 362)];

A new industry location in an I-1 district must furnish to the Planning Commission through the Administrative Official, the following: A description of the manufacturing, assembly, fabrication process that will take place at the site; the proposed quantities of smoke or particulate matter to be released into the air, noise, glare, or heat, vibration, and odorous matter that will be emitted from the site, quantity of flammable liquids and hazardous waste materials generated or produced on site, and quantity of chemicals or other hazardous materials that will be stored on the site. The Administrative Official may permit the new industry to file the same information as required by the Commonwealth of Kentucky or U.S. Environmental Protection Agency. All industrial activities shall be conducted within completely enclosed buildings.

B. SALES, CONSTRUCTION AND SERVICE ESTABLISHMENTS

Sales lots, display and stocking areas for the following types of business:

Agricultural services (SIC code 07);
Forest services (SIC code 085);
Building and construction, general contractors and special trade contractors (SIC codes 15 and 17);
Motor vehicles and motor vehicle parts and supplies (SIC code 501);
Farm implements (SIC code 5083);
Lumber and building materials (SIC code 503);
and adult oriented use(s) and/or sexually oriented business.

C. WAREHOUSING AND STORAGE

Warehousing (SIC code 50 and 51, except 5154, live stock auction markets and 5159 form product raw materials, NEC);
Trucking and courier services, except air (SIC code 421);
Terminal and joint terminal maintenance facilities for motor freight transportation (SIC code 422);
Public warehousing and storage (SIC code 422);
Mini-warehouses.

D. Planned industrial parks which have been approved by the Planning Commission under the development plan provisions of Article 13.

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- E. Limitations on storage tanks for flammable, reactive, or hazardous materials.

Above ground storage tanks, except hazardous waste materials (1,000 gallons)

Above ground storage tanks for hazardous waste materials (500 gallons)

8.15.4 PERMITTED ACCESSORY USE AND BUILDING

Any accessory building or use customarily incidental to the above permitted or conditionally permitted use shall be permitted.

8.15.5 CONDITIONAL PERMITTED USE AND BUILDING

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

A. Manufactured Ice (SIC code 2097), machine shops, jobbing and repair (SIC 3599); welding (SIC code 7692), and special dies and tools, die sets, jigs and fixtures, and industrial molds (SIC 3544); fabrication and processing plants of articles to be sold at retail on the premises; photocopying and duplication services (SIC code 7334); general contractors and special trade contractors (SIC codes 17 and 15) and partitions, shelving, lockers, and office and store fixtures including cabinet shops (SIC code 254), adult oriented use(s) and/or sexually oriented businesses, and child care facility which developed in conjunction with a planned industrial park or is exclusively for the benefit of employees of the manufacturing plant. Two or more adjoining manufacturing plants may jointly operate a child care facility.

8.15.6 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 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.

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- 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".

8.15.7 PROHIBITED USES AND BUILDINGS

Residential buildings; elementary or high schools public or private; churches; yards or lots for scrap or salvage operations, processing or yards, storage, display or sales of any scrap, salvage, or second hand building material, wrecked automobiles, second hand automobile parts; and salvage yards; uses which emit smoke, noise, odor or dust which would be obnoxious or detrimental to neighboring properties

8.15.8 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.

8.15.9 LOT REQUIREMENTS

Minimum lot area for the I-1 zoning district is one (1) acre.

8.15.10 YARD REQUIREMENTS

- A. Minimum lot width at front building line: One hundred (100) feet.
- B. Minimum front yard setback: Fifty (50) feet.
- C. Minimum lot width at front property line: Forty (40) feet.
- D. Minimum side yard setback from side property line: Twenty-five (25) feet if lot line is adjacent to a business or industrial zoning district. Fifty (50) feet if lot line is adjacent to a residential or agricultural zoning district on the side adjacent to the residential or agricultural zoning district.
- F. Minimum lot width: One hundred (100) feet.
- G. A fifteen (15) foot side or rear yard shall be required for that part of a lot which abuts upon a railroad siding.

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H. All buildings on corner lots adjoining a residential or agricultural zoning district shall be so located as to conform with corner lot requirements of said district.

8.15.11 LOT COVERAGE BY ALL STRUCTURES AND OTHER IMPERVIOUS AREAS

The maximum percent of lot that may be covered by structures and other impervious areas is sixty (60) percent of gross lot area.

8.15.12 HEIGHT OF BUILDINGS

No principal building in an I-1 zoning district shall exceed three (3) stories or forty (40) feet in height. No permitted accessory building may be taller than one (1) story or twenty (20) feet in height. For structures proposed to be two (2) or more stories in height, the property owner must present evidence to the Administrative Officer that there is an adequate water supply and that fire hydrants exist or will be installed by the property owner within the minimum distance specified by these regulations or other applicable regulations.

Finished first floor must be six (6) inches above the sidewalk or one foot above roadway.

8.15.13 OFF STREET PARKING, LOADING AND UNLOADING AREA REQUIREMENTS

See Article 6.

8.15.14 SIGN REGULATIONS

See Article 5.

8.15.15 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 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 METHOD OF CLASSIFICATION

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The Planning Commission hereby adopts the Standard Industrial Classification Manual and the Standard Industrial Codes, 1972, as prepared by the Executive Office of the President, Office of management and Budget, as the method of classifying and defining permitted industrial uses within the I-2 zoning district. Any subsequent amendments to said codes shall be incorporated as adopted from time to time by the Office of Management and Budget. A copy of the standard industrial codes shall be available from the Administrative Official.

8.16.3 PERMITTED PRINCIPAL USE AND BUILDING

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

A. MANUFACTURING

Soil preparation services (SIC code 071);
Crop services (SIC code 072);
Veterinary services (SIC code 074);
Animal services, except veterinary (SIC code 075);
Farm management services (SIC code 076);
Landscape and Horticultural services (SIC code 078);
Dairy Products (SIC code 202);
Canned, frozen and preserved fruits, vegetables, and food specialties (SIC code 203);
Bakery products (SIC code 205);
Candy, chocolate, chewing gum products and salted or roaster nuts and seeds (SIC codes 2064, 2066, 2067 and 2068);
Beverages (SIC code 208), except malt, wine or distilled and blended liquors (SIC codes 2082, 2083, 2084, and 2085);
Manufactured ice (SIC code 2095);
Apparel and other finished products (SIC code 23);
Newspaper printing and publishing and commercial printing, lithographic (SIC codes 271 and 275);

A new industry locating in an I-2 district must furnish to the Commission through the Administrative Official, the following: A description of the manufacturing, assembly, fabrication process that will take place at the site; the proposed quantities of smoke or particulate matter to be released into the air; the level of noise; glare, or heat, vibration, and odorous matter that will be emitted from the site; quantity of flammable liquids and hazardous waste materials generated or produced on site; and quantity of chemicals or other hazardous materials that will be stored on the site. The Administrative Official may permit the new industry to file duplicates of the same information as required by the Commonwealth of Kentucky or U.S. Environmental Protection Agency.

B. SALES AND SERVICE FARMS

Agricultural services (SIC code 07);
Lawn and garden services (SIC code 0782);
Forest services (SIC code 085);

C. SERVICE ESTABLISHMENTS

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Building Construction, general contractors, heavy construction contractors and special trade contractors (SIC codes 15, 16 and 17);

Sales lots, display and stocking areas for the following types of business:

Building Construction, general contractors and special trade contractors (SIC codes 15 and 17);

Motor vehicles and motor vehicle parts and supplies (SIC code 501);

Farm implements (SIC code 5083);

Lumber and building materials (SIC codes 503);

Services to dwellings and other buildings (SIC code 734);

Computer and data process (SIC code 737);

Engineering, architectural and surveying services (SIC code 871);

Accounting, auditing and bookkeeping services (SIC code 872);

Research development and testing services (SIC code 873);

management and public relations services (SIC code 874);

Labor unions and similar labor organizations (SIC code 863);

D. WAREHOUSING AND STORAGE

Warehousing (SIC code 50 and 51);

Trucking and courier services, except air (SIC code 421);

Terminal and joint terminal maintenance facilities for motor freight transportation (SIC code 422);

Public warehousing and storage (SIC code 422);

Mini-warehouses.

E. Planned industrial parks which have been approved by the Planning Commission under the development plan provisions of Article 13.

8.16.4 PERMITTED ACCESSORY USE AND BUILDING

An accessory building and use, which are customarily incidental to the principal and conditional use, shall be permitted. Garages and employee recreational facilities which may be located and conducted out of doors, except when lighted when adjacent to residential zoning districts.

8.16.5 CONDITIONAL PERMITTED USE AND BUILDING

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

A. MANUFACTURING

a. Custom slaughtering (SIC code 0751);

b. Meat products (SIC code 201);

c. Grain mill products (SIC code 204);

d. Fats and oil processing and rendering mills (SIC code 207);

e. Malt, wine or distilled and blended liquors (SIC codes 2082, 2083, 2084, and 2085);

f. Miscellaneous food preparations and kindred products (SIC code 209);

g. Tobacco products (SIC code 21);

h. Textile mill products (SIC code 22);

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- i. Lumber and wood products, except furniture (SIC code 24);
- j. Furniture and fixtures (SIC code 25);
- k. Pulp, paper, and paperboard mills (SIC codes 261, 262, and 263);
- l. Paperboard containers and boxes, converted paper and paperboard products, except containers and boxes (SIC codes 265 and 267);
- m. Books and periodicals; publishing and printing and miscellaneous publishing (SIC codes 272, 273 and 274);
- n. Manifold forms and blankbook, looseleaf binders and bookbinding (SIC codes 276 and 278);
- o. Greeting cards (SIC code 277);
- p. Service industry for printing trade (SIC code 279);
- q. Chemicals and allied products (SIC code 28);
- r. Petroleum refining (SIC code 29);
- s. Rubber and miscellaneous plastics products (SIC code 30);
- t. Leather and leather products (SIC code 31);
- u. Stone, clay, glass, and concrete products (SIC code 32);
- v. Primary metal industries (SIC code 33);
- w. Fabricated metal products, except machinery and transportation equipment (SIC code 34);
- x. Industrial and commercial machinery and computer equipment (SIC code 35);
- y. Electronic and other electrical equipment (SIC code 36);
- z. Transportation equipment (SIC code 37);
- aa. Measuring, analyzing and controlling instruments; photographic, medical, and optical goods; watches and clocks (SIC code 38);
- ab. Miscellaneous manufacturing industries including any other manufacturing not otherwise categorized by these regulations (SIC code 39);
- ac. Monuments, finished to custom order (SIC code 5999);
- ad. Terra cotta wholesale (SIC code 5032).

B. BUSINESS SERVICES

- a. Linen supply (SIC code 7213);
- b. Industrial laundries (SIC code 7218);

C. WHOLESALE TRADE

- a. Live stock auction markets (SIC code 5154) and Farm product raw materials; NEW (SIC code 5159).

D. MINING AND QUARRYING

- a. Crushed and broken stone, including riprap (SIC code 142);
- b. Sand and gravel (SIC code 144);
- c. Agricultural lime (SIC code 5191).

E. OTHER CONDITIONAL USES INCLUDE:

Refuse dump; land fill; scrap iron and salvage yards; salvage car lots, see Section 9.2 for standards for approval; coal washing; and wrecking material yards. Employee recreational facilities which may be located and conducted out of doors and which have lighting; and child

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care facilities when developed in conjunction with a planned industrial park or is exclusively for the benefit of employees of the manufacturing plant. Two or more adjoining manufacturing plants may jointly operate a child care facility.

F. PUBLIC FACILITIES

- a. Public water and sewage treatment plants and other public facilities and utility plants.

8.16.6 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.
- E. Limitations on storage tanks for flammable or reactive materials.

Total capacity of flammable materials permitted (gallons) or if measured in cubic feet the quantity permitted shall not exceed thirty (30) times the quantities stated in gallons.

Business engaged in storage for resale	Above Ground	Below
Materials having a closed cap flash point of less than 105 degrees Fahrenheit	5,000	100,000
Materials having a closed cap flash point of more than 105 degrees Fahrenheit but less than 187 degrees Fahrenheit	50,000	100,000
Materials having a closed cap flash point over 187 degrees Fahrenheit	50,000	100,000
Total storage	75,000	300,000

8.16.7 PERFORMANCE STANDARDS

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All uses which are established after the adoption of these regulations shall be so operated as to comply with the performance standards set forth in this section of the regulations. Any use already established in an industrial district on the date of adoption of these regulations shall not be altered or modified as to conflict with or further conflict with these performance standards.

- A. Vibration: No unreasonable vibration shall be permitted which is discernible without instruments at the points of measurement specified in these regulations and which constitutes a nuisance.
- B. Smoke and particulate matter: Any use shall be so operated as to comply with the emissions standards adopted by the Kentucky Natural Resources and Environmental Protection Cabinet, Division for Air Quality standards.
- C. Glare: No direct or sky-reflected glare, whether from flood lights or from high temperature processes such as combustion or welding or otherwise, so as to be visible at the points of measurement as specified in these regulations shall be permitted.
- D. Radioactivity or electrical disturbance: No activities shall be permitted which emit dangerous radioactivity at any point or electrical disturbance adversely affecting the operation of equipment other than the equipment of the creator of such disturbance and which constitutes a nuisance.
- E. Noise: At no point from the points of measurement as specified in these regulations shall the sound pressure level of any individual operation or plant (other than background noises produced by sources not under the control of this ordinance, such as operation of motor vehicles or other transportation facilities), exceed the decibel levels in the designated octave bands shown below:

Maximum permitted sound pressure level, decibels

<u>Octave band cycles per second</u>	<u>Where point of measurement abuts a Residential District</u>	<u>Where point of measurement is not a Residential District</u>
31.5	82	80
63	73	75
125	63	70
250	58	64
500	53	58
1,000	48	53
2,000	44	49
4,000	42	46
8,000	39	42

Method of measuring: Sound levels shall be measured with a sound level meter and associated octave band filter manufactured according to standards prescribed by the American Standards Association. Measurements shall be made using the flat network of the sound level meter. Impulsive type noises shall be subject to the performance standards thereafter

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prescribed provided that such noises shall be capable of being accurately measured with such equipment.

- F. Noxious odors: The emission of noxious odors from gases or other odorous matter shall not be in such quantities as to be offensive or harmful beyond the boundary line of the parcel from which said odors emanate and which constitutes a nuisance.
- G. Toxic gases or matter: Toxic gases or matter shall not be emitted in such quantities as to be offensive or harmful beyond the boundary line of the parcel which the use is located and which constitutes a nuisance.

8.16.8 Measurement of performance standards

All measurements to determine compliance with the performance standards as set forth in these regulations shall be taken at a location on a property line of the particular property which is the source of the emission.

8.16.9 PROHIBITED USE AND BULDING

The following uses and buildings are prohibited in the I-2 district:

- A. Manufactured home parks, subdivisions, or manufactured homes.
- B. No private access to any use in this district shall be permitted through any residential district.

8.16.10 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.

8.16.11 LOT REQUIREMENTS

Minimum lot area for the I-2 zoning district is two (2) acres.

8.16.12 YARD REQUIREMENTS

- A. Minimum lot width at building line: One hundred (100) feet.
- B. Minimum front yard setback: One hundred (100) feet along federal or state maintained highways as fifty (50) feet for all other streets and roads.
- C. Minimum lot with at front property line: 40 feet.
- D. Minimum side yard setback from side property line: Fifty (50) feet if lot line is adjacent to a business or industrial zoning district. One hundred (100) feet if lot line is adjacent to a residential or agricultural zoning district on the side adjacent to the residential or agricultural zoning district.

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- E. Minimum rear yard setback from rear property line: Twenty five (25) feet if lot line is adjacent to a business or industrial zoning district. Fifty (50) feet if lot line is adjacent to a residential or agricultural zoning district on the side adjacent to the residential or agricultural zoning district.
- F. A fifteen (15) foot side or rear yard setback shall be required for that part of a lot which abuts upon a railroad property.
- G. All buildings on corner lots adjoining a residential district shall be so located as to conform with corner lot requirements of said district.
- H. Minimum lot width: One hundred (100) feet.

8.16.13 LOT COVERAGE BY ALL STRUCTURES AND OTHER IMPERVIOUS AREAS

Sixty (60) percent of total lot area.

8.16.14 HEIGHT OF BUILDINGS

No limitation. Finished first floor must be six (6) inches above the sidewalk or one foot above roadway.

8.16.15 OFF STREET PARKING, LOADING AND UNLOADING AREA REQUIREMENTS

See Article 6.

8.16.16 SIGN REQUIREMENTS

See Article 5.

8.16.17 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,

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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, 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 man made or natural causes. This article does not warrant, directly or indirectly, that areas outside 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 PRINCIPAL USE AND BUILDING

- A. Any use that does not require the erection of a building or buildings intended for year-around use or occupancy, fences excepted.

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- B. Agricultural uses such as general farming out door 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.

8.17.7 PERMITTED ACCESSORY USE AND BUILDING

An accessory use, 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.

8.17.8 CONDITIONAL PERMITTED USE AND BUILDING.

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.

8.17.9 PROHIBITED USE AND BUILDING

Commercial, industrial, wholesale and warehouse, manufactured home parks, manufactured homes and industrial agricultural operations as defined in 401 Kentucky Administrative Regulations 5:001, 5:008. No structure including agricultural buildings shall be placed in any area which has been designated as a floodplain.

8.17.10 LOT REQUIREMENT

No limitation.

8.17.11 YARD REQUIREMENTS

- A. Minimum lot width at front building line: No limitation.
- B. Minimum front yard setback: No limitation.
- C. Minimum side yard setback from the side property line: No limitation.
- D. Minimum rear yard setback from rear property line: No limitation.
- E. Minimum lot depth: No limitation.
- F. Minimum lot width: No limitation.

8.17.12 LOT COVERAGE BY ALL STRUCTURES

Permanent buildings are not permitted in this district.

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8.17.13 HEIGHT OF BUILDING

No limitation.

8.17.14 OFF STREET PARKING, LOADING AND UNLOADING AREA
REQUIREMENTS

See Article 6.

8.17.15 SIGN REQUIREMENTS

See Article 5.

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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 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 units in each

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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 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 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 a salvage yard 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, 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:

- 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.

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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. No person other than members of the applicant's immediate family residing on the premises shall be engaged 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 (10) 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 private garage of which he is the owner or occupant, but not both simultaneously. 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 take up more than twenty five (25) percent of the area of one floor of the building in which it is located.
- 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.
- K. Two 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

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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 insure 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

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.

9.3.6 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:

- 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 home occupation.
- B. Notice of revocation proceedings shall be given to the holder of the home occupation

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permit at least fourteen (14) days in advance of the hearing by U.S. 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 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 and R-4 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 as long as 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 as long as the accessory apartment or the principal dwelling is occupied by the owner of the lot.
- D. An accessory apartment must be clearly subordinate to principal dwelling.
- E. An accessory apartment shall be a minimum of 300 square feet of living area but shall not exceed the greater of either, 900 square feet living area or 25 percent of the living area of the principal dwelling.
- F. The accessory apartment shall have a separate access, not observable from the street, unless there is a single access from the front of the building with a split access inside the building.
- G. The addition of the accessory apartment will maintain the appearance of a single family dwelling.
- H. If the accessory apartment is being added or attached to an existing building, the

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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 insure 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

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.

- 9.4.5 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

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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 MANUFACTURED HOME PARK OR SUBDIVISION

9.5.1 MANUFACTURED HOME SUBDIVISION

- A. Permitted: Manufactured home subdivisions providing individual lot ownership shall be permitted within the R-5 zoning district, after the Planning Commission has approved a development plan. The placement of manufactured homes within the manufactured home subdivision shall be subject these regulations, state health, electrical, plumbing, and other regulations governing manufactured homes and manufactured home parks. Further, providing that all previous existing regulations applicable to the development of manufactured home parks providing rental space shall be, and are here by made applicable to manufactured home parks providing individual lot ownership, except that lots within manufactured home parks providing individual lot ownership shall contain a minimum of seven thousand five hundred (7,500) square feet, and excepting further that the manufactured home space must be on and served by a city sewer.
- B. Procedure: Prior to applying for a building permit for a manufactured home park, the applicant shall submit a development plan to the Planning Commission for its approval. The development plan shall meet the requirements of Article 13.

9.5.2. MANUFACTURED HOME PARKS

- A. Permitted: Manufactured home parks shall be permitted only in R-5 residential district. The Planning Commission shall approve a development plan for the manufactured home park.
- B. Area and Density Requirements: No manufactured home park shall be permitted on an area of less than one acre in size. The developer may be permitted to develop the park in stages provided that an overall development plan has been approved by the Planning Commission and the developer remains in compliance with the approved plan. The initially development must have a minimum of five (5) developed manufactured home spaces and one (1) acre.

The number of manufactured homes permitted in the park shall not exceed a density of twelve (12) manufactured homes per gross acres of the project.

- C. Space Requirements: Individual manufactured home spaces within a manufactured home park shall not be less than four thousand-five hundred (4,500) square feet in area and in no instance shall more than one manufactured home be permitted on a single space. The minimum space width shall be forty (40) feet.
- D. Setback: No manufactured home or building shall be located closer to any public street right-of-way than the minimum front yard setback from permanent residential buildings in the residential R-5 zoning district. No manufactured home shall be located closer than twenty (20) feet to any building or street within the park or to any

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property line of the park.

- E. Frontage: All trailer parks shall front on a public street or road for at least one hundred (100) feet.
- F. Spacing: No manufactured home shall be located within twenty-five (25) feet of another manufactured home except 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 not less than twenty (20) feet.
- G. Streets: All manufactured home spaces shall but upon a street, within the manufactured home park. All streets within the manufactured home 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. Each park shall have at least one street which gives access to a public street. Such access streets shall be at least one hundred twenty five (125) feet from an intersection of any other public streets or other manufactured home park entrance. All streets within the park shall be hard surfaced and well lighted. No street right-of-way within the manufactured home park shall be within three (3) feet of the property line. The owner of the mobile park shall maintain all streets within the manufactured home park.
- H. Parking: One paved automobile parking area shall be provided on every manufactured home space, plus $\frac{1}{4}$ parking space for each manufactured home space. This additional parking may be in a central location.
- I. Utilities: All spaces within the manufactured home park shall be provided with water, sewer and electrical facilities meeting the standards specified by city, county, and state regulations, and each manufactured home shall be properly connected with said utilities.
- J. Accessory Building: No accessory building including patios and pads shall be located within five (5) feet from any manufactured home space line. The maximum floor area of an accessory building shall be one hundred (100) square feet and the maximum height shall be no greater than ten (10) feet. It shall be built in compliance with the local building code as it may be adopted by the city or county.
- K. Foundation: Permanent foundation systems shall be anchored in accordance with the state standards set forth in KRS Chapter 227.570. Skirting materials that harmonize with the architectural style of the home shall be used. The bottom of the manufactured home must not be more than four (4) feet above the ground at any point.
- L. Connecting Buildings: Only porches, stairs, and other open buildings may be attached to a manufactured home and they must be easily removed. No building for human occupancy or for storage shall be built to the manufactured home.
- M. Procedure: Prior to applying for a building permit for a manufactured home park, the applicant shall submit a development plan to the Planning Commission for its approval. The development plan shall meet the requirements of Article 13.

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- N. Insurance of Building Permit: The Planning Commission may attach reasonable special conditions to its approval of a manufactured home park and may direct the Administrative Officer to issue a building permit when the applicant presents a valid construction permit from the State Department of Health, Division of Environmental Health, Sanitation Program, Frankfort, Kentucky, as required by KRS 219.150. The Administrative Officer shall not issue the building permit until he has received written authorization from the Planning Commission, or Board of Adjustment, and until the valid construction permit is presented.
- O. Issuance of Certificate of Occupancy: The Administrative Officer shall issue a Certificate of Occupancy only after a determination has been made that the manufactured home park has been prepared according to all applicable regulations and special conditions and in accordance with the development plan approved by the Planning Commission.
- P. Enforcement: The Administrative Officer shall insure that all manufactured home parks maintain valid permits to operate and maintain conformance with all applicable regulations and all special conditions.
- Q. Nonconforming manufactured homes and Manufactured home parks:
- a. Manufactured homes on individual lots.

All existing manufactured homes within Simpson County of the City of Franklin which complied with all existing regulations at the time of passage of these regulations shall be allowed to remain in their present location as long as the manufactured home is occupied by the present residents. Should the present resident owner or renter decide to move elsewhere or to replace his present manufactured home, the right to maintain a manufactured home other than specified in these regulations shall terminate and the owner of a manufactured home on a rented space shall be required to move the manufactured home to a manufactured home park before the manufactured home can be reoccupied. No manufactured home shall be permanently relocated on another space unless it meets all requirements specified in these regulations.

- b. Manufactured home parks

Existing manufactured home parks legally operating at the time of the adoption of these regulations shall be required to provide each manufactured home space and minimum size of three thousand five hundred (3,500) square feet per manufactured home and comply with other provisions of these regulations. Existing occupants will be allowed to remain in their present manufactured home, but as the occupants move out no new manufactured home will be permitted to replace the removed unit until the park meets the three thousand-five hundred (3,500) square feet per manufactured home space size for the vacated space. No future manufactured home shall be permanently located outside of an approved park.

9.6 BED AND BREAKFAST FACILITIES

Bed and breakfast facilities may be approved by the Board of Adjustment in the Agriculture,

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RV, R-1, R-2, R-3, and R-4 zoning districts as a conditional permitted use provided that the following requirements are met:

- 9.6.1 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 the construction of new parking must accompany the application. If non-resident employees are anticipated, additional parking may be required.
- 9.6.2 Meals may be served to guests other than breakfast, but may not be served to non-registered guest. Guests may not be permitted to prepare food within the facility.
- 9.6.3 No other commercial activities of any kind shall be conducted on the premises.
- 9.6.4 One sign that is attached to the front wall of the building shall be allowed provided that it does not exceed four (4) square feet in size and is lighted only by indirect lighting. The sign may identify the name of the building and other historical information and may contain the words “bed and breakfast”, but it shall not have any advertising and shall be for identification purposed only.
- 9.6.5 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.
- 9.6.6 The maximum length of stay of any guest, at any one time, shall be twenty-one (21) days.
- 9.6.7 Exterior modifications shall be allowed only if the facility would retain the look of a home and would not resemble a commercial establishment.
- 9.6.8 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.
- 9.6.9 A resident manager shall live in the facility during all periods of operation.
- 9.6.10 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 certified mail shall be given to all property owners within one hundred fifty (150) feet from any boundary line of the proposed facility.
- 9.6.11 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.

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9.7 ADULT ORIENTED USES

9.7.1 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.

9.7.2 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 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 finings of the City and County governments, in adopting adult business ordinances are incorporated by reference in the Ordinance.

9.7.3 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

9.7.4 PERMITTED DISTRICTS

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

9.7.5 LOCATIONAL STANDARDS

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- 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 I 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 permitted, or another adult oriented use or sexually oriented business.
- 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 any and 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 years or for the remaining term of the adult oriented use's sexually oriented business' lease which is in force at the time of the effective date of this Ordinance, whichever occurs firsts. For the purpose of this provision, the term of the adult oriented use's 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

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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.
- a. No person shall display or expose specified anatomical areas.
 - b. 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.”
 - c. 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.
 - d. 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.
- K. 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.

- L. 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.
- M. 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 any physical contact with any other adult entertainment employee, other employee, patron or spectator while the employee, agent, servant or

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independent contractor is entertaining, dancing or otherwise involved in the display of or exhibition of specified anatomical areas or specified sexual activities.

- N. 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.

9.8 REGULATIONS FOR CELLULAR ANTENNA TOWERS AND CELLULAR TELECOMMUNICATIONS SERVICES

9.8.1 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 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.

9.8.2 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.

9.8.3 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.

9.8.4 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.

9.8.5 APPLICATION REQUIREMENTS

Applications for the construction of cellular antenna towers for cellular telecommunications services or personal communications services shall include the following:

1. Two (2) copies of all information that the applicant is required to submit to the Planning Commission, per the requirements of the uniform application.

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2. The full name and address of the applicant.
3. The applicant's articles of incorporation, if applicable.
4. A geotechnical report, signed and sealed by a professional engineer registered in Kentucky, that includes boring logs and foundation design recommendations.
5. A written report, prepared by a professional engineer or land surveyor, of findings as to the proximity of the proposed site to flood hazard areas.
6. Clear directions from the county seat to the proposed site, including highway numbers and street names, if applicable, with the telephone number of the person who prepared the directions.
7. The lease or sale agreement for the property on which the tower is proposed to be located, except that, if the agreement has been filed in abbreviated form with the county clerk, an applicant may file a copy of the agreement as recorded by the county clerk and, if applicable, the portion of the agreement that specifies, in the case of abandonment, a method that the utility will follow in dismantling and removing the proposed cellular antenna tower including a timetable for removal.
8. The identity and qualifications of each person directly responsible for the design and construction of the proposed tower.
9. Eight (8) copies of a site development plan or survey, signed and sealed by a professional engineer registered in Kentucky, that shows the proposed location of the tower and all easements and existing structures within five hundred (500) feet of the proposed site on the property on which the tower will be located, and all easements and existing structures within two hundred (200) feet of the access drive, including the intersection with the public street system.
10. A vertical profile sketch of the tower, signed and sealed by a professional engineer registered in Kentucky, indicating the height of the tower and the placement of all antennas.
11. The tower and foundation design plans and a description of the standard according to which the tower was designed, signed, and sealed by a professional engineer registered in Kentucky.
12. A map, drawn to scale no less than one (1) inch equals two hundred (200) feet, that identifies every structure and every owner of real estate within five hundred (500) feet of the proposed tower.
13. A statement that every person who, according to the records of the property valuation administrator, owns 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, has been:
 - a. Notified by certified mail, return receipt requested, of the proposed construction which notice shall include a map of the location of the proposed construction.

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- b. Given the telephone number and address of the local planning commission; and
 - c. Informed of his or her right to participate in the planning commission's proceedings on the application
14. A list of the property owners who received the notice, together with copies of the certified letters sent to the listed property owners.
 15. A statement that the County Judge/Executive has been notified, in writing, of the proposed construction.
 16. A copy of the notice sent to the Mayor of the City of Franklin.
 17. A statement that:
 - a. 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 on this site" and including the addresses and telephone numbers of the applicant and the planning commission, has been posted and shall remain in a visible location on the proposed site until final disposition of the application; and
 - b. a written notice, at least two (2) feet by four (4) feet in size, stating that "[Name of applicant] proposed to construct a telecommunications tower near this site" and including the addresses and telephone numbers of the applicant and the planning commission, has been posted on the public road nearest the site.
 18. A statement that notice of the location of the proposed construction has been published in a newspaper of general circulation in the county in which the construction is proposed.
 19. A brief description of the character of the general area in which the tower is proposed to be constructed, which includes the existing land use for the specific property involved.
 20. A statement that the applicant has considered the likely effects of the installation on nearby land uses and values and has concluded that there is no more suitable location reasonably available from which adequate service to the area can be provided, and that there is no reasonably available opportunity to locate its antennas and related facilities on an existing structure, including documentation of attempts to locate its antennas and related facilities on an existing structure, if any, with supporting radio frequency analysis, where applicable, and a statement indicating that the applicant attempted to locate its antennas and related facilities on a tower designed to host multiple wireless service providers' facilities or on an existing structure, such as a telecommunications tower or other suitable structure capable of supporting the applicant's antennas and related facilities.
 21. A map of the area in which the tower is proposed to be located, that is drawn to scale, and that clearly depicts the necessary search area within which an antenna tower should, pursuant to radio frequency requirements, be located.

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22. A grid map that show the location of all existing cellular antenna towers and that indicates the general position of proposed construction sites for new cellular antenna towers within an area that includes:
 - A. All of the planning unit's jurisdiction; and
 - B. A one-half (1/2) mile area outside of the boundaries of the planning unit's jurisdiction, if that area contains either existing or proposed construction sites for cellular antenna towers

9.8.6 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 \$1,500 upon submission of a uniform application, with \$2,500 being the maximum aggregate amount for application and any applicable building permit fees.

9.8.7 PROCESSING OF APPLICATION

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 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

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

9.8.8 DESIGN STANDARDS

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 9.8.9.
3. The cellular antenna tower shall be constructed in compliance with the current ANSI/EIA/TIA 222-F standards and other applicable state standards.

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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 nor more than eight (8) feet in height. The use of barber 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 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.
11. All new cellular antenna towers shall be designed and constructed to accommodate a minimum of three (3) service providers.

12. All option and site lease agreements shall not prohibit the possibility of co-location.

9.8.9 CRITERIA

1. Approval or disapproval of the proposal shall be based upon evaluation of the proposal's agreement with the comprehensive plan and zoning regulations.
2. 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:
 - A. 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; or
 - B. 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:

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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 emissions to the extent that the proposed facility complies with the regulations of the Federal Communications Commission concerning radio frequency emissions.

9.8.10 AMENDMENTS

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.

9.8.11 THE CITY OF FRANKLING AND COUNTY OF SIMPSON, KY

recommends that the Join 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 of the requirements of the proposed installation. For example, water towers, radio and television towers, tall buildings, commercial signs, etc., in order 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

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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.

9.8.12 CONFIDENTIALITY

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 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. **The planning commission will request that the applicant waive confidentiality on the contents of the uniform application, with the exception of any information that indicates the general position of future proposed construction sites for new cellular antenna towers as discussed in Section 9.8.5.22.**

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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 City Commission 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 City Commission 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 City Commission, 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 City Commission, 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 PREAPPLICATION 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 submitted

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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 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

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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 at least three by three (3 x 3) feet and constructed of durable material shall be posted, conspicuously on the property the classification of which is proposed to be changed, 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:

- a. "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

- a. 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 certified 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.
- b. If the zoning map amendment is proposed by the Planning Commission, the Simpson County Fiscal Court or the Franklin City Commission, the notice of the hearing shall be given at least thirty (30) days in advance of the hearing by certified mail, to an owner of every parcel of property adjoining the property, the classification of which is proposed to be changes. It shall be the duty of the Planning Commission, Fiscal Court or City Commission 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.

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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 born 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 City Commission, 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 City Commission 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 City Commission, 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 forwarded to the Simpson County Fiscal Court of Franklin City Commission 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 City Commission, 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.
 - a. That the original zoning classification given to the property was inappropriate or improper.
 - b. That there have been major changes of an economic, physical or social nature within

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the area involved which were not anticipated in the community's comprehensive plan and which have substantially altered the basic character of such area.

10.8 SIMPSON COUNTY FISCAL COURT OR FRANKLIN CITY COMMISSION 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 City Commission 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

- A. It shall take an affirmative vote of a majority of the entire Simpson County Fiscal Court or Franklin City Commission 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 City Commission to adopt a zoning map 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 City Commission to adopt a zoning map amendment, whenever the Planning Commission forwards the application to the Simpson County Fiscal Court or Franklin City Commission 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 City Commission, 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. Unless a majority of the entire Simpson County Fiscal Court or Franklin City Commission votes to override the Planning Commission'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 City Commission 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 Court Clerk by the

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Administrative Official in accordance with the requirements of KRS 100.3681 through 100.3684.

ARTICLE 11

ADMINISTRATIVE MECHANISMS AND ENFORCEMENT

11.1 APPOINTMENT OF ADMINISTRATIVE OFFICER

The provisions of these Regulations shall be administered and enforced by an Administrative Officer appointed by the Simpson County Fiscal Court. The Administrative Officer may have the assistance of such other persons as the Planning Commission may direct in carrying out the duties assigned to them

The Administrative 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 Administrative Officer, may enter upon any land and make surveys that do not cause damage or injury to private property.

11.2 POWERS AND DUTIES OF ADMINISTRATIVE OFFICER

The Administrative Officer shall have the following powers and duties:

11.2.1 Issue building permits and certificates of occupancy

To issue or deny a building permit for the erection, construction, reconstruction, moving, adding to, or alteration of any structure or the establishment of any land use. The Administrative Officer shall also have the authority to issue certificates of occupancy. The issuance of building permits or certificates of occupancy shall be in accordance with the literal terms of these regulations.

11.2.2 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.

11.2.3 Enforcement

To enforce these regulations and take all necessary steps to remedy any condition found in violation of the provisions of these regulations.

11.2.4 Collect fees

Collect any fees authorized by these regulations.

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11.2.5 Inspection of buildings and lands

Make inspections of any building or land to determine if violations of these zoning regulations have been committed or exist.

11.2.6 Citations for violations

To issue citations for violations of these zoning regulations which the administrative official has observed, but shall not have powers of peace officers to make arrests or carry deadly weapons. The defendant shall appear within a designated time pursuant to the citation. The procedure for citations issued by the administrative official shall be as provided in KRS Chapter 431.015.

11.2.7 Status of building permit or certificate of occupation issued in violation of these regulations

Any building permit or certificate of occupancy issued in conflict with the provision of these regulations shall be null and void.

11.3 BUILDING PERMITS RELATIVE TO ZONING

No building permit shall be issued by the Administrative Officer 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 Administrative Officer has issued a building permit for such work. It shall be unlawful to begin moving, adding to, or structurally altering any structure, until the Administrative Officer has issued a building permit for such work. No excavation, cut or fill of earth or debris, shall hereafter be undertaken, until the Administrative Officer 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.

11.5.3 Installation of required improvements according to an approved subdivision plat.

11.6 PROCEDURE FOR OBTAINING BUILDING PERMIT

11.6.1 Application

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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 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 Officer shall act upon applications for building permits within two (2) weeks from the date of their submission.

11.6.3 Validity

The issuance of a building permit by the Administrative Officer shall not waive any provisions of these Regulations.

11.6.4 Duration

A building permit shall become void one (1) year 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

11.7.1 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 conduction final inspection

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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 with 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 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 I 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 shall record properly

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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 who violates any of the provisions of these regulations for which no other penalty is provided, shall upon conviction, be fined no less than ten dollars (\$10) but no more than five hundred dollars (\$500) for each conviction. Each day of violation shall constitute a separate offense.
- 11.14.2 Any person, owner, or agent who violates these regulations shall, upon conviction, be fined 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 of a building permit shall establish a prima facie case for the issuance of the restraining order.

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ARTICLE 12

BOARD OF ADJUSTMENT

12.1 CREATION AND APPOINTMENT

- 12.1.1 The Board of Adjustment shall consist of five (5) citizen members. Three (3) of the members shall be county members and two (2) shall be city members.
- 12.1.2 The Franklin-Simpson County Board of Adjustment as constituted at the time of the adoption of these regulations shall continue in power. Future appointments shall be made as required by KRS 100.217 by the Mayor of the City of Franklin or the Judge/Executive of Simpson County with the approval of the appropriate legislative body.
- 12.1.3 Annually the Board of Adjustment shall elect a chairperson, vice-chairperson, secretary, and any other officers it deems necessary. Any officer shall be eligible for re-election at the expiration of their term.

12.2 AREA OF JURISDICITON

The area of jurisdiction of the Board of Adjustment shall include all land within Simpson County.

12.3 MEETINGS

- 12.3.1 Meetings of the Board of Adjustment shall be held regularly as per a meeting schedule, adopted by the Board of Adjustment at the beginning of each fiscal year. Other meetings may be called by the Chairperson, Vice-Chairperson, or two thirds vote of the Board of Adjustment. Notice of specially called meetings shall be in writing and mailed by registered mail and post parked at least seven (7) days prior to the meeting (see Section 1.10 for computation of time). A regular meeting notice shall also be mailed and post marked seven (7) days prior to the meeting. Regular meeting notice shall also be mailed and post marked seven (7) days prior to the meeting. Regular meeting notices may be by first class U.S. mail. The meeting notice shall contain the date, time and place for the meetings, and the subject or subjects which will be in accordance with KRS Chapter 61.800 through 61.850, open meetings law, and all records of the Board of Adjustment shall be available for review by the public in accordance with KRS Chapter 61.870 through 61.884, open records law. The Board of Adjustment shall adopt by-laws for the transaction of business.
- 12.3.2 The Board of Adjustment shall keep minutes and records of all proceedings. The contents of the minutes shall include as a minimum recording: all regulations, transactions, findings, and determinations; the number of votes for and against each question, and if any member is absent or abstains from voting, indicating the fact. Minutes and records of proceedings shall immediately after adoption, be filed in the

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office of the Planning Commission.

12.3.3 If a transcript of a meeting of the Board of Adjustment is requested by a party, such transcript shall be provided to the Board of Adjustment and the transcript provided shall constitute the record of the Board of Adjustment. Any expense incurred by the Board of Adjustment directly related to producing the transcript shall be born by the requesting party.

12.3.4 A simple majority of the total membership of the Board of Adjustment shall constitute a quorum for the conduct of all business.

12.3.5 Any member of the Board of Adjustment who has any direct or indirect financial interest in the outcome of any question before the body shall disclose the nature of the interest and shall disqualify himself from participating in consideration or voting on the question.

12.4 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:

12.4.1 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.

12.4.2 Administrative Review

Hear and decide appeals from any order, requirement, decision, interpretation or refusal made by the Administrative Officer in the enforcement of these regulations.

12.4.3 Request for Interpretation

Interpreted of questions involving the zoning district boundary lines in relation to lot lines as contained in the zoning atlas map sheets.

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12.4.4 Conditional Uses

Hear and decide applications for conditional use permits.

12.4.5 Variance

Hear and decide on applications for variances.

12.5 ADMINISTRATIVE PROCEDURES

12.5.1 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 dress 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.
- 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 certified 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 requests 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 Court Clerk.
- H. A certificate of land use restrictions 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.

12.5.2 Special Filing Procedures for Administrative reviews

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- A. An appeal may be taken by any person, or entity claiming to be injuriously affected or aggrieved by the decision or ruling of the Administrative Official.
- B. The appeal shall include the specific grounds for the appeal and a list of all parties of record.
- C. The appeal must be taken within thirty (30) days after the appellant or his agent receives notice of the action by the Administrative Official.
- D. The Board of Adjustment shall notify in writing the applicant, the Administrative Official and all parties of record of the time, location and date the appeal will be heard. The written notice shall be given at least seven (7) days prior to the hearing by certified mail.
- E. Within thirty (30) days of receipt of the appealed, the Board of Adjustment shall hold a public hearing in accordance with the provision of KRS 100.263 and 100.267. Within sixty (60) days of date of the public hearing, the Board of Adjustment shall take final action on the appeal.

12.5.3 Special Filing Procedures for Request for Interpretations

- A. Request for interpretations may be taken by any person or entity claiming to be an affected property owner. The request for interpretation may be taken at any time.
- B. The request shall specify the nature of the interpretation or the disputed question that the Board of Adjustment is being requested to hear.
- C. The Board of Adjustment shall notify the party requesting the interpretation and the Administrative Official of the time, location and date the appeal will be heard.
- D. Within thirty (30) days of receipt of the request for interpretation, the Board of Adjustment shall hold a public hearing. Within sixty (60) days of date of the public hearing, the Board of Adjustment shall take final action on the request for interpretation.

12.5.4 Special Filing Procedures for Conditional Use Permits

- A. Applications for conditional use permits may be filed by any person having the legal authority to take action 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, 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

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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 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.

12.5.5 Special 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.
- 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 Boar of Adjustment shall take final action on the request for interpretation.

12.6 PUBLIC NOTICE REQUIREMENTS

12.6.1 Public Notice Requirements Applicable to all Duties of the Board of Adjustment

- A. The Board of Adjustment shall fix a reasonable time for all public hearings and shall give public notice of such public hearing in accordance with KRS Chapter 424. The public notice shall state the time and place of public hearing and the subject or subjects to be discussed.
- B. The written notice shall be given by registered mail with certification by the Board of Adjustment's Secretary or other officer as may be designated by the Board of Adjustment that the notice was mailed. It shall be the duty of the applicant to furnish to the Board of Adjustment the name and address of the owner of each parcel or property as described in this section. Records maintained by the PVA's office may be relied upon conclusively to determine the identity and address of said owner. In the

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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.

12.6.2 Special notice requirements for Administrative Reviews and Interpretation

The Board of Adjustment shall give written notice to the appellant and the Administrative Official at least seven (7) days prior to the hearing.

12.6.3 Special 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, at least three by three (3x3) feet, stating the proposed conditional use, the property involved, and 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.

12.6.4 Special 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.

12.7 HEARING BEFORE THE BOARD OF ADJUSTMENTS

12.7.1 For Administrative Reviews

- 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.

12.7.2 For request for Interpretations

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- A. When a request for interpretations is filed, the administrative official shall transmit to the Board of Adjustment a copy of the request and all pertinent information concerning the request for interpretation.
- B. In considering the request for interpretation, the Board of Adjustment shall take into consideration the rules of interpretation contained in Section 3.4, in making its decision on location of a zoning district boundary and shall confine its decisions to the location of the district boundary. The Board of Adjustment shall not have the power to modify the zoning district designation.

12.7.3 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.
- C. Granting of a conditional use permit does not exempt the applicant from complying with all the requirements of building, housing and other regulations.

12.7.4 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.

- 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:

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If the landowner is not complying with all of 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.

12.7.5 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.

12.7.6 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 Franklin County Clerk. Thereafter said use, if it continues to meet the other requirements of these zoning regulations will be treated as a permitted use.

12.8 REQUEST OF VARIANCE

12.8.1 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

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advisable in the furtherance of the purposes of these regulations.

12.8.2 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:

- 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:
 - a. 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;
 - b. 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.
 - c. That the condition 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):
 - a. The requested variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same zoning district classification;
 - b. The strict application of the provisions of the zoning regulations would deprive the applicant of the reasonable use of the land or would create and unnecessary hardship on the applicant; and
 - c. The circumstances are the result of actions of the applicant taken subsequent to the adoption of these zoning regulations.

12.8.3 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;

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- 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.

12.8.4 Granting a Variance:

The Approval granted by the Board of Adjustment must contain the following:

- 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 subsequent to 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.

12.8.5 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.

12.9 REQUIREMENTS FOR FILING IN THE SIMPSON COUNTY COURT CLERK'S OFFICE

- 12.9.1 Such conditions and the set of facts supporting the approval of the variance shall be recorded in the Board of Adjustment's minutes and shall be attached to the variance or conditional use application. A copy of the approval shall be forwarded to the applicant by the Secretary of the Board of Adjustment or other officer appointed by the Board of Adjustment. In addition, the Secretary of the Board of Adjustment or other officer appointed by the Board of Adjustment shall file all variances or conditional use permits approved by the Board of Adjustment and a certificate of land use restriction shall be recorded, at the expense of the applicant, in the office of the County Court Clerk. The certificate of land use restrictions shall be recorded in accordance with KRS Chapter 100.3681 through 100.3684.
- 12.9.2 All conditional use permits and variances approved by the Board of Adjustment together with a certificate of land use restriction shall be recorded at the expense of the applicant in the office of the County Court Clerk.

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ARTICLE 13

DEVELOPMENT 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 overburden 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 is authorized to require the submission of a development plan. Applications for any proposed zoning district amendment to the zoning map shall include a 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;

13.2.5 Multiple building development is 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 PLAN PROCEDURES

13.3.1 Filing

When a development plan is required by this article or when the Planning Commission determines that a development plan must be filed, the Planning Commission shall not proceed to hear the application for the zoning map amendment until the development plan, in the form specified by these regulations, has been received in the office of the Planning Commission. The Administrative Official shall not issue a building permit until the Planning Commission approves the development plan or the compliance with the conditions contained in a development plan have been fully met.

The development plan shall be submitted concurrently with the zoning map amendment at the office of the Planning Commission. In those cases when a zoning map amendment is not required, the development plan (usually associated with a type of development such as multi-family or multiple building development or a final development plan), must be filed before any development occurs or a building permit is issued.

The development plan shall be in a “conceptual” form at the time of the rezoning map amendment application, with a final and more detailed plan submitted for Planning Commission approval, prior to the issuance of building permits. The conceptual plan shall be prepared in accordance with the requirements of this article. More specific aspects of the approved conceptual plan shall be presented with the final development plan. The final development plan may be waived in lieu of a preliminary and final subdivision plat, where applicable.

13.3.2 Review

The Planning Commission staff and concerned agencies shall review the development plan and seek a consensus on all issues. The administrative official shall distribute the development plan to all concerned agencies in sufficient time to permit them to review and report their comments on the development plan prior to the public hearing before the Planning

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Commission.

13.3.3 Action

The Planning Commission may make one of four decisions when taking action on either a conceptual or final development plan. These actions are as follows:

- A. Approval of development plan
 - a. The Planning Commission approves the development plan with no further corrections or revisions of the plan required from the applicant. The development plan is ready to be certified by the Planning Commission Chairperson and Secretary and a certificate of land use restriction filed in the Simpson County Clerk's Office.
 - b. If the approval is for a conceptual development plan, the applicant may proceed to prepare and file the final development plan with the Planning Commission, but no building permits may be issued until the final development plan is approved by the Planning Commission. The final development plan may not deviate from the conceptual development plan as approved by the Planning Commission.
 - c. If the approval is for a final development plan, the applicant may proceed to secure a building permit.
- B. Conditional approval of Development plan
 - a. The Planning Commission places certain conditions on the approval of the development plan. A certificate of land use restriction, setting out the conditions will be filed in the Simpson County Clerk's Office.
 - b. If the conditional approval is for a concept plan, the applicant may proceed to prepare and file the final development plan with the Planning Commission, provided there is incorporating into the final development plan alterations which comply with all requirements of the conceptual development plan. The final development plan may not deviate from the conceptual development plan as approved by the Planning Commission, except as is necessary to meet the conditions placed on the conceptual plan. No building permits may be issued until the final development plan is approved by the Planning Commission.
 - c. If the conditional approval is for a final development plan, the applicant may proceed to make such alterations to the final development plan that would satisfy the conditions as approved by the Planning Commission. When all modifications, to the final development plan have been made, the applicant shall file the modified development plan with the Administrative Official. A letter stating that the conditions have all been met will be filed with the modified development plan.
 - d. The Administrative Official shall review the modified development plan to determine its compliance with all the conditions placed on the final approval. The Administrative Official shall have copies of the plan prepared and distributed to other public agencies, for their review and comments, at the expense of the developer.

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- e. The Administrative Official will respond in writing to the applicant within 30 days of submitting the modified development plan whether or not the modified plan meets all the conditions of approval. The Administrative Official shall, in writing, inform the Planning Commission chairperson and secretary when all conditions have been met and the development plan is ready to be certified.
- f. If the development plan fails to meet all the conditions of approval, the applicant may further modify the development plan and resubmit it to the Administrative Official for compliance review. After receiving the Administrative Official's letter that the modified development plan has not complied with the original approval, the applicant may petition the Planning Commission for a hearing on the disputed items. The Planning Commission shall handle the petition for this hearing in the same manner as the original hearing on the development plan.
- g. The Planning Commission may require an additional fee be charged for this second and any subsequent reviews of the modified development plan, or for hearing the appeal from the applicant.
- h. No building permit shall be issued until all conditions of final approval have been met and certified by Planning Commission chairperson and secretary.

C. Postponement

The Planning Commission defers action to its next meeting in order that certain clarification can be made in regard to the development plan. No completely new submittal is required of the developer,

D. Disapproval

The Planning Commission disapproves the development plan. The secretary of the Planning Commission shall inform the applicant, in writing, of the reasons for the Planning Commission's denial. To request new review and action, the developer must file a new application, a new filing fee, and an amended development plan which addresses the reasons stated in the denial, and other materials in the same manner as the original application.

13.3.4 The Administrative Official shall review the modified development plan to determine its compliance with conditions placed upon the approval.

13.3.5 Timing Restrictions

The following timing restrictions shall be applicable to development plans:

- A. Final development plans shall be submitted for Planning Commission consideration within one (1) years of the date of Planning Commission action on a conceptual development plan.
- B. Modified development plans shall be submitted to the Administrative Official within one hundred and twenty (120) days of the date of Planning Commission action to approve the final development plan.

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- C. The developer shall have obtained building permits for all buildings shown on a final development plan within five (5) years of the date of Planning Commission action on the final development plan, otherwise, no further building permits shall be issued until the plan is re-approved by the Planning Commission.

13.4 TYPES OF DEVELOPMENT PLANS

There shall be two types of development plans, conceptual and final, defined as follows:

13.4.1 Conceptual Development Plan

A conceptual development plan is a site plan by which, at the early stages of the development's design, the Planning Commission may consider, approve and restrict many major aspects of the development without requiring an undue amount of architectural or engineering design work on the part of the applicant. The conceptual development plan is less detailed and specific than a final development plan in terms of exact arrangement of buildings, parking areas, open spaces, access points, utilities, and any other site design feature. No building permits can be issued based upon a conceptual development plan.

13.4.2 Final Development Plan

A final development plan is a site plan from which a building permit will be sought. A final development plan is intended to deal with site design issues at a detailed level and to actually dictate the approved locations of buildings, parking areas, open spaces, access points, utility services and drainage ditches and facilities, and any other site design feature.

13.5 CONTENT AND FORMAT OF DEVELOPMENT PLANS

All development plans shall be prepared on mylar or other material capable of clear reproduction using ozalid print process. Plans shall be legible and of a size and scale (generally not exceeding 1" = 100') which enables clear representation of required information. Required plan information shall be as follows:

13.5.1 Contents of Conceptual Development Plan

A conceptual development plan shall contain the following information at a minimum. This information may be in written or graphic form:

- A. A title block containing the plan name; a label clearly designating the plan as a conceptual development plan; name and address of property owner and developer, if different than owner of property; name and address of person or firm who preparer plan; north arrow; a written and graphic scale, and date plan prepared.
- B. The boundary of the subject property, the zoning classification of the property and adjacent properties, and names and addressed for all adjoining property.
- C. Vicinity map, oriented in the same direction as the design scheme.

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- D. Topography with contour intervals, grid elevations or spot elevations of sufficient detail to generally describe the lay of the land.
- E. Internal traffic considerations, including location, arrangement, of existing and proposed driveways, walkways, parking areas, and points of ingress and egress.
- F. External traffic considerations, location of any existing or proposed streets or deceleration lanes (when deemed necessary) within the subject site or within 500 feet of the subject property. If a new street is proposed, a letter from the highway department stating they have reviewed the development plan and that the proposal meets all KYDOT requirements for an encroachment permit.
- G. Screening, landscaping, buffering (as required by Article 14) public areas and recreational, and other open spaces. Areas of substantial existing trees will be located, including those located along fence rows and drainage areas.
- H. Approximate location, height, floor area, and land use of proposed and existing buildings. For manufactured home parks, a plan of a typical manufactured home space showing location of the manufactured home, parking, accessory buildings, manufactured home site lines, and setbacks. Building area may be designated in lieu of showing setbacks and location of the manufactured home site.
- I. Approximate configuration of lot lines for project anticipated to involve land subdivision.
- J. A drainage plan, consisting of the existing and proposed storm drainage systems, floodplains, conceptual design and location of drainage ditches, facilities and storm water retention, which comply with local storm water drainage regulations, and any other designated environment sensitive or geologic hazard areas.
- K. Location of existing utilities, including sanitary sewers, water lines with size, and fire hydrants within the subject site and within 500 feet of the subject site.
- L. The location of any existing historic sites, buildings, or districts located within the subject site or within the neighborhood where the site is located and an explanation of how they will be affected by this development. The location of any scenic views from this site will be identified and an explanation of how they will be affected by this development.
- M. A statistical table summarizing all pertinent site data, including site area, current and proposed zoning, building coverage, gross floor area of commercial areas, parking area, open spaces, and number and type of dwelling units.
- N. A description of how the overall site design and land use of proposed development is compatible with the existing design and land use of the neighborhood in which the site is located and how they are consistent with the Simpson County Comprehensive Plan.
- O. (For projects of one (1) acre or more in area). A note stating that no grading, stripping, excavation, filling, or other disturbance of the natural ground cover shall

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take place unless an until the city engineer for the City of Franklin or county road supervisor for Simpson County has approved the developer's proposed soil erosion control procedures and, if required, a soil erosion control plan.

- P. A note stating that no building permits shall be issued until a final development plan is approved by the Planning Commission and all conditions have been met.
- Q. An owner's certification, signed and witnessed as follows; "I (We) do hereby certify that I am (we are) the only owner(s) of the property shown hereon, and do adopt this as my (our) concept development plan for the property.
- R. The Planning Commission's certification following approval of the development plan, shall be as follows: "We do hereby certify that this concept development plan entitled (name of development). Was approved by the Joint City County Planning Commission of Simpson County at its meeting held on (date), \S\ chairperson and secretary". The Planning Commission's certification shall be signed by the Planning Commission chairperson or vice-chairperson, and secretary when the development plan is fully approved,
- S. If the Planning Commission approved the development plan with conditions, the Planning Commission's certification shall be as follows when the developer has complied with the conditions approved by the Planning Commission "We do hereby certify that this concept development plan entitled (name of development), was conditionally approved by the Joint City County Planning Commission of Simpson County at its meeting held on (date). We further certify that all conditions have been permanently met and that such conditions were reviewed by the Administrative Official as per letter dated (date), \S\ chairperson and secretary." The Planning Commission's certification shall be signed by the Planning Commission chairperson or vice-chairperson and secretary if and when the development plan is fully approved or permanently satisfies all conditions that have been attached to the approval,

13.5.2 Contents of Final Development Plan

A final development plan shall contain all information as required for conceptual development plans under the sections above, except the plan information shall be of an exact nature, rather than approximate or general and the contour map will be at a two foot interval. Engineering drawings will be provided for all utilities, streets and drainage facilities. The city engineer of county road supervisor may require that a soil erosion control plan accompany the submission and approval of a final development plan before the subject site's natural ground cover is disturbed. The certificates will be the same as for the concept development plan except the word final will be substituted for the word concept.

13.6 AMENDMENTS TO DEVELOPMENT PLANS

Amendments in approved development plans can be made only by Planning Commission action in a public hearing. Contents, format and procedures shall be as the original submission. However, amendments which fully meet the requirements set forth hereinafter for minor amendments may be approved and certified in writing by the Administrative Official without further action by the Planning Commission.

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13.6.1 Minor Amendments Defined

Minor Amendments are intended to expedite approval in those situations there amendments are of minor significance and generally relate to the shifting of previously owned spaces. Such amendments:

- A. Shall not decrease the overall land area in yards or other open spaces;
- B. Shall not increase building ground area coverage, floor area, or height; or increase the number of dwelling units;
- C. Shall not change the location or cross-section of any street and shall not increase the number or change the location of street access points on arterial or collector streets as defined by the Simpson County Comprehensive Plan;
- D. May include a reduction in parking spaces only when an associated reduction in floor area or number of dwelling units would permit a lesser number of minimum required off-street parking spaces that required for the original development plan. To qualify as a minor amendment, this reduction may be equal to but not exceed the difference in minimum required parking spaces between the original plan and the proposed minor amended plan.

13.6.2 Procedures for Minor Amendments

- A. Filing – To request approval of minor amendments to development plans, the applicant shall file with the Planning Commission completed application form, filing fee and copies of the plan. The Administrative Official will determine the number of plans to be submitted and shall make copies of the plan available to all other concerned agencies.
- B. Review – Administrative Official shall review the plan for compliance with all applicable requirements and ordinances and shall consult with concerned agencies as appropriate to assure proper plan review. Upon determination that all requirements have been met, the Administrative Official shall, in writing, inform the Planning Commission chairperson and secretary that the amendment complies and request. The Planning Commission chairperson and secretary will then certify the development plan and a certificate of land use restriction will filed in the Simpson County Clerk’s Office. If any question arises as to compliance, however, the plan shall be referred to the Planning Commission for action.

13.6.3 Content and Format of Minor Amendments

Minor amendments shall have the same content and format requirements as the original development plan, except that

- A. The title shall indicate the plan is a minor amendment;
- B. A note shall be added listing the exact nature of the requested changes; and
- C. The following will be the required language for the Planning Commission chairperson

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and secretary certification: “We do hereby certify that this minor amendment to the development plan entitled (name of development), which was originally approved by the Joint City County Planning Commission of Simpson County on (date), complies with Simpson County zoning regulations provisions regarding minor amendments to development plans, \S\ chairperson, secretary.”

13.7 RELATIONSHIP TO SUBDIVISION REGULATIONS

The relationships between development plans and the Subdivision Regulations are established as follows:

13.7.1 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 Simpson County Subdivision Regulations shall be applied to proposals contained on the development plan.

13.7.2 Development Plans Required by the Subdivision Regulations

Development plans required by the Subdivision Regulations are required to conform with the provisions of this article of these zoning regulations.

13.7.3 Development Plans and Preliminary Subdivision Plats may be Combined

It is recognized that for certain development situations it can be advantageous to both the applicant and the Planning Commission to combine the functions and requirements for development plans and preliminary subdivision plats in order to streamline the development approval process while not reducing the quality of the review. The following provisions shall be applicable to any such combined plan:

- A. The developer shall meet with the Administrative Official no later than five (5) working days in advance of the filing deadline to discuss the appropriation of filing a combined plat.
- B. The plat shall show all information required for a development plan (conceptual or final as appropriate) and all information required for a preliminary subdivision plat as set forth in the Subdivision Regulations.
- C. Provisions relating to the timing of public or private streets or other public or common use improvements in relation to the timing of building permit issuance may be required.

13.7.4 Preliminary or Final Subdivision Plat May Be Submitted for Development Plans Required in Conjunction with Zoning Atlas Map Amendment

- A. It is recognized that in certain cases a preliminary or final subdivision plat would be as

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appropriate or more appropriate to be considered in conjunction with a zoning atlas map amendment request than would a development plan. Generally, such situations involve developments where placement of buildings will be tightly controlled by the streets, lot pattern, and requirements for placement of buildings within the property, and where the applicant sees fit to have plans prepared at the required level of detail for subdivision plats prior to receiving a zoning atlas map amendment approval.

- B. When a developer is required at the discretion of the Planning Commission to provide a development plan in conjunction with a zoning atlas map amendment request, the applicant may file a subdivision plat in place of the development plan, if deemed appropriate by the Administrative Officer or Planning Commission. In any disputed case, the Planning Commission shall make the final judgment as to whether a subdivision plat may be substituted for a development plan.
- C. Development plans required by this Article where the zoning atlas map amendments is to residential zoning district and multi-family development is not proposed, the developer may combine the development plan with subdivision plats.

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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 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.

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D. When any residential zone district adjoins a utility substation, salvage yard, land fill, sewage treatment plan, or similar use.

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.

14.5 LANDSCAPING AT DRIVEWAYS AND STREET INTERSECTIONS

To insure that landscape materials do not constitute a driving hazard, a site visibility triangle 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.

14.7 VIOLATIONS

Violation of these installation and maintenance provision shall be grounds for citation by the Administrative Official as set forth in Article 11.

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