

ZONING ORDINANCE
SIMPSONVILLE, KY



ADOPTED 10/7/2024

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ARTICLE 1:

TITLE, INTERPRETATION, AND ENACTMENT

IN THIS ARTICLE:

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1.1 TITLE

- A. This Ordinance shall be known and referred to as the "Simpsonville Zoning Ordinance." It may be cited as the "City Zoning Ordinance."
- B. The map referred to herein is entitled the "Official Zoning Map." This map may be cited as the "Simpsonville Zoning Map."
- C. A certified copy of this Ordinance is on file in the office of the Triple S Planning Commission.

1.2 AUTHORITY

- A. Authority for this Ordinance is granted by the Kentucky Revised Statutes, Section 100.201 through Section 100.271. The Triple S Planning Commission and the Simpsonville City Commission have fulfilled the requirements set forth as prerequisite to the adoption of this Ordinance.

1.3 GOAL AND OBJECTIVE

- A. The goal of this Ordinance is to establish a program of land protection for Simpsonville, Kentucky. The objective of this Ordinance is to guide the use of land and the location and design of structures in a manner that will stabilize property values, assist in achieving a sound growth policy, promote an orderly pattern of land use, and direct development of county and community facilities and services within the jurisdiction of Simpsonville. In addition, the general intent of this Ordinance is to help provide for the harmonious and orderly development of the city.

1.4 PURPOSE

- A. The land protection regulations and districts set forth herein have been made in accordance with the Simpsonville Comprehensive Plan adopted by the Triple S Planning Commission to:
 - 1. Promote and protect the general welfare, health, safety, and convenience of the citizens of Simpsonville.
 - 2. Execute the provisions of the Simpsonville Land Use Plan regarding growth and development in Simpsonville and to ensure suitable and satisfactory arrangements between the various types of land use.
 - 3. Lessen traffic congestion and secure safety from fire, flood and other dangers in Simpsonville.
 - 4. Provide adequate light and air while preventing the encroachment of undesirable noise, odor, glare, and vibration.
 - 5. Facilitate the adequate provision of transportation, schools, recreation, and other public improvements stemming directly or indirectly from the use of land in Simpsonville.
 - 6. Regulate and restrict the height; number of stories, site of buildings, and other structures; impervious coverage; the size of yards, courts and other open spaces; the density of population; and the location and use of buildings, structures, and land for agricultural, trade, industry, residence, and other purposes as detailed in KRS 100.203.

1.5 JURISDICTION

- A. This Ordinance shall apply to all land within the incorporated boundary of Simpsonville, Kentucky.

1.6 INTERPRETATION

- A. In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety and general welfare. Whenever the requirements of this Ordinance differ from the requirements of any other lawfully adopted rules, regulations, resolutions, or ordinances, the most restrictive standard shall apply.

1.7 SEVERABILITY

- A. If any provision or the application of any provision of this Ordinance is held unconstitutional or invalid by the courts, the remainder of the Ordinance or the application of such provision to other circumstances shall not be affected.

1.8 REPEAL OF CONFLICTING RESOLUTION AND ORDINANCES

- A. All ordinances, resolutions, or parts of same in conflict with or inconsistent with the provisions of this Ordinance (including but not limited to Ordinance 94-4) are hereby repealed to the extent necessary to give this Ordinance full force and effect. Any previously adopted ordinance entitled Zoning Ordinance for Simpsonville, Kentucky, together with all amendments thereto, is hereby repealed, and declared to be of no effect. The following titles are hereby repealed and are replaced by the adoption of this Ordinance and the Official Zoning Map.

1.9 CONTINUITY

- A. Nothing in this Ordinance shall change the effective date of a violation of any provision of any previously adopted zoning ordinance that continues to be a violation of any provision of this Ordinance.

1.10 EFFECTIVE DATE

- A. This Ordinance shall be in full force and effect as of the adoption date.

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ARTICLE 2:

TERMS AND DEFINITIONS

IN THIS ARTICLE:

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2.1 GENERAL PROVISIONS

- A. Unless the context otherwise requires, the following definitions shall be used in the interpretation of this Ordinance. The words, which are defined, are those having special or limited meanings in this Ordinance.
- B. Words with self-evident meanings are not defined here.
- C. Words used in the present tense include the future; words used in the singular include the plural and the plural include the singular.
- D. The words "shall" and "must" are mandatory; the word "may" is permissive; the word "should" is preferred; the word "building" includes the word "structure"; the word "lot" includes the words "plot" and "parcel"; the word "person" includes a firm or corporation as well as an individual; and the word "submission" indicates a complete filing as called for by this Ordinance.
- E. These definitions shall be first used in the interpretation of any words or phrases used in this Ordinance.
- F. Any words or phrases not defined in this Ordinance shall be given the definition provided in KRS Chapter 100 or KRS Chapter 219.
- G. Words neither defined in this Ordinance nor in KRS 100 and KRS 219 shall be given their ordinary meaning and usage.

2.2 DEFINITIONS

AASHTO. American Association of State Highway and Transportation Officials.

ABANDONMENT. To cease or discontinue a use or activity without intent to resume, but excluding temporary or short-term interruptions to a use or activity during periods of remodeling, maintaining, or otherwise improving or rearranging a facility, or during normal periods or vacation or seasonal closure, and also excluding lapses in between different owners or tenants who carry out the same use or activity.

ABUTTING OR ADJOINING. Having a common border with or being separated from such common border by a right-of-way, alley, or easement.

ACCESS. Driveway or other point of access such as a street, road, or highway that connects to the general street system. Where two public roadways intersect, the secondary roadway will be the access.

ACCESSORY DWELLING UNIT. See DWELLING, ACCESSORY.

ACCESSORY STRUCTURE. SEE STRUCTURE, ACCESSORY

ACCESSORY USE. SEE USE, ACCESSORY.

ADD-A-ROOM UNIT. A unit of manufactured housing, not designed as a part of the original structure, which may have less occupied space than a manufactured housing section.

ADMINISTRATIVE OFFICIAL/ENFORCEMENT OFFICER. The Administrative Official is that individual who shall be appointed by the Triple S Planning Commission to administer this Ordinance. This person may also be referred to as the Planning Director.

ADULT BUSINESS. An adult entertainment or service business that is part of the sex industry and is a site of erotic performance, erotic paraphernalia sales, and/or other sexually oriented places. Sexually oriented businesses may include uses such as an adult bookstore, adult cabaret, adult mini motion picture theater, adult motion picture theater, semi-nude model studio, sexual device shop, or similar establishment. The term "sexually oriented business" shall also include adult drive-in theaters, adult live entertainment arcades, and adult motion picture arcades.

AGRICULTURAL USE. As defined by KRS 100.111, agricultural use includes:

- A tract of at least five contiguous acres for the production of agricultural or horticultural crops, including but not limited to livestock, livestock products, poultry, poultry products, grain, hay, pastures, soybeans, tobacco, timber, orchard fruits, vegetables, flowers, or ornamental plants, including provision for dwellings for persons and their families who are engaged in the agricultural use on the tract, but not including residential building development for sale or lease to the public;
- Regardless of the size of the tract of land used, small farm wineries licensed under KRS 243.155;
- A tract of at least five contiguous acres used for the following activities involving horses:
 - Riding lessons;
 - Rides;
 - Training;
 - Projects for educational purposes;
 - Boarding and related care; or
 - Shows, competitions, sporting events, and similar activities that are associated with youth and amateur programs, none of which are regulated by KRS Chapter 230, involving 70 or less participants. Shows, competitions, sporting events, and similar activities that are associated with youth and amateur programs, none of which are regulated by KRS Chapter 230, involving more than 70 participants shall be subject to local applicable zoning regulations; or
- A tract of land used for the following activities involving horses:
 - Riding lessons;
 - Rides;
 - Training;
 - Projects for educational purposes;
 - Boarding and related care; or
 - Shows, competitions, sporting events, and similar activities that are associated with youth and amateur programs, none of which are regulated by KRS Chapter 230, involving 70 or less participants. Shows, competitions, sporting events, and similar activities that are associated with youth and amateur programs, none of which are regulated by KRS Chapter 230, involving more than 70 participants shall be subject to local applicable zoning regulations.
- This paragraph shall only apply to acreage that was being used for these activities before July 13, 2004.

AGRICULTURAL SUPPORT USE. This land use includes uses supportive of the farm community that are compatible with agricultural uses and do not adversely affect surrounding properties, groundwater, or infrastructure. Agricultural support services are uses which directly support or which are accessory or incidental to established agricultural uses within the general vicinity. This land use category DOES NOT include agricultural chemicals, fuel and fuel oil, flammable or nonflammable bottled gas, animal waste processing, stockyards, fertilizer, feed lots, and similar uses that may have an impact on adjacent properties. Examples of agricultural support service uses include, but are not limited to:

- Farm machinery equipment and supplies sales/repair;
- Farm produce sales and supply (feed, hay, grain and grain products, fertilizer);
- Feed storage, farm products warehousing and storage (EXCLUDING stockyards);
- Farm products packaging and processing (EXCLUDING meat processing and packaging); and
- Veterinary services for large and small animals, horseshoeing, and similar.

AGRITOURISM. An accessory activity at a working farm or an agricultural, horticultural, or agribusiness operation where the general public is allowed or invited to visit, participate in, or view, activities for the purposes of enjoyment, education, or active involvement in the activities of the farm or operation. Wineries, breweries, distilleries, and restaurants are not considered Agritourism for the purposes of this ordinance.

ALLEY. A minor way primarily for vehicular service access to the back or sides of properties otherwise abutting on a street.

ALTERATION. Any change or rearrangement in the supporting members of an existing structure, such as bearing walls, columns, beams, girders, or interior partitions, as well as any change in doors, windows, means of ingress or egress, or any enlargement to or diminution of a structure, whether horizontally or vertically, or the moving of a structure from one location to another.

ALTERATION, INCIDENTAL. Modifications to an existing structure that are of a cosmetic nature, replacement of utilities, or rearrangement of non-load-bearing partitions.

ALTERATION, STRUCTURAL. Any change in either the supporting members of a structure, such as bearing walls, columns, beams, and girders, or in the dimensions or configurations of the roof or exterior walls.

AMUSEMENT PARK. A facility, primary outdoors, that may include structures and buildings where there are various activities, including rides, water slides, pools, game booths, shows, dining, souvenir sales, and similar activities. Amusement and theme parks are not considered a private park. Private and public outdoor pools, splash pads, aquatic centers, and similar facilities are considered a private or public park and not an amusement park.

ANCHORING SYSTEM. An approved system of straps, cables, turnbuckles, chains, ties, or other approved materials used to secure a manufactured or certified mobile home.

ANSI/NFPA 501A STANDARD FOR INSTALLATION OF MANUFACTURED/CERTIFIED MOBILE HOMES. Model national standards (including all authorized successor documents) for installation of manufactured and certified mobile homes, as adopted and copyrighted by the National Fire Protection Association and the Manufactured Housing Institute.

ANTENNA OR RELATED EQUIPMENT. Transmitting, receiving, or other equipment used to support cellular telecommunications services or personal communications services.

APARTMENT. A room or suite of rooms in a multi-family building, consisting of at least one habitable room, together with a kitchen or kitchenette and sanitary facilities.

APPROVING AUTHORITY. The Triple S Planning Commission and/or the zoning administrator or enforcement officer, unless a different agency (such as the Simpsonville City Commission) is specifically designated by ordinance.

ASSISTED LIVING FACILITY. See NURSING HOME.

AUTOMOTIVE REPAIR, MAJOR. Repair of motor vehicles or trailers, including rebuilding or reconditioning of engines and/or transmissions; collision services including body, frame or fender straightening or repair; overall painting or paint shop and vehicle steam cleaning.

AUTOMOTIVE REPAIR, MINOR. Incidental minor repairs, upholstery, oil change facilities, car washes, replacement of parts and motor service to passenger cars and trucks not exceeding one and one-half tons capacity, but not including any operation named under "Automotive Repair, Major," or any other similar thereto. Cars or trucks being repaired or under repair shall not be stored outside the building for more than 48 hours.

AUTOMOTIVE WRECKING. The dismantling or disassembling of used motor vehicles, or the storage, sale or dumping of dismantled, obsolete or wrecked vehicles or their parts. The presence of five or more non-operational motor vehicles on a lot for a time period exceeding 30 days shall constitute evidence regarding the establishment of an automobile wrecking yard. For the purposes of this Ordinance, automotive wrecking is considered a junk yard.

BASEMENT. A story whose floor line is below grade at any entrance or exit and whose ceiling is not more than five feet above grade at any such entrance or exit.

BED AND BREAKFAST ESTABLISHMENT. As defined by KRS 219.011 as amended, a one-family dwelling unit that also has guest rooms or suites used, rented, or hired out for occupancy of which are occupied for sleeping purposes by persons not members of the single-family unit. The innkeeper shall reside on the premises or property adjacent to the premises during periods of occupancy. For the purposes of this code, a bed and breakfast can be classified as one of the following: bed and breakfast home, bed and breakfast inn, or bed and breakfast farmstay.

BED AND BREAKFAST, FARMSTAY. As defined by KRS 219.011 as amended, a bed and breakfast establishment at a farm location whose focus includes agritourism as defined in KRS 247.801.

BED AND BREAKFAST HOME. As defined by KRS 219.011 as amended, a bed and breakfast establishment that has five or fewer guest rooms or suites for occupancy in which breakfast and other meals may be served to guests and whose innkeeper resides on the premises or property adjacent to the premises during periods of occupancy.

BED AND BREAKFAST INN. As defined by KRS 219.011 as amended, a private inn or other unique residential facility that has six or more guest rooms or suites for occupancy of which breakfast and other meals may be served to the guests whose innkeeper resides on the premises or property adjacent to the premises during periods of occupancy.

BOARD. The Board of Zoning Adjustment for Simpsonville, Kentucky. An appointed board responsible for hearing appeals of determinations made by the administrative official and considers requests for variances and conditional use permits as outlined in the zoning Ordinance.

BOARDING OR LODGING HOUSE. A dwelling or part thereof occupied by a single housekeeping unit where meals and lodgings are provided for four or more persons (not transients) for compensation by previous arrangement. It shall not include any facility which is otherwise licensed and regulated by the cabinet or any hotel as defined in KRS 219.011(3).

BUILDING. Any structure constructed or having enclosed space and a roof, or used for resident, business, industry, or the public or private purposes, or accessory thereto, and including tents, lunch wagons, dining cars, trailers, billboards, signs, and similar structures whether stationery or movable.

1. Principal Building: a building, including porches, in which it is understood as the principal use of the lot on which it is situated. In any residence zone any dwelling unit shall be deemed to be the principal building on the lot which the same is situated.
2. Accessory Building: a subordinate building detached from, but located on the same lot as the principal building, the use of which is incidental to that of a principal building on the same lot.

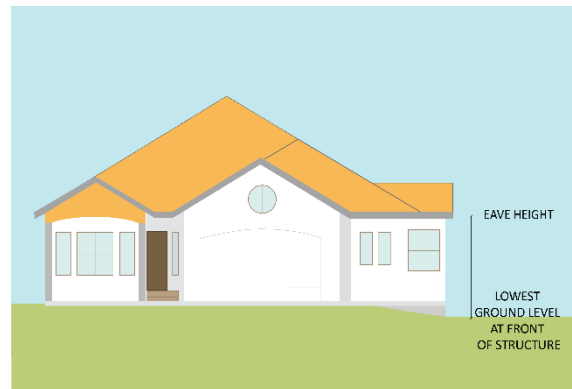
BUILDING HEIGHT. The vertical distance measured from the lowest ground level adjacent to the building at the front of the structure to the eave height or where the sidewall joins the roof. Building height does not include antennas, chimneys, steeples, or agricultural/industrial appurtenances.

BUILDABLE LOT AREA. The part of a lot not included within the open areas required by this Ordinance.

BUILDING MATERIALS, PRIMARY. The exterior materials that make up at least 67% of the foundation and envelope of a structure that is clearly visible from streets, sidewalks, outdoor amenities, recreational areas, and other uses.

BUILDING MATERIALS, SECONDARY. The exterior materials that are ancillary or complementary to primary building materials that make up no more than 33% of the foundation and envelope of a structure that is clearly visible from streets, sidewalks, outdoor amenities, recreational areas, and other uses.

CAMPGROUND/RV PARK. A publicly or privately-owned parcel on which two or more campsites are located, established, or maintained for occupancy by camping units as temporary living quarters for recreation, education, or vacation purposes, whether granted gratuitously or by a rental fee. A campground provides overnight occupancy by the owner or their guests in temporary, non-permanent lodging structures, such as tents, recreational vehicles, camping trailers, or similar means. This definition is not intended to include manufactured home parks. Any site with more than one recreational vehicle that is occupied is considered a campground.



Example of Building Height

CANOPY. A permanent structure made of cloth, metal or other material attached or unattached to a building for the purpose of providing shelter to patrons or automobiles, or as a decorative feature on a building wall. A canopy is not a completely enclosed structure but typically is supported by features other than the building facade (e.g., structural legs, building extensions, etc.).

CELLULAR ANTENNA TOWER. A tower constructed for, or an existing building or 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.

CELLULAR ANTENNA TOWER, ALTERNATIVE. Any facility, such as a clock or bell tower; steeple; light pole; or other similar alternative-design mounting structure that accommodates, minimizes, camouflages or conceals the presence of a cellular antenna or cellular antenna tower and that is constructed (or reconstructed) primarily for the purpose of accommodating a cellular antenna or cellular antenna tower.

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

CEMETERY. A land area used or intended to be used for the purposes of the human or animal burial. A cemetery includes, but is not limited to a burial park for earth interment, mausoleum for entombment, columbarium for inurement, burial ground consisting of one or more marked or unmarked graves, and a burial mound or other burial facility.

CHANGE IN USE. A change from one land use classification in Article 6.17: LAND USE TABLE to another land use classification. A change in ownership does not constitute a change in use.

CHURCH. See PLACE OF WORSHIP.

CITY COMMISSION. Legislative body for Simpsonville, Kentucky.

CLUB. A structure or portion thereof or premises owned or operated by a person or group for a social, literary, political, educational, or recreational purpose primarily for the exclusive use of members and their guests, excluding adult or sexually oriented activities. This does not include any use or activity rendering a service usually and ordinarily carried out as a business including restaurants or food service.

CODE ENFORCEMENT OFFICIAL. The Code Enforcement Official is the individual appointed to implement and enforce the applicable ordinances and codes that affect the health, safety, and welfare of the public.

CO-LOCATION. Locating two or more carrier's transmission antennae or related equipment on the same cellular antenna tower.

COMMERCIAL DISPLAY, SEASONAL. Temporary displays of goods or merchandise that are displayed only during regular business hours for sale reflective of the time of year, for a maximum of up to 90 days. An example of seasonal commercial displays is displaying pumpkins for sale during Halloween.

COMMERCIAL MESSAGE. Any wording, logo, or other visual representation that directly or indirectly names, advertises, or calls attention to a business, product, service, or other commercial activity.

COMMISSION. See PLANNING COMMISSION.

COMPREHENSIVE PLAN. A plan prepared to serve as a guide for public and private actions and decisions to assure the development of public and private property in the most appropriate manner within the planning area.

CONCENTRATED ANIMAL FEEDING OPERATION (CAFO). The feeding of livestock, poultry, or small animals for commercial purposes usually in lots, pens, sheds, or buildings where food is supplied primarily by means other than grazing, foraging, or other natural means. Regulations for CAFO's are outlined in 401 KAR 5:002 and 40 CFR 122.23 as amended.

CONDITIONAL USE. A use which is essential to or would promote the public health, safety and/or welfare in one or more zones, but which would impair the integrity and character of the zone in which it is located, or of adjoining zones, unless restrictions on location, size, extent and character of performance are imposed in addition to those set forth by the zoning regulations.

CONDITIONAL USE PERMIT. Legal authorization to undertake a conditional use, issued by the administrative official pursuant to authorization by the Board of Zoning Adjustment, consisting of two parts:

1. A statement of the factual determination of the Board of Zoning Adjustment, which justifies the issuance of the permit; and
2. A statement of the specific conditions which must be met in order for the use to be permitted.

CONDOMINIUM. A single-family attached dwelling unit separately owned and valued for property tax purposes, with common areas under group ownership and property taxes paid by a homeowner's association (HOA).

CONSOLIDATION. The joining together by the recording of a new plat, of two or more contiguous lots or tracts or parcels to form one lot or tract or parcel.

CONSUMER SERVICES. Sale of any service to individual customers for their own personal benefit, enjoyment, or convenience, and for fulfillment of their own personal needs.

CONVENIENCE STORE. A small retail store that sells grocery and deli items, and other day-to-day goods, and stocks such goods on the premises, all on a limited basis. A convenience store may offer the retail sale of motor fuels as an accessory use if permitted in the particular zone, or if the particular zone allows gasoline filling stations as a principally permitted use.

COURT. An open, unoccupied and unobstructed space other than a yard, on the same lot with a building or a group of buildings.

CREMATORY (CREMATORIUM). A building used for the cremation of deceased persons and animals. This use may include auxiliary uses, such as funeral homes, mortuaries, or cemeteries.

CULTURAL INSTITUTIONS. A for-profit or non-profit organization whose purpose is to inform, educate, or entertain citizens on associated aspects of culture, history, science, or similar. Examples include, but are not limited to, museums, libraries, and community cultural centers.

DAY CARE FACILITY. A non-residential structure where at least one person (children or adults) receives care from a provider while unattended by a parent, legal guardian, or custodian; for regular compensation; and for more than four hours but less than twenty-four hours in each of 10 consecutive calendar days per year, excluding intervening Saturdays, Sundays, and holidays. For purposes of this Ordinance, this includes child care centers as defined by KRS 199.894 and 922 KAR 2:120.

DEVELOPMENT PLAN. A presentation in the form of maps and drawings of a proposed use and/or structure by the owner of the land, which sets forth in detail the intended development (see site plan).

DEVELOPER. Any person engaged in developing a lot, group of lots, structures, or group of structures thereon for use or occupancy.

DISTILLERY, WINERY, OR BREWERY. A licensed building or property whose primary purpose is to produce and sell alcoholic beverages for distribution, and may include accessory commercial facilities such as brewpubs, tasting rooms, and rickhouses.

DISTILLERY, WINERY, OR BREWERY, RICKHOUSE ONLY. A rickhouse, distilled spirits, and/or fermented beverages storage structure(s) that is not associated with a production facility on the same parcel or adjacent parcels.

DISTRICT. An area or zone of the planning unit for which regulations governing the use of premises and structures or the height and area of buildings are uniform (as per KRS 100.111 (15)).

DISTRICT, ZONING. See ZONING DISTRICT.

DRIVE-THROUGH FACILITY. A facility, used in conjunction with a permitted use, that is designed or intended to be used to provide for sales or service to patrons who remain in their vehicles.

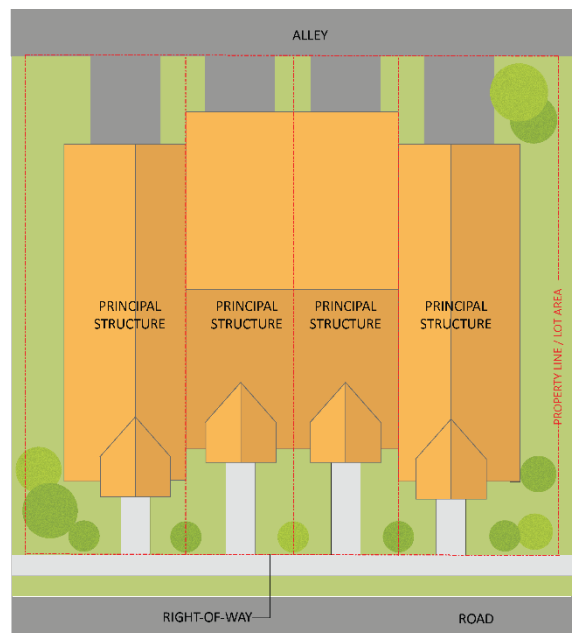
DRIVEWAY. A private access drive to a street or highway for a single residential parcel. Also referred to as a private driveway.

DRIVEWAY, NON-RESIDENTIAL. A private driveway serving a non-residential use.

DRIVEWAY, RESIDENTIAL. A single, shared private driveway serving no more than two residential parcels.

DWELLING. A building or portion thereof providing shelter, sanitation, and the amenities for permanent habitation and designed or used exclusively as the residence or sleeping place of one or more persons, but not including a tent, cabin, boarding or rooming house, motel, mobile home or recreational vehicle.

DWELLING, ACCESSORY. An attached or detached dwelling unit that is smaller than the existing single-family building and provides a separate means of access and complete independent living facilities for one or more persons. An accessory dwelling unit provides permanent provisions for living, sleeping, eating, cooking, and sanitation on the same lot as the primary single-family dwelling unit.

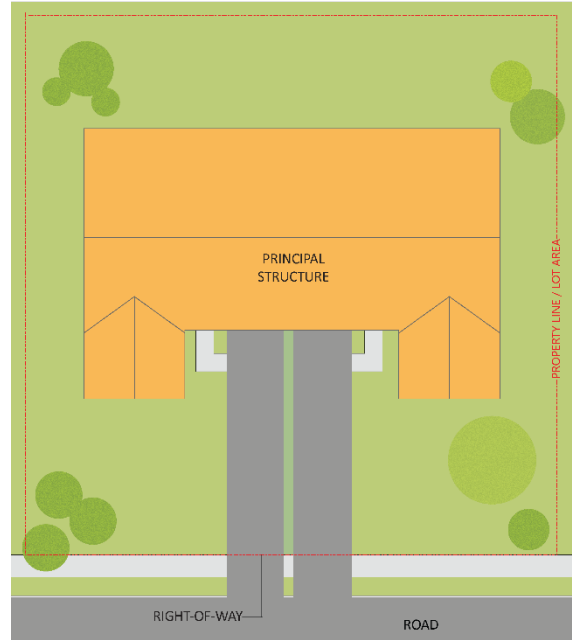


Example of Single-Family Attached Dwellings

DWELLING, MULTI-FAMILY. A building or portion thereof designed for or occupied by three or more families living independently of each other. This term includes apartments.

DWELLING, SINGLE-FAMILY. A building occupied exclusively for residential purposes by one family.

DWELLING, SINGLE-FAMILY ATTACHED. One dwelling on a single parcel with ground-floor outside access, attached to two or more single-family dwellings by common vertical walls without openings between dwellings (the dwelling is built to the lot line where it is attached or touching an adjacent single-family dwelling through a common or exterior wall). Examples include, but are not limited to, townhomes and patio homes



Example of Two-Family Dwellings

DWELLING, TWO-FAMILY. A dwelling on a single parcel containing two dwelling units, each of which is totally separated from the other by an unpierced wall extended from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwelling units. This may also be referred to as a duplex.

EASEMENT. A grant of one or more of the property rights by the property owner to and/or for use by the public, a corporation, or another person or entity.

EASEMENT, UTILITY. The right-of-way acquired by a utility or governmental agency to locate utilities, including all types of pipelines, telephone and electric cables, and towers.

EQUESTRIAN FACILITY. A structure, building, or area in which horses are kept for commercial use including boarding, hire, riding, show, therapy, or sale.

EXPANDO UNIT. An expandable manufactured housing unit.

FAMILY. A person living alone or two or more persons related by blood, marriage, or adoption, or not more than five unrelated persons living together as a single housekeeping unit and using common cooking facilities, for non-profit purposes, as distinguished from a group occupying a boarding house, lodging house, hotel, motel, philanthropic institution, group home, and other like groups.

FARMERS MARKET. The seasonal selling or offering for sale at retail of vegetables or produce, animal products, flowers, orchard products, and similar non-animal agricultural products, occurring in a predesignated area, where the vendors are individuals who have raised the vegetables or produce or have taken the same on consignment for retail sale.

FARMSTEAD. A single-family dwelling that is located on the same parcel as a farm.

FENESTRATION. Windows and other openings on a building façade.

FENCE. An artificially constructed barrier of any material or combination of materials erected to enclose, screen, or separate areas.

FENCE, SOLID. A fence constructed of a substantial material, such as wood or vinyl, which prevents viewing from one side to the other. For purposes of this Ordinance, a chain link fence with slat inserts or a shadowbox fence is not considered a solid fence.

FLAG LOT. See LOT, FLAG.

FLOOD, BASE. The flood having a 1% chance of being equaled or exceeded in any given year (often called the 1% annual chance flood, 100-year flood, or Regulatory Flood).

FLOOD HAZARD AREA. Those lands within the jurisdiction of the city, town, or county that are subject to inundation by the regulatory flood. This is also referred to as the Special Flood Hazard Area.

FLOOD FRINGE. The part of the floodplain outside of the floodway.

FLOODPLAIN. A land area susceptible to being inundated by water from any source. Control Regulations in accordance with The Federal Emergency Management Agency defines the land area subject to a base flood as the 100-year flood plain.

FLOODWAY. The channel of a river or stream and those portions of the floodplains adjoining the channel that are reasonably required to efficiently carry and discharge the peak flood flow of the regulatory flood of any river or stream.

FOOT-CANDLE (FC). A quantitative unit measuring the amount of light cast onto a given point, measured as one lumen per square foot.

FOUNDATION SKIRTING. A type of wainscoting constructed of fire and weather resistant materials, such as aluminum or other approved materials, enclosing the entire undercarriage of the manufactured or certified mobile home.

FULL CUTOFF FIXTURE. An outdoor light fixture shielded or constructed in such a manner that it emits no light above the horizontal plane of the fixture.

GARAGE, PRIVATE. A detached accessory building or a portion of the principal building used by the occupants of the premises for the shelter or storage of vehicles owned or operated by the occupants of the principal building.

GARAGE, PUBLIC. A building or structure used for the parking of vehicles on an intended profit basis.

GENERAL RETAIL. See RETAIL, GENERAL.

GAS STATION, PASSENGER VEHICLES. A fueling station for only passenger vehicles and accessible to the public consumer. Retail gas stations may or may not include convenience stores or retail offerings.

GAS STATION, PASSENGER & COMMERCIAL VEHICLES. A retail gas station that also includes a separate and dedicated fueling area for commercial vehicles using diesel fuel.

1. The site may contain up to two canopies for fuel dispensing with no more than four fueling positions under a single canopy for commercial vehicles
2. Parking for commercial vehicles is limited to short-term parking for the retail facility use. Overnight parking is prohibited and signs shall be posted stating the prohibition
3. Prohibited commercial/professional driver amenities include:
 - CAT scales or weigh station services
 - Truck service or tire centers
 - Truck washes
 - Showers
 - Lounge areas designated for professional drivers
 - Other similar commercial amenities

GAS STATION, TRUCK STOP. A truck stop which includes any of the following amenities or features:

1. More than four fueling points positions under a single canopy for commercial vehicles
2. Parking for commercial vehicles allowing four or more consecutive hours of parking in dedicated areas or spaces
3. CAT scale or weigh station services
4. Truck service or tire centers
5. Truck washes
6. Showers
7. Lounge areas designated for professional drivers

GROUP HOME. As defined by 902 KAR 20:078, a homelike environment and specialized services in accordance with individualized habilitation plans for four to eight people with mental retardation or developmental disabilities, at a location that is not adjacent to or part of a mental health or mental retardation institution.

HEIGHT OF STRUCTURE. See BUILDING HEIGHT.

HOME-BASED BUSINESS. Any activity carried out for economic gain by a resident and conducted entirely within the resident's dwelling unit or entirely within an accessory structure upon the same premises as the primary dwelling unit where limited clients, guests, customers, or employees (other than the resident(s) of the dwelling) access the premises. For the purposes of this Ordinance, uses such as a family child care home and Type II child care center (as defined by KRS 199.894 and 922 KAR 2:120) are considered a home-based business. A maximum of four guests and one employee that is not a resident of the dwelling shall be permitted at the home-based business concurrently. If more than four guests or more than one employee that is not a resident of the dwelling are on-site concurrently, it is not considered a home-based business.

HOME OFFICE. Any activity carried out for economic gain by a resident and conducted entirely within the resident's dwelling unit or entirely within an accessory structure upon the same premises as the primary dwelling unit where no clients, guests, customers, or employees (other than the resident(s) of the dwelling) access the premises. For the purposes of this Ordinance, uses such as a short-term rental, family child care home and Type II child care center (as defined by KRS 199.894 and 922 KAR 2:120), or other business activity where non-residents are accessing the site are not considered a home office.

HOSPITAL. An institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity, and other abnormal physical or mental conditions and including as an integral part of the institution related facilities, such as laboratories, outpatient facilities, training facilities, medical offices, and staff residences.

HOTEL. A facility offering transient lodging accommodations to the general public, and which may include additional facilities and services, such as restaurants, meeting rooms, entertainment, personal services, and recreational facilities.

IMPERVIOUS SURFACE. A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. Examples of impervious surfaces include buildings, structures, sheds, patios, concrete, and asphalt. For the purposes of this Ordinance, gravel shall be considered an impervious surface.

INDUSTRIAL, HEAVY. SEE MANUFACTURING OR GENERAL INDUSTRY, HEAVY.

INDUSTRIAL, LIGHT. SEE MANUFACTURING OR GENERAL INDUSTRY, LIGHT.

JUNK YARD. A place where junk, waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including auto wrecking yards, used lumber yards, and places or yards for use of salvaged house wrecking and structural steel materials and equipment; but not including such uses when conducted entirely within a completely enclosed building, and not including pawn shops, and establishments for the sale, purchase or storage of used furniture and household equipment, used cars in operable condition, or the processing of used, discarded or salvaged materials as a minor part of manufacturing operations. The presence of five or more nonoperational motor vehicles on a lot for a time period exceeding 30 days shall constitute evidence regarding the establishment of a junk yard. An automobile wrecking yard, salvage yard, and an impound lot are considered a junkyard.

JUNK VEHICLE. Any rusted, wrecked, damaged, dismantled, or partially dismantled, non-operative, unlicensed, or abandoned motor vehicle in such a condition that the cost of restoring the vehicle to an operating condition exceeds the market value of the vehicle. Junk vehicles shall include vehicles with salvage or junk titles.

KENNEL, COMMERCIAL. A compound where three or more dogs over four months of age are kept and where the owner is actively engaged in buying dogs for resale, training of dogs, consistently selling offspring of the owner's dogs, and/or boarding dogs which are not owned by the owner for compensation. Dog or pet daycares are considered a kennel.

KENNEL, NON-COMMERCIAL. A compound in or adjoining a private residence where a maximum of four hunting or other dogs are kept for the hobby of the householder or for protection of the householder's property. The occasional sale of pups by the keeper of a non-commercial kennel does not change the character of residential property.

KRS. Kentucky Revised Statutes, Chapter 100 is the state enabling legislation relating to Planning Commissions, and Board of Zoning Adjustments, as well as zoning and subdivision regulations.

LAND USE PLAN. Proposals for the most appropriate economic, desirable and feasible patterns for the general location, character, extent and inter-relationship of the manner in which the community and/or county should use its public and private land.

LEGISLATIVE BODY. The governing body of Simpsonville, KY.

LIVESTOCK. Animal husbandry activities (breeding and caring for farm animals) for the production of animals and/or animal products that will be consumed by others and/or sold, such as dairies, livestock farming, and similar uses. This also includes pastureland and meadows used for livestock rearing as well as harvesting of aquatic animals and organisms, but excludes Confined Animal Feeding Operations (CAFO).

LIVESTOCK, PERSONAL. This land use includes the raising of livestock that is not intended to be consumed by others and/or sold. This definition includes livestock for educational purposes, such as 4-H.

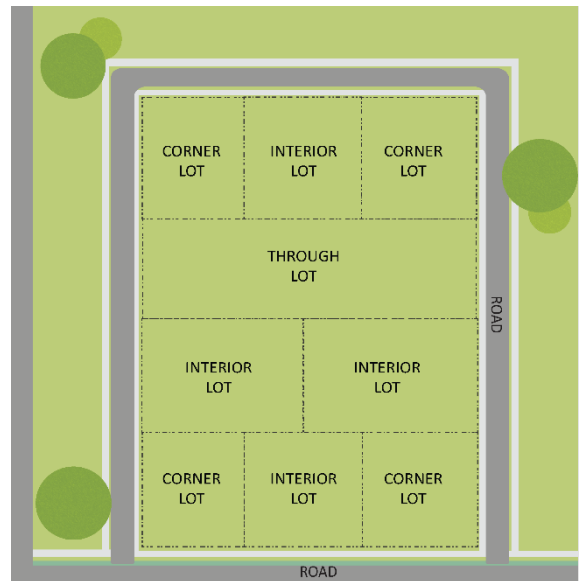
LIVESTOCK, PRODUCTION. This land use includes animal husbandry activities (breeding and caring for farm animals) for the production of animals and/or animal products that will be consumed by others and/or sold, such as dairies, livestock farming, and similar uses. This also includes pastureland and meadows used for livestock rearing.

LIVESTOCK, WHOLESALE TRADE. This land use includes selling of livestock that occur on-site, such as animal auctions. This definition does not include educational activities, such as 4-H auctions.

LIVING AREA. The total interior habitable area of a building on all floors or levels, measured from the interior faces of the exterior walls and does not include unfinished basements, unfinished attics, and attached garages that are not intended for human habitation.

LOADING SPACE. An off-street space or berth on the same lot with a building or contiguous to a group of buildings and accessory buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts on a street, alley or other appropriate means of access.

LOT. A piece or parcel of land occupied or intended to be occupied by a principal building or group of such buildings and accessory buildings, or utilized for a principal use and uses accessory thereto, together with such open spaces as required by this Ordinance and having frontage on a public street. Agricultural tracts are not included (Refer to "Tract" definition).



Example of Lot Types

LOT, CORNER. Any lot abutting and situated at the intersection of two more than one street shall be considered a corner lot. A corner lot will have two front yard setbacks, one side yard setbacks, and one rear yard setback. The rear yard shall be opposite of the street used for addressing.

LOT, FLAG. A lot where the major portion of the parcel has access to a public road or street by means of a narrow strip of land called the "flag pole." The flag pole portion of the lot shall not be used in determining setbacks or in calculating lot size for zoning and building purposes.

LOT, INTERIOR. A lot other than a corner lot.

LOT, THROUGH (ALSO KNOWN AS A "DOUBLE FRONTAGE LOT"). A lot having frontage on two parallel or approximately parallel streets.

LOT AREA. The computed area contained within the lot lines.

LOT COVERAGE. The part of the parcel that is covered by an impervious surface. See also IMPERVIOUS SURFACE.

LOT DEPTH. The mean horizontal distance between the front and rear lot lines.

LOT LINES. The property lines bounding a lot.

LOT LINE, FRONT. The property line separating the lot front and the street.

LOT LINE, REAR. The lot line opposite and most distant from the front lot line.

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 a lot from another lot or lots is called an interior side lot line.

LOT WIDTH. The minimum lot width shall be measured at the front property line.

LOT OF RECORD. Recorded lot on file in the County Court Clerk's Office.

LUMINAIRE. A complete lighting unit of a light source and all necessary mechanical, electrical, and decorative parts.

MANUFACTURED HOME, CERTIFIED VS. NON-CERTIFIED. A dwelling unit fabricated in an off-site manufacturing facility for installation or assembly at the building site, bearing a seal certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards Code. This includes three types of manufactured homes as defined by KRS 219.320-219.410 (e.g., TYPE I, TYPE II, AND TYPE III).

MANUFACTURED HOME SUBDIVISION. A parcel of land platted for subdivision according to all requirements of the Shelby County Subdivision Regulations designed or intended for lots to be conveyed by deed to individual owners for residential occupancy primarily by manufactured homes.

MANUFACTURED HOUSING CONSTRUCTION AND SAFETY STANDARDS CODE. Title VI of the 1974 Housing and Community and/or County Development Act (42 U.S.C. 5401 et sequential), as amended (previously known as the Federal Mobile Home Construction and Safety Act), rules and regulations adopted hereunder (including information supplied by the home manufacturer), which has been stamped and approved by a Design Approval Primary Inspection Agency, an agent of the U.S. Department of Housing and Urban Development pursuant to HUD rules.

MANUFACTURED OR MOBILE HOME PARK (COMMUNITY). A manufactured home park or community consists of one or more parcels of land that contain individual lots that are leased or otherwise contracted and are owned, operated, or under the control of one or more persons on which a total of two or more manufactured homes are located for the purpose of being occupied as principal residences, as outlined in KRS 219.320. The term includes the following:

- All real and personal property used in the operation of the manufactured home community;
- A single parcel or contiguous but separately owned parcels of land that are jointly operated;
- All common facilities and utilities located on the premises to serve the park/community;
- Parcels of land jointly operated and connected by a private road;
- One or more parcels of land, if at least two of the manufactured homes or manufactured homes located on the land are accessible from a private road or interconnected private roads, served by a common water distribution system, or served by a common sewer system or septic system.

MANUFACTURING OR GENERAL INDUSTRY, HEAVY. An establishment engaged in basic processing and manufacturing of materials or products predominately from extracted or raw materials into new products, including assembling, converting, altering, finishing of component parts, or the manufacture of such products, and the storage and/or blending of large volumes of materials of a heavy nature, including but not limited to metal, concrete, plastic, petrochemicals, and heavy machinery. These uses can include highly flammable, toxic, or explosive materials needed in the process. Heavy manufacturing uses processes that ordinarily have greater than average impacts on the environment, or that ordinarily have significant impacts on the use and enjoyment of adjacent property in terms of noise, smoke, fumes, odors, glare or health and safety. Uses can include, but are not limited to, concrete batch plants; automobile, truck, or tire assembly; ammonia or chlorine manufacturing; metal casting or foundries; grain milling or processing; metal or metal ore production; refining, smelting, or alloying; boat, pool, and spa manufacturing, glass manufacturing; paper manufacturing; wood or lumber processing.

MANUFACTURING OR GENERAL INDUSTRY, LIGHT. An establishment engaged in the transformation of finished products or parts into new products, including assembling, converting, altering, and finishing of component parts; or the manufacturer of products and the blending of materials of a light nature, including paper, wood, or food products and light machinery. Light manufacturing is limited to manufacturing items from predominantly previously prepared or finished products or parts, including, electronic goods, food, and bakery products; nonalcoholic beverages; paper imprinting and publishing; household appliances assembly; and clothing apparel. All activities must take place within an enclosed building and does not include any use that produces noise, fumes, smoke, odors, glare, or health and safety concerns outside of the building or lot where such processes occur. Light manufacturing does not include industrial processing.

MAP. A map of the jurisdiction indicating district boundaries according to this Ordinance.

MEDICAL OFFICES AND OUTPATIENT SERVICES (NO OVERNIGHT STAYS, NO DISPENSING OF MEDICINE). A privately owned clinic, facility, or other structure used to treat patients, where no meals, lodging, or the dispensing of medicine or drugs shall be provided on the premises.

MEDICAL OFFICES AND OUTPATIENT SERVICES (W/DISPENSING MEDICINE). A privately owned clinic, facility, or other structure used primarily to treat patients, where no meals or lodging are provided. The dispensing of drugs/prescriptions by licensed personnel in accordance with federal and state laws is permitted.

MOBILE HOME, CERTIFIED VS NON-CERTIFIED. A transportable structure larger than 320 square feet, designed to be used as a year-round residential dwelling, and built prior to the enactment of the Federal Mobile Home Construction and Safety Act of 1974, which became effective for all mobile home construction June 15, 1976 (For criteria for certified mobile homes see Article 8:s manufactured home parks).

MOBILE HOME SITE. A plot of ground within a manufactured home park (community) designed for the accommodation of one mobile or manufactured home.

MODULAR HOME. A dwelling unit composed of two or more components substantially assembled in a manufacturing plant and transported to a building site for final assembly on a permanent foundation. A modular home must be constructed in accordance with the standards established in the state and local building codes that are applicable to site-built homes. Modular homes do not include manufactured or mobile homes. For the purposes of this Ordinance, a modular home is considered to be a single-family dwelling unit.

MOTEL. A series of attached, semi-attached or detached sleeping or living units, for the accommodation of automobile transient guests, said units having convenient access to off-street parking spaces, for the exclusive use of the guests or occupants.

MUNICIPAL AUTHORITY. The City Council of Simpsonville, Kentucky.

NITS. A unit of measure used for lighting expressed as candelas per square meter.

NON-CONFORMING USE OR STRUCTURE. An activity or a building, sign, structure or a portion thereof which lawfully existed before the adoption or amendment of these Zoning Regulations, but which does not conform to all of the regulations contained in the zoning regulations which pertain to the zone in which it is located.

NURSING HOME. An establishment, as outlined by KRS 216.510, which provides full-time convalescent or chronic care or both for three or more individuals who are not related by blood or marriage to the operator and who by reason of chronic illness or infirmity, are unable to care for themselves. No care for the acutely ill or surgical or obstetrical services shall be provided in such a home. Hospitals or sanatoriums are not considered a nursing home.

OBJECTIONABLE NOISE. Objectionable noise shall be measured in decibels, (dB) not to exceed 55 dB outdoors and 40 dB indoors within 1000 feet of the property line of an Industrial land use.

OBJECTIONABLE ODORS/ODOROUS MATTER. Odors/odorous matter within 2000 feet of the property line of an odor-emitting source.

OCCUPANCY. The condition of occupying a dwelling or structure for any length of time.

OCCUPIED SPACE. The total area of earth horizontally covered by the manufactured or mobile home, excluding accessory structures, such as, but not limited to, garages, patios and porches.

ONE- AND TWO-FAMILY DWELLING CODE. The nationally recognized model building code prepared and amended by the Council of American Building Officials.

OPEN SPACE. Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment of owners and occupants of land adjoining or neighboring such open space. Such areas may be improved with only those buildings, structures, streets and off-street parking and other improvements that are designed to be incidental to the natural openness of the land.

OPEN SPACE, COMMON. An open space area within or related to a site designated as a development and designed and intended for the use or enjoyment of residents and owners of the development. Common open space may contain such complementary structures and improvements as are necessary and appropriate for the use or enjoyment of residents and owners of the development.

OPEN SPACE, PUBLIC. An open space area conveyed or otherwise dedicated to a municipality, municipal agency, board of education, state, county or city agency, or other public body for recreational or conservational uses.

ORIGINAL PROPERTY. Any and all lots and/or tracts of land which were described by a single deed as recorded in the office of the Shelby County Clerk prior to November 15, 1961.

OUTDOOR SALES AND DISPLAY OF MERCHANDISE. Placement of any item(s) outside a building in a nonresidential zoning district for the purpose of sale, rent or exhibit. Outdoor sales and display shall not include outdoor dining and seating areas associated with a restaurant.

OWNER. The holder of legal title of a particular property through the deed of record.

PARKING SPACE. A space, other than on a road or alley, designed for use or to be used for the temporary parking of a motor vehicle.

PARKING SPACES, ACCESSIBLE. Parking spaces designated for handicapped people and accessible passenger loading zones that serve a particular building shall be located on the shortest possible accessible circulation route to an accessible entrance of the building. In separate parking structures or lots that do not serve a particular building, parking spaces for physically handicapped people shall be located on the shortest possible circulation route to an accessible pedestrian entrance of the parking facility. (See Table 9.14: Minimum Accessible Handicap Spaces Required)

PERMANENT PERIMETER ENCLOSURE. A permanent perimeter structural system completely enclosing the space between the floor joists of the home and the ground.

PERMANENT FOUNDATION. Any structural system for transposing loads from a structure to the earth at a depth below the established frost line without exceeding the safe bearing capacity of the supporting soil.

PHARMACY. An establishment engaged in the retail sale of prescription drugs, nonprescription medicines, medical marijuana/cannabis, cosmetics, and/or related supplies. May include licensed medical professionals as an accessory use to a pharmacy that also includes general retail.

PLACE OF WORSHIP. Defined as:

1. A church, synagogue, temple, mosque, or other facility or area that is used for prayer, worship, or similar activities by persons of similar beliefs; or
2. A special-purpose building or area that is architecturally designed and particularly adapted for the primary use of conducting formal religious services on a regular basis.

PLAN. The provisions for development of a planned unit development including a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, private streets, ways and parking facilities, common open space and public facilities. The phrase "provisions of the plan" when used in this act shall mean the written and graphic materials referred to in this definition.

PLANNED UNIT DEVELOPMENT (PUD). A planned unit development that is a zoning district established to allow development of an area of land as a single entity for a number of uses conforming to an approved development plan, which may not correspond with number of units, bulk, type of use, density, open space, parking, sign requirements, landscaping, or other standards required by other ordinances; a zoning district for which a PUD ordinance is required.

PLANNING COMMISSION. The Triple S Planning Commission of Shelbyville, Simpsonville, and Shelby County, Kentucky as established pursuant to Chapter 100 of the Kentucky Revised Statutes.

PLAT. A drawing indicating the subdivision or re-plat of land intended to be filed for record.

PRINCIPAL USE. The primary use of the land or the main structure on a lot as distinguished from an accessory use or accessory structure which determines the primary activity that takes place on the land or in the structure.

PRELIMINARY APPROVAL. The conferral of certain rights pursuant to this act prior to final approval after specific elements of a subdivision plat have been agreed upon by the Planning Commission.

PROFESSIONAL SERVICE OR BUSINESS OFFICE. Uses whose primary purpose is to provide professional services or advice that occurs within a business office setting. The majority of people accessing the site are typically employees but can also have customers or clients that access the business. This term does NOT include other uses specifically included within Article 6.17: Land Use Table, including but not limited to, adult businesses, and retail (general or service-oriented). Examples of this use include, but are not limited to, the following:

- Professional service or business offices, such as accounting or advertising, architectural or engineering, attorney or legal, communication or marketing, financial, insurance, investment, professional consulting, real estate, tax, trade association and travel agency services or offices, and similar service or repair that occurs within a business office setting.

PUBLIC WAY. A publicly dedicated area in which a public entity or the general public have the legal right-of-passage regardless of improvements to the dedicated area. Public ways include, but are not limited to, an alley, avenue, boulevard, bridge, channel, ditch, easement, expressway, freeway, highway, land, parkway, right-of-way, road, sidewalk, street, subway, tunnel viaduct, walk, bicycle path.

RECREATIONAL FACILITY. A facility or area to provide periodic and short-term sports or personal leisure activities to the general public where the majority of the use typically outdoors. This term does NOT include other uses specifically included within Article 6.17: Land Use Table, including but not limited to adult businesses, golf courses, driving ranges, country clubs, parks, and equestrian facilities. Examples of this use include, but are not limited to, the following:

- Water parks and aquatic facilities;
- Amusement parks; and
- Go-Kart and off-road vehicle course

RECREATIONAL VEHICLE (RV). A portable vehicular structure not built to the Federal Manufactured Housing Construction and Safety Standards Code (or the obsolete ANSI 119.1 Mobile Home Design and Construction Standard) designed for travel, recreational camping or vacation purposes, either having its own motor power or mounted onto or drawn by another vehicle, and including but not limited to travel and camping trailers, truck campers, and motor homes.

RESIDENTIAL CARE FACILITY. A residence operated and maintained by a sponsoring private or governmental agency to provide services in a homelike setting for handicapped persons.

RESIDENTIAL UNIT. Any unit designed for use by one family for living purposes being self-contained, and being either in a detached, semi-detached, attached, multi-family or multi-story structure.

RETAIL, GENERAL. Uses whose primary purpose is the sale of goods and merchandise to a consumer. This term does NOT include other uses specifically included within Article 6.17: Land Use Table, including but not limited to, adult businesses, storage units, professional service/business office and service-oriented retail. Examples of this use include, but are not limited to, the following:

1. Department and superstores, such as clothing/apparel/shoes store;
2. Specialty retail stores, such as antique store, art gallery, art supply store (including framing services), book/stationary/newspaper store or stand, camera and photography supply store, collectible stores (cards, coins, comics, stamps, etc.), electronic/appliance store, fabrics and sewing supply store, flea market, floor covering store, furniture store, florist, gift store, greenhouse or nursery, hardware store, hobby shop, jewelry store, luggage and leather goods store, music or musical instrument store, office supply store, optic store (no medical exams), orthopedic supply store, paint store, pet store, sporting goods and recreation equipment store, bicycle and kayak rental/store, religious goods store, toy store, variety store, and video/game store;
3. Supermarkets and grocery stores, such as bakery (without dining), candy store, grocery store, and meat or fish market;
4. Convenience stores, such as drug stores; and
5. Discount stores, such as consignment and thrift stores.

RETAIL, SERVICE-ORIENTED. Uses whose primary purpose is to provide or sell a service, entertainment, or experience rather than providing goods and merchandise that do not occur within a business office setting. The majority of people accessing the site are typically customers rather than employees. This term does NOT include other uses specifically included within Article 6.17: Land Use Table, including but not limited to, adult businesses, storage units, professional service/business office and general retail. Examples of this use include, but are not limited to, the following:

1. Hospitality, instructional, and entertainment services, such as art studio, dance, educational support services, employment services, reception halls, gymnastics or martial arts instruction, paintball, travel centers, and banquet/event facilities;
2. Food establishments and restaurants (see RESTAURANT), such as quick service and dine-in restaurants;
3. Service and repair (excluding automotive, equipment, and vehicle repair), computer or phone repair, jewelry repair, and shoe repair; and
4. Personal services, such as bank or credit union, beauty or barber shop, dry cleaning or laundry receiving station (storefront only), fitness center or gym, nail or tanning salon, photography studio, print shop or copy shop, and tailoring or dressmaking.

RIGHT-OF-WAY. An area or strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting, and drainage facilities, and may include special features (required by the topography or treatment) such as grade separation, landscaped areas, viaducts, and bridges.

ROAD. A traffic-carrying way.

ROADSIDE STAND. A temporary structure or area designed or used for the on-site display or sale of agriculture-related products that are grown or produced on the same site.

SATELLITE RECYCLING COLLECTION FACILITY. A place or area for the short-term collection of appropriate recyclable materials from the public to be transported to a facility for processing and/or long-term storage.

SEARCH RING. The necessary search area within which a site for a cellular antenna tower should, pursuant to radio frequency requirements, be located.

SERVICE-ORIENTED RETAIL. See RETAIL, SERVICE-ORIENTED.

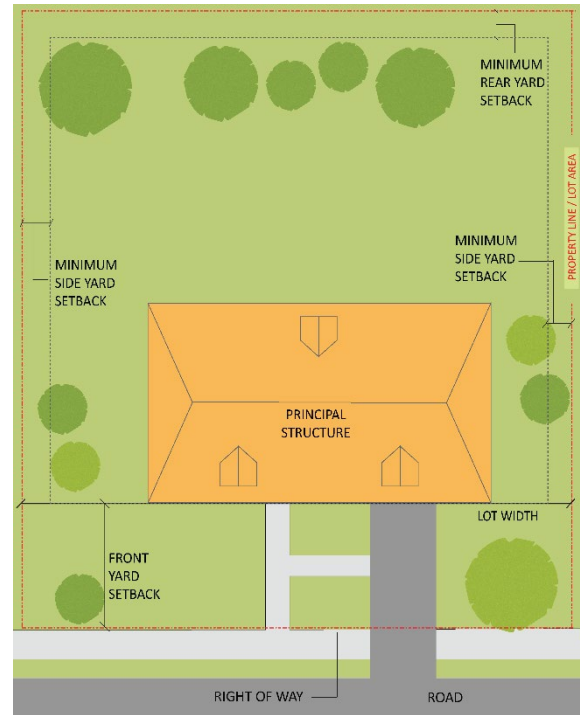
SETBACK LINE. The distance between a given lot line, easement, or right-of-way line and any structure (front, rear, or side) as specified.

SETBACK, FRONT YARD. The minimum front yard required as measured perpendicular from the front property line, unless specified otherwise.

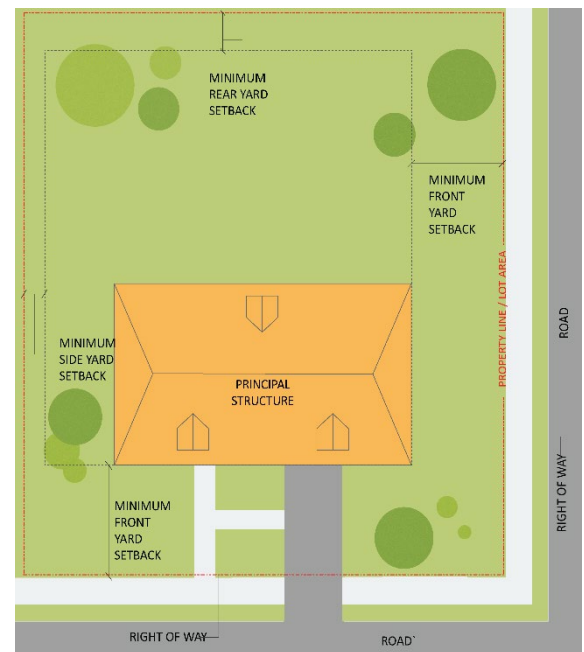
SETBACK, REAR YARD. The minimum rear yard required as measured perpendicular from the rear property line, unless specified otherwise.

SETBACK, SIDE YARD. The minimum side yard required as measured perpendicular from the side property line, unless specified otherwise.

SEXUALLY ORIENTED BUSINESS. SEE ADULT BUSINESS.



Example of Setbacks



Example of Corner Lot Setbacks

SHOOTING RANGE/GUN CLUB. An area or structure specially designed for the safe discharge and use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, or any similar firearm for the purpose of sport shooting or military/law enforcement training.

SHORT TERM RENTAL (NON-OWNER-OCCUPIED). A dwelling, not permanently occupied by the property owner as their primary dwelling, that is rented or leased to a tenant or guest for less than four consecutive weeks. Non-owner-occupied short-term rentals shall meet the minimum parking requirements in accordance with Article 9.7: Parking and Loading Standards.

SIDEWALK. A portion of the road right-of-way outside the roadway, or a pathway on private property, which is improved for pedestrian traffic.

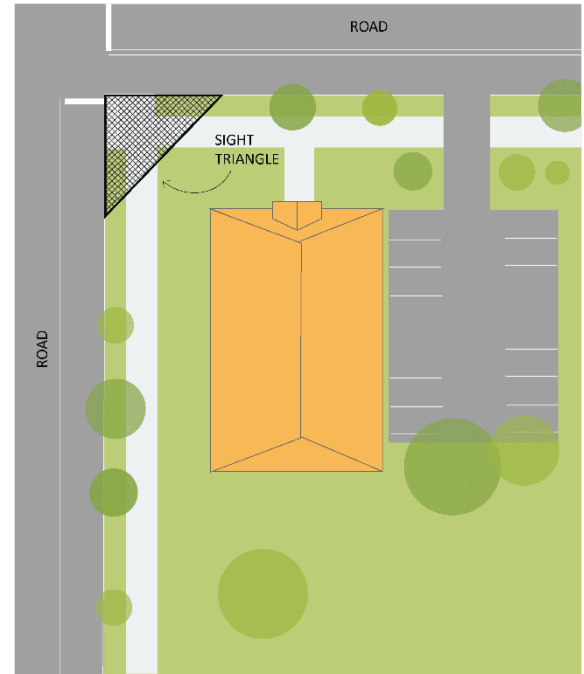
SIGHT TRIANGLE. A triangular-shaped portion of land established at road and/or driveway intersections in which nothing is erected, placed, planted, or allowed to grow in such a manner that limits or obstructs the sign distance of motorists entering or leaving the intersection.

SIGN. A device designed to promote and identify an establishment or activity by any means including but not limited to words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images. A sign which directs attention to a business, profession, product, activity or entertainment sold or offered upon the premises where such a sign is located.

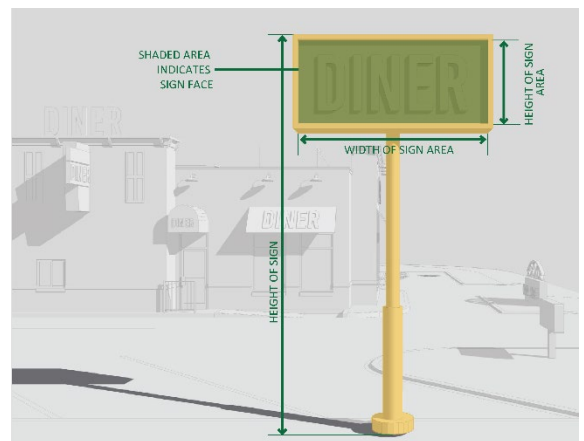
SIGN, ANIMATED. Signs that include flashing, blinking, or fluttering, or the use of any motion picture, laser, or visual projection of images or copy or that change light intensity or brightness.

SIGN, AREA. The total area of the sign face, when faces are placed back-to-back or in a “V” configuration and only one face is visible to passerby at any time, which is used to display a message or attract attention, not including its supporting structures.

SIGN, BANNER. Any sign of lightweight fabric or similar material that is attached to a fence, pole or a building at one or more edges. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.

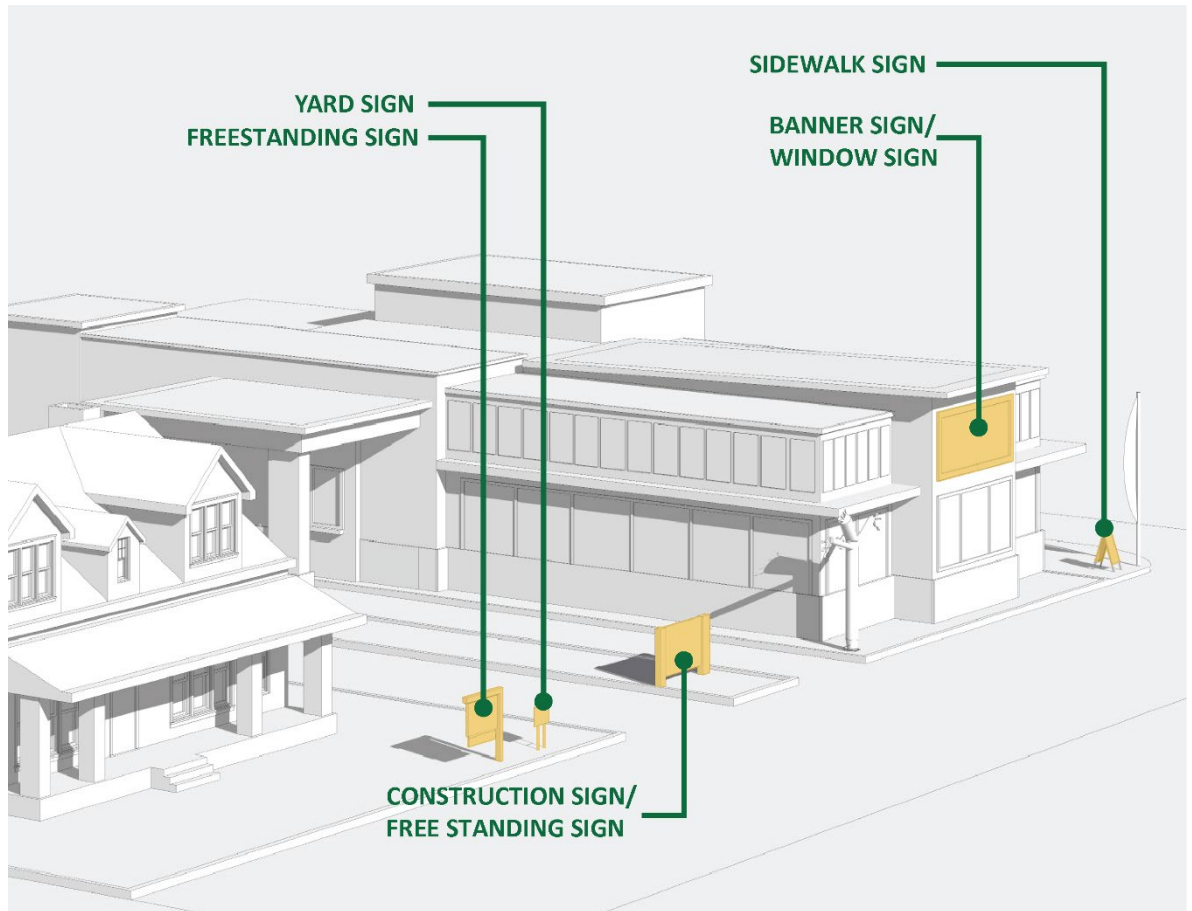


Example of Sight Triangle

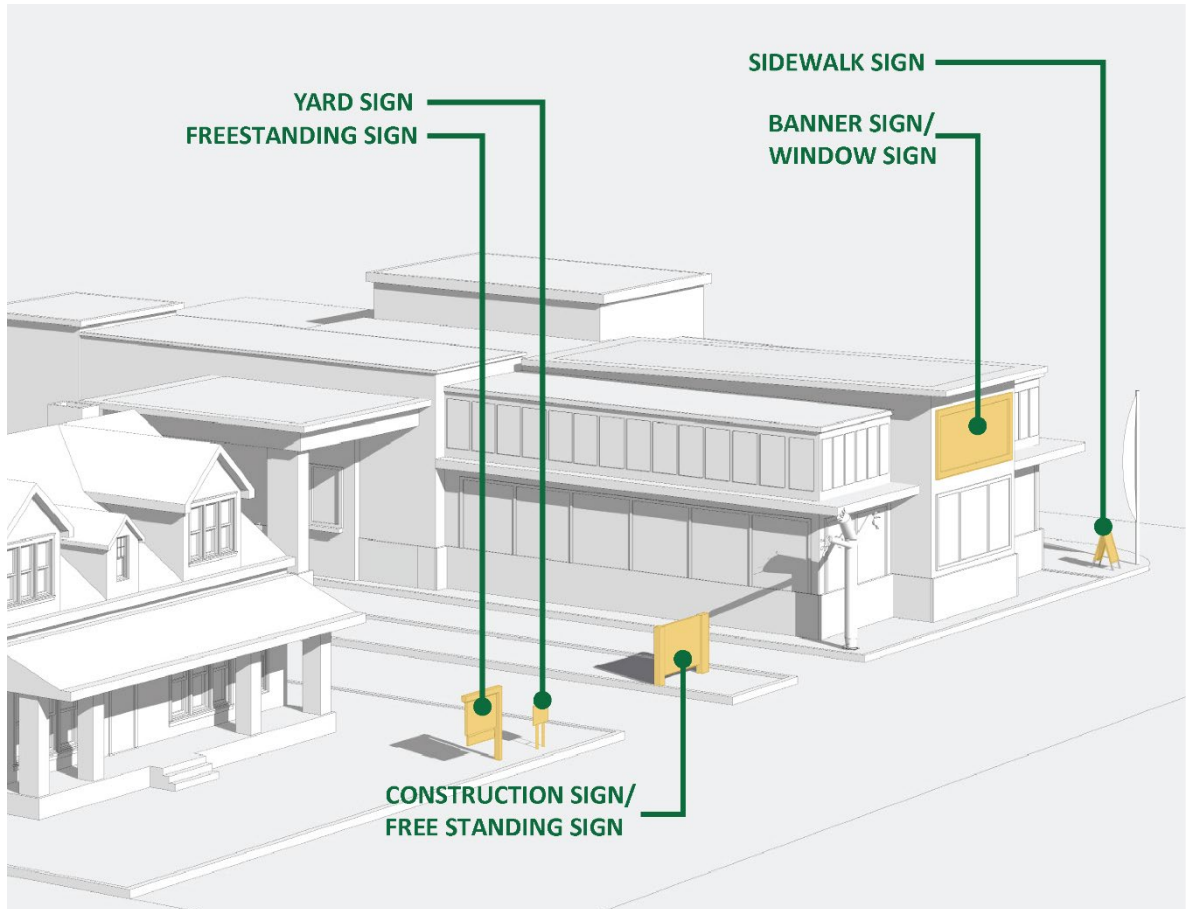


Example of Sign Measurement

SIGN, BILLBOARD. A sign, or structure, which directs attention to a business, commodity, service, activity or entertainment not conducted, sold or offered upon the premises upon which the sign is located. For purposes of this ordinance, billboard signs shall be considered a pole sign.



Example of Permanent Signs



Example of Temporary Signs

SIGN, CANOPY. Any sign that is part of or attached to a detached canopy.

SIGNS, EMITTING. Signs that emit audible sound, odor, or visible matter.

SIGN, FLASHING. A sign, the illumination of which is not kept constant in intensity at all times when in use. Illuminated signs which indicate time, temperature, weather, or other similar public service information shall not be considered flashing signs. Revolving signs of constant illumination shall not be considered flashing signs.

SIGN, FASCIA. Any sign mounted flush against a building. The depth of the sign from the sign face to the building shall not exceed two (2) feet.

SIGN, FREESTANDING (MONUMENT). Any sign supported by structures or supports that are placed on or anchored in, the ground and that are independent from any building or other structure. The supporting structure/sign base must rest on the ground and shall consist of a surface composed of stone or brick, and the width of the sign base must be at least 50% of the sign width.

SIGN, ILLUMINATED. Signs which are artificially lighted by direct or indirect lighting.

SIGN, IMITATION. Any sign that emulates emergency service vehicles, road equipment, or traffic signs (such as Stop, Slow, or Caution).

SIGN, INFLATABLE. Any sign that is static or moves by electrical, mechanical, or wind power.

SIGN, OBSCENE. A sign that displays or conveys obscene matter as defined in KRS 531.010.

SIGN, OFF PREMISE ADVERTISING. A sign which directs attention to a business, product, service or activity generally conducted, sold or offered elsewhere than on the premises where such sign is located (see billboard).

SIGN, OPERATIONAL. A sign for which changing copy gives such information as time, temperature, fuel pricing and other information through an electronic message display system. An operational sign may also be any sign that provides information that is secondary to the use of the zoned lot on which it is located, such as “no parking”, “entrance”, “loading only”, “drive-thru”, “service”, and other similar devices with no commercial message.

SIGN, POLE. A sign that is mounted on one or more freestanding poles or supports so that the bottom edge of the sign face is not in direct contact with a solid base or the ground.

SIGN, PROJECTING. Any sign that is designed for and directed toward pedestrians so that they can easily and comfortably read the sign as they stand adjacent to the business.

SIGN, PORTABLE. Any name, identification, description, display illustration or device which is not permanently affixed, which directs attention to a product, place, activity, person, institution, or business. Signs attached or painted on vehicles or trailers parked and visible from the public right-of-way, unless said vehicle or trailer is used in the normal, day-to-day operations of the business, then the vehicle or trailer shall be parked in a designated parking space at the location of the business and farthest from the right-of-way at the location of the business. For purposes of this ordinance, portable signs shall not include sidewalk signs.

SIGN, REAL ESTATE. Any non-illuminated sign advertising the sale, leasing, or rental of the premises on which said sign is located.

SIGN, ROOF. A sign that is mounted on the roof of a building or that is wholly dependent upon a building for support and projects above the highest point of a building with a flat roof, the eave line of a building with a gambrel, gable, or hip roof, or extends above the top of a parapet wall.

SIGN, SIDEWALK. An advertising or business ground sign that is moveable and not secured or attached to the ground or surface where it is located.

SIGN, SUBDIVISION ENTRANCE MONUMENT. A sign located at the main entrances for identifying a subdivision.

SIGN, TEMPORARY. Signs which denote events or happenings are only temporary, and are not permanently mounted.

SIGN, TEMPORARY CONSTRUCTION. A temporary sign for temporary construction/subdivision projects that is intended for use during the construction of a site.

SIGN, VEHICLE. Any sign attached to or painted on a vehicle parked and visible from the public right-of-way, unless said vehicle is used for transporting people or materials in the normal day-to-day operations of the business.

SIGN, WALL. See SIGN, FASCIA.

SIGN, WINDOW. Any sign, picture, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, or which communicates a non-commercial message, which is placed inside a window or upon the windowpanes or glass and is visible from the exterior of the window or building.

SIGN, YARD. Any temporary sign placed on the ground or attached to a supporting structure, posts, or poles, that is not attached to any building.

SITE PLAN. A development plan of one or more lots on which is shown

1. the existing and proposed topography of the lots,
2. the location of all existing and proposed buildings, drives, parking spaces, means of ingress and egress, drainage facilities, landscaping, structures and signs, lighting, screening devices, and
3. any other information that may be pertinent in order for the Planning Commission to make an informed decision.

SOLAR ENERGY SYSTEM (SES). A device, array of devices, or structural design feature, the purpose of which is to provide for generation or storage of electricity from sunlight, or the collection, storage, and distribution of solar energy for space heating or cooling, daylight for interior lighting, or water heating. For purposes of this ordinance, an SES is classified as Commercial and Personal.

SOLAR ENERGY SYSTEM, COMMERCIAL. A solar energy system where the energy, electricity, and/or power is intended primarily for off-site use. Commercial SES are commonly referred to as solar fields or solar farms.

SOLAR ENERGY SYSTEM, PERSONAL. A solar energy system where the energy, electricity, and/or power is intended primarily for on-site use in order to reduce on-site consumption of utility power or fuels.

STORAGE, OUTDOOR. The storage, collection, or display for more than three consecutive days, or any part of a day for three consecutive days, of any products, materials, equipment, appliances, vehicles not in service, or personal property of any kind on an unenclosed, uncovered area.

STORAGE UNIT. An unenclosed, semi-enclosed, or fully enclosed area, structure(s), room, or space that is primarily intended for the storage of personal property, including but not limited to recreational vehicles, boats, and similar items. Note that unenclosed or semi-enclosed storage units must comply with all outdoor storage standards of this ordinance.

STORY. That portion of a building, other than a basement, included between the surface of any floor and the ceiling immediately above.

STREET. A public right-of-way which provides a public means of access to abutting property. The term street shall include avenue, drive, circle, road, parkway, boulevard, highway, thoroughfare, or any other similar term (See Shelby County Subdivision Regulations for further detail).

STRUCTURE. Any combination of materials fabricated to fulfill a function in a fixed location on the land; includes buildings.

STRUCTURE, ACCESSORY. Any structure subordinate to the principal structure located on the same lot serving a purpose customarily incidental to the use of the principal structure.

SUBDIVISION. The subdivision of land into two or more lots or parcels or tracts 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. The term includes re-subdivision and when appropriate to the context shall relate to the process of subdivision or to the land subdivided.

SUBDIVISION, MAJOR. The subdivision of land into three or more lots or tracts or parcels or which does require the construction, improvement, or widening of streets; or the major construction of utility lines and other public services, singularly or in combination of any of the above.

SUBDIVISION, MINOR. The subdivision of land into two lots or tracts or parcels which does not require the construction, improvement, and widening of streets; or the major construction of utility lines and other public services.

SUBDIVISION REGULATIONS. The regulations governing the subdivision of land within Shelby County and any designated extra-territorial jurisdiction as adopted by the Triple S Planning Commission (Refer to the "Subdivision Regulations for Shelby County").

SUPPORT SYSTEM. A pad or a combination of footings, piers, caps, plates, and shims, which, when properly installed, support the manufactured or certified mobile home.

TRACT. A parcel of land with an area of five acres to less than 15 acres. Tracts of land five acres to 10 acres, unless existing, must have a minimum depth to width ratio of 4 to 1. The width shall be measured at the front property line. Tracts of land from 10 to 15 acres do not have to conform to the 4 to 1 ratio requirement but must have a minimum of 250 feet of road frontage on a public road or street and no portion of the tract may be a width of less than 250 feet. This also includes an agricultural tract as defined in the proper zone.

TRANSITIONAL HOUSING. See GROUP HOME.

UNIFORM APPLICATION. The application submitted to the Planning Commission by an applicant, complete and meeting all requirements as provided in KRS 100.9865, for the construction of a cellular antenna tower for cellular telecommunications services or personal communications services. Completion of a uniform application shall not be required for temporary cellular antennae that are deployed during construction of permanent facilities; used in the event of emergency situations where infrastructure has been damaged; or in connection with temporary high usage situations, such as sporting events.

USE. Use broadly refers to the activities which take place on any land or premises and also refers to the structures located thereon and designed for those activities.

USE, ACCESSORY. A use that:

1. Is clearly incidental and customarily found in connection with a principal structure or use;
2. Is subordinate to and serves the principal use;
3. Is subordinate in area, extent, or purpose to the principal use served;
4. Contributes to the comfort, convenience, or necessity of occupants, business, or industry of the principal use served; and
5. Is located on the same parcel as the primary use served.

UTILITY FACILITY, NON-EXEMPT. A utility that is not exempt by KRS 100.324 as amended.

VARIANCE (DIMENSIONAL). A variance is an exception granted from the literal enforcement of the zoning regulations where, by reasons of exceptional narrowness, shallowness, or unusual shape of a site on the effective date of the regulations or by reason of exceptional topographic conditions, or some other extraordinary situation or condition of that site, the literal enforcement of the dimensional requirements (height, or width of building or size of yards, but not intensity) of the zoning regulations would deprive the applicant of reasonable capacity to make use of the land in a manner equivalent to those permitted other landowners in the same zone district. It is a departure from dimensional terms of the zoning regulation pertaining to the height, width, or location of structures, and the size of yards and open spaces where such departure meets the requirements of KRS 100.241 to 100.247.

VEHICULAR CANOPY. A roofed, open, drive-thru structure designed to provide temporary shelter for vehicles and their occupants while making use of a business' services.

WAIVER. To waive those standards and minimum requirements established by this Ordinance which cannot be modified through a dimensional variance. Use, conditional use, and density standards established by this Ordinance shall not be modified by this process.

WHOLESALE TRADE. An establishment primarily engaged the sale and distribution of goods to commercial, industrial, institutional, professional business users, or other wholesalers. For purposes of this Ordinance, this is not considered a General Retail use.

WIND ENERGY CONVERSION SYSTEM (WECS). A wind energy conversion system where the equipment that converts and then stores or transfers energy from the wind into usable forms of energy and includes any base, blade, foundation, generator, nacelle, rotor, wind tower, transformer, turbine, vane, wind farm collection system, wire, or other component used in the system.

WIND ENERGY SYSTEM, COMMERCIAL. The system by which wind energy is converted to electricity using a wind turbine, tower, support system, blades, and associated control and conversion electronics which has a rated capacity of more than 10 kW or a system height of more than 45 feet.

WIND ENERGY SYSTEM, PERSONAL. The system by which wind energy is converted to electricity using a wind turbine, tower, support system, blades, and associated control and conversion electronics which has a rated capacity less than 10 kW and a system height of less than 45 feet. For the purposes of this Ordinance, a roof-mounted structure shall be considered a Mini WECS if it meets the rated capacity and height requirements set forth in this Article. Only one Mini Wind Energy Conversion System may be permitted per principal structure. Mini WECS shall be considered an accessory use in all zoning districts.

WIRELESS COMMUNICATION FACILITY. 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, as defined in KRS 100.985.

YARD. An open space or lot other than a court, unoccupied and unobstructed from the ground upward except as otherwise provided in this Ordinance.

YARD, FRONT. That portion of the yard extending the full width of the lot and extending between the front lot line and the nearest part of the principal building, which line shall be designated as the front yard line.

YARD, REAR. That portion of the lot extending the full width of the lot and extending between the rear lot line and the nearest part of the principal building.

YARD, SIDE. Those portions of the yard extending from the nearest part of the principal building to the side lot line.

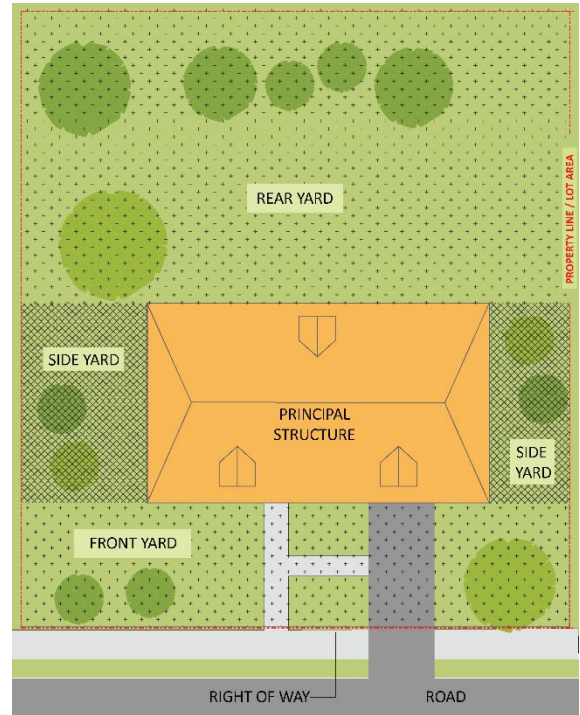
YARD SALE. The short-term temporary use of a yard, lot, porch, or garage in a residential zone for the sale or trading of new and/or used merchandise. The use of a yard, lot, porch, or garage for this purpose for any period exceeding five (5) consecutive days or more frequently than two (2) times per month will be considered a commercial enterprise and will require appropriate zoning.

ZONING DISTRICT. A mapped area to which different land use controls are imposed. These controls specify the allowed uses of land and buildings, the intensity or density of such uses, the maximum height and minimum setbacks for any proposed structures, and other matters as specified in this order.

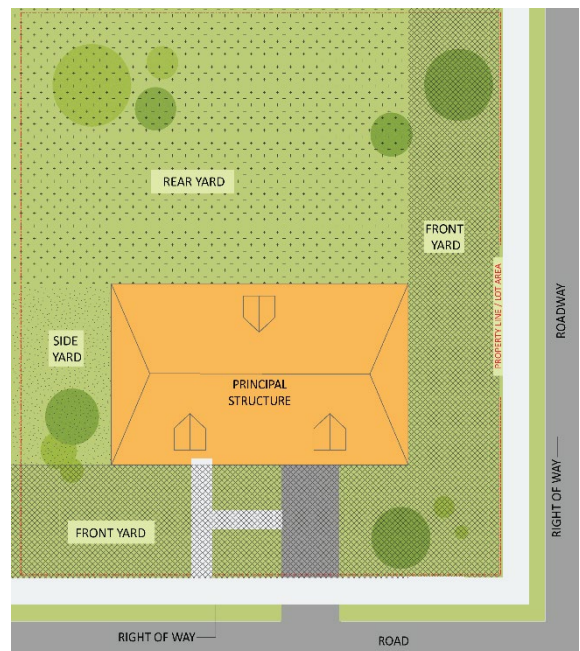
ZONING MAP AMENDMENT. A change to the existing zoning district boundaries pursuant to Article 4.6: Zoning Map Amendment and PUD Procedures of this order and Chapter 100 of the Kentucky Revised Statutes. Commonly known as a zone change.

ZONING MAP, OFFICIAL. The map officially adopted by the appropriate legislative body pursuant to Article 6.3: OFFICIAL ZONING MAP ADOPTED of this ordinance and Chapter 100 of the Kentucky Revised Statutes that delineates the boundaries of all officially adopted zoning districts. The official zoning map may include geographic information, such as the location of streets, railroads, water courses or bodies, and/or public facilities that are provided for benchmark or orientation purposes.

ZONING PERMIT. A permit issued by the Administrative Official authorizing the placement or alteration of a specific building or other structure on a specific lot.



Example of Yards



Example of Corner Lot Yards

ZONING REGULATIONS. The minimum land use requirements for each zoning district, adopted for the promotion of the public health, safety, morals and general welfare, pursuant to Article 6: Establishment of Zones of this ordinance and Chapter 100 of the Kentucky Revised Statutes. Whenever the requirements of this Ordinance conflict with the requirement of any other lawfully adopted rules, regulations, ordinances, orders or resolutions, the most restrictive, or that imposing the higher standards shall govern.

ARTICLE 3:

ADMINISTRATION AND ENFORCEMENT

IN THIS ARTICLE:

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3.1 INTENT OF ADMINISTRATION, ENFORCEMENT, AND DUTIES

- A. It is the intent of this Ordinance that all questions of interpretation and enforcement shall be first presented to the Administrative Official, and that such questions shall be presented to the Board of Adjustment only on appeal from the decision of the Administrative Official, and that recourse as provided by law and particularly by State Statutes.
- B. It is further the intent of this Ordinance that the duties of the City Legislative Body in connection with this Ordinance shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in Article 4: Processes And Procedures. Under this Ordinance, the legislative bodies body shall have only the duty of considering and adopting or rejecting proposed amendments or the repeal of this Ordinance as provided by law.

3.2 ADMINISTRATIVE OFFICIAL

- A. An Administrative Official, designated by the Triple S Planning Commission, shall administer and enforce this Ordinance. They may be provided with the assistance of such other persons as the Planning Commission may direct.
- B. If the Administrative Official shall find that any of the provisions of this ordinance are being violated, they shall notify in writing by certified mail the person responsible for such violations, indicating the nature of the violation and ordering the necessary action to correct it. They shall order the discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this ordinance to ensure compliance with or to prevent violation of its provisions.
- C. The Administrative Official shall keep accurate records in a permanent file for the issuance of zoning permits, inspections, violations, and stop orders. If the Administrative Official finds any provisions of this Ordinance being violated, the person or persons responsible for such violation shall be notified by the Administrative Official through certified mail w. Notification shall order the discontinuation of any illegal use of land, buildings, and/or structures.
- D. Any zoning permit issued in conflict with the provisions of this Ordinance shall be null and void.
- E. The Administrative Official shall be required to inform and/or report their actions to the Planning Commission. Said report shall be in writing and issued to the Planning Commission on or before each monthly meeting.

3.3 PLANNING COMMISSION

A. Establishment

1. The Planning Commission is established and members appointed under the provisions outlined in KRS 100.133.
2. The Planning Commission shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of this Ordinance.

B. Proceedings

1. The Planning Commission shall conduct regular meetings in accordance with the Rules and Regulations of its bylaws and the requirements outlined in KRS 100. All meetings shall be conducted in conformity with the provisions of KRS 61.805 et seq. (the “Open Meetings Law”).

C. Powers and Duties. The Planning Commission shall deliberate and act upon the following activities:

1. The right to employ or contract with planners or other persons as it deems necessary to accomplish its assigned duties;
2. Receive, hold, and spend funds which shall serve as a guide for public and private actions in decisions to assure the development of public and private property in the most appropriate relationships;
3. Hold and conduct public meetings and hearings;
4. Assist in the preparation of the Comprehensive Plan;
5. Review and approve valid requests for the subdivision of land;
6. Review and recommend amendments and revisions to the zoning ordinance;
7. Review and recommend amendments to the Official Zoning Map;
8. Review and recommend appropriate planned unit developments;
9. Review and approve valid development plans and amendments;
10. Prepare and adopt regulations for the subdivision of land; and
11. Review and approve, modify, or deny applications for conditional uses or variances when part of a map amendment and/or subdivision plat requests.

3.4 BOARD OF ADJUSTMENT

A. Establishment

1. A Board of Adjustment shall be appointed as stipulated by KRS 100.217. The Board of Adjustment shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of this Ordinance. Meetings shall be held at the call of the chairperson who shall give written or oral notice to all members of the Board at least seven days prior to the meeting which notice shall contain the date, time, and place for the meeting and the subject or subjects to be discussed.
2. The Board of Adjustment shall keep minutes and records of all proceedings including regulations, transactions, findings of fact and determinations and the number of votes for and against each question all of which shall be public record and be immediately filed in the office of the Board after the following meeting.

B. Proceedings

1. The Board of Adjustment shall conduct regular meetings in accordance with the rules and regulations of its by-laws and KRS 100.

C. Powers and Duties

1. The Board of Adjustment shall conduct meetings at the call of the chairperson who shall give written or oral notice to all members of the board at least seven days prior to the meeting which notice shall contain the date, time and place for the meeting, and the subject or subjects which will be discussed.
2. A simple majority of the total membership, as established by regulation or agreement, shall constitute a quorum. Any member of the Board 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 themselves from voting on the question.
3. The Board shall adopt bylaws for the transaction of business and shall keep minutes and records of all proceedings, including regulations, transactions, findings of fact, and determinations and the number of votes for and against each question, and if any member is absent or abstains from voting, indicating the fact, all of which shall, immediately after adoption, be filed in the office of the Board. If the Board has no office, such records may be kept in custody of an officer of the board and shall be available to the general public. A transcript of the minutes of the Board shall be provided if requested by a party, at the expense of the requesting party, and the transcript shall constitute the record.
4. The Board of Adjustment may employ or contract with planners or other persons as it deems necessary to accomplish its assigned duties.
5. The Board shall have the right to receive, hold, and spend funds which it may legally receive from any and every source in and out of the Commonwealth of Kentucky, including the United States Government, for the purpose of carrying out its duties.
6. The Board shall have the power to issue subpoenas to compel witnesses to attend its meetings and give evidence bearing upon the questions before it. The Chief of Police and/or Sheriff shall serve such subpoenas. The Circuit Court may, upon application by the Board, compel obedience to such court or such subpoena by proceedings of contempt.
7. The Chairperson of the Board shall have the power to administer an oath to witnesses prior to their testifying before the board on any issue.

8. The Board shall have the power to hear and decide cases where it is alleged by an applicant that there is error in any order, requirement, decision, grant, or refusal made by the Administrative Official in the enforcement of this Ordinance. A request for review shall be taken within 30 days after the applicant or his agent receives notice of the action alleged to be in error.
9. The Board may attach special conditions to any decision it is authorized to make to ensure that the intent of the Zoning Regulation is carried out.

3.5 LIMITS OF AUTHORITY

- A. The Board shall act only within the strict limits of its authority as defined in this Ordinance. The Board shall not possess the power to grant a variance to permit use of any land, building, or structure, which is not permitted by the zoning regulation in the zone in question, or to alter density requirements in the zone in question.
- B. The Board of Adjustment shall not allow the enlargement or extension of a non-conforming use beyond the scope and area of its operation at the time the regulation that makes its use non-conforming adopted, nor shall the Board of Adjustment permit a change from one non-conforming use to another unless the new non-conforming use is in the same or a more restricted classification.

3.6 ENFORCEMENT

- A. **Correction Period.** All violations of this Ordinance shall be corrected within a period of 30 days after the order to correct is issued by the Code Enforcement Officer. A violation not corrected within the allowed time for correction shall be reported to the Code Enforcement Officer who shall initiate enforcement procedures.
- B. **Violation is a Civil Offense.** Every person, corporation, or firm who violates, disobeys, omits, neglects, or refuses to comply with any provision of this Ordinance or any permit, license, or exception granted hereunder, or any lawful order of the Code Enforcement Officer, the Board of Adjustment, the Planning Commission, or the City Commission issued in pursuance of this Ordinance shall be deemed to have committed a Civil Offense, in conformity with KRS 65.8800, et seq.
- C. **Remedies.** The Code Enforcement Officer, the Board of Adjustment, the Planning Commission, the City Commission, or any interested party may institute an injunction, mandamus, abatement or other appropriate proceedings to prevent, enjoin, abate, or remove any violation of this Ordinance.

3.7 ENFORCEMENT AND VIOLATIONS

- A. The Planning Commission may bring action for all appropriate relief including injunctions against any governmental bodies or any aggrieved person who violates the provisions of this Ordinance.
- B. Whenever a violation of this Ordinance 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 and/or Code Enforcement Officer. They shall properly record such complaints, immediately investigate, and take action thereon as provided by this Ordinance.

3.8 PENALTIES

- A. Except as provided in Article 3.7: Enforcement and Violations, violations of the provisions of this Ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or conditional uses) shall constitute a misdemeanor. Any person(s) who violates this Ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$500 or imprisoned for not more than 30 days, or both, and in addition shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.
- B. The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.
- C. Nothing herein contained shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation.
- D. Penalty for Violation of Article 8: Manufactured Home Parks
 - 1. Failure to Comply. Each day of non-compliance with the provisions of this Ordinance constitutes a separate and distinct ordinance violation. Penalties of up to \$500 dollars per day may be entered for a violation of this Ordinance.
 - 2. Subject to Removal. A mobile home, sited upon property in violation of this Ordinance, shall be subject to removal from such property; however, the owner must be given a reasonable opportunity to bring the property into compliance before action for removal can be taken. If action is finally taken by the appropriate authority to bring into compliance, the expenses involved may be recovered by a lien made against the property for the appropriate authority.
 - 3. Removal Method. The Administrative Official may institute a suit in an appropriate court for injunctive relief to cause such violation to be prevented, abated or removed.

ARTICLE 4:

PROCESSES AND PROCEDURES

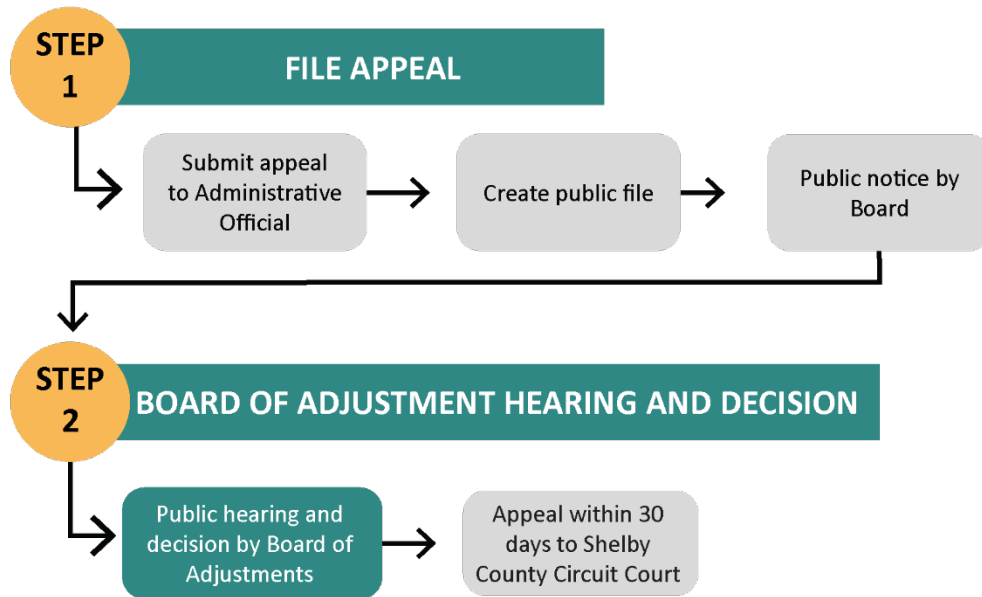
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4.1 GENERAL STANDARDS

- A. All development shall be carried out in accordance with the processes and procedures specified in this Ordinance in order to achieve orderly, planned, efficient, and responsible growth.
- B. No building permit or conditional use permit shall be issued for any parcel that does not comply with all provisions of this Ordinance, including all standards and required procedures, and the Subdivision Regulations of Shelby County.
- C. The Planning Commission or the Administrative Official shall not have the authority to approve any subdivision as a buildable lot unless it complies with this Ordinance or unless a dimensional variance has been granted by the Board of Adjustment.
- D. The provisions of this Ordinance shall be considered the minimum requirements for the protection of the health, safety, comfort, morals, convenience, and general welfare of the residents of Simpsonville, Kentucky.

4.2 APPEAL PROCEDURES



A. APPEAL TYPE 1: Appeals of Administrative Decisions

1. Applicability

- a. Appeals to the Board of Adjustment may be taken by any person or entity claiming to be injuriously affected or aggrieved by an official action or decision of any official enforcing this Ordinance.
- b. Appeals shall be made within 30 days after the appellant or his agent receives notice of the action.

2. STEP 1: File Appeal with Board of Adjustment

- a. **Filing Required.** The appellant or his agent shall submit a written letter to the Administrative Official, Board of Adjustment, and all parties of record stating what decision is being appealed as well as the reasons for the appeal. The notice shall specify the grounds of the appeal.
- b. **Public File.** The Administrative Official shall forward all papers and files within the record related to the appealed decision to the Board of Adjustment.
- c. **Public Notice by Board.** The Board shall give public notice as required pursuant to KRS 424. The Board shall notify the applicant and the Administrative Official of the public hearing at least one week prior to the hearing.

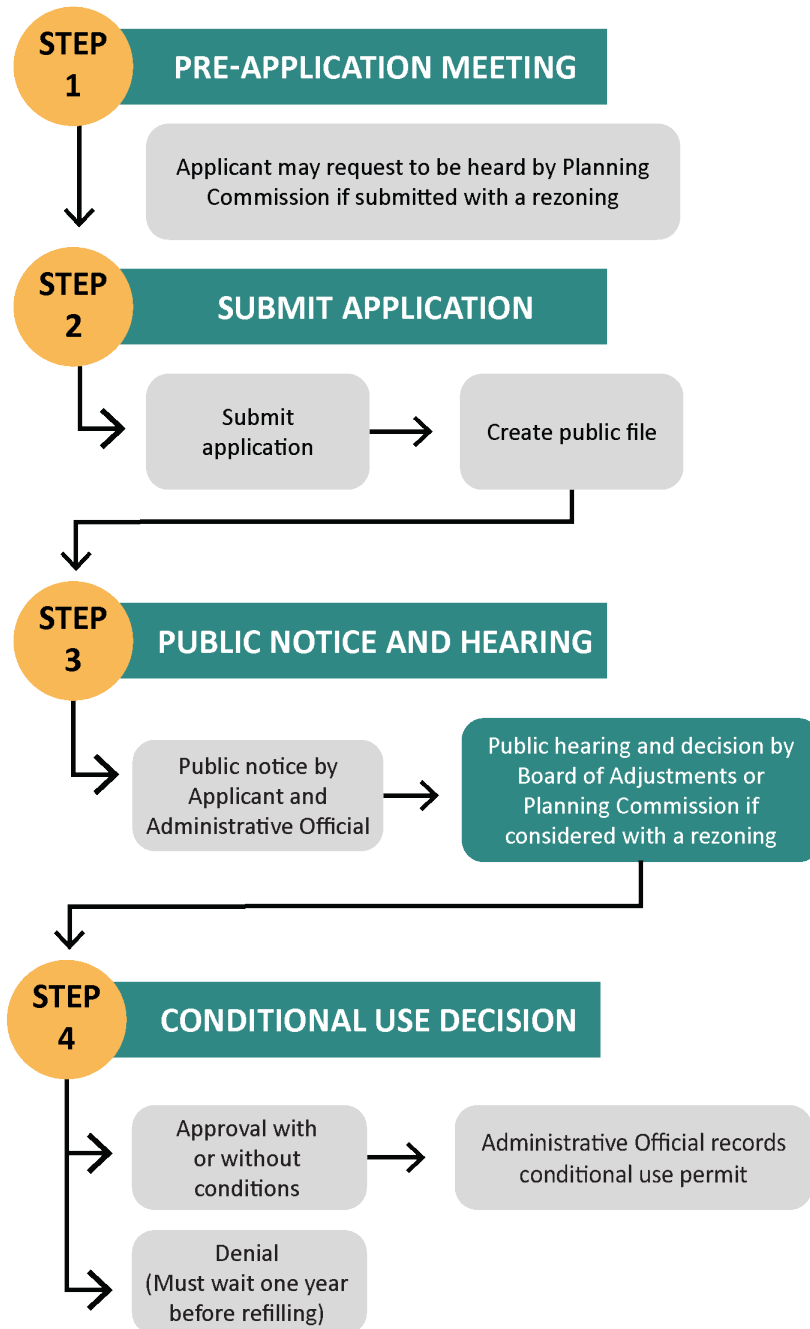
3. STEP 2: Board of Adjustment Hearing & Decision

- a. **Public Hearing and Decision.** The Board shall hear and decide on all appeals within 60 days after a public hearing. The applicant or their attorney shall be in attendance to present their appeal and address any questions or concerns of the Board members. Any interested person may appear and shall be given the opportunity to be heard by the Board.
- b. **Appeal.** The decision by Board may be appealed to the Shelby County Circuit Court within 30 days of the decision and follow the processes and requirements of the respective court. All decisions not appealed within 30 days shall become final.

**B. APPEAL TYPE 2: Appeal of Board, Planning Commission, and/or City Commission Decision:
Final Action**

1. **Shelby Circuit Court.** Any person or entity claiming to be injured or aggrieved by any final action of the Board of Adjustment, Planning Commission, and/or Simpsonville City Commission shall appeal from the action to the Shelby Circuit Court. Any appeal shall not include the Planning Commission's recommendations made to other governmental bodies.
2. **Timeframe.** All appeals shall be taken within 30 days after the final action. All final actions which have not been appealed within 30 days shall not be subject to judicial review.
 - a. For purposes of this article, final action shall be deemed to have occurred on the calendar date when the vote is taken to approve or disapprove the matter pending before the respective body.
 - b. Any appeal of the Planning Commission's action granting or denying a variance permit authorized by KRS 100.203(5) shall be taken pursuant to this article. In such cases, the 30 day period for taking an appeal begins to run at the time the legislative body grants or denies the map amendment for the same development.
3. **Parties.** The owner of the subject property and applicants who initiated the proceeding shall be made parties to the appeal. Other persons speaking at the public hearing are not required to be made parties to such appeal. The respective body, including Board of Adjustment, Planning Commission, and/or Simpsonville City Commission, shall be a party in any such appeal filed in the circuit court.

4.3 CONDITIONAL USE PROCEDURES



A. Applicability

1. The Board of Adjustment shall have the power to hear and decide applications for conditional use permits to allow the proper integration of uses into the city which are specifically named in this Ordinance and which may be suitable only in specific locations in the zone only if certain conditions are met.
2. The applicant may request, at the time of submitting an application, that the Planning Commission hear and decide all conditional uses that are associated with a zoning map amendment if done at the same public hearing as the zoning map amendment.

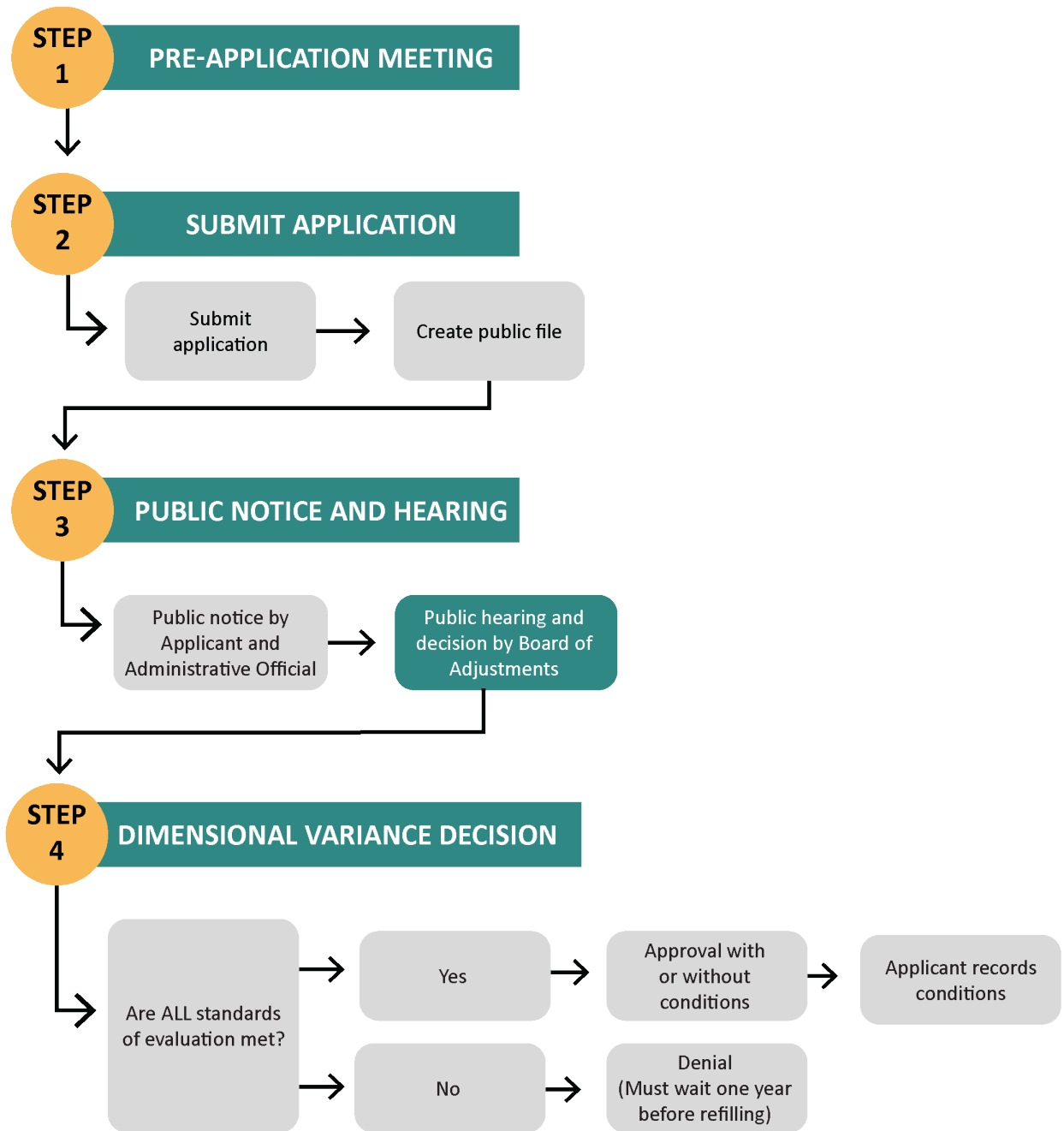
- a. If this is elected, the Planning Commission shall assume all powers and duties otherwise exercised by the Board of Adjustment pursuant to KRS 100.231, 100.233, 100.237, 100.241, 100.243, 100.247, and 100.251.
 - b. Any appeal from an action by the Planning Commission in granting or denying any conditional use permit shall be taken pursuant to KRS 100.347(2).
 3. Uses permitted by conditional use as listed in Article 6: Establishment of Zones may be permitted by the Board of Adjustment in the districts indicated in accordance with the procedures set forth in this article.
 4. The granting of a conditional use permit does not exempt the applicant from complying with all of the requirements of building, housing, or other regulations.
- B. STEP 1: Pre-Application Meeting**
1. **Pre-Application Meeting.** Prior to filing an application for a conditional use permit, the applicant shall attend a pre-application meeting with the Administrative Official at least 10 business days prior to the application filing deadline, which may be held in person, virtually (video conference), or by phone. This step gives the applicant the opportunity to discuss the procedures for approval with the Administrator as well as the requirements and regulations for development.
- C. STEP 2: Submit Application**
1. **Application Required.** The applicant shall submit a complete application for conditional use in accordance with the application requirements and as required by this Ordinance. A full and complete application and associated application fees shall be submitted in order for an application to be considered complete. The applicant shall be the owner of the property.
 2. **Public File.** Once the Administrative Official determines that an application is complete and in proper form, they shall assign a file number, create a public file, and assign a date for a public hearing.
- D. STEP 3: Public Notice and Hearing**
1. **Public Notice by Applicant and Administrative Official.** Public notice is required pursuant to KRS 424. The Administrative Official shall complete the following forms of notice and certify all required notices were completed at the public hearing.
 - a. **Newspaper**
 - 1) The Administrative Official shall publish notice one time in a newspaper of general circulation throughout Simpsonville at least 7 days prior to the hearing in accordance with KRS 424. The notice shall include the street address of the property and the time and place of the hearing.
 - 2) If the property is not addressed (or it is not practical to publish all addresses), a geographic description shall be provided that includes the names of the nearest cross streets on either side or the names of both streets if it is located at an intersection.
 - b. **Certified Mail**
 - 1) The applicant shall provide the names and addresses (as listed by the Property Valuation Administrator) of all parcels that adjoin the subject property. If an adjoining parcel is in condominium or cooperative form of ownership, the president or chairman of the owner group that administers the property shall be noticed. A joint notice may be mailed if there are co-owners of a property that have the same address.
 - 2) The Administrative Official shall provide notice through certified mail to all adjacent owners of the subject property (as provided by the applicant) at least 14 days prior to the hearing.

2. **Public Hearing.** The Board of Adjustment, or Planning Commission if heard jointly with a zoning map amendment, shall consider the conditional use permit at a public hearing in accordance with KRS 424 after submitting a complete application. The applicant or their attorney shall be in attendance to present their request and address any questions or concerns of Board members.

E. **STEP 4: Conditional Use Decision**

1. **Decision.** The Board of Adjustments (or Planning Commission if heard jointly with a zoning map amendment) may approve, modify, or deny any conditional use permit application. The Board may attach necessary conditions. Any conditions and a reference to the specific article of this Ordinance listing the conditional use shall be recorded in the Board's minutes and on the conditional use permit.
2. **Approval.** If a conditional use is approved, the applicant shall exercise the permit within the timeframe set by the Board or one year of approval if a timeframe was not specified. All approved conditional use permits shall be recorded by the Administrative Official with the Shelby County Court Clerk at the expense of the applicant.
3. **Denial.** If a conditional use is denied, the applicant shall not re-apply for the same conditional use for at least one year.
4. **Appeal.** All appeals of a decision shall follow the respective appeal process outlined in Article 4.2: Appeal Procedures.
5. **Enforcement of Decision**
 - a. The Board of Adjustment shall have the power to revoke conditional use permits for non-compliance with any conditions. The Board of Adjustment shall have a right of action to compel offending structures or uses removed at the cost of the violator and may have judgment in person for such cost.
 - b. The Administrative Official shall review all conditional use permits, except those for which all conditions have been permanently satisfied, at least once annually and shall have the power to inspect the land or structure where the conditional use is located in order to ascertain that the landowner is complying with all of the conditions which are listed on the conditional use permit.
 - c. If the landowner is not complying with all of the conditions which are listed on the conditional use permit, the Administrative Official shall state conditions on the conditional use permit, and prepare a report, in which 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.
 - d. Upon hearing the report, as required by KRS 100.237, if the Board finds the facts alleged to be true and that the landowner has taken no steps or incomplete steps to comply with them between the date of the report and the date of the hearing, the Board may authorize the Administrative Official to revoke the activity on the land which the conditional use permit authorizes.
 - e. If the conditions of a conditional use permit can be completely and permanently satisfied, the Administrative Official may, upon request of the applicant, make a determination that the conditions have been satisfied, and enter the supporting facts in the margin of the copy of the conditional use permit which is on file with the County Clerk, as required in KRS 100.237. Following this, if it continues to meet the other requirements of this Ordinance, the use will be treated as a permitted conditional use.

4.4 DIMENSIONAL VARIANCE PROCEDURES



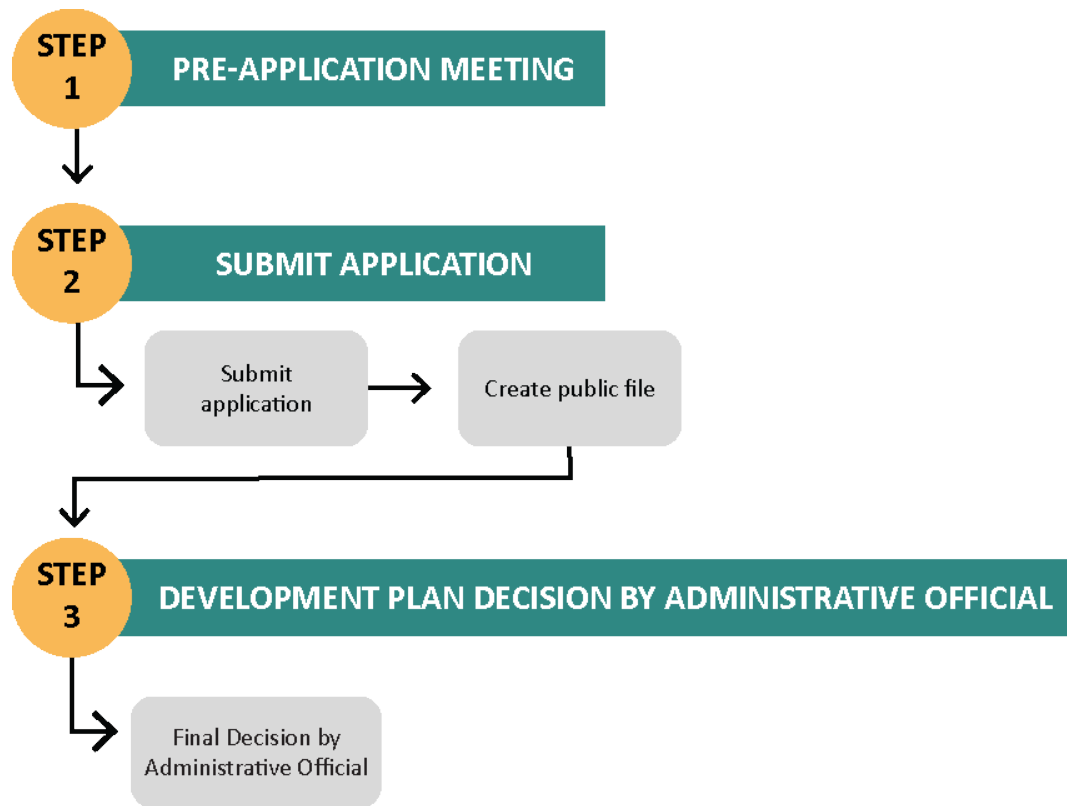
A. Applicability

1. The Board of Adjustments may grant a variance from the dimensional standards due to parcel shape, exceptional topographic conditions, or some other extraordinary situation or condition of the site where the literal enforcement of the dimensional requirements of this Ordinance would deprive the applicant of reasonable capacity to make use of the land in a similar way to other landowners in the same zone.

2. The applicant may request that the Planning Commission hear and decide all dimensional variance requests that are associated with a zoning map amendment if done at the same public hearing as the zoning map amendment.
 - a. If this is elected, the Planning Commission shall assume all powers and duties otherwise exercised by the Board of Adjustment pursuant to KRS 100.231, 100.233, 100.237, 100.241, 100.243, 100.247, and 100.251.
 - b. Any appeal from an action by the Planning Commission in granting or denying any conditional use permit shall be taken pursuant to KRS 100.347(2).
 3. The Board of Adjustment cannot grant a variance to permit a use of any land, building, or structure which is not permitted by the Ordinance or alter density requirements.
- B. STEP 1: Pre-Application Meeting**
1. **Pre-Application Meeting.** Prior to filing an application for a dimensional variance, the applicant shall attend a pre-application meeting with the Administrative Official at least 10 business days prior to the application filing deadline, which may be held in person, virtually (video conference), or by phone. This step gives the applicant the opportunity to discuss the procedures for approval with the Administrator as well as the requirements and regulations for development.
- C. STEP 2: Submit Application**
1. **Application Required.** The applicant shall submit a complete application for a dimensional variance in accordance with the application requirements and as required by this Ordinance. A full and complete application and associated application fees shall be submitted in order for an application to be considered complete.
 2. **Public File.** Once the Administrative Official determines that an application is complete and in proper form, they shall assign a file number, create a public file, and assign a date for a public hearing.
- D. STEP 3: Public Notice and Hearing**
1. **Public Notice by Applicant and Administrative Official.** Public notice is required pursuant to KRS 424. The Administrative Official shall complete the following forms of notice and certify all required notices were completed at the public hearing.
 - a. Newspaper.
 - 1) The Administrative Official shall publish a notice in a newspaper of general circulation throughout Simpsonville at least 7 days prior to the hearing in accordance with KRS 424. The notice shall include the street address of the property and the time and place of the hearing.
 - 2) If the property is not addressed (or it is not practical to publish all addresses), a geographic description shall be provided that includes the names of the nearest cross streets on either side or the names of both streets if it is located at an intersection.

- b. **Certified Mail**
 - 1) The applicant shall provide the names and addresses (as listed by the Property Valuation Administrator) of all parcels that adjoin the subject property. If an adjoining parcel is in condominium or cooperative form of ownership, the president or chairman of the owner group that administers the property shall be noticed. A joint notice may be mailed if there are co-owners of a property that have the same address.
 - 2) The Administrative Official shall provide notice through certified mail to all adjacent owners of the subject property (as provided by the applicant) at least 14 days prior to the hearing.
 - 2. **Board of Adjustment or Planning Commission Public Hearing.** The Board (or Planning Commission if the variances is associated with a zone map amendment) shall consider the dimensional variance at a public hearing in accordance with KRS 424 after the Applicant submits a complete application. The applicant and/or their attorney shall be in attendance to present their request and address any questions or concerns of Board members.
- E. **STEP 4: Board of Adjustment (or Planning Commission) Decision**
 - 1. **Evaluation Criteria.** Prior to approval of any dimensional variance, the Board of Adjustments (or Planning Commission if the variances is associated with a zone map amendment) must find all of the following criteria are satisfied, as outlined in KRS 100.243.
 - a. The requested variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same zone;
 - b. The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant; and
 - c. The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.
 - 2. **Approval.** The following shall be recorded in the minutes and issued in written form to the applicant to constitute proof of the dimensional variance.
 - a. Findings that all requirements of a dimensional variance have been met
 - b. Findings that the reasons set forth in the application justify the granting of the variance
 - c. Any imposed conditions or restrictions
 - 3. **Denial**
 - a. In accordance with KRS 100.243(2), the Board (or Planning Commission if the variances is associated with a zone map amendment) shall deny any request for a variance arising from circumstances that are the result of willful violations of the zoning regulation by the applicant subsequent to the adoption of the zoning regulation from which relief is sought.
 - b. If a request is denied for any reason, the applicant shall not submit application for the same request for one year.
 - 4. **Expiration.** A dimensional variance runs with the land and is transferable to any future owner of the land, but it cannot be transferred by the applicant to a different site.
 - 5. **Appeal.** All appeals of a decision shall follow the respective appeal process outlined in Article 4.2: Appeal Procedures.

4.5 DEVELOPMENT PLAN PROCEDURES



A. Applicability

1. A development plan shall be required if any of the following occur:
 - a. Rezoning applications;
 - b. New construction of a church, school, commercial, institutional, or industrial building;
 - c. Enlargement, addition, exterior alteration, or extension of a church, school, commercial, institutional or industrial building;
 - d. New construction of multi-family structures of three or more dwelling units on a single lot. This includes the conversion or alteration or addition to existing structures into multi-family units that includes three units or more;
 - e. Parcels with or intended to have more than one principal structure on a lot;
 - f. Conversion of a residential structure to a commercial or industrial use;
 - g. A change in use of a commercial or industrial structure when parking, perimeter landscape screening or other similar improvements are required or changed; or
 - h. The change, addition, or expansion of parking areas.

- B. **Development Plan Requirements.** Development plans shall comply with all requirements in the applicable application (including all drawing requirements, project information, and certifications).

C. **STEP 1: Pre-Application Meeting**

1. **Pre-Application Meeting.** Prior to filing an application for a development plan, the applicant shall attend a pre-application meeting with the Administrative Official at least 10 business days prior to the filing of the application, which may be held in person, virtually (video conference), or by phone. This step gives the applicant the opportunity to discuss the procedures for approval with the Administrator as well as the requirements and regulations for development.

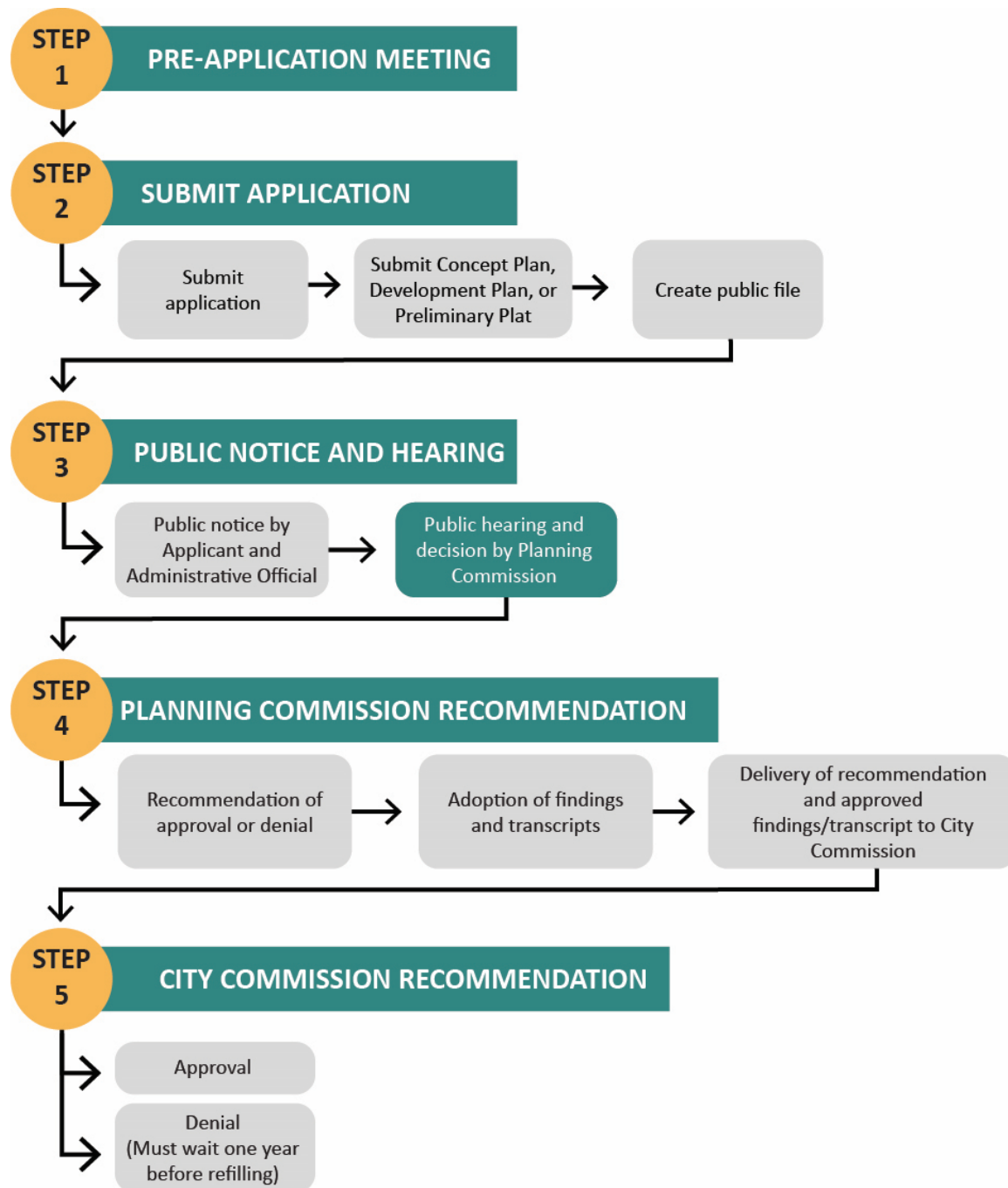
D. **STEP 2: Submit Application**

1. **Application Required.** The applicant shall submit a complete application for a development plan in accordance with the application requirements and as required by this Ordinance. A full and complete application and associated application fees shall be submitted in order for an application to be considered complete.
2. **Public File.** Once the Administrative Official determines that an application is complete and in proper form, they shall assign a file number, and create a public file.

E. **STEP 3: Final Decision by Administrative Official**

1. **Final Decision.** The Administrative Official may approve or deny the development plan application. Administrative decisions may be appealed in accordance with Article 4.2: Appeal Procedures.
2. **Approval of Development Plan Before Zoning Permit.** If a development plan is required by this ordinance or the Planning Commission, no zoning permit shall be issued until a development plan is approved.
3. **Amendments to a Development Plan.** The applicant shall submit an application for all development plan amendments. All amendments shall follow the same process as development plan approval.
4. **Expiration.** Development plan approval shall expire one year after approval is granted, unless a zoning permit has been issued or the use has been established if construction is not required.

4.6 ZONING MAP AMENDMENT AND PUD PROCEDURES



A. **Applicability**

1. Whenever the public necessity, convenience, general welfare, or good zoning practices require, the legislative body may approve an ordinance to change the zoning classification of a property after receiving a recommendation from the Planning Commission, and subject to procedures by law.
2. A proposal for amendment to the Official Zoning Map (rezoning) may originate with the Planning Commission, the legislative body, the owner of the subject property, or by a person having written authorization from the owner of the subject property.
3. The Planning Commission shall take no action on property or receive a request for action on property for which litigation is pending relating to some action that the Planning Commission has taken or is requested to take regarding said property until such time as the litigation is settled.
4. An applicant may elect to have the Planning Commission hear and finally decide conditional uses and variances associated with a zoning map amendment at the same public hearing as the map amendment. When the Planning Commission is elected by the applicant to hear a conditional use or variance request, the Planning Commission shall assume all powers and duties otherwise exercised by the Board of Adjustment pursuant to KRS 100.231, 100.233, 100.237, 100.241, 100.243, 100.247, and 100.251. Any appeal from an action by the Planning Commission in granting or denying any variance or conditional use permit shall be taken pursuant to KRS 100.347(2).
5. The Planning Commission may call a special public hearing in accordance with KRS 100 and KRS 424 at any time to consider a zoning map amendment and may establish a separate schedule of reasonable fees to be paid by the applicant for the zoning advertisement of the special hearing.

B. **STEP 1: Pre-Application Meeting**

1. **Pre-Application Meeting.** Prior to filing an application for a zoning map amendment or a PUD, the applicant shall attend a pre-application meeting with the Administrative Official at least 10 business days prior to the application filing deadline, which may be held in person, virtually (video conference), or by phone. This step gives the applicant the opportunity to discuss the procedures for approval with the Administrator as well as the requirements and regulations for development.

C. **STEP 2: Submit Application**

1. **Application Required.** The applicant shall submit a complete application for a zoning map amendment or PUD in accordance with the application requirements and as required by this Ordinance. A full and complete application and associated application fees shall be submitted in order for an application to be considered complete.
2. **Concept Plan, Development Plan, or Preliminary Plat Required.** As a condition to the granting of any zoning map amendment, the Planning Commission shall require one of the following to be submitted with the zoning map amendment application:
 - a. **Development Plan.** A development plan that complies with all drawing and technical requirements as outlined in Article 4.5: Development Plan Procedures.
 - b. **Concept Plan.** Requirements for conceptual development plans that are required for rezonings shall be outlined in the application packet for rezonings.
 - c. **Preliminary Plat.** A preliminary subdivision plat in accordance with the Shelby County Subdivision Regulations.

3. **Public File.** Once the Administrative Official determines that an application is complete and in proper form, they shall assign a file number, create a public file, and assign a date for a public hearing.
- D. **STEP 3: Public Notice and Public Hearing**
1. **Public Notice by Applicant and Administrative Official.** Public notice is required pursuant to KRS 424. The Administrative Official shall complete the following forms of notice and certify all required notices were completed at the public hearing.
 - a. **Newspaper.** The Administrative Official shall publish notice in a newspaper of general circulation throughout Simpsonville at least 7 days prior to the hearing in accordance with KRS 424. The notice shall include the street address of the property and the time and place of the hearing.
 - 1) If the property is not addressed (or it is not practical to publish all addresses), a geographic description shall be provided that includes the names of the nearest cross streets on either side or the names of both streets if it is located at an intersection.
 - b. **On-Site Sign.** The Administrative Official shall post a durable sign in a conspicuous location on the property that complies with KRS 100.212 for at least 14 consecutive days prior to the hearing.
 - c. **Certified Mail**
 - 1) The applicant shall provide the names and addresses (as listed by the Property Valuation Administrator) of all parcels that adjoin the subject property. If an adjoining parcel is in condominium or cooperative form of ownership, the president or chairman of the owner group that administers the property shall be noticed. A joint notice may be mailed if there are co-owners of a property that have the same address.
 - 2) The Administrative Official shall provide notice through certified mail to all adjacent owners of the subject property (as provided by the applicant) at least 14 days prior to the hearing.
 2. **Public Hearing.** The Planning Commission shall consider the zoning map amendment or PUD at a public hearing within 120 days in accordance with KRS 100.211 after submitting a complete application. The applicant and/or their attorney shall be in attendance to present their request and address any questions or concerns of Planning Commission members.
 3. **Stenographer Required.** Any property owner that requests a zoning map amendment shall provide (at their expense) a certified stenographer by the Kentucky Court Reporters Association who will make a transcript of the public hearing before the Planning Commission. The transcript and findings of fact shall be approved by the Planning Commission at the next regularly scheduled meeting. If the legislative body or Planning Commission originate a map amendment, the PC shall provide a stenographer to produce the transcript.

E. STEP 4: Planning Commission Recommendation

1. **Review.** The Planning Commission shall review all applications for zoning map amendments and PUDS as required by this Ordinance and the Bylaws of the Planning Commission. No map amendments shall be adopted without being reviewed by the Planning Commission first.
2. **Findings.** Prior to making a recommendation for approval of a zoning map amendment or PUD, the Planning Commission must find that the map amendment is in agreement with the City's Comprehensive Plan, or in the absence of such a finding, it must find that:
 - a. The original zoning classification given to the property was inappropriate or improper, and that the proposed classification is proper, or
 - b. That there have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in the Comprehensive Plan adopted by the Planning Commission and which have substantially altered the basic character of the area.
3. **Construction Timeline.** As a further condition to the granting of a zoning map amendment, the Planning Commission may require that substantial construction for which the zone change was granted be initiated within two years of the date of final approval or the property may revert to its original zoning designation after a public hearing has been held by the Planning Commission and a recommendation made to the legislative body. The applicant may apply for a one year extension, annually, and be granted by Administrative Official if substantial progress is made.
4. **Final Action by Planning Commission.**
 - a. The transcript and findings of fact shall be presented to the Planning Commission at the next regularly scheduled monthly meeting for approval by the Planning Commission.
 - b. The delivery of the recommendation, with the approved findings of fact and approved transcript, to the legislative body shall constitute the final action by the Planning Commission on the map amendment.

F. STEP 5: City Commission Decision

1. **Planning Commission Review Required.** The Simpsonville City Commission shall not act upon a proposed amendment to the Official Zoning Map until it has received the written findings of fact, the transcript, and the recommendation from the Planning Commission.
2. **Automatic Decision**
 - a. Subject to KRS 100.347 and KRS 100.2111(4), the Planning Commission recommendation, with or without conditions, for approval or disapproval shall be considered adopted unless one of the following occurs within 21 days of the Planning Commission action:
 - 1) Any aggrieved person files a written request with the Planning Commission that the final decision shall be made by the Simpsonville City Commission; or
 - 2) The Simpsonville City Commission files a notice with the Planning Commission that the legislative body will decide the zoning map amendment.
 - b. If approved by automatic decision, the Administrative Official shall complete and file for recording with the County Clerk a Certificate of Land Use Restriction for any map amendment approved.

3. **City Commission Approval**

- a. If the Simpsonville City Commission chooses to decide the map amendment, the legislative body shall take final action upon a proposed zoning map amendment within 90 days of the Planning Commission's final action.
- b. The City Commission shall file a notice with the Administrative Official and the Planning Commission when the proposed map amendment will be heard by the legislative body prior to the legislative body's final action.
- c. The Administrative Official shall complete and file for recording with the County Clerk a Certificate of Land Use Restriction for any map amendment approved.

- 4. **Majority Vote Required.** A majority vote of the entire legislative body, not a quorum of those present, shall be required for the following:
 - a. To override the recommendation of the Planning Commission; and
 - b. To adopt a zoning map amendment if the Planning Commission forwards the application without a recommendation of approval or disapproval due to a tie vote.
 - c. Unless a majority of the entire legislative body 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 legislative body adopting the zoning map amendment shall be deemed to have passed by operation of law.
- 5. **Denial.** When a zoning map amendment or PUD request is denied for any reason, the same or substantially similar request shall not be resubmitted to the Planning Commission for a period of one year from the date of denial unless the Planning Commission is ordered by a judicial court to consider said zone change.

G. **Amendment for Annexation**

- 1. Pursuant to KRS 100.209, the City may amend the Comprehensive Plan and the Official Zoning Map to incorporate and establish zoning or other land use regulations for a property proposed for annexation prior to adoption of the ordinance of annexation.
 - a. If the city elects to follow this procedure, the Planning Commission shall hold a public hearing for the purpose of adopting the Comprehensive Plan amendment and making its recommendations as to the zoning and other land use regulations which will be effective for the property upon its annexation. This hearing shall be held after the City Commission approves an ordinance stating the city's intent to annex but prior to final action upon the ordinance of annexation.
 - b. The city legislative body shall take final action upon the Planning Commission's recommendations prior to adoption of the ordinance of annexation and shall include in the ordinance of annexation a map showing the zoning or other land use regulations which will be effective for the annexed property.
- 2. If the city elects not to follow this procedure, the newly annexed territory shall remain subject to the same land use restrictions that applied to the property prior to annexation until those restrictions are changed by zoning map amendments or other regulations in accordance with this Ordinance.

4.7 ZONING ORDINANCE TEXT AMENDMENT

- A. **Applicability.** A proposal for amendment to the text of this Ordinance may originate with the Planning Commission or the legislative body.
- B. **Planning Commission Recommendation**
 - 1. The Planning Commission shall forward a recommendation for approval or disapproval to amend the text and shall state the reasons, in writing, for its recommendation. This action shall be deemed the final action by the Planning Commission on a text amendment.
 - 2. In the case of a proposed amendment originating with the legislative body, the Planning Commission shall make its recommendation within 60 days of the date of its receipt of the proposed amendment.
- C. **City Commission Decision**
 - 1. The legislative body shall not act upon a proposed text amendment to this Ordinance until it receives the written recommendation from the Planning Commission.
 - a. If the proposed amendment originated with the Planning Commission, it shall take a majority of the entire legislative body to override the recommendation of the Planning Commission.
 - b. If the proposed amendment originated with a legislative body, it shall take an affirmative vote of the majority of the legislative body, not a quorum of those present, to adopt the proposed amendment.
 - 2. The legislative body shall take final action within 90 days of the date the Planning Commission's final action.

4.8 PERMIT PROCEDURES

A. Zoning Permits

1. General

- a. No building or other structure shall be erected, moved, added to, or structurally altered without a zoning permit issued by the Administrative Official except as specified in subsection (2) below.
- b. No zoning permit shall be issued by the Administrative Official except in conformity with the provisions of this Ordinance, unless they receive a written order from the Board of Adjustment in the form of an administrative review, conditional use, or variance as provided by this Ordinance.
- c. If no zoning permit has been issued and a property owner begins or continues to build, the property owner will be deemed to have committed a Civil Offense, in conformity with KRS 65.8800, et seq.
- d. 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 approved plans and applications, and no other use, arrangement, or construction. Use, arrangement, or construction at variance with that authorized shall be deemed violation of this Ordinance and punishable as provided Article 3.7: Enforcement and Violations.

2. **Exceptions.** No zoning permit shall be required for the following:

- a. Recurring maintenance work, regardless of cost.
- b. Construction or alteration of agricultural structures when they are 300 feet or more from all property lines.
- c. Installation of required improvements according to an approved preliminary plat or development plan.

3. **Application Required.** The applicant shall submit a complete application for a zoning permit in accordance with the application requirements and as required by this Ordinance. A full and complete application and associated application fees shall be submitted in order for an application to be considered complete.

4. **Issuance**

- a. If the proposed construction or alteration conforms with all applicable ordinances, regulations, and codes, the Administrative Official shall issue a zoning permit authorizing such construction or alteration. If proposed construction or alteration fails to conform the Administrative Official shall refuse to issue a zoning permit and shall cause delivery of written notice to the applicant stating the reasons for refusal. The Administrative Official shall act upon applications for zoning permits within 10 business days from the date of their submission.
- b. If no zoning permit has been issued and a builder begins or continues to build, a restraining order may be obtained upon application to the proper court of record. Evidence of the lack of a zoning permit shall establish a prima facie case for the issuance of the restraining order.

5. **Validity.** The issuance of a zoning permit shall not waive any provisions of this Ordinance.
6. **Expiration**
 - a. If the work described in any zoning permit has not begun within one year from the date of issuance thereof, said permit shall expire; it shall be canceled by the Administrative Official and written notice by certified mail shall be given to the persons affected.
 - b. If the work described in any zoning permit has not been substantially completed, including all exterior features such as roofs, doors, windows, and exterior materials installed within two years of the date of issuance thereof, said permit shall expire and be canceled by the Administrative Official, and written notice by certified mail shall be given to the persons affected, together with notice that further work as described in the canceled permit shall not proceed unless and until a new zoning permit (including all requisite requirements) has been obtained.
7. **Other Permits.** Other permits necessary by the City of Simpsonville or other agencies, such as building permits, may be required following the issuance of a zoning permit.

4.9 TRAFFIC IMPACT STUDY PROCEDURES

A. Applicability

1. A Traffic Impact Study shall be required, at the applicant's expense, prior to consideration of any zoning map amendment or conditional use that meets either of the following thresholds:
 - a. Uses a city street or county road for access and generates 50 or more additional (new) peak trips (inbound or outbound) during the adjacent roadway's peak hour or the development's peak hour.
 - b. Uses a state or federal highway for access and generates 100 or more total peak hour trips during the roadway's peak hour or the development's peak hour.
2. Amendments to a development plan shall require an updated traffic impact study if the amendment increases traffic or its distribution on existing or proposed roadways by more than 20% or 100 peak-hour trips, whichever is less.
3. Agricultural tract development is exempt from providing a Traffic Impact Study if no new road or street is involved.

B. Purpose

1. The Traffic Impact Study will provide the Planning Commission and/or Board the information necessary to properly evaluate the impact of a development, identify the need for any improvements to the transportation system to reduce congestion, maintain and improve safety, and provide site access and impact mitigation associated with the development.
2. The Traffic Impact Study shall provide the operating capacity and level of service analysis for critical roadway segments and intersections within the development impact area. The study shall show that entrances and exits have been designed to accommodate anticipated traffic in a safe and efficient manner and shall identify the impact on the surrounding streets and roads resulting from the development.
3. The engineer preparing the study shall be responsible for identifying the development impact area, the critical intersections to be analyzed, and the scope of the study. The Simpsonville City Commission, Planning Commission, and/or Board reserves the right to ask for modifications to the study as it may deem necessary.
4. A zoning map amendment or conditional use may be denied if the Traffic Impact Study indicates that the development causes the existing or proposed roads and/or streets and intersections to operate at a level of service D or lower.
5. Approval of a zoning map amendment or conditional use may require the developer to make improvements which will maintain the existing or an acceptable level of service.
6. The Traffic Impact Study report should be presented in a straightforward and logical sequence with sufficient detail so the reviewing agency will be able to follow the methodology of the analysis and associated findings and recommendations, including at a minimum:
 - a. A step-by-step explanation of the various stages of the process and the resulting conclusions and recommendations.
7. Transportation improvements that achieve the needed level of site access and mitigate any adverse effects the development related traffic may have on the transportation system should be described.

- C. **Traffic Impact Study Requirements.** Traffic Impact Studies shall be prepared and stamped by a Professional Engineer and include the following information:
1. A site plan and vicinity map.
 2. A description of the proposed land use (size, type, location, phasing).
 3. Study purpose and objectives.
 4. Determination and identification of the area of influence of the development (impacted study area).
 5. Description of existing roadway conditions including traffic volumes, accessibility, accidents, geometries, pedestrians, traffic signals and overall traffic operations and circulation. Current AADT and Peak Hour traffic volume counts on the adjacent road or roads and intersections (including turning movements), existing levels of service on roadways and physical characteristics of the subject roadways. Average peak hour traffic volume shall be the highest average Peak Hour volume for any weekday 24 hour period.
 6. Anticipated nearby land development (planned or under construction) associated traffic; and overall growth trends in the area.
 7. Capacity and level of service determination during the peak or critical period(s) for the full development year for all affected streets/roads and the first intersections in both directions. This shall be measured from the boundary of the property to the first county, city, state, or US road.
 - a. The Simpsonville City Commission, Planning Commission, and/or Board may also require that other major intersections that may be impacted by the proposed development be included in the Traffic Impact Study. The Professional Engineer responsible for the study will consult with the Planning Commission and/or Board prior to beginning the study to determine if other intersections should be included.
 - b. If the Traffic Impact Study indicates that the proposed development has a very insignificant or no effect on the existing road at the proposed intersection then additional intersection studies may not be required.
 8. Projection of existing traffic volumes to the full development year (assuming full build out and occupancy) composed of all the following:
 - a. Existing Traffic Volumes
 - b. Non-Site traffic volume growth in the corridor between the existing year and the full development year
 9. The traffic volume added by the proposed development.
 10. A future combined traffic volume plan for typical daily and key peak hours of the development and roadway system. A description of any roadway/intersection improvements which have been assumed as being in place at full development.
 11. An assessment of the change in roadway operating conditions resulting from the development (quantifying the impact of the development).
 12. Development and evaluation of potential improvement measures needed to mitigate the impact of the development to the minimum level of acceptable service-Level of Service D.

13. Recommendations for site access and transportation improvements needed to maintain traffic flow to, from, within, and past the site at an acceptable and safe level of service.
 - a. Improvements typically include roadway widening (minimum pavement width of 18 feet), turn lanes, traffic signals, safety (sight distance) measures, and transportation demand management strategies.
14. Detailed improvements and their cost specifically associated with the development should be identified and improvements needed to achieve Level of Service D should be recommended and would be constructed at the developer's expense.
15. On site issues including number and location of driveways, parking needs, circulation, pedestrians and truck access and operations.

4.10 FEE SCHEDULE

- A. The Simpsonville City Commission adopting this Ordinance grants the Planning Commission and Board of Adjustment the power to establish a reasonable schedule of fees, charges, and expenses and a collection procedure for certificate of zoning compliance, appeals, application for amendments, and other matters pertaining to this Ordinance. The schedule of fees shall be posted in the office of the Administrative Official and may be altered or amended as the Planning Commission and/or Board of Adjustment see fit.
- B. Until all applicable fee, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

ARTICLE 5:

NON-CONFORMING LOTS, STRUCTURES, AND USES

IN THIS ARTICLE:

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5.1 INTENT

- A. The intent of this standards is to permit non-conforming lots, structures, and/or uses to continue until they are removed, but not to encourage their survival. It is further the intent of this Ordinance that non-conformities shall not be enlarged upon, expanded, extended, or be used as grounds for adding structures or uses prohibited by this Ordinance.

5.2 GENERAL

- A. **Illegal Non-Conforming.** Uses, structures, and/or lot existing at the time this Ordinance is enacted but that were not legally established shall not be validated or be considered legally non-conforming by virtue of enacting this Ordinance.
- B. **Burden of Proof**
 - 1. The burden of establishing the legality of a non-conforming use, structure, and/or lot that lawfully existed under the provisions of a previous Ordinance is upon the property owner of the non-conformity and not upon the Administrative Official and/or City.
 - 2. A property owner may register a legally non-conforming use, structure, and/or lot with the Administrative/Enforcement Official within 12 months of the initial adoption of this Ordinance to establish that said use, structure, and/or lot was in existence as of the effective date of this Ordinance.
- C. **Safe Condition.** Any structure may be restored to a safe condition if declared unsafe by the Administrative Officer or another official with jurisdiction. However, this does not exempt the non-conforming use or structure from conforming to the standards of this article.
- D. **Current Construction.** To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building or development on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance.

5.3 NON-CONFORMING LOTS OF RECORD

- A. If a lot of record was legally established but does not conform to the lot area and/or lot width requirements of this Ordinance, it may be built upon if all of the following are met.
 - 1. The lot is in separate ownership and not of continuous frontage with other lots in the same ownership;
 - 2. The yard dimensions and requirements of the zoning district (other than those applying to lot area and/or lot width) are met; and
 - 3. The requirements of all other articles of this Ordinance (other than those applying to lot area and/or lot width) are met.

5.4 NON-CONFORMING STRUCTURES

- A. Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards, location on the lot, or other requirements concerning the structure, such structure may continue so long as it remains otherwise lawful.
- B. Structural alterations, including enlargements and expansions, are permitted if the proposed structural alteration complies with all applicable standards of this Ordinance. For example, a building with a non-conforming front setback may be expanded to the side or rear as long as the expansion complies with the applicable side or rear setback standards and all other applicable standards of this Ordinance.
- C. Except as provided in this Article, if a legally non-conforming structure is damaged to an extent that exceeds 50% of the current assessed value, the structure and use must conform to all standards of this Ordinance with the following exception:
 - 1. A legally non-conforming residential structure may be rebuilt within 12 months of the date of damage within the same structure footprint if the damage is due to fire or natural causes. The structure location may only be shifted within the site if it decreases a non-conformity. Manufactured and certified mobile homes can only be placed on lots in conformance with Article 8: Manufactured Home Parks.
 - 2. A non-conforming or non-certified mobile or manufactured home, as defined in Article 2.2: Definitions, cannot be sold for use upon the same property or re-rented unless and until it conforms with all standards of the zoning district and this Ordinance.

5.5 NON-CONFORMING USES

- A. If a use of land and/or a structure was legally established and exists prior to the adoption of this Ordinance but would not be permitted by the regulations imposed by this Ordinance, the use may be continued so long as it remains otherwise legal with the following limitations:
 - 1. A non-conforming use shall not be re-established after discontinuation for a period of six consecutive months. Vacating of premises and/or a building(s) or non-operative status shall be evidence of a use being discontinued.

5.6 ORDINARY REPAIRS AND MAINTENANCE

- A. Work may be done on ordinary repair and maintenance, or on repair or replacement of non-load-bearing walls, fixtures, wiring, or plumbing for a legally non-conforming structure. Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition a building or other structure in accordance with the order of an appropriate public agency which declares such building or other structure to be unsafe and orders its restoration to a safe condition.

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ARTICLE 6:

ESTABLISHMENT OF ZONES

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6.1 INTENT

- A. The purpose of this article is to provide a framework for the development of land in the City of Simpsonville. The establishment of zoning districts will allow for orderly growth, the protection of property values, and compatibility between different land uses, while ensuring the protection of the health, safety, and general welfare of the community.

6.2 ZONING DISTRICTS ESTABLISHED

- A. The following zoning districts are established for the incorporated areas of the City of Simpsonville, Kentucky.

LAND USE CATEGORY	NAME OF DISTRICT	ABBREVIATION
Agricultural	Agricultural	A1
Residential	Residential Suburban Dwelling District – Low Density	RS-20
	Residential Suburban Dwelling District – Medium Density	RS-12
	Residential Urban Dwelling District – High Density	RU-8
	Residential Urban Neighborhood	RU-5
	Residential Multi-Family Dwellings	RMF
	Village Center Commercial	VC
Commercial	Commercial Neighborhood	CN
	Commercial General	CG
	Commercial Highway	CH
Industrial	Industrial General	IG
Planned Unit Development	Planned Unit Development	PUD

6.3 OFFICIAL ZONING MAP ADOPTED

A. General

1. The City of Simpsonville is hereby divided into zones and districts as described in this Ordinance and as shown on the Official Zoning Map is hereby adopted and declared to be a part of the Zoning Ordinance. The Zoning Map shall be the official record of zoning status of all land in the City of Simpsonville.
2. The Official Zoning Map is a geographic coverage layer that is maintained as part of the Triple S Planning Commission's Geographic Information System (GIS) under the direction of the Administrator. This map shall be revised as changes are approved as permitted by this Ordinance (such as rezonings) or to correct drafting errors, clerical errors, or omissions on the map.

B. Replacement of Official Zoning Map

1. In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the City Commission may by resolution adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof.

C. Interpretation of Zone Boundaries. Boundaries of zones established under provisions of this Ordinance are shown on the Official Zoning Map. The following rules shall be used to interpret the exact location of the zone boundaries shown on the Official Zoning Map:

1. Where a zone boundary follows a street or railroad, the centerline of the street or railroad right-of-way is the boundary of the zone.
2. Where a zone boundary approximately follows a lot or property line, that line is the boundary of the zone.
3. Boundaries indicated as approximately following city corporation limits shall be construed as following such corporation line.
4. Where a zone boundary follows a stream or the shore of a body of water, that stream or shore line is the boundary of that zone.
5. When a parcel has more than one zoning district on a single parcel, the zone district that encompasses the majority of the parcel shall be assigned to the entire parcel.
6. Where a zone boundary does not clearly follow any of the features mentioned above, its exact location on the ground shall be determined by measurement according to the map scale.
7. All questions not covered by 1 through 7 concerning the exact location of any zone boundary line, or portion thereof, shall be determined by the Board of Zoning Adjustment.

D. Annexation and Zone Districts. After the City Commission has established territory to be annexed and has published an ordinance of intent to annex, or prior to adoption of an annexation by consent ordinance, the Planning Commission shall hold a public hearing to determine the applicable zone district(s) for the territory to be annexed. The Planning Commission shall transmit its report containing any Findings of Fact, Summary of Evidence, and recommendation for zone district classification to the City Commission for inclusion in the Ordinance of Annexation.

6.4 GENERAL STANDARDS

A. General

1. No land within the Simpsonville Corporate Limits shall be used or occupied and no structure shall be erected, altered, used, or occupied except for the principal uses permitted for each of the zones created by this Ordinance together with lawfully permitted conditional uses and/or accessory uses as listed in the following articles of this Ordinance.
2. In case any area hereafter becomes a part of the unincorporated land area of Shelby County as a result of the dissolution of an incorporated city or by any other means, the Triple S Planning Commission shall initiate the amendment procedure to assign such area to a zone. The Triple S Planning Commission shall consider such an amendment during the first amendment meeting at which it is eligible for consideration. Zoning permits shall not be issued for such area until it is assigned to a zone.
3. In all cases, the provisions of the Subdivision Regulations of Shelby County and amendments thereto shall apply in addition to the provision of this Ordinance.
4. In all cases where land is divided or consolidated for the purpose of eventual development of lots, of any kind, the provisions of the Subdivision Regulations of Shelby County shall apply in addition to the provisions of this Ordinance.
5. Flag lots shall only be permitted if:
 - a. The lot is located in the A1 district;
 - b. The lot is a minimum of 15 acres in size; and
 - c. The lot has a minimum road frontage of 100 feet that extends to the rear property line.
 - d. The lot depth to width ratio shall not exceed a ratio of 4:1 at the front property line.
6. Every principal structure hereafter erected, except agricultural structures not used for human habitation, shall be located on an individual lot which fronts on a street or private driveway. No building or structure shall hereafter be erected or located on a lot unless such lot conforms with the lot area regulations of the district in which it is located or in accordance with Article 5: Non-Conforming Lots, Structures, and Uses.
7. Additional use standards and/or site standards may apply to each zoning district and/or use. If additional use standards and/or site standards conflict with the development standards of the zoning district, the more restrictive shall apply.
8. The width of all rights-of-way shall comply with the minimum standards outlined in this Ordinance and the Subdivision Regulations of Shelby County. If a right-of-way width is less than the minimum required, additional right-of-way shall be dedicated and conveyed to the City of Simpsonville, or the Kentucky Transportation Cabinet (KYTC), as required to meet the minimum standards prior to the issuance of a Zoning Permit.

B. Yard Regulations

1. **Yards.** Any part of any yard, open space, off-street parking or loading space required in connection with any building to comply with this Ordinance shall not be included as part of any yard, open space, or parking or loading space for any other building.
2. **Non-Reduction of Yards.** A yard or lot existing at the time of adoption of this Ordinance, or created subsequently, shall not be reduced in dimension or area below the minimum requirements set forth in this Ordinance. In addition, no lot shall be reduced in area so that yards are not maintained. This section shall not apply when a portion of a lot is acquired for a public purpose.

3. **Setbacks.** All setbacks (front, rear, and side) shall be measured from the lot/property line and the foundation or base of any structure. The minimum setback is determined by the Development Standards tables for each zoning district.
 - a. **Utility Easements.** No structures may be placed or constructed within any drainage, access, or utility easement without written approval from all easement holders.
 - b. **Corner and Through Lots.** Any lot abutting and situated at the intersection of more than one street shall be considered a corner lot. A corner lot will have two front yard setbacks, one side yard setback, and one rear yard setback. The rear yard shall be opposite of the street used for addressing.
 - c. **Front Yard Setback.** Any property line abutting a public or private street shall be considered a front property yard. All edges of a property line that are considered a front property line or yard shall conform with the front yard setback standards of the applicable zoning district.
 - d. **Flag Lots.** The front yard setbacks shall be measured from the lot/property line and base of any structure.
4. **Encroachment of Architectural Features.** Steps, terraces, bay windows, fire escapes, balconies, open porches, and other unenclosed architectural features may extend into required yard space not more than nine feet, provided that no such projection shall be less than five feet from a side lot line. Enclosing such projection in the required yard space is prohibited.
- C. **Lot Width.** Lot width is measured at the property line and shall extend the depth of the lot or at least 200 feet, whichever is less.
- D. **Building Height.** The vertical distance measured from the lowest ground level adjacent to the building at the front of the structure to the bottom of the eave height or where the sidewall joins the roof. Building height does not include antennas, chimneys, steeples, or agricultural/industrial appurtenances.
- E. **Variance.** The owner of a lot of official record, improved or unimproved, which lot at the time of the adoption of this Ordinance does not include sufficient land to conform to the yard or other requirements of this Ordinance, may submit an application to the Board of Zoning Adjustments for a variance from the terms of this Ordinance in accordance with provisions of Article 4.4: Dimensional Variance Procedures. Such lot may be used as a building site, provided, that the yard and other requirements of the zone are complied with as closely as is possible in the opinion of the Board of Zoning Adjustment.
- F. **Miscellaneous**
 1. The maximum structure height outlined in this Ordinance shall not apply to mechanical appurtenances, church spires, belfries, cupolas, and domes not intended for human occupancy; monuments, water towers, observation towers, transmission towers, windmills, chimneys, smokestacks, derricks, conveyors, flagpoles, masts and aerials.
 2. No building or dwelling can be constructed without a safe drinking water supply and sewage disposal facilities which have been approved by the governing health official. Wherever public water and/or sewer mains are accessible, all buildings and dwellings shall be connected to such mains. In every case, individual water supply and sewage disposal must meet the requirements set by the governing health official and/or the County's/City's water and sewer department superintendent. A certificate showing approval of proposed and/or completed water and sewerage facilities must accompany applications for zoning permits.

6.5 AGRICULTURAL DISTRICT (A1)

- A. **AG Intent.** The intent of the Agricultural District is to preserve, promote, and protect the rural character of the land, including agricultural uses, significant natural features, wooded areas, and water courses, and to minimize erosion of soil, siltation, and pollution of streams and lakes.
- B. **A1 Special Provisions.** For purposes of this Ordinance, land which is used solely for agricultural purposes (as defined in KRS 100.203) shall have no regulations imposed as to zoning permits, height, yard, or location requirements for agricultural buildings except that:
 - 1. Setback lines shall be required for the protection of existing and proposed streets and highways. All requirements of the appropriate governing authority regarding sight and sight-line distance and drainage shall be complied with;
 - 2. All existing and/or future buildings or structures in a designated floodway or floodplain, or which tend to increase flood heights or obstruct the flow of flood waters may be fully regulated; and
 - 3. Any building or structure that complies with Article 4.8-A-2: Exceptions.
- C. **A1 Additional Standards.** Additional development standards that may apply to all development are outlined in Article 9: Site Development Standards.
- D. **A1 Uses.** Article 6.17: Land Use Table identifies permitted and conditional uses within the A1 district.
- E. **A1 Minimum Standards.** The minimum standards for the A1 district are as follows:

A1 DEVELOPMENT STANDARDS	
STRUCTURE STANDARDS	
Maximum Structure Height	36 feet
LOT STANDARDS	
Minimum Lot Area	5 acres or 15 acres if used for a manufactured or mobile home
Minimum Lot Width	Less than 10 acre parcel: 250 feet with 4:1 ratio at front property line 10-15 acre parcel: 250 feet extended to rear property line More than 15 acre parcel: 100 feet extended to rear property line
Minimum Front Yard ¹	100 feet
Minimum Side Yard ^{1,2}	25 feet
Minimum Rear Yard ¹	25 feet
Maximum Lot Coverage	30%
UTILITY STANDARDS	
Municipal Water and Sewer	Required

¹ – Setbacks from easements shall comply with Article 6.4-B: Yard Regulations.

² – Accessory Dwelling Units shall comply with minimum side yards for principal structures.

6.6 RESIDENTIAL SUBURBAN DWELLING DISTRICT – LOW DENSITY (RS-20)

- A. **RS-20 Intent.** The Residential Suburban Dwelling District – Low Density zone district is established to provide a land use category primarily for single-family detached dwellings. Provisions in this Ordinance should promote and maintain the character of existing residential areas in Simpsonville. The Planning Commission and Board of Adjustment should strive to protect this district from conflicting land uses, such as industrial and large-scale commercial uses.
- B. **RS-20 Additional Standards.** Additional site development standards that may apply to all development are outlined in Article 9: Site Development Standards.
- C. **RS-20 Uses.** Article 6.17: Land Use Table identifies permitted and conditional uses within the RS-20 district.
- D. **RS-20 Minimum Standards.** The minimum standards for the RS-20 district are as follows:

RS-20 DEVELOPMENT STANDARDS	
STRUCTURE STANDARDS	
Maximum Structure Height ¹	Principal: 36 feet Accessory: 20 feet
LOT STANDARDS	
Minimum Lot Width	85 feet or 35 feet on a cul-de-sac
Minimum Lot Area	22,000 sq ft
Minimum Front Yard	40 feet
Minimum Side Yard ^{2,3}	Principal: 15 feet Accessory: 5 feet
Minimum Rear Yard ²	Principal: 25 feet Accessory: 5 feet
Maximum Lot Coverage	50%
UTILITY STANDARDS	
Municipal Water and Sewer	Required

¹ – Accessory structures cannot exceed the height of the principal structure.

² – Setbacks from easements shall comply with Article 6.4-B: Yard Regulations.

³ – Accessory Dwelling Units shall comply with minimum side yards for principal structures.

6.7 RESIDENTIAL SUBURBAN DWELLING DISTRICT – MEDIUM DENSITY (RS-12)

- A. **RS-12 Intent.** The Residential Suburban Dwelling District – Medium Density zone district is established to provide a land use category primarily for single-family detached dwellings. Provisions in this Ordinance should promote and maintain the character of existing residential areas in Simpsonville. The Planning Commission and Board of Adjustments should strive to protect this district from conflicting land uses such as industrial and large-scale commercial uses.
- B. **RS-12 Additional Standards.** Additional site development standards that may apply to all development are outlined in Article 9: Site Development Standards.
- C. **RS-12 Uses.** Article 6.17: Land Use Table identifies permitted and conditional uses within the RS-12 district.
- D. **RS-12 Minimum Standards.** The minimum standards for the RS-12 district are as follows:

RS-12 DEVELOPMENT STANDARDS	
STRUCTURE STANDARDS	
Maximum Structure Height ¹	Principal: 36 feet Accessory: 20 feet
LOT STANDARDS	
Minimum Lot Width	65 feet or 35 feet on a cul-de-sac
Minimum Lot Area	12,500 sq ft
Minimum Front Yard	30 feet
Minimum Side Yard ^{2,3}	Principal: 10 feet Accessory: 5 feet
Minimum Rear Yard ²	Principal: 20 feet Accessory: 5 feet
Maximum Lot Coverage	50%
UTILITY STANDARDS	
Municipal Water and Sewer	Required

1 – Accessory structures cannot exceed the height of the principal structure.

2 – Setbacks from easements shall comply with Article 6.4-B: Yard Regulations.

3 – Accessory Dwelling Units shall comply with minimum side yards for principal structures.

6.8 RESIDENTIAL URBAN DWELLING DISTRICT – HIGH DENSITY (RU-8)

- A. **RU-8 Intent.** The Residential Urban Dwelling District – High Density zone district is established to provide a land use category primarily for single-family detached and two-family dwellings. The Planning Commission and Board of Adjustments should strive to protect this district from conflicting land uses such as industrial and large-scale commercial uses.
- B. **RU-8 Additional Standards.** Additional site development standards that may apply to all development are outlined in Article 9: Site Development Standards.
- C. **RU-8 Uses.** Article 6.17: Land Use Table identifies permitted and conditional uses within the RU-8 district.
- D. **RU-8 Minimum Standards.** The minimum standards for the RU-8 district are as follows:

RU-8 DEVELOPMENT STANDARDS	
STRUCTURE STANDARDS	
Maximum Structure Height ¹	Principal: 36 feet Accessory: 20 feet
LOT STANDARDS	
Minimum Lot Width	Single-Family Detached: 55 feet Two-Family/All Other: 65 feet
Minimum Lot Area	Single-Family Detached: 8,500 sq ft Two-Family / All Other: 10,500 sq ft
Minimum Front Yard	25 feet
Minimum Side Yard ²	Principal: 7 feet Accessory: 5 feet
Minimum Rear Yard ²	Principal: 20 feet Accessory: 15 feet
Maximum Lot Coverage	60%
UTILITY STANDARDS	
Municipal Water and Sewer	Required

1 – Accessory structures cannot exceed the height of the principal structure.

2 – Setbacks from easements shall comply with Article 6.4-B: Yard Regulations.

6.9 RESIDENTIAL URBAN NEIGHBORHOOD (RU-5)

- A. **RU-5 Intent.** The Residential Urban Neighborhood zone district is established to provide a land use category primarily for single-family (attached and detached) and two-family dwellings. Provisions in this Ordinance should promote and maintain the character of existing residential areas in Simpsonville. The Planning Commission and Board of Adjustments should strive to protect this district from conflicting land uses such as industrial and large-scale commercial uses.
- B. **RU-5 Additional Standards.** Additional site development standards that may apply to all development are outlined in Article 9: Site Development Standards.
- C. **RU-5 Uses.** Article 6.17: Land Use Table identifies permitted and conditional uses within the RU-5 district.
- D. **RU-5 Minimum Standards.** The minimum standards for the RU-5 district are as follows:

RU-5 DEVELOPMENT STANDARDS	
STRUCTURE STANDARDS	
Maximum Structure Height ¹	Principal: 36 feet Accessory: 20 feet
LOT STANDARDS	
Minimum Lot Width	Single-Family Detached: 50 feet Single-Family Attached: 26 feet but cannot exceed 6 consecutively attached units Two-Family / All Other: 50 feet
Minimum Lot Area	Single-Family: 5,000 sq ft Single-Family Attached: 3,000 sq ft Two-Family / All Other: 5,000 sq ft
Minimum Front Yard	25 feet or 15 feet if rear driveway from alley or similar
Minimum Side Yard ²	Principal: 7 feet or 0 feet if attached to adjacent dwelling Accessory: 5 feet
Minimum Rear Yard ²	Principal: 15 feet Accessory: 5 feet
Maximum Lot Coverage	65%
UTILITY STANDARDS	
Municipal Water and Sewer	Required

¹ – Accessory structures cannot exceed the height of the principal structure.

² – Setbacks from easements shall comply with Article 6.4-B: Yard Regulations.

6.10 RESIDENTIAL MULTI-FAMILY DWELLINGS (RMF)

- A. **RMF Intent.** The Residential Multi-Family Dwellings zone district is established to provide a land use category for multi-family residential developments and should serve as a transition between lower-density residential areas and more intense commercial development. Such developments may consist of one large building or divided among multiple buildings onsite. The Planning Commission and Board of Adjustments should strive to integrate this district near other commercial districts and exercise greater sensitivity where this district is adjacent to other residential districts. Given the scale of projects in this district, it should only be utilized on or near major arterial streets or in areas with a robust local street network to distribute traffic. This district should also be within close proximity to parks and open spaces that serve the residents.
- B. **RMF Additional Standards.** Additional site development standards that may apply to all development are outlined in Article 9: Site Development Standards.
- C. **RMF Uses.** Article 6.17: Land Use Table identifies permitted and conditional uses within the RMF district.
- D. **RMF Minimum Standards.** The minimum standards for the RMF district are as follows:

RMF DEVELOPMENT STANDARDS	
STRUCTURE STANDARDS	
Maximum Structure Height ¹	Principal: 36 feet Accessory: 20 feet
LOT STANDARDS	
Minimum Lot Width	80 feet
Minimum Lot Area	1 to 4 units per parcel: 4,000 sq ft/unit 5 or more units per parcel: 3,000 sq ft/unit
Minimum Front Yard	45 feet
Minimum Side Yard ²	Principal: 15 feet Accessory: 5 feet
Minimum Rear Yard ²	Principal: 20 feet Accessory: 5 feet
Maximum Lot Coverage	70%
UTILITY STANDARDS	
Municipal Water and Sewer	Required

1 – Accessory structures cannot exceed the height of the principal structure.

2 – Setbacks from easements shall comply with Article 6.4-B: Yard Regulations.

6.11 VILLAGE CENTER COMMERCIAL (VC)

- A. **VC Intent.** The purpose of the Village Center Commercial zone district is to provide for a pedestrian friendly, mixed-use “main street” style environment consistent with the Simpsonville Comprehensive Plan and Simpsonville Small Area Plan’s vision, goals and objectives, connections, intensity and land use, and infrastructure. This zone is intended to be both a community focal point and destination where residents can congregate, socialize, and have access to a wide variety of civic, retail, office, and service uses located in a dense, urban environment. The vision for this area is one with high quality buildings scaled and massed appropriately together and set closer to the street and to each other, inviting pedestrians to walk from place to place, with mixed uses that will serve a multitude of purposes for both the resident and visitor, and always with the intention of furthering the public health, safety, and general welfare. The provisions of this section are intended to ensure that new development within the designated Village Center Commercial zone district is consistent with the desired pattern and characteristics of the district, promoting the following as applicable:
1. Safe access that will facilitate traffic movement on Shelbyville Road and adjacent streets;
 2. A circulation system that balances multi-modal uses;
 3. A mixture of moderately intense uses including civic, shopping, restaurants, offices and residences;
 4. An aesthetically pleasing appearance of building mass, placement and materials, lighting, landscaping, and vehicular areas;
 5. Coordinated development between adjacent properties including shared parking, vehicular and pedestrian movement and appearance; and
 6. Development needs to be designed so as to minimize erosion, and/or flood damage.
- B. **VC Additional Standards.** Additional site development standards that may apply to all development are outlined in Article 9: Site Development Standards.
- C. **VC Uses.** Article 6.17: Land Use Table identifies permitted and conditional uses within the VC district.
- D. **VC Minimum Standards.** The minimum standards for the VC district are as follows:

VC STRUCTURE AND LOT STANDARDS

STRUCTURE STANDARDS	
Structure Height ¹	Principal: 16 feet minimum and 36 feet maximum Accessory: 20 feet
LOT STANDARDS	
Minimum Lot Width	N/A
Minimum Lot Area	N/A
Minimum Building Separation	Common Wall Construction: 0 feet Detached Building: 10 feet
Front Yard	<p>At least 50% of the lot width shall be occupied by a building: Principal building shall be placed at the front property line. However, if the following occur, the front yard setback shall be located at the rear of the following:</p> <ul style="list-style-type: none"> • Sidewalk that meets the minimum width within the Village Center (see Core District Cross Section of Simpsonville Small Area Plan) • Outdoor public-accessible spaces and amenities that are located on the parcel, including plazas, courtyards, and outdoor seating areas for dining are located between the right-of-way and the build-to line • Building entrances to architecturally pronounce the location and importance of building entrances to pedestrians (slight variations)
Side Yard	<ul style="list-style-type: none"> • 0 feet Minimum • 20 foot minimum if adjoining a residential zone • 10 foot minimum if adjoining a zone other than VC • Exceptions: <ul style="list-style-type: none"> • A formal pedestrian-only walkway (6 to 10 feet in width) is provided that connects off-street parking areas located to the rear of a site to the storefront and walkway system located adjacent to storefronts. <ul style="list-style-type: none"> • The opening shall be framed overhead by an architectural element extending over the walkway. • The opening as seen from the public right-of-way shall be architecturally compatible with the overall street façade. • Lighting fixtures shall be provided in the walkway area with lighting fixtures placed at regular intervals to provide continuous ground plane overlap. • Open spaces, plazas, or outdoor seating may be developed between buildings, thus interrupting the continuous building street wall. <ul style="list-style-type: none"> • Such areas shall be accessible to the public or shall serve an adjacent business. • The design of such spaces shall ensure that parking to the rear of the buildings is effectively screened through the use of fences, walls, and/or evergreens
Minimum Rear Yard	0 feet permitted but site must accommodate all site features (such as dumpsters, parking, landscaping/buffers, storm water, etc.)
Maximum Lot Coverage	100%
UTILITY STANDARDS	
Municipal Water and Sewer	Required

¹ – Accessory structures cannot exceed the height of the principal structure.

6.12 COMMERCIAL NEIGHBORHOOD (CN)

- A. **CN Intent.** The purpose of the Commercial Neighborhood zone district is to provide retail stores, personal service outlets, and professional offices to meet the need of the people in adjacent or nearby residential areas. These districts are closely related to residential districts but have the potential to generate activities that can be disruptive in residential areas unless they are properly regulated.
- B. **CN Additional Standards**
1. Additional site development standards that may apply to all development are outlined in Article 9: Site Development Standards.
 2. If the nearest edge of a parcel zoned CN is within 750 feet of the nearest edge of any parcel zoned VC, the following standards of VC may be used if desired:
 - a. Lot width;
 - b. Lot area;
 - c. Building separation;
 - d. Front/side/rear yard setbacks; and
 - e. Lot coverage.
- C. **CN Uses.** Article 6.17: Land Use Table identifies permitted and conditional uses within the CN district.
- D. **CN Minimum Standards.** The minimum standards for the CN district are as follows:

CN DEVELOPMENT STANDARDS	
STRUCTURE STANDARDS	
Maximum Structure Height ¹	36 feet Accessory: 20 feet
LOT STANDARDS ⁴	
Minimum Lot Width	75 feet
Minimum Lot Area	22,000 sq ft
Minimum Front Yard	25 feet
Minimum Side Yard ^{2,3}	10 feet
Minimum Rear Yard ^{2,3}	10 feet
Maximum Lot Coverage	60%
UTILITY STANDARDS	
Municipal Water and Sewer	Required

1 – Accessory structures cannot exceed the height of the principal structure.

2 – If adjacent to a residential district, side and rear setback must comply with adjacent district's minimum setback if it is greater.

3 – Setbacks from easements shall comply with Article 6.4-B: Yard Regulations.

6.13 COMMERCIAL GENERAL (CG)

- A. **CG Intent.** The Commercial General zone district is for the conduct of retail sales activities. Residential uses are not allowed in this zone provided a plan for such use is adequately incorporated into the surrounding area.
- B. **CG Additional Standards.** Additional site development standards that may apply to all development are outlined in Article 9: Site Development Standards.
- C. **CG Uses.** Article 6.17: Land Use Table identifies permitted and conditional uses within the CG district.
- D. **CG Minimum Standards.** The minimum standards for the CG district are as follows:

CG DEVELOPMENT STANDARDS	
STRUCTURE STANDARDS	
Maximum Structure Height ¹	36 feet Accessory: 20 feet
LOT STANDARDS	
Minimum Lot Width	100 feet
Minimum Lot Area	30,000 sq ft
Minimum Front Yard	35 feet
Minimum Side Yard ²	10 feet
Minimum Rear Yard ²	10 feet
Maximum Lot Coverage	65%
UTILITY STANDARDS	
Municipal Water and Sewer	Required

1 – Accessory structures cannot exceed the height of the principal structure.

2 – Setbacks from easements shall comply with Article 6.4-B: Yard Regulations.

6.14 COMMERCIAL HIGHWAY (CH)

- A. **CH Intent.** The Commercial Highway zone district is intended to promote uses that cater to the traveling public along Interstate 64 which are adjacent to and near interstate interchanges.
- B. **CH Additional Standards.** Additional site development standards that may apply to all development are outlined in Article 9: Site Development Standards.
- C. **CH Uses.** Article 6.17: Land Use Table identifies permitted and conditional uses within the CH district.
- D. **CH Minimum Standards.** The minimum standards for the CH district are as follows:

CH DEVELOPMENT STANDARDS	
STRUCTURE STANDARDS	
Maximum Structure Height ¹	36 feet Accessory: 20 feet
LOT STANDARDS	
Minimum Lot Width	150 feet
Minimum Lot Area	30,000 sq ft
Minimum Front Yard	50 feet
Minimum Side Yard ²	Principal: 25 feet Accessory: 10 feet
Minimum Rear Yard ²	Principal: 25 feet Accessory: 10 feet
Maximum Lot Coverage	70%
UTILITY STANDARDS	
Municipal Water and Sewer	Required

¹ – Accessory structures cannot exceed the height of the principal structure.

² – Setbacks from easements shall comply with Article 6.4-B: Yard Regulations.

6.15 INDUSTRIAL GENERAL (IG)

- A. **IG Intent.** The intent of the Industrial General zone district is to allow for the production and assembly of goods, and to promote economic growth, while preserving and protecting residential areas from any potential impacts. These activities are conducted in a manner that noise, odor, dust, glare, and vibration can be produced as a function of these activities. However, uses in this district shall not:
1. Present any significant on-site release or discharge of pollutants including but not limited to, odor, noise, dust, smoke, contaminants, hazardous substances, wastewater, vibrations, waste, recycled materials into the environment including, without limitation to, the air, water, or land, regardless of approval of Federal, State, or Local agencies, and
 2. Have any negative off-site environmental effects, and
 3. Require visible outdoor storage or large amounts of water or wastewater treatment operations.
- B. **IG Additional Standards.** Additional site development standards that may apply to all development are outlined in Article 9: Site Development Standards.
- C. **IG Uses.** Article 6.17: Land Use Table identifies permitted and conditional uses within the IG district.
- D. **IG Minimum Standards.** The minimum standards for the IG district are as follows:

IG DEVELOPMENT STANDARDS	
STRUCTURE STANDARDS	
Maximum Structure Height	60 feet
LOT STANDARDS	
Minimum Lot Width	100 feet
Minimum Lot Area	1 acre (43,560 sq ft)
Minimum Front Yard	40 feet
Minimum Side Yard ²	Principal: 25 feet Accessory: 15 feet
Minimum Rear Yard ²	Principal: 25 feet Accessory: 15 feet
Maximum Lot Coverage	60%
UTILITY STANDARDS	
Municipal Water and Sewer	Required

1 – Accessory structures cannot exceed the height of the principal structure.

2 – Setbacks from easements shall comply with Article 6.4-B: Yard Regulations.

6.16 PLANNED UNIT DEVELOPMENT (PUD)

A. PUD Intent

1. A Planned Unit Development (PUD) District allows for greater flexibility and design in the development of land than any single zone district can provide. PUDs are appropriate when they are consistent with the overall intent of the provisions of this Ordinance and with the Simpsonville Comprehensive Plan. The intent of Planned Unit Developments (PUD) is as follows:
 - a. To create a standalone zoning district that encourage a more creative approach in land and building site planning.
 - b. To encourage an efficient, aesthetic and desirable use of open space.
 - c. To encourage variety in physical development pattern.
2. PUDs are encouraged for large-scale developments that have a wide range of uses to promote a cohesive development.
3. PUD regulations are intended to encourage innovations in land development techniques so that the growing demands of the community can be met with greater flexibility, design, and layout of sites and buildings, and by the efficient use of open spaces and other amenities that generally enrich the quality of life.

B. PUD Uses

1. Uses shall be limited to those identified on the PUD master plan.
2. A PUD may contain, where appropriate, a variety of uses including residential (including a variety of types and densities), parks and open space, and commercial uses. All proposed uses in a PUD shall meet the spirit and intent of the Simpsonville Comprehensive Plan and with surrounding land uses.

C. PUD Minimum Standards

1. The minimum standards of the PUD shall be identified within the PUD master plan.
2. PUDs may only be considered where the proposed land area is at least 10 acres in size.
3. For residential PUDs, a minimum of 30% of the entire development shall be open space and/or common area.
4. For non-residential PUD's, a minimum of 15% of the entire development shall be open space and/or common area.
5. In the case of a mix of uses, open space and/or common areas shall be allocated in proportion to the uses proposed to the PUD and shall be located within reasonable proximity to all uses.
6. No more than 25% of the required open space and/or common areas shall be located within floodplains, wetlands, utility easements, dry detention basins, or areas with slopes greater than 3:1.
7. If the PUD is constructed in phases, open space and/or common area shall be provided in each phase of the development.
8. All open space and/or common area must be accessible from a public road.

D. PUD Additional Procedures

1. A proposal to create a PUD shall be processed and reviewed as a zoning map amendment.
2. Subdivisions within a PUD shall follow all standards set forth in the Subdivision Regulations of Shelby County.
3. A PUD requires development plan approval.
4. The PUD master plan shall be recorded with the County Clerk upon approval.

E. PUD Minimum Master Plan Requirements

1. A master plan shall be required to be submitted with a PUD proposal in order to understand the basic layout, uses, and development standards within the development.
2. The following shall be outlined in the PUD master plan:
 - a. All permitted uses and conditional uses and the areas or districts within the PUD where they can be located;
 - b. All structure standards, including maximum height;
 - c. All lot standards, including lot width, lot area, setbacks (front, side, and rear), and lot coverage; and
 - d. Any other zoning standards.
3. Any standards not specifically outlined in the PUD master plan shall default to the most appropriate zoning district listed in the Simpsonville Zoning Ordinance, as determined by the Administrative Official.
4. Public water and sewer are required for all PUDs.
5. All development within a PUD shall comply with all other applicable local, state, and federal regulations.

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6.17 LAND USE TABLE

PERMITTED & CONDITIONAL USES											
Agricultural Uses	A1	RS-20	RS-12	RU-8	RU-5	RMF	VC	CN	CG	CH	IG
Agricultural Support Uses	C										
Agritourism	C										
Animal Feeding Operation (AFO) and Confined Animal Feeding Operation (CAFO)	C										C
Crop Cultivation (Row, Field, Tree, Nursery)	P										
Equestrian Facility	P										
Livestock, Personal	P										
Livestock, Production	P										
Livestock, Wholesale Trade	C										C
Roadside Stand	P										
Residential Uses	A1	RS-20	RS-12	RU-8	RU-5	RMF	VC	CN	CG	CH	IG
Accessory Dwelling Unit	C	C	C								
Multi-Family Dwelling, Apartment, or Condominium (3+ Units)						P	P ¹				
Group Home, Boarding House, Transitional Housing	C	C	C	C	C	C					
Farmstead	P										
Manufactured or Mobile Home Park (Certified)						C					
Single-Family Attached (Patio Home, Townhome)					P						
Single-Family Detached	P	P	P	P	P						
Two-Family or Duplex				P	P						

1 – Located on Upper Floors Only

P = Permitted Use

C = Conditional Use

PERMITTED & CONDITIONAL USES (CONTINUED)											
Commercial Uses	A1	RS-20	RS-12	RU-8	RU-5	RMF	VC	CN	CG	CH	IG
Adult Business											C
Automotive, Equipment, or Vehicle Sales								C	P		P
Automotive, Equipment, or Vehicle Repair, Major								C	P		P
Automotive, Equipment, or Vehicle Repair, Minor							C	C	P		
Bar or Tavern							P	P	P	P	
Bed and Breakfast, Farmstay	C										
Bed and Breakfast Home or Inn, 5 or less rooms		C	C	C	C						
Bed and Breakfast, Home or Inn, 5+ rooms							C	C	P		
Campground or Recreational Vehicle Park	C										
Club, Private or Philanthropic	C	C	C	C	C	C	C	C	C	C	C
Commercial Seasonal Display							P	P	P	P	
Day Care Facility					C	C	P	P	P	P	
Distillery, Winery, or Brewery							C	C	P	P	P
Rickhouse											C
Funeral Home							P	P	P	P	P
Golf Course, Driving Range, or Country Club	C	C	C	C	C	C		P	P	P	
Gas Station, Passenger Vehicles								C	P	P	
Gas Station, Passenger & Commercial Vehicles										P	
Gas Station, Truck Stop										C	
Home-Based Business	C	C	C	C	C	C					
Home Office	P	P	P	P	P	P					
Hotel or Motel							P	P	P	P	P
Kennel, Commercial							C	C	P	P	P
Kennel, Non-Commercial	C	C	C	C							
Liquor Store							P	P	P	P	P
Manufactured Home Sales											C
Medical Offices and Outpatient Services (no dispensing of medicine)							P	P	P	P	P
Medical Offices and Outpatient Services (with dispensing of medicine)											C
Nursing Home or Assisted Living Facility						P	P	P	P	P	P
Outdoor Storage	P							C	C	C	P

P = Permitted Use

C = Conditional Use

PERMITTED & CONDITIONAL USES (CONTINUED)											
Commercial Uses, Cont'd.	A1	RS-20	RS-12	RU-8	RU-5	RMF	VC	CN	CG	CH	IG
Parking Garage or Lot (as Primary Use)							P	P	P	P	P
Professional Service or Business Office							P	P	P	P	P
Recreational Facility or Amusement Park, Private	C							C	C	C	P
Retail, General							P	P	P	P	P
Retail, Service-Oriented							P	P	P	P	P
Shooting Range or Gun Club	C							C	C	C	P
Short-Term Rental (Non-Owner Occupied) ¹	C	C	C	C	C	C					
Short Term Rental (Owner-Occupied) ¹	P	P	P	P	P	P					
Stadium, Arena, or Racetrack	C								C	C	P
Storage Units								C	C	C	P
Wholesale Trade											P
Industrial Uses	A1	RS-20	RS-12	RU-8	RU-5	RMF	VC	CN	CG	CH	IG
Landfill or Recycling Facility											C
Manufacturing or General Industry, Heavy											C
Manufacturing or General Industry, Light											P
Meat Processing											C
Mineral Extraction or Processing											C
Research and Development											P
Junk Yard, Salvage Yard, Auto Wrecking, or Vehicle Impound Lot											C
Storage, Hazardous											C
Storage, Non-Hazardous, Indoor											P
Warehousing or Distribution											P
Waste Transfer Facility											C

¹ – Requires annual business license with the city of Simpsonville

P = Permitted Use

C = Conditional Use

PERMITTED & CONDITIONAL USES (CONTINUED)											
Other Uses	A1	RS-20	RS-12	RU-8	RU-5	RMF	VC	CN	CG	CH	IG
Airport or Heliport	C										C
Bus or Transportation Facility											C
Cemetery, Columbaria, or Mausoleum	C							C	C	C	C
Church or Place of Worship	C			C	C	C	C	P	P	C	C
Crematory or Mortuary	C							C	C	C	C
Cultural Institutions	C						P	P	P	P	P
Emergency Response Facility							P	P	P	P	P
Fairground	P							C	P	P	P
Hospital or Medical/Outpatient Facility (with Overnight Care)	C							P	P	P	P
Park, Private	P	P	P	P	P	P	P	P	P	P	P
Penal or Correction Facility											P
Satellite Recycling Drop Off											C
School or Preschool							P	P	P	P	C
Solar Energy System: Commercial	C										C
Solar Energy System: Personal	P	P	P	P	P	P	P	P	P	P	P
Utility Facility, Non-Exempt	C	C	C	C	C	C	C	C	C	C	C
Wind Energy System: Commercial	C										C
Wind Energy System: Personal		C	C	C	C	C	C	C	C	C	C
Wireless Communication Facility	P	P	P	P	P	P	P	P	P	P	P

P = Permitted Use

C = Conditional Use

ARTICLE 7:

SPECIAL DISTRICTS

IN THIS ARTICLE:

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7.1 INTENT

- A. The purpose of this Article is to provide mechanisms for the protection and enhancement of special areas or resources within Simpsonville. The districts provided for in this Article are special districts unless otherwise specified herein.

7.2 SPECIAL DISTRICTS ESTABLISHED

- A. The requirements established herein shall apply to lands in the City of Simpsonville designated as one of the special districts set up within this article. Where there is a conflict between the standards contained in this article and another article contained in this Ordinance, as amended or any other ordinance, code, or regulation of Simpsonville, the more restrictive shall apply.
- B. KRS 100.203 permits special districts to be established. For purposes of this ordinance, the terms “special district” and “overlay district” may be used interchangeably.
- C. The following overlay districts are established for the City of Simpsonville, Kentucky.

NAME OF OVERLAY DISTRICT	ABBREVIATION
Floodplain & Conservation Overlay District	FC
Building Exterior Quality Design Overlay District	BEQ

7.3 FLOODPLAIN & CONSERVATION OVERLAY DISTRICT (FC)

- A. **FC Intent.** The Floodplain/Conservation Overlay District is an exceptional area for which special regulations have been developed. This overlay district is composed of lands that are subject to being flooded and the special regulations have the purpose of preventing development in the flood plain of buildings and structures that will increase flood heights and damage and preventing excessive property damage and loss of life in areas of greatest flood hazard.
- B. **FC Boundaries.** The boundaries of the FC Overlay District shall include all areas regulated by the adopted floodplain management regulations for the City of Simpsonville.
- C. **FC Special Provisions.** All development within the FC District shall meet the provisions outlined in the Simpsonville Flood Damage Prevention Ordinance.
- D. **FC Uses.** Permitted and conditional uses are dictated by the underlying zone district.
- E. **FC Minimum Standards**
 - 1. All parcels within the FC District shall meet all requirements and standards of the district within which it is located. If standards or requirements of the FC District conflict with the district within which it is located, the more restrictive shall apply.
 - 2. Permits for any new construction or substantial improvement for residential and non-residential construction shall be obtained by the Floodplain Administrator and shall comply with all standards, regulations, and requirements of the adopted floodplain regulations for the City of Simpsonville.

7.4 BUILDING EXTERIOR QUALITY DESIGN OVERLAY DISTRICT (BEQ)

- A. **BEQ Intent**
 - 1. The BEQ Overlay District is established to promote high quality multi-family residential and non-residential development to provide visual improvements throughout the entire city which will have a strong influence on the perception of and the City of Simpsonville.
 - 2. This district is designed to encourage high quality development by establishing restrictions and standards to promote optimum development and so that investment values will be maximized and will not be endangered by unsightly or undesirable developments.
 - 3. The BEQ district shall overlay other zoning districts so that all lands lying within the BEQ district shall also be included within other zoning districts. Each parcel of land with the BEQ district designation shall be subject to the provisions, regulations, standards, and restrictions of both the BEQ district and of the other zoning districts within which it lies.
- B. **BEQ Boundaries.** The BEQ shall include all parcels within the incorporated boundary of the City of Simpsonville, Kentucky.
- C. **BEQ Applicability.** The following properties within the BEQ Overlay District shall be subject to all standards of this overlay district:
 - 1. All new non-residential development and multi-family development consisting of three or more dwelling units shall be subject to all provisions of this Article. The requirements of this Article shall not apply to single-family and two-family dwellings used exclusively for residential purposes.
 - 2. If an existing structure is expanded by no more than 50% of the existing gross floor area, the BEQ standards shall only apply to the expansion.
 - 3. If an existing structure is expanded by more than 50% of the existing gross floor area, the BEQ standards shall apply to the entire structure.
 - 4. If improvements are made to the exterior of an existing structure that is more than 25% of the total wall area of the structure (all sides), the BEQ standards shall apply to the entire structure.
 - 5. If any structure is destroyed by any means and to an extent greater than 50% of its assessed value at the time of the destruction, then such structure shall only be rebuilt in accordance with the standards of this Article.
 - 6. Transfer of business ownership from one entity to another shall not subject the structure to the provisions of this Article.
 - 7. Change of use from one permitted use to another shall not subject the structure to the provisions of this Article.
 - 8. This Article shall not be construed in any way as to prevent the ordinary maintenance or minor repairs of existing structures.
- D. **BEQ Special Provisions**
 - 1. All utilities on the parcel shall be located underground when any new development or redevelopment occurs. Utilities may be located above ground if the utilities are accessible from the rear lot line and enter the rear of the building.
 - 2. Buildings and site elements shall be well maintained and repaired or replaced in a timely manner should damage or deterioration occur. Any damage or deterioration shall be corrected within 120 days.
- E. **BEQ Uses.** Permitted and conditional uses are dictated by the underlying zone district.

F. BEQ Minimum Standards

1. All parcels within the BEQ district shall meet all requirements and standards of the zoning district within which it is located. If standards or requirements of the BEQ district conflict with the district within which it is located, the more restrictive shall apply.
2. Any multi-family residential (3 dwellings or more), commercial, office, wholesale, distribution, storage, and industrial use within the BEQ district shall also comply with the structure standards in Article 10: Structure Standards.
3. All parcels within the VC zone district, regardless of use, shall comply with the structure standards in Article 10: Structure Standards.

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ARTICLE 8:

MANUFACTURED HOME PARKS

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8.6	PERMITTED LOCATIONS.....	109

8.1 INTENT

- A. It is the intent of this Article to encourage provision of alternative, modest housing in general residential areas by permitting the use of certain manufactured homes and certified mobile homes in all districts in which similar dwellings constructed on site are permitted, subject to the requirements set forth herein to assure acceptable similarity in exterior appearance between such manufactured homes and dwellings that have been or might be constructed under these and other lawful regulations on adjacent or nearby lots in the same zone.
- B. It is further the intent of this Article is to guide the establishment of mobile home parks, mobile home subdivisions and recreational vehicle parks in areas providing a residential setting and convenient to major arterials, and to provide maximum compatibility between the adjacent uses and the mobile home park or subdivision.

8.2 MOBILE HOME PARKS

- A. **Existing Parks.** Any mobile home park presently holding a valid construction or operating permit on the effective date of this Ordinance which does not fully meet the design and construction requirements of this Ordinance may continue to operate in the same manner so long as the facilities in the park are capable of being maintained in a safe and sanitary manner and no public health nuisance is allowed to exist.
- B. **General Standards.** The minimum requirements for mobile home parks are outlined in Table 8.1: Mobile Home Parks.

TABLE 8.1: MOBILE HOME PARKS

MOBILE HOME PARK GENERAL STANDARDS	
Minimum Lot Area	<ul style="list-style-type: none"> • 5 acres with at least 10 sites for mobile homes
Minimum Mobile Home Site Area	<ul style="list-style-type: none"> • 4,000 sq ft
Other Requirements	<ul style="list-style-type: none"> • Shall comply with KRS Chapter 219 requirements • Permit required to operate per KRS 219.310 – KRS 219.410 • Landscaping and buffer yards required per Article 9.3: Buffer & Landscaping Standards
Access	<ul style="list-style-type: none"> • Minimum of 100 feet of road frontage that is located on an arterial or collector street • Mobile home sites can only gain access from an internal road • The entrance road from a public road must be at least 24 feet in width • Internal roads shall be paved and remain private
Minimum Separation of Mobile Homes	<ul style="list-style-type: none"> • 20 feet between the closest edge of mobile homes
Minimum Setbacks	<ul style="list-style-type: none"> • Front yard: 100 feet • Side and Rear yard: 20 feet
Minimum Parking	<ul style="list-style-type: none"> • 2 spaces for each mobile home site • 1 space for each full-time park employee • 1 space per 400 sq ft of gross floor area for any office, recreational or common areas • 1 space per 4 mobile home sites for guests
MOBILE HOME PARK UTILITY REQUIREMENTS	
Sewage and Water	<ul style="list-style-type: none"> • Connections to municipal sewage and water systems are required for each home site

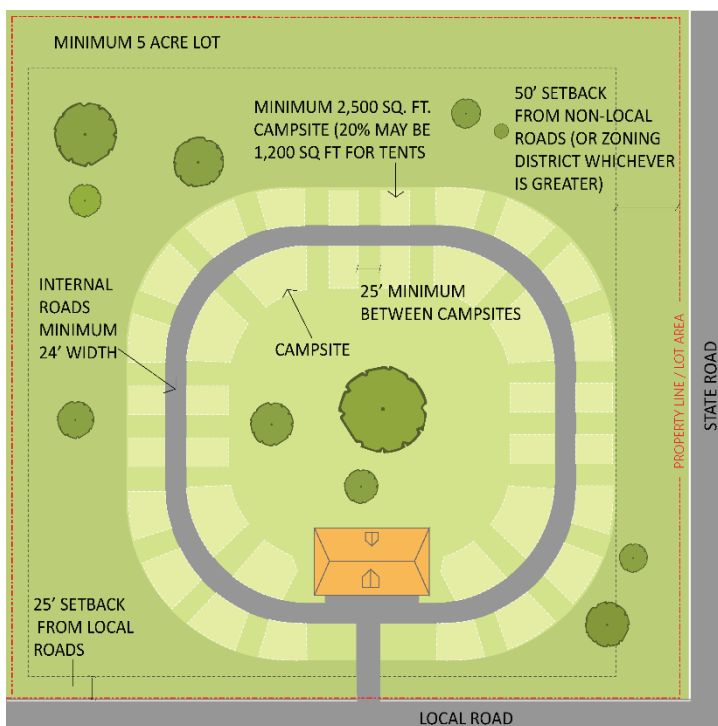
8.3 CAMPGROUND/RECREATIONAL VEHICLE PARKS

- A. **Intent.** The intent of these standards is to accommodate recreational vehicles and camping for short periods of time, ranging from one night to several weeks. The minimum requirements for Campground and RV parks can be found in Table 8.2: Campground/RV Parks.
- B. **General Standards**

TABLE 8.2: CAMPGROUND/RV PARKS	
CAMPGROUND/RV PARK SITE STANDARDS	
Minimum Lot Area	<ul style="list-style-type: none"> • 5 acres
Minimum RV Site	<ul style="list-style-type: none"> • 2,500 sq ft per RV site • 20% of sites may be 1,200 sq ft (tent camping only)
Minimum Setbacks	<ul style="list-style-type: none"> • 25 feet from local roadways • 50 feet from all other roads or the zoning district setback, whichever is greater
Minimum Separation of Campsites	<ul style="list-style-type: none"> • 25 feet between campsites
Access	<ul style="list-style-type: none"> • An entrance roadway from a public road shall be provided that is at least 24 feet in width • Internal roads shall be paved and remain private
Internal Circulation	<ul style="list-style-type: none"> • All campsites shall gain access through an internal road; individual sites shall not gain access from any public road • All internal roads shall be at least 24 feet in width • Fire and EMS shall approve site plan for adequate accessibility
Drainage	<ul style="list-style-type: none"> • All areas shall be well drained and designed to provide sufficient space for camping activities, vehicles, sanitary facilities, and appurtenant equipment • All development shall comply with the stormwater and drainage requirements for Simpsonville, KY
Floodplain & Hazardous Areas	<ul style="list-style-type: none"> • Cannot be located in a floodplain or an area subject to periodic flooding • Cannot be located adjacent to swamps, marshes, railroads, stockyards, industrial sites, or other such locations which would constitute a health or safety hazard
Storage	<ul style="list-style-type: none"> • The storage of unoccupied recreational vehicles shall be prohibited
Community Facility	<ul style="list-style-type: none"> • At least one indoor community facility shall be provided for the campground/RV park that provides recreational space for the park occupants as well as a storm shelter for occupants during severe weather • If tent camping is permitted, at least one facility shall be required to provide a washing and bathing area for guests • All community facilities shall be privately owned and at least 600 sq ft or 1% of the RV Park's gross acreage, whichever is greater
Buffers	<ul style="list-style-type: none"> • Landscaping and buffer yards required per Arti Article 9.3: Buffer & Landscaping Standards

CAMPGROUND/RV PARK UTILITY STANDARDS	
Utilities	<ul style="list-style-type: none"> • Electric and water connections are permitted at individual sites • Connections to municipal sewage and water systems are required to provide a dump station for guests • Sewer connections to individual campsites/RV sites is prohibited
CAMPGROUND/RV PARK OPERATIONAL STANDARDS	
Duration of Stay	<ul style="list-style-type: none"> • Occupants shall not exceed 180 overnight stays within 12 consecutive months • All structures, recreational vehicles, trailers, camping units, tents, and belongings shall be removed from the parcel when the campsite is not occupied
CAMPGROUND/RV PARK STRUCTURE STANDARDS	
Permitted Structures	<ul style="list-style-type: none"> • Temporary, non-permanent lodging structures, such as tents, recreational vehicles (RV's), camping trailers, and similar • Permanent shared facilities normally associated with a campground, such as a bathhouse or emergency shelter • Permanent structures for maintenance and storage facilities used in the campsite operations
Prohibited Structures	<ul style="list-style-type: none"> • Permanent or semi-permanent structures used or intended for dwellings or overnight accommodations, such as cabins, lean-to's, etc. • Any permanent structure that is located on an individual campsite

- C. **Existing Recreational Vehicle Parks.** Any recreational vehicle park presently holding a valid construction or operating permit on the effective date of this Ordinance which does not fully meet the design and construction requirements of this Ordinance may continue to operate so long as the facilities in the park are capable of being maintained in a safe and sanitary manner and no public health nuisance is allowed to exist.



Example of Campground/RV Parks

8.4 MANUFACTURED/CERTIFIED MOBILE HOME INSTALLATION REQUIREMENTS

- A. **General Standards.** The following standards in Table 8.3 are required for all manufactured/certified mobile home installations, regardless if it is located within a mobile home park:

TABLE 8.3: MANUFACTURED/CERTIFIED MOBILE HOMES	
MANUFACTURED/CERTIFIED MOBILE HOME INSTALLATION STANDARDS	
Permanent Perimeter Enclosure	<ul style="list-style-type: none"> Set onto an excavated area, with foundations, footings, and crawl space or basement walls constructed in accordance with the terms of the One- and Two-Family Dwelling Code.
Foundation Siding/Skirting	<ul style="list-style-type: none"> Manufactured or certified mobile homes without a permanent perimeter enclosure shall have an approved foundation siding/skirting enclosing the entire perimeter of the home Siding shall be ventilated by openings, which shall have a net area of not less than 1.5 square feet for each 25, corrosion resistant wire mesh not larger than 0.5 inches in any dimension Wheels and tongue must be removed
Additional Requirements	<ul style="list-style-type: none"> Must pass all state and local building codes by building inspector Must be considered a permanent residence Health Department approval required

8.5 COORDINATION WITH KENTUCKY REVISED STATUTES

- A. Mobile Home Parks may be permitted only in those zones where they are designated as a conditional use under the specific zoning regulations for that zone. All Mobile Home Parks shall conform with all provisions of the Kentucky Revised Statutes 219.310 through 219.410 and shall conform with all applicable provisions of this Ordinance and all attached special conditions. All Mobile Home Parks shall be subject to the following standards:
1. **Procedure.** In applying for a zoning permit for a Mobile Home Park, the applicant shall follow the procedure set forth in Article 4.3: Conditional Use Procedures of this Ordinance describing the application procedure for a conditional uses permit. The plan to be submitted to the Administrative Official shall show at least the following information:
 - a. Name and address of applicant;
 - b. Name and location of proposed Mobile Home Park;
 - c. Dimensions and locations of all lot lines, roads and easements. Each mobile home shall be numbered;
 - d. Contour lines to indicate slope and drainage;
 - e. Location of all utilities: public and private water, sewage, drainage, and electrical facilities and easements;
 - f. Public areas such as visitors' parking, recreational areas, etc., if such areas are proposed;
 - g. Large scale plans of one typical mobile-home lot showing mobile home location, automobile parking space, etc.;
 - h. Location of planting for landscaping purposes or as required for protective buffer purposes as a special condition; and
 - i. Any additional information requested by the Administrative Official.
 2. **Enforcement.** The Administrative Official shall ensure that all Mobile Home Parks maintain valid permits to operate and maintain conformance with all applicable regulations of this Ordinance and all special conditions.
 3. **Non-Conforming Uses.** Any non-conforming manufactured or mobile home damaged, whether by fire or natural causes, to an extent greater than 60% of its fair sales value immediately prior to the damage, or moved off the current site, or vacated for a period of one month or greater, shall not be reoccupied, and shall only be replaced by manufactured and certified mobile homes in conformance with this Article and Article 8: Manufactured Home Parks. Non-certified mobile homes shall not be sold for use upon the same property or re-rented unless said mobile home is brought up to the standard required for the zone in which it sits.

8.6 PERMITTED LOCATIONS

A. Permitted Locations of a Certified Mobile Home

1. Certified mobile homes, as defined in Article 2.2: Definitions, shall be allowed on a parcel if it meets one of the following:
 - a. If a certified mobile home is located on a single parcel, it must meet all of the following:
 - 1) Be zoned A1;
 - 2) A minimum of 15 acres;
 - 3) Prior approval of the sanitary waste disposal system is granted by the governing health department;
 - 4) Used as a dwelling for the farm owners, members of the farm owner's immediate family or full-time employees of the farm owner; and
 - 5) Does not exceed one certified mobile home per parcel.
 - b. If a certified mobile home is located in a certified mobile home park that meets all standards of this ordinance and Article 8.2: Mobile Home Parks.
 - c. If a certified mobile home is being used as temporary offices of construction companies on or near a construction site.
2. Two or more mobile homes per property results in the creation of a Mobile Home Park as outlined in Article 8.2: Mobile Home Parks.
3. All certified mobile homes used as dwellings are to be placed on fixed permanent foundation with the wheels or mobile parts removed, and they are to be considered as real estate in accordance with Kentucky Revised Statutes 132.750.

B. Permitted Locations of a Manufactured Home

1. Manufactured homes, as defined in Article 2.2: Definitions, shall be allowed on a parcel if it meets one of the following:
 - a. If a manufactured home is located on a single parcel, it must meet all of the following:
 - 1) Be located in a zoning district that permits single-family dwellings;
 - 2) A minimum of two acres;
 - 3) Must be a double-wide structure unless located within a subdivision for manufactured homes.
 - b. If a certified mobile home is located in a certified mobile home park that meets all standards of this ordinance and Article 8.2: Mobile Home Parks.
2. Permitted Locations of Modular Homes. Modular homes, as defined in Article 2.2: Definitions, shall be considered a single-family dwelling and regulated as such.

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ARTICLE 9:

SITE DEVELOPMENT STANDARDS

IN THIS ARTICLE:

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9.1 GENERAL

- A. **Intent.** The intent of the site development standards included in this Article is to provide for site development needs while also protecting the health, safety, and welfare of the public. No building or land shall be used, and no building shall be erected, moved, altered, or demolished, except in conformity with the regulations in this Ordinance.
- B. **Utilities.** All on-site utilities (outside the public right-of-way) shall be underground unless approved by the Planning Commission. All transformers shall be located underground or behind the rear elevation of the primary structure and adequately screened unless approved by the Planning Commission.

9.2 APPLICABILITY OF ADDITIONAL SITE DEVELOPMENT STANDARDS

- A. **Applicability.** The site development standards in this Article shall apply to all parcels and all zoning districts unless otherwise stated. The site development standards included in this article shall be met in addition to all other applicable standards within this Ordinance.
- B. **Thresholds Requiring Compliance with an Individual Site Standard**
 - 1. If a site standard that is regulated by this article is altered, expanded, added, removed, and/or changed, the site and/or development shall fully comply with all requirements for the specific site standard that was altered. If only one site standard is altered, it does not require compliance with all site standards included in this article unless one of the thresholds in subsection (C) below occur.
 - 2. Regular maintenance does not require a site to become compliant with one or more site standards. For example, if a parking lot is resurfaced but does not alter the pavement area, layout, or number of spaces, the site would not be required to comply with the parking standards. However, if a parking area is expanded or changes are made in traffic circulation, all parking areas on the parcel (existing and new) shall comply with all of the parking standards in this Ordinance.
- C. **Thresholds Requiring Compliance with All Site Standards.** A site and/or development shall comply with all site standards within this Ordinance, unless otherwise stated, if any of the following occur:
 - 1. New principal structure(s) is constructed;
 - 2. New land use(s) or change in land use(s); and/or
 - 3. Exterior structural alterations to the principal structure(s), including additions, enlargements, and relocations (note, internal remodel/renovations that do not alter the exterior of the structure are not considered exterior structure alterations).

9.3 BUFFER & LANDSCAPING STANDARDS

A. Intent

1. Buffers, or buffer zones, are intended to minimize the conflict and nuisances (such as dust, noise, glare, litter, unsightly structures/uses, and similar) between non-compatible or uncomplimentary uses by providing additional separation and/or screening between higher-intensity and lower-intensity uses.
2. Buffers and landscaping are also intended to preserve and promote the health, safety, and general welfare for the citizens of Simpsonville and to create an opportunity and promote preservation of the natural resources and provide a healthy environment. Landscaping also provides a separation between parking areas and buildings which defines pedestrian and vehicular circulation areas and lessens the visual impact and mass of continuous building facades.
3. Certain land uses by their nature are not compatible with other land uses which can create adverse visual impacts, noise, light, and air pollution, which could potentially diminish the quality of life and the health, safety and welfare of the community. This Article shall serve to mitigate these impacts and hazards and improve the visual character of the community through buffer zones. Therefore, this Article requires landscape material to be planted between uses, around buildings, within and around parking lots, around signs and along street frontages in order to:
 - a. Provide visual buffering between land uses, reduce visual impacts to adjoining properties and public rights-of-way, create a transition between dissimilar land uses, and enhance beautification of the County;
 - b. Moderate storm water runoff, and improve water quality.
 - c. Protect and attempt to enhance property values, thus safeguarding private and public investment;
 - d. Control soil erosion;
 - e. Aid in the reduction of air pollutants and interception of airborne particulate matter;
 - f. Encourage the preservation of existing trees and vegetation and replenish vegetation that is removed;
 - g. Improve the visual quality of the city by minimizing negative impacts of development such as dirt, litter, noise, dust, glare of lights, signs, parking lots, traffic, outside storage, loading docks, and buildings; and
 - h. Establish standards for the location, spacing, quantity, type, size, protection, planting, and maintenance of landscape materials in order to accomplish the objective of this Article.

- B. **Applicability.** The standards for buffers, perimeter plantings, and parking lot plantings shall apply to all zoning districts unless otherwise specified.

C. General Standards

1. The owner of the property is responsible for the proper installation and maintenance of all landscaping materials, and shall maintain all plants in a proper, neat, and orderly appearance, free from refuse and debris at all times.
2. Required plantings shall be guaranteed for the lifetime of the development. Necessary trimming and maintenance shall be performed to maintain the health of the plant materials, to provide an aesthetically pleasing appearance, and to ensure that the buffer zone serves the purpose for which it is intended. All dead plant material shall be replaced by the next planting season (seasons can differ depending on the type of plant) or within one year, whichever comes first.
3. No structures, permanent or temporary, are permitted within a buffer or required planting other than fences, walls, lighting, and landscaping as required or permitted by this Ordinance.
4. Vegetative groundcover shall fully cover all planting areas, medians, and landscape islands without plant material, such as mulch, landscape rock, or groundcover.
5. Plantings shall not obstruct driveways or public road sight distance.
6. All plantings required by this Ordinance shall comply with the installation and all other requirements of this Article.

D. Required Buffer and Perimeter Planting**1. General Standards**

- a. All required perimeter plantings shall be located within the required buffer. Plantings may be grouped or clustered to provide a more natural appearance, improve site design, accommodate vehicular and pedestrian access, avoid utility infrastructure, and/or loading and maintenance areas.
- b. If located in a residential subdivision, buffers shall be located in an access easement.
- c. Each property owner is required to install the required bufferyard and plantings on their parcel as it develops, even if the adjacent parcel has also installed a bufferyard.
- d. Required bufferyards widths are measured from the property line inward. Bufferyards may include the minimum setback outlined in Article 6: Establishment of Zones (bufferyards are not in addition to required setbacks).
- e. If the development borders a jurisdictional boundary outside that of this Ordinance, the buffer requirements used shall be based on the zoning district most comparable to that of this Ordinance at the discretion and approval of the Administrative Official.
- f. If the subject property or adjacent zoning district is a PUD, the buffer requirements used shall be based on the zoning district most comparable to that of this Ordinance at the discretion and approval of the Administrative Official or their designee.
- g. Any plantings used to comply with plantings for parking lots may also be used to fulfill perimeter plantings as long as they are located within the required buffer.

2. Minimum Requirements for Buffer and Perimeter Plantings

- a. Front Yards. Plantings and buffer shall be provided along the front yard of a parcel that abuts a public right-of-way (entire frontage / length of all public rights-of-way excluding driveways and other permitted openings) in accordance with this Article and Table 9.1: Minimum Buffer & Perimeter Required – Front Yards Only. Front yard buffers and perimeter plantings do not change based on the zoning district.
 - 1) Parcels where the minimum front yard setback of the zoning district is less than 8 feet are exempt from the front yard buffer and front yard perimeter plantings.
- b. Side and Rear Yards. Plantings and buffer shall be provided along the side and rear yards of a parcel in accordance with this Article and Table 9.2: Minimum Buffer & Perimeter Required – Side & Rear Yards Only.

**TABLE 9.1: MINIMUM BUFFER & PERIMETER REQUIRED
FRONT YARDS ONLY**

Minimum Buffer Width	<ul style="list-style-type: none"> • 8 feet
Minimum Tree Plantings	<ul style="list-style-type: none"> • 1 deciduous tree for every 50 linear feet <u>OR</u> 1 understory or evergreen tree for every 25 linear feet • At least 75% must be deciduous trees
Minimum Shrub Plantings	<ul style="list-style-type: none"> • 1 shrub per 10 linear feet • At least 75% must be evergreen

**TABLE 9.2: MINIMUM BUFFER & PERIMETER REQUIRED
SIDE & REAR YARDS ONLY**

ZONING OF SUBJECT PROPERTY	ZONING OF ADJACENT PROPERTY	MINIMUM SIDE/REAR BUFFER WIDTH	MINIMUM SIDE/REAR PERIMETER PLANTINGS ^{1,2}
A1	All Zoning Districts	N/A	N/A
RS-20	A1	5 Feet	1 tree / 60 linear feet
	All Other Zoning Districts	N/A	N/A
	Arterial Road: Rear Yard Only	Arterial Road: 10 feet ³	1 tree / 30 linear feet
RS-12	A1, RS-20	5 Feet	1 tree / 60 linear feet
	All Other	N/A	N/A
	Arterial Road: Rear Yard Only	Arterial Road: 10 feet ³	1 tree / 30 linear feet
RU-8	A1, RS-20, RS-12	5 Feet	1 tree / 60 linear feet
	All Other Zoning Districts	N/A	N/A
	Arterial Road: Rear Yard Only	Arterial Road: 10 feet ³	1 tree / 30 linear feet
RU-5	A1, RS-20, RS-12	10 Feet	1 tree / 30 linear feet
	RU-8	5 Feet	1 tree / 60 linear feet
	All Other Zoning Districts	N/A	N/A
	Arterial Road: Rear Yard Only	Arterial Road: 10 feet ³	1 tree / 30 linear feet
RMF	A1, RS-20, RS-12, RU-8	10 Feet	1 tree / 30 linear feet
	RU-5	5 Feet	1 tree / 60 linear feet
	All Other Zoning Districts	N/A	N/A
	Arterial Road: Rear Yard Only	Arterial Road: 10 feet ³	1 tree / 30 linear feet
VC	A1, RS-20, RS-12, RU-8	15 Feet	1 tree / 20 linear feet
	RU-5, RMF	5 Feet	1 tree / 60 linear feet
	All Other Zoning Districts	N/A	N/A
	Arterial Road: Rear Yard Only	Arterial Road: 10 feet ³	1 tree / 10 linear feet
CN	A1, RS-20, RS-12, RU-8	20 Feet	1 tree / 15 linear feet
	RU-5, RMF	15 Feet	1 tree / 20 linear feet
	VC	5 Feet	1 tree / 60 linear feet
	All Other Zoning Districts	N/A	N/A
CG	Arterial Road: Rear Yard Only	Arterial Road: 10 feet ³	1 tree / 10 linear feet
	A1, RS-20, RS-12, RU-8	20 Feet	1 tree / 15 linear feet
	RU-5, RMF	15 Feet	1 tree / 20 linear feet
	VC, CN	5 Feet	1 tree / 60 linear feet
	All Other Zoning Districts	N/A	N/A
	Arterial Road: Rear Yard Only	Arterial Road: 10 feet ³	1 tree / 10 linear feet

ARTICLE 9: SITE DEVELOPMENT STANDARDS

CH	A1, RS-20, RS-12, RU-8	25 Feet	1 tree / 12 linear feet
	RU-5, RMF	20 Feet	1 tree / 15 linear feet
	VC, CN	10 Feet	1 tree / 30 linear feet
	All Other Zoning Districts	N/A	N/A
	Arterial Road: Rear Yard Only	Arterial Road: 10 feet ³	1 tree / 10 linear feet
IG	A1, RS-20, RS-12, RU-8	30 Feet	1 tree / 10 linear feet
	RU-5, RMF	25 Feet	1 tree / 12 linear feet
	VC, CN	10 Feet	1 tree / 30 linear feet
	CG, CH	5 Feet	1 tree / 60 linear feet
	All Other Zoning Districts	N/A	N/A
	Arterial Road: Rear Yard Only	Arterial Road: 10 feet ³	1 tree / 30 linear feet

1 – Required trees must be deciduous or evergreen trees, and a maximum of 30% of the required trees may be deciduous. For developments that front along Buck Creek Road, a maximum of 50% of the required trees may be deciduous.

2 – Up to 20% of the required trees may be substituted at the following ratios: 8 shrubs may be substituted for 1 required tree; 2 understory trees may be substituted for 1 required tree.

3 – Arterial roads shall include all federal and state designated highways.

E. Required Parking Lot/Loading Screening and Landscape Island Planting

1. General Standards

- a. A 15% reduction in the required minimum number of parking lot plantings shall be granted if the installed trees and shrubs are identified as Native Trees of Kentucky by the University of Kentucky Department of Horticulture.
- b. There shall be a minimum curb radius of three feet required on the corners of all landscape islands and medians to allow for free movement of motor vehicles around planting materials.
- c. All islands and medians shall have a 6-inch-high vertical concrete curb on all sides where vehicles may travel to protect parked vehicles, provide visibility, confine moving traffic to aisles and driveways, provide space for landscaping, and to direct storm drainage. Striping of parking islands is not permitted.
- d. All required parking lot plantings shall be located in the planting area or landscape island.
- e. Where a planting area adjoins a grassed right-of-way, the grassed area within the right-of-way shall be considered part of the landscaped area for purposes of maintenance (but cannot contain plantings unless allowed by this Ordinance). As of completion of site improvements, the property owner shall have an implied easement on rights-of-way extending from the site to the road pavement in order to complete the required maintenance.

2. Minimum Requirements for Parking Lot Plantings (Screening and Landscape Islands)

- a. **Parking Lot Screening.** Perimeter plantings and a continuous planting area (exclusive of driveways and other permitted openings) shall be provided adjacent to the outermost edge of all parking areas in accordance with this Article and Table 9.3: Parking Lot Screening Requirements.
- b. **Landscape Island Plantings.** Internal plantings and landscape islands shall be provided within all parking areas in accordance with this Article and Table 9.4: Parking Lot Landscape Island Requirements.
 - 1) Parcels with 15 or less parking spaces are only exempt from providing internal plantings for landscape islands.
 - 2) Areas used principally for storage of vehicles or display areas do not require interior islands if such areas are screened from adjacent properties and public streets.

TABLE 9.3: PARKING LOT/LOADING SCREENING REQUIREMENTS

REQUIRED PARKING LOT SCREENING (EXCLUDING VC)		
Required Screening Location		<ul style="list-style-type: none"> Required between any parking area and property line where there is not a building between the parking and property line Minimum of 8 feet¹ in width, measured from the back of curb of the parking lot. The width may be reduced to 5 feet if a masonry or stone wall (3 to 6 feet in height) is installed within or adjacent to the planting area.
Permitted Materials (Choose 1 or combination)	Continuous Hedge	<ul style="list-style-type: none"> Continuous hedge, excluding permitted openings Must reach 3 to 6 feet within 4 years of installation 75% must be evergreen 1 deciduous tree every 50 linear feet and 1 understory tree every 25 linear feet
	Masonry or Stone Wall with Shrubs	<ul style="list-style-type: none"> Continuous wall, excluding permitted openings Wall must be 4 feet in height 1 shrub every 30 linear feet, 1 deciduous tree every 50 linear feet, and 1 understory tree every 25 linear feet installed between wall and property line
	Berm	<ul style="list-style-type: none"> Minimum 5 feet in height at peak Maximum 3:1 slope 1 deciduous tree every 50 linear feet and 1 understory tree every 25 linear feet
REQUIRED PARKING LOT SCREENING PLANTINGS FOR THE VC DISTRICT ONLY		
Required Screening Location		<ul style="list-style-type: none"> Required between any parking area and property line where there is not a building between the parking and property line Parking areas within a side yard shall have a street wall along the lot frontage Street wall setback shall be within 8 inches from the adjacent building façade or build-to line if not adjacent to a building
Permitted Materials		<ul style="list-style-type: none"> Native stone (carved with local and traditional techniques) or equivalent imitation stone Wrought iron, welded steel and/or aluminum (black or copper patina) Brick Stucco on concrete block (or poured) only with brick or stone coping Anodized aluminum or steel for any rail or fence Chain link fence is prohibited
Wall Height ²		<ul style="list-style-type: none"> Minimum: 4 feet Maximum: 6 feet
Permitted Gates		<ul style="list-style-type: none"> Vehicle entry gate at a driveway entrance (opaque, maximum 18 feet wide) Pedestrian entry gate at a sidewalk entrance (maximum 6 feet wide)

LOADING AND UNLOADING AREAS	
Required Screening Location	<ul style="list-style-type: none"> • Required between any loading area and property line where there is not a building between the parking and property line, and may not be placed within the right-of-way • Minimum of 8 feet¹ in width, measured from the back of curb of the parking lot. The width may be reduced to 5 feet if a masonry or stone wall (3 to 6 feet in height) is installed within or adjacent to the planting area.
Permitted Materials	<ul style="list-style-type: none"> • Masonry wall, opaque fencing, and/or a 6-foot non-solid fence with vegetation along all property lines, excluding driveways and access points • If plantings are used as a screen, they shall be at least 2 feet in height when installed and provide effective screening within 3 years of installation • All screening materials shall be durable and complement the principal structure

1 – When a property line is shared by a similar use this requirement may be reduced by 50% at the discretion of the Administrative Official.

2 – Street wall heights are measured relative to the adjacent sidewalk or to the ground elevation when not fronting a sidewalk.

TABLE 9.4: PARKING LOT LANDSCAPE ISLAND REQUIREMENTS

REQUIRED LANDSCAPE ISLAND LOCATIONS	
<ul style="list-style-type: none"> • Located at the end of every parking row and at least every 16 spaces (no more than 16 contiguous spaces in a row) • Minimum of 8 feet by 17.5 feet, measured from the back of curb to back of curb 	
REQUIRED LANDSCAPE ISLAND PLANTINGS	
Shade / Canopy Tree	• 1 per landscape island but at least 75% must be shade / canopy trees
Ornamental / Understory Tree	

F. **Planting Installation Requirements.** At the time of installation, the minimum plant sizes shall meet the following standards unless otherwise specified within this Article:

1. Deciduous Trees: 2" caliper (DBH) and 8' height
2. Understory Tree: 6' height
3. Evergreen Trees: 5' height
4. Shrubs: 2' height

G. **Landscaping Material Requirements**

1. All plantings must be suitable for Shelby County's soils, climatic conditions, and the plant's solar exposure.
2. All trees, shrubs, and other planting materials shall be living plants (not artificial), comply with all regulations of this Ordinance, and be suitable (hardy) to the central Kentucky zone (USDA Zone 6A) with minimal winter damage and specific conditions of the site in question.
3. Existing, healthy plant material that meets the standards of this Article may be used to comply with the landscape requirements if approved by the Administrative Official.
4. One individual species cannot exceed 50% of the required plantings.
5. Plant material included in Table 9.5: Prohibited Tree List, Table 9.6: Prohibited Shrub List, or the current list of invasive species compiled by the Kentucky Department of Fish & Wildlife Resources cannot be used to satisfy any requirements of this Article.

TABLE 9.5: PROHIBITED TREES

GENUS	SPECIFIC EPITHET	COMMON NAME
Acer	campestre	Hedge Maple/Field Maple
Acer	ginnala	Amur Maple
Acer	platanoides	Norway Maple
Ailanthus	altissima	Tree of Heaven
Albizia	julibrissin	Mimosa
Alnus	glutinosa	Black Alder
Fraxinus	species	Ash
Morus	alba	White Mulberry
Paulownia	tomentosa	Princess Tree
Phellodendron	amurense	Amur Cork Tree
Pinus	negra	Austrian Pine
Pyrus	calleryana	Callery Pear
Quercus	acutissima	Sawtooth Oak
Robinia	pseudocacia	Black Locust
Triadica	sebifera	Chinese Tallow Tree
Ulmus	pumila	Siberian Elm

TABLE 9.6: PROHIBITED SHRUBS

GENUS	SPECIFIC EPITHET	COMMON NAME
Berberis	vulgaris	Common Barberry
Berberis	thunbergii	Japanese Barberry
Celastrus	orbiculatus	Asian Bittersweet
Elaeagnus	angustifolia	Russian Olive
Elaeagnus	umbellata	Autumn Olive
Euonymus	alatus	Burning Bush
Euonymus	fortunei	Wintercreeper
Fallopia	x bohemica	Bohemian Knotweed
Fallopia	sachalinensis	Giant Knotweed
Frangula	alnus	Glossy Buckthorn
Hypericum	perforatum	St. John's Wort
Ligustrum	amurense	Amur privet
Ligustrum	obtusifolium	Blunt Leaved Privet
Ligustrum	ovalifolium	California Privet
Ligustrum	sinense	Chinese Privet
Ligustrum	vulgare	Common Privet
Lonicera	japonica	Japanese Honeysuckle
Lonicera	maackii	Amur Honeysuckle
Lonicera	morrowii	Morrow's Honeysuckle
Lonicera	tartarica	Tartarian Honeysuckle
Lonicera	x bella	Bell's Honeysuckle
Phyllostachys	aurea	Bamboo
Polygonum	cuspidatum	Japanese Knotweed
Pueraria	lobata	Kudzu Vine
Rhamnus	cathartica	Common Buckthorn
Rhamnus	frangula	Tall Buckthorn
Rosa	multiflora	Multiflora Rose
Rubus	phoenicolasius	Wine Raspberry
Spiraea	japonica	Japanese Meadowsweet
Viburnum	opulus	European Cranberry

H. Landscape Plan Approval Required

1. **Landscape Plan Applicability.** A Landscape Plan shall be required with the following applications:
 - a. A development plan (if required by this Ordinance);
 - b. A subdivision plat; and/or
 - c. A planned unit development.
2. **Landscape Plan General Standards**
 - a. The Landscape Plan shall be prepared and sealed by a Registered Landscape Architect, a Licensed Professional Engineer or a Licensed Professional Architect (KRS 323A.030) in the Commonwealth of Kentucky.
 - b. The Planning Commission may require review of the proposed Landscape Plan by the U.S. Soil Conservation Service, the applicable County Agricultural Extension Service, or a consulting landscape architect.
3. **Landscape Plan Requirements.** A landscape plan shall include the following:
 - a. Name, address, and phone number of owner of record and applicant.
 - b. Boundary lines of the property labeled with lengths and bearing, streets adjoining the property, total area of the property, north point, graphic scale, and date of preparation.
 - c. Adjacent land uses and zoning classifications.
 - d. Location of proposed buildings, structures and paved areas.
 - e. Location of all existing and proposed storm, sanitary, and utility lines.
 - f. Location of all existing and proposed contours (2 foot minimum).
 - g. A landscape schedule that specifies plant species, number of plants per species, plant size at installation, and mature plant size. A scale sufficient to clearly show all details shall be used.
 - h. Site calculations that include:
 - 1) Total site area;
 - 2) Number of shade/canopy trees, understory/flowering trees and large shrubs required and number provided in plan;
 - 3) Number of evergreen and deciduous shrubs and number provided in plan (denote evergreens in planting schedule);
 - 4) Total linear footage of perimeter planting requirements for parking areas required to be landscaped;
 - 5) Total number of internal landscape islands;
 - 6) Total linear footage of landscape planting strips along the entire frontage of the public right-of-way (do not include driveway widths);
 - 7) Total square footage and width of buffer zones required; and
 - 8) A list of existing trees on site prior to development with size, location and type; and a list of existing trees to be preserved and protected.
 - i. Include temporary tree protection fencing or taped areas around existing trees to be preserved and protected which will be used to protect the trees during site disturbance.
 - j. The following note shall be indicated in bold letters on the Landscape Plan:
 - 1) "Where landscaping areas adjoin grassed rights-of-way, such areas shall be considered part of the landscaped area for purposes of maintenance. As of completion of site improvements, the property owner shall have an implied easement on rights-of-way extending from the site to the road pavement in order to complete the required maintenance."

- k. The following “Owner’s Certification” shall be provided on the Landscape Plan:
 - 1) *I (We) certify that I (we) are the owners of the property shown hereon and that we hereby adopt this landscape plan as the official plan to be completed in its entirety prior to receiving a Certificate of Occupancy from the State or Local building official or a security bond, certified check, cash or certificate of deposit will be provided to the Triple S Planning Commission to provide surety that the improvements listed on the landscape plan will be completed within six (6) months after the date of posting said surety. I (we) also ensure and understand that any material installed will be maintained in a proper, neat and orderly appearance, free from refuse and debris at all times and will replace any dead plant material by the next planting season or within one (1) year, whichever comes first. I (We) also understand that if work is required within the utility easements causing removal or damage of landscape materials (including any fences, walls or earthen mounds), I (we) shall be responsible for replacement of materials according to the approved landscape plan.*
- l. The following “Certificate of Conformance” shall be provided on the Landscape Plan:
 - 1) *I hereby certify that this Landscape Plan has been prepared in conformance with Article 9 of the Simpsonville Zoning Regulations and that the plant materials and spacing of said plant materials are suitable (hardiness) to the central Kentucky zone (USDA Zone 6A).*
- I. Permits and Surety Required**
 - 1. Where landscaping is required, no zoning permit shall be issued until the required Landscape bond or certified check has been submitted to the Planning Commission.
 - 2. Where a buffer zone is required for a subdivision plat, a landscape bond is required prior to the approval of the Final Plat.
 - 3. The amount of the bond shall be 125% of the cost of proper installation of the required landscape material, with the cost certified by a landscape contractor.
 - 4. All landscaping shall be completed within 180 days of the issuance of a Certificate of Occupancy.
 - 5. Inspections will be conducted by the Administrative Official before and after construction to assure compliance with the submitted and approved Landscape Plan in accordance with Article 9.3: Buffer & Landscaping Standards.

9.4 DRIVEWAY AND ACCESS STANDARDS

- A. **Driveway and Access Intent.** The purpose of these standards is to ensure adequate pedestrian and vehicular access and to reduce the possibility of pedestrian and vehicular conflicts.
- B. **Driveway and Access Applicability.** These standards shall apply to all zoning districts unless otherwise specified.
- C. **Permits Required for Driveways**
 - 1. All new, expanded, or modified driveways or access points onto KYTC maintained roads must obtain a permit, as required, from KYTC prior to obtaining any local permits.
 - 2. All new, expanded, or modified driveways onto local roads must obtain a permit from the City of Simpsonville prior to construction.
- D. **Driveway Location and Separation.** Excluding platted subdivisions, driveways must be adequately separated from roadway intersections and other driveways to prevent traffic or safety hazards. The minimum separation between an intersection and any new driveway shall comply with Table 9.7: Minimum Driveway Separation.

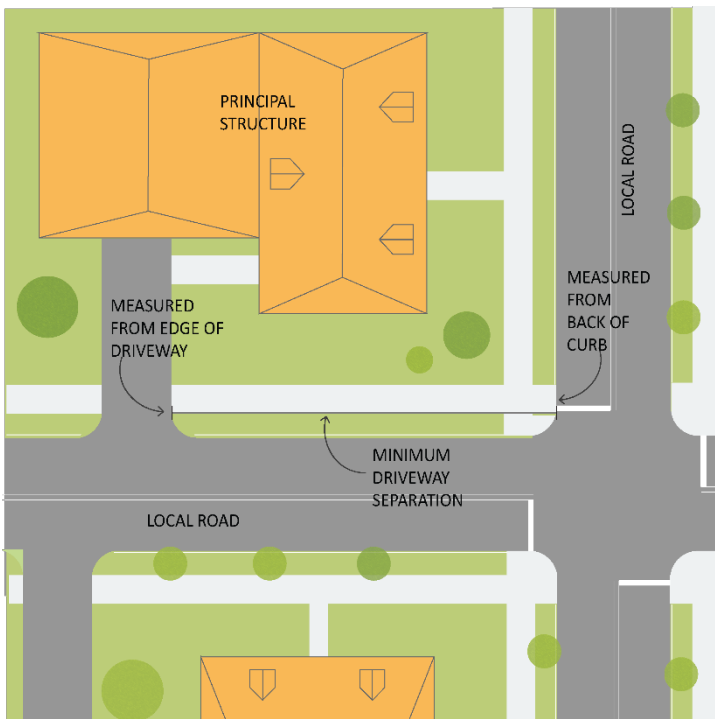
TABLE 9.7: MINIMUM DRIVEWAY SEPARATION

Between a Driveway and Other Road in a Platted Subdivision	30 feet ^{2,3}
Between a Driveway and Other Driveway	80 feet ^{2,3}
Between a Driveway and Local Road ¹	80 feet ^{2,3}
Between a Driveway and Collector ¹	150 feet ^{2,3}
Between a Driveway and Arterial ¹	200 feet ^{2,3}

1 - Roadway classification shall be in accordance with the KYTC Road Classification Map. Does not include roads within a platted subdivision.

2 - Measured from the intersection of the back of curb extended at the intersection.

3 - If a driveway cannot meet the separation requirements from an intersection because of the parcel width, one driveway is permitted at the furthest feasible point from the intersection.



Example of Driveway Separation

E. Driveways/Access Points

1. Every lot shall have the required minimum lot frontage along a publicly dedicated right-of-way as outlined in Article 6: Establishment of Zones, unless otherwise specifically permitted in this Ordinance.
2. The number of access points to a parcel shall comply with Table 9.8: Maximum Access Points.
3. Driveways within the VC district shall not be from Shelbyville Road unless no other options are available.
4. For corner lots, access should only be permitted from either the road with the lower estimated Annual Average Daily Trips (AADT).

TABLE 9.8: MAXIMUM ACCESS POINTS

ROAD FRONTAGE	MAXIMUM ACCESS POINTS
Less than 100 feet	1 access point
100 feet to 400 feet	2 access points
401+ feet	1 access point per 400 feet of frontage

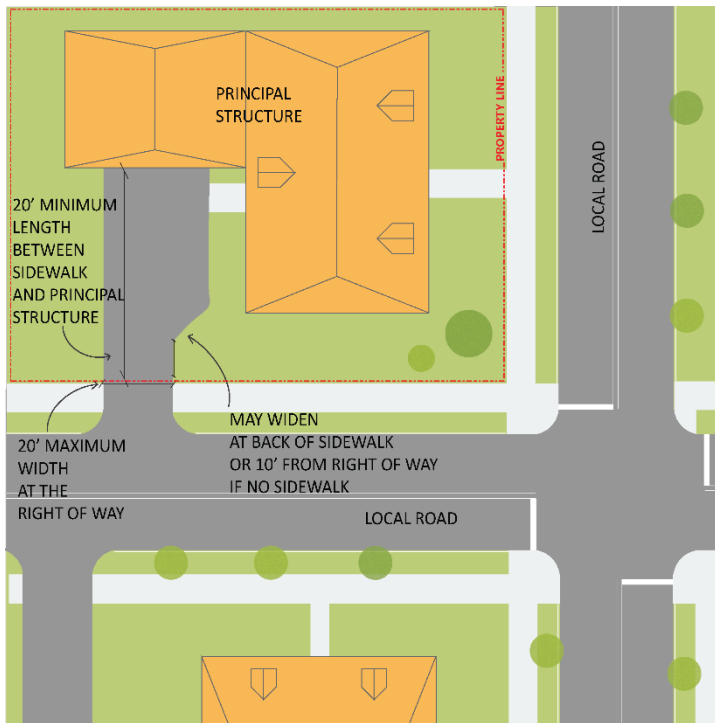
F. Development Standards for Driveways

1. All driveways shall comply with Table 9.9: Driveway Design Requirements.
2. All driveways shall be graded and surfaced with an all-weather paving material, such as asphalt, concrete, or other material that will provide equivalent protection against potholes, erosion, and dust.
3. All shared driveways shall have a written maintenance agreement with the parcels that access the private, shared driveway that is approved by the Administrative Official and recorded with the Shelby County Clerk's office. Maintenance agreements are not enforced by the Planning Commission or City.
4. Driveways cannot gain access directly from any arterial or collector roadway unless no other means of access is available.
5. Access points shall be limited and consolidated when possible.

TABLE 9.9: DRIVEWAY DESIGN REQUIREMENTS

SINGLE-FAMILY AND TWO-FAMILY USES	
Maximum Width	<ul style="list-style-type: none"> • 20 feet at the right-of-way • May widen after passing the back edge of the sidewalk or 10 feet from the right-of-way if there is not a sidewalk
Minimum Length	<ul style="list-style-type: none"> • 20 feet in length between the principal structure and the nearest edge of sidewalk or edge of roadway if a sidewalk does not exist
Shared Driveways	<ul style="list-style-type: none"> • Shared residential driveways serving less than 5 residential parcels shall have a 20-foot minimum easement that is approved by the Administrative Official and recorded with the Shelby County Clerk's office • Driveways that serve 5 or more residential parcels shall be considered public roads¹
ALL OTHER USES	
Maximum Width ²	<ul style="list-style-type: none"> • Maximum of 12 feet per lane at the right-of-way unless greater width is shown through a traffic study by a Professional Engineer • Driveways cannot exceed 40% of the total lot width

¹ – Legally platted alleys are exempt and condos are exempt from this standard



Example of Driveway Measurements

G. General Access and Connection Standards

1. Public and private roads shall align with and connect to existing or planned roads and provide for connections with adjacent property. Proposed roads must extend to the boundary line of the parcel to be developed to provide for normal circulation of traffic within the vicinity, unless approved by the Planning Commission.
2. Development must provide a vehicular connection between adjacent lots or parcels, or stub connections if adjacent sites are not developed, to encourage and facilitate circulation without directly accessing public streets. This does not apply to individual residential lots.
3. Developments that adjoin vacant sites shall be designed to accommodate future connections with access easements if necessary. Easements and agreements must be identified on the submitted development plans and recorded prior to the issuance of a Zoning Permit.

H. Dedication of Right-of-Way and Improvements within the Right-of-Way

1. If a parcel that adjoins or includes an existing public road does not conform to the minimum right-of-way dimensions as established by the Shelby County Subdivision Regulations, the property owner shall dedicate additional right-of-way width, regardless if the parcel is subdivided or not, as required to meet this Ordinance and/or the Comprehensive Plan at the time of the development plan process or the Final Plat process, whichever is appropriate.
2. The applicant may be required to provide deceleration lanes, acceleration lanes, passing blisters, or other improvements to the public road system to mitigate impacts from their development when a development connects to an existing public road.

9.5 LIGHTING STANDARDS

A. Lighting Intent

1. The purpose and intent of these standards are to establish outdoor lighting standards that, promote safety and security, reduce the impacts of glare, encourage energy conservation, and to protect the public's ability to view the night sky.
2. These lighting standards are designed to ensure personal safety and prevent motor vehicle and pedestrian conflicts by reducing the negative effects of glare, light pollution, and light trespass.

B. Lighting Applicability

1. The lighting standards shall apply to all zoning districts unless otherwise specified.
2. The following types of lighting are exempt from the standards in this Article:
 - a. Lighting required by the FAA for air traffic control and warning purposes.
 - b. Lighting in the public right-of-way installed or approved by the appropriate jurisdiction.
 - c. Lighting required temporarily for emergency purposes or repairs in the right-of-way, which must comply with applicable Federal, State and Local regulations.
 - d. Holiday lighting fixtures.
 - e. Agricultural Use lighting, except as prohibited herein.
 - f. Lighting installed by a governmental entity for the benefit of public health, safety, and welfare.

C. Prohibited Lighting. The following types of lighting are prohibited in all zoning districts:

1. Blinking, flashing or changing intensity lights including those proposed for signage.
2. Lighting that could be confused with a traffic control device.
3. Lighting of a type, style or intensity determined to interfere with the safe flow of traffic.
4. Strobe lights, searchlights, beacons and laser light, or similar upward or outward oriented lighting.
5. Flashing, traveling, animated, fluorescent (except compact fluorescent bulbs that screw into standard sockets), exposed neon, exposed LED, or similar exposed lighting.
6. Lighting creating a public hazard, including lighting that creates disability glare particularly where such disability glare has a detrimental effect on motor vehicle traffic.
7. Lights mounted on poles for the purpose of illuminating the building façade.
8. High-intensity floodlighting except as approved for sports facility lighting.
9. Wall pack light fixtures that are not classified as full cutoff light fixtures.

D. Lighting Plan Approval Required. A lighting plan shall be required if a development plan is required by this Ordinance.

E. General Lighting Requirements

1. Outdoor lighting shall comply with all standards of this Article and Table 9.10: Lighting Requirements.
2. The Planning Commission may request the applicant and/or owner to conduct studies by a professional engineer licensed to practice in Kentucky using accepted engineering methods to determine findings of fact as to objectionable lighting emanating from any existing or potential land use.

TABLE 9.10: LIGHTING REQUIREMENTS

LIGHTING STANDARD		REQUIREMENTS
Permitted Fixture Type		<ul style="list-style-type: none"> • Full Cutoff (as defined by IESNA) and directed downward unless otherwise permitted by this Ordinance • Cannot be tilted or aimed that allows light above the bottom of the fixture
Permitted Lighting Pole Style		<ul style="list-style-type: none"> • Round pole required unless an alternative is approved by the Administrative Official • Bollards may be used to light pedestrian areas • Within the VC district, pole must be green, tapered style
Max. Light Intensity	At Property Line	<ul style="list-style-type: none"> • 0.2 foot-candles within or abutting residential zones or uses • 0.5 foot-candles within or abutting commercial or industrial zones or uses • 1.0 foot-candles at any public street or public way
	Other	<ul style="list-style-type: none"> • Canopies, Drive-thrus, and Outdoor Displays: 24 foot-candles for, measured horizontally at grade • Any Building Facade, 20 foot-candles, measured on the façade • Digital and Electronic Signs: 5,000 nits during daytime and 500 nits between dusk and dawn, measured at the sign face at its maximum brightness
Maximum Pole & Foundation Height		<ul style="list-style-type: none"> • 20-foot Maximum pole height in the VC district, measured from grade • 25-foot Maximum pole height in all other districts, measured from grade • Pole foundation/base shall not exceed 30 inches from grade
Architectural and Landscape Fixtures		<ul style="list-style-type: none"> • Architectural and landscape lighting shall use full cutoff or directionally shielded lighting to substantially confine light to intended object(s) • Cannot be pole-mounted
Sign Lighting		<ul style="list-style-type: none"> • All sign lighting shall comply with Article 9.10: Sign Standards
Time Restrictions		<ul style="list-style-type: none"> • Temporary construction lighting shall cease by 10:00 PM except in emergency situations • Outdoor recreation or sport facility lighting shall cease by within 1 hour of the event ending, except for security lighting • Non-residential parking lot lighting shall be reduced by 50% within 1 hour of closing, except for security lighting

9.6 OUTDOOR STORAGE STANDARDS

- A. **Outdoor Storage Intent.** These storage standards are intended to reduce visual obstruction and nuisance to nearby property owners as well as preventing unsafe conditions to ensure the health, safety, and welfare of residents.
- B. **Outdoor Storage Applicability.** The outdoor storage standards, where permitted, shall apply to all zoning districts unless otherwise specified.
- C. **Outdoor Storage Standards.** Outdoor storage, as defined in Article 2.2: Definitions, is not permitted unless specifically permitted in Article 6.17: Land Use Table.
- D. **Stored Vehicle Standards**
 - 1. **Location.** Stored vehicles, where permitted, may be stored in the side or rear yard behind the front façade of the principal structure, provided they are fully screened in accordance with Article 9.8: Screening Standards for Dumpsters and Mechanical Equipment. Stored vehicles shall not block or impede an access easement.
 - 2. **Stored Recreational Vehicle (RV).** See Article 2.2: Definitions for vehicles defined as a recreational vehicle. A recreational vehicle may only be occupied according to Article 8.3: Campground/Recreational Vehicle Parks. No RV shall be connected to any utilities (electric, water, sewage, etc.) or occupied at any time while stored except for the purpose of loading, unloading, or cleaning.
 - a. **Residential RV Storage.** All recreational vehicles shall be stored in the rear yard, meet the side and rear setback standards for the principal structure, except for temporary parking of the vehicle on a driveway for the purpose of loading, unloading, or cleaning that does not exceed 72 hours.
 - b. **RV Storage in Other Districts.** Recreational vehicles shall not be stored in any other districts unless allowed as a Permitted Use or Conditional Use per Article 6: Establishment of Zones.
- E. **Temporary Storage Container Standards** (such as storage PODS, shipping containers, etc.)
 - 1. **General**
 - a. A permit is not required.
 - b. If a temporary storage container exceeds the timelines set forth in this Article, it shall be considered a permanent structure and be affixed to a permanent foundation and meet all building code requirements.
 - 2. **RS-20, RS-12, RU-8, RU-5, and VC Zone Districts.** A maximum of one temporary storage container per parcel is permitted if the following conditions are met.
 - a. On-site for a maximum of 14 consecutive days.
 - b. Located on the driveway or to the rear or side of the principal structure. They may not be placed on a public road or within a public right-of-way.
 - c. Cannot exceed 120 square feet.
 - 3. **All Other Zone Districts.** A maximum of two temporary storage containers per parcel will be permitted if the following conditions are met.
 - a. On-site for no more than four consecutive months in a calendar year or the duration of construction, whichever is greater.
 - b. May be located in a parking lot or area as long as the minimum required number of parking spaces that comply with this Ordinance are provided.
 - c. Each container does not exceed 320 square feet.
 - d. The Administrative Official or their designee may permit two additional temporary storage containers on the site for a duration not to exceed four months in a calendar year or the duration of construction, whichever is greater.

9.7 PARKING AND LOADING STANDARDS

A. **Parking Intent**

1. The purpose of this Article is to relieve traffic congestion in the streets, to minimize any detrimental effects of off-street parking areas on adjacent properties, and to ensure the proper and uniform development of parking areas throughout Simpsonville. Parking and loading spaces for every use shall be provided in accordance with the requirements established in this Article.
2. For any parking lot, garage, vehicle storage area operated on a commercial basis, reconfiguration of an existing parking lot or any other off-street parking area required in this Article (but excluding off-street parking for detached dwellings), a plan shall be submitted to the Planning Commission to review for compliance with this Ordinance and any other applicable ordinances. Any such parking plan shall meet the minimum submittal requirements as provided below in Article 9.7: Parking and Loading Standards.

B. **Parking Applicability.** The parking standards shall apply to all zoning districts unless otherwise specified.

C. **Parking Thresholds for Requiring Compliance**

1. No Compliance Required. Any building or structure may be modernized, altered, repaired, or substantially rebuilt for any reason, provided there is no increase in floor area or capacity and there is no change of use without providing additional off-street parking facilities.
2. Partial Compliance Required. If an existing use is expanded or an existing structure is expanded, increased, or intensified, only the additional required parking must comply with this Article.
3. Complete Compliance Required. All parking standards within this Article shall be met if the current use on a parcel is changed or if a new principal building is constructed.

D. **Parking Plan Approval Required.** A Parking Plan shall be required with the following occurrences:

1. A development plan (if required by this Ordinance); and
2. A parking threshold for partial or complete compliance is met.

E. **General Parking Standards**

1. All parking shall comply with all standards of this Article. For uses not specifically mentioned in Table 9.13: Minimum Parking Requirements of this Article, the requirements for off-street parking and loading facilities shall be determined by the Planning Commission.
2. Parking shall comply with all landscaping, buffer, and screening requirements for parking areas as provided in Article 9.3: Buffer & Landscaping Standards.
3. Area reserved for off street parking or loading in accordance with the provisions of this Article shall not be reduced in area or changed to any other use unless the permitted use which it serves is discontinued or modified, except where equivalent off-street parking or loading space is provided.
4. All parking spaces and areas shall be located, designed, and constructed to prevent vehicles from maneuvering in the public right-of-way or backing into a public street, access way, or alley.
5. All parking spaces shall be accessible by a driveway that complies with this Article.
6. Overflow parking, that is in excess of the minimum number of required spaces, may consist of a non-paved surface if approved by the Planning Commission. Crushed stone and gravel are not permitted as non-paved surfaces.

F. Restrictions on Use of Parking and Loading Areas

1. Dedicated parking spaces shall be used for the parking of motor vehicles only unless otherwise specified in this Ordinance. The storage of merchandise or materials, or the repair of motor vehicles, or any kind of equipment, except for the temporary storage of construction material and equipment while work is taking place on the structure where the off-street parking is located, is prohibited in all off-street parking and loading spaces, including required and non-required spaces.
2. Vehicles used primarily for commercial purposes with more than two axles are prohibited from parking in residential districts. This shall not be construed as to prevent the temporary parking of delivery trucks, moving vans, and similar vehicles which deliver goods and services while in the process of delivering said goods and services.

G. Required Paving and Curbing for Parking and Loading Areas. All parking and loading spaces and areas (including driveways, aisles, vehicle storage, outdoor storage, and vehicle circulation areas) shall:

1. Be improved with either asphalt, concrete, or Portland cement concrete to provide a durable and dust-free surface.
2. Be improved with a six-inch-high Portland cement concrete curb with minimum curb radii of three feet to prevent parked vehicles from extending beyond property lines and from hanging over any sidewalk or other pedestrian path and to protect parked vehicles, provide visibility, confine moving traffic to aisles and driveways, and provide space for landscaping. Striping of parking islands is not permitted except for the loading and unloading zone for handicap spaces.

H. Permitted Location of Off-Street Parking

1. Required off-street parking spaces for any use shall be located no more than 400 feet from the use they are intended to serve. This standard does not apply to auditoriums, stadiums, assembly halls, gymnasiums, and other places of assembly; industrial uses; and hospitals.
2. Off-street parking cannot be located within any required planting area, buffer area, or similar area; within a required front, side, or rear yard setback; within a sight triangle; or within any public right-of-way unless otherwise allowed within this Article.
3. Accessible handicap parking spaces shall be located at the shortest accessible route of travel to the principal handicapped accessible entrance(s). In a multi-building development or shopping center, the spaces should be dispersed to ensure easy access and minimize the travel distance for those that utilize accessible parking. Where buildings have multiple accessible entrances with adjacent parking, the accessible handicap parking spaces must be dispersed and located closest to the accessible entrances for that building.
4. Accessible handicap parking spaces might be clustered in one or more lots if equivalent or greater accessibility is provided in terms of distance from the accessible entrance and convenience. Van-accessible handicap parking spaces may be clustered in one area to accommodate the 98 inches minimum vertical height requirement.
5. An accessible route must always be provided from all accessible handicap parking spaces to the accessible entrance(s). An accessible route shall comply with all state and federal regulations, and it shall not have any curbs or stairs, must be at least three feet wide, and have a firm, stable, slip-resistant surface. The slope along the accessible route shall not be greater than one to 12 in (1:12) the direction of travel.

TABLE 9.11: PERMITTED PARKING LOCATIONS

ZONING DISTRICT	ON-SITE OR SHARED	PERMITTED PARKING LOCATIONS
A1, RS-20, RS-12, RU-8, RU-5	On-Site	<ul style="list-style-type: none"> • Driveway if 18+ feet in width
VC	On-Site	<ul style="list-style-type: none"> • Rear yard (preferred) • Side yard but cannot exceed 15% of the total front yard lot frontage • All parking within side yard shall comply with Article 9.3-E: Required Parking Lot/Loading Screening and Landscape Island Planting
	Shared (Off-Site)	<ul style="list-style-type: none"> • Pedestrian access required (see Article 9.7-L: Required Pedestrian Circulation within VC Parking Areas) • Must be within 500 feet of the building it serves • Must comply with all shared parking standards
	Additional On-Street Required	<ul style="list-style-type: none"> • Design and location must be coordinated with the city
RMF, CN, CG, CH, IG	On-Site or Shared (Off-Site)	<ul style="list-style-type: none"> • Must be within 400 feet of the building or area it serves (on-site and off-site) • If off-site, must comply with all shared parking standards

I. Permitted Shared Parking

1. Joint use of up to 50% of required parking spaces may be permitted for two or more uses located on the same parcel or adjacent parcels provided that the applicant can demonstrate that the uses will not substantially overlap in hours of operation or in the demand for shared spaces. Proof of claim for non-overlap by the applicant shall be substantiated by a report by a certified parking consultant which shall provide, at a minimum:
 - a. Number of spaces anticipated to be used by each shared use. Numbers provided shall be verifiable via data provided by ITE, ULI, APA, or NPA.
 - b. Anticipated distribution of parking utilization by each shared use by hour of operation over a 24-hour period and over a seven-day week.
 - c. A short narrative describing the anticipated dynamics of the shared parking scenario.
2. Any sharing of required parking spaces by uses located on different parcels shall be guaranteed by a legally binding written agreement between the owner of the parking area and the owner of any use located on a different parcel and served by the parking area. The agreement shall be reviewed and approved in accordance with this Article and filed with the Planning Commission.

J. Minimum Dimensions of Parking Areas

1. All parking areas shall comply with the dimensions outlined in Table 9.12: Minimum Parking Space and Aisle Dimensions
2. All off-street parking spaces shall have a minimum overhead clearance of 9 feet.

TABLE 9.12: MINIMUM PARKING SPACE AND AISLE DIMENSIONS

PARKING SPACE TYPE	PARKING SPACE WIDTH	PARKING SPACE LENGTH
0 Degree Spaces (Parallel)	9 feet	End Spaces: 18 feet Interior Spaces: 22 feet
45 Degree Spaces	9 feet	20 feet
60 Degree Spaces	9 feet	20 feet
90 Degree Spaces	9 feet	18 feet
Accessible Handicap Spaces ¹	8 feet with 5-foot access aisle	As required for degree of parking (see above)
Van-Accessible Handicap Spaces ¹	8 feet with 8-foot access aisle	
PARKING ANGLE	ONE-WAY TRAFFIC AISLE WIDTH	TWO-WAY TRAFFIC AISLE WIDTH
0 Degrees Spaces (Parallel)	15 feet	24 feet
45 Degrees Spaces	16 feet	24 feet
60 Degrees Spaces	18 feet	24 feet
90 Degrees Spaces	24 feet	24 feet

¹ – Must be identified with sign, curb ramps as necessary, and comply with all state and federal requirements (including Kentucky Building Code). Two accessible spaces may share one access aisle.

K. Minimum Number of Spaces Required

1. All parking shall comply with Table 9.13: Minimum Parking Requirements. For uses not specifically mentioned in Table 9.13: Minimum Parking Spaces Required of this Article, the requirements for off-street parking and loading facilities shall be determined by the Administrative Official.
2. At least 20% percent of the required parking within the VC district shall be pervious surface.
3. All parking lots and parking areas shall provide for accessible handicap parking spaces as outlined in Table 9.14: Minimum Accessible Handicap Spaces Required. If a greater number is required by state and/or federal law, the greater number shall apply.
 - a. Accessible handicap spaces may be counted towards the minimum number of spaces required.
 - b. Single-family and two-family residential uses are exempt from providing accessible handicap spaces.

TABLE 9.13: MINIMUM PARKING SPACES REQUIRED¹

LAND USE CATEGORY	MINIMUM NUMBER OF SPACES REQUIRED ^{1, 2}
Accessory Uses	<ul style="list-style-type: none"> As determined by the Administrative Official based on similar uses, similar number of employees, or similar number of guests
Agricultural Uses	<ul style="list-style-type: none"> Agricultural Uses Open to Public: 1 space per 1,000 sq ft of gross floor area, excluding storage areas Farm: N/A All Other Agricultural Uses: As determined by the Administrative Official based on similar uses, similar number of employees, or similar number of guests
Commercial Uses	<ul style="list-style-type: none"> Office: 1 space per 300 sq ft of gross floor area, excluding storage areas Service-Oriented Retail: 1 space per 300 sq ft of gross floor area, excluding storage areas Restaurants (Dine-In Only): 1 space per 75 sq ft of gross floor area, excluding storage areas Restaurants (with Drive-Thru): 1 space per 125 sq ft of gross floor area, excluding storage areas Theaters: 1 space per 3 seats based on maximum occupancy General Retail: 4 spaces per 1000 sq ft of gross floor area, excluding storage areas All other Commercial Uses: 1 space per 300 sq ft of gross floor area, excluding storage areas
Industrial Uses	<ul style="list-style-type: none"> Manufacturing and Warehousing: 1 space per 1,000 sq ft of gross floor area (Note, spaces for offices is calculated separately) All Other Industrial Uses: 1 space per 400 sq ft of gross floor area, excluding storage areas
Institutional Uses	<ul style="list-style-type: none"> Public Assembly: 1 space per 4 people based on maximum occupancy Schools: 1 space per 9 students based on maximum enrollment or 3 per classroom if students are not of driving age Medical or Assisted Living: 1.2 spaces per bed / patient room All Other: 1 space per 250 sq ft of gross floor area, excluding storage areas
Residential Uses	<ul style="list-style-type: none"> Single-family and Two-family: 2 spaces per dwelling unit Multi-family Uses: 1.5 spaces per 1-bedroom units and 2 spaces per 2+ bedroom unit Other Residential Uses: 1 space per sleeping room plus 2 spaces for guests

¹ – Within the VC district, the minimum number of parking spaces required may be reduced by up to 35%.

² – Drive thru stacking or stacking for other activities (such as gas station pumps or spaces within a car wash) do not count towards the required number of spaces.

TABLE 9.14: MINIMUM ACCESSIBLE HANDICAP SPACES REQUIRED

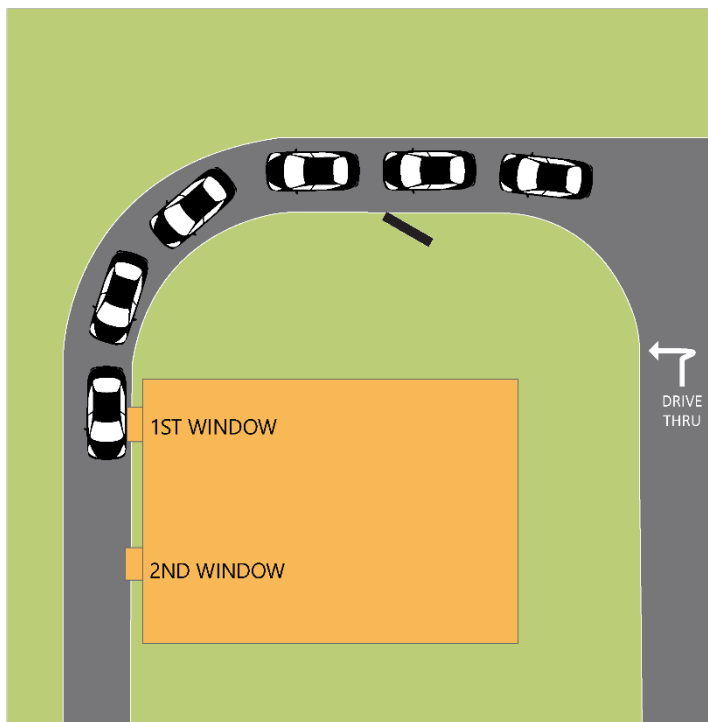
TOTAL NUMBER OF PARKING SPACES ON PARCEL	MINIMUM NUMBER OF ACCESSIBLE HANDICAP SPACES REQUIRED	
	ACCESSIBLE HANDICAP SPACES	VAN-ACCESSIBLE HANDICAP SPACES
1 to 25 Spaces	0	1
26 to 50 Spaces	1	1
51 to 75 Spaces	2	1
76 to 100 Spaces	3	1
101 to 150 Spaces	4	1
151 to 200 Spaces	5	1
201 to 300 Spaces	6	1
301 to 400 Spaces	7	1
401 to 500 Spaces	7	2
501+ Spaces	2% of total parking with at least 1/8 being van-accessible PLUS 1 space for every 10 spaces provided over 1,000	

- L. **Required Pedestrian Circulation within VC Parking Areas.** For properties in the VC zone district the following shall be provided within all on-site parking areas:
1. Clearly defined safe access must be provided from parking facilities, adjacent public rights-of-way, and activity areas to building entrances.
 2. Parking lots must have walkways with a minimum five feet in width.
 3. Walkways must be lighted and must connect parking areas with building entrances.
 4. Walkways must be differentiated by means of landscaping, alternative paving materials or change in grade.
 5. Walkways that cross drive aisles must be defined by stripes, contrasting pavement materials, elevated pavement, or combination.
 6. Walkways shall not pass behind a row of parking spaces.
 7. All developments must provide for future pedestrian circulation connecting parking lots or alleys, by hard surface walkways or similar.
- M. **Drive-Through Requirements.** Drive-through facilities shall be regulated according to the following:
1. Drive-through facilities should be located so they are the least disruptive to pedestrian or through vehicular traffic.
 2. Vehicles shall not be permitted to wait, stack, or idle within the public right-of-way for any drive-through.
 3. All uses that choose to have drive-through facilities shall provide on-site stacking areas for vehicles waiting on service in accordance with the Table 9.15: Minimum Drive-Through Stacking Required and the following standards:
 - a. The stacking areas shall provide convenient or continuous access to the facility.
 - b. The stacking area shall not prohibit access to and from or interfere with the required parking spaces.

- c. All speaker boxes located within 300 feet of any residential structure shall be oriented away from the residential structure and not create noise that would constitute a nuisance. If adjacent to a residentially-zoned parcel, the Planning Commission may deem it necessary to impose restrictions on the hours of operations of the drive-through facility.
- d. Stacking lanes and areas shall be painted and striped with directional arrows and stop bars with appropriate traffic signage shall be installed to reduce traffic hazards.

TABLE 9.15: MINIMUM DRIVE-THROUGH STACKING REQUIRED

USE OR ACTIVITY	MINIMUM STACKING SPACES REQUIRED
Food or Beverage Service	<ul style="list-style-type: none"> • 7 spaces, measured from the first service window
Financial Services and ATM's	<ul style="list-style-type: none"> • 3 spaces per lane, measured from the service window/teller
Car Wash	<ul style="list-style-type: none"> • Full service: 5 spaces, measured from outside of the washing bay • Self-service: 2 spaces per bay, measured from outside of the washing bay
Service-Oriented Retail	<ul style="list-style-type: none"> • 2 spaces, measured from the first service window
Fuel and Gas Stations	<ul style="list-style-type: none"> • 2 spaces per each side of pump, measured from the fuel pump
Other Uses	<ul style="list-style-type: none"> • As determined by the Planning Commission



Example of Drive-Thru Stacking

N. Loading and Unloading Requirements

1. Loading and unloading areas are not required for any use, but if provided, they shall comply with all standards of this Ordinance.
2. All loading and unloading areas shall be located to the side or rear of the principal structure.
3. All loading and unloading areas shall comply with Article 9.8: Screening Standards for Dumpsters and Mechanical Equipment.
4. Access to and from off-street parking and loading/unloading spaces shall be provided by means of clearly defined entrance and exit drives from public rights-of-way or private streets to clearly limited and defined maneuvering lanes, which, in turn, provide access to individual off-street parking or loading/unloading spaces.
5. Off-street parking and loading/unloading spaces must be designed so as not to interfere with the normal movement of vehicles and pedestrians within the public right-of-way.
6. All loading and unloading areas shall be located, designed, and constructed to prevent vehicles from maneuvering in the public right-of-way or backing into a public street, access way, or alley.
7. All loading and unloading areas within the VC district shall comply with Article 9.8: Screening Standards for Dumpsters and Mechanical Equipment.

9.8 SCREENING STANDARDS FOR DUMPSTERS AND MECHANICAL EQUIPMENT

- A. **Screening Intent.** The intent of screening specific structures and activities is to soften the visual effects, noise, and other objectionable activities and reduce the impact on the adjacent parcels as well as the overall community.
- B. **Screening Applicability.** Screening shall be required around the outside of all dumpsters (or similar trash receptacles) and non-residential mechanical equipment.
- C. **General Screening Standards**

TABLE 9.16: MINIMUM SCREENING REQUIREMENTS

DUMPSTERS AND SIMILAR TRASH RECEPTABLES	
Required Screening Location	<ul style="list-style-type: none"> Screening required along all sides Dumpster, trash receptacle, or trash cannot be visible from any public right-of-way or adjacent parcel during any time of the year
Permitted Materials	<ul style="list-style-type: none"> Masonry wall and/or permitted primary façade materials as outlined in Article 10.5: Building Façade Design All screening materials shall be durable and complement the principal structure
Gates	<ul style="list-style-type: none"> An access gate is permitted but shall remain closed unless receptacles are being accessed
Plantings	<ul style="list-style-type: none"> Evergreen plantings are encouraged to be planted in addition to the required wall and/or fencing to further screen the dumpster enclosure from adjacent properties and the public right of way
Temporary Dumpsters	<ul style="list-style-type: none"> Temporary trash receptacles and dumpsters associated with demolition or construction do not have to comply with screening requirements They shall be on-site no longer than one week prior to construction or demolition and no longer than one week following the completion of construction or demolition Temporary trash receptacles and dumpsters shall meet all setback requirements and development standards of the underlying zoning district
MECHANICAL EQUIPMENT (NON-RESIDENTIAL ONLY)	
Required Screening Location	<ul style="list-style-type: none"> Mechanical equipment for non-residential uses cannot be visible from any public right-of-way or adjacent parcel during any time of the year
Permitted Materials	<ul style="list-style-type: none"> Masonry wall, opaque fencing, and/or a vegetation Parapet wall or similar if rooftop If plantings are used as a screen, they shall be at least two feet in height when installed and provide an effective screen within three years of installation All screening materials shall be durable and complement the principal structure

9.9 SIDEWALK STANDARDS

- A. **Sidewalk Standards Intent.** The purpose of the sidewalk standards is to provide connectivity between all types of development and all zoning districts with the city of Simpsonville through safe and inviting pedestrian facilities.
- B. **Sidewalk Applicability**
 - 1. The sidewalk standards shall apply to all zoning districts unless otherwise specified.
 - 2. In addition to the thresholds identified in Article 9.2: Applicability of Additional Site Development Standards, a parcel must comply with all sidewalk standards if any of the following occur:
 - a. The parcel is being subdivided
 - b. A principal structure is being constructed
 - c. Site construction requires demolition or modification of an existing sidewalk
 - d. Any structural modifications are made to the exterior of a principal structure within the VC district (note this does not include ordinary maintenance)
 - e. Parking areas are being expanded, moved, or relocated
- C. **Sidewalk Approvals Required.** All sidewalk improvements within the right-of-way shall be approved by the city or KYTC prior to installation and dedication.
- D. **Sidewalk General Standards**
 - 1. All sidewalks required by this Article shall be installed by the applicant at their expense.
 - 2. Sidewalks shall be installed by the applicant, at their expense, adjacent to all public roads.
 - 3. Sidewalks and trails must connect with any presently adjacent sidewalks.
 - 4. All sidewalks and other pedestrian facilities must provide all necessary crosswalks, including across driveways with striping or contrasting pavements / raised surfaces that meet ADA requirements. KYTC approval is required if located within a state right-of-way.
 - 5. All sidewalks and pathways shall comply with all standards in this Ordinance, the city's minimum design standards for each respective district and all current ADA standards.
 - 6. The city shall maintain sidewalks within the public right-of-way. If a sidewalk or portion of a sidewalk is located on private property, the property owner shall maintain it.

TABLE 9.17: SIDEWALK REQUIREMENTS

Minimum Width	<ul style="list-style-type: none"> • Along Shelbyville Road in VC District Only: 15 feet • All Other Roads: Minimum width identified in the Subdivision Regulations of Shelby County, even if the parcel is not being subdivided
Location	<ul style="list-style-type: none"> • Along Shelbyville Road in VC District Only: <ul style="list-style-type: none"> • Existing sidewalks shall be extended away from the road; if there is not an existing sidewalk, the location shall comply with the city's minimum design standards for the Village Center • Any portion of the required 15-foot width sidewalk that cannot be located within the existing right-of-way shall be located on private property with a recorded public access easement to allow the public to use the facility; additional right-of-way shall not be dedicated along Shelbyville Road • All Other Roads: <ul style="list-style-type: none"> • Must comply with the location identified in the Subdivision Regulations of Shelby County, even if the parcel is not being subdivided • Shall be dedicated as public right-of-way and conveyed to the City of Simpsonville if improvements cannot be located within previously dedicated or existing public right-of-way (note this does not apply to sidewalks within the VC district along Shelbyville Road)
Additional Sidewalk Requirements	<ul style="list-style-type: none"> • Along Shelbyville Road in VC District Only: All streetscape elements, such as street trees, planters, benches, and sidewalk materials shall comply with the city's minimum design standards for the Village Center • All Other Roads: <ul style="list-style-type: none"> • A multi-use path shall be required instead of a sidewalk if it is identified in adopted plan (including the Shelby County Bike and Pedestrian Master Plan) • A multi-use path may be installed instead of a sidewalk if approved by the Planning Commission

9.10 SIGN STANDARDS

- A. **Sign Intent.** The purpose of these standards are to promote and protect the public health, welfare, and safety by regulating existing and proposed outdoor advertising, outdoor advertising signs, and outdoor signs of all types. It is intended to protect property values, create a more attractive economic and business climate, enhance and protect the physical appearance of the community and/or county, and preserve the scenic and natural beauty of designated areas. It is further intended to reduce sign and advertising distraction and obstructions that may contribute to traffic accidents, reduce hazards that may be caused by signs overhanging or projecting over public rights-of-way, provide more open space, and curb the deterioration of the natural environment and enhance community and/or county development.
- B. **Sign Applicability**
 - 1. The sign standards shall apply to all signs within all zoning districts unless otherwise specified.
 - 2. All new, relocated, enlargements, and/or structural modifications to any sign shall comply with all standards of this Article.
 - a. Sign maintenance that replaces any portion of the sign but does not change any dimension, color, location, or other feature shall not be considered modifying a sign for the applicability purposes.
 - b. Changing of a sign copy shall also not be considered modifying a sign for the applicability purposes.
 - 3. Any sign that was legally established or permitted prior to the adoption of this Ordinance or amendment, shall be subject to the non-conforming sign regulations as outlined in Article 5: Non-Conforming Lots, Structures, And Uses.
- C. **Required Sign Permits**
 - 1. All permanent and temporary signs require a permit unless specifically outlined in this Article.
 - 2. The following actions related to signs shall not require a permit, but shall be subject to all other provisions of this Ordinance:
 - a. Changing of the advertising copy or message on an existing painted or printed sign, marquee, changeable copy sign or a similar legally conforming sign.
 - b. Painting, repainting, cleaning or other normal maintenance and repair of a sign not involving structural alterations; and
 - c. Installation of permanent signs smaller than four (4) square feet where such signs are allowed by this Article, contain no commercial message and involve no electrical installation.
- D. **General**
 - 1. Nothing within this Article shall be interpreted as limiting or infringing on the rights of free speech as protected by the United States or Kentucky Constitution.
 - 2. All signs shall comply with the applicable provisions of the most current Kentucky Building Code and all other applicable building or electrical codes.
 - 3. All permanent signs shall be constructed of durable materials and be permanently attached to the ground, a building, or structure.
 - 4. All signs shall provide a clearance of at least eight feet to the bottom of the sign, and shall be located at least four feet horizontally from any electrical wires.
 - 5. Any wood component shall be painted or stained.
 - 6. No sign shall cast light upon adjacent properties or rights-of-way.

E. Sign Inspection, Maintenance, and Removal

1. Any sign that requires a sign permit may be inspected periodically by the Administrative Official for compliance with this Ordinance and other codes of this or other jurisdictions.
2. All signs (including the frame, illumination, supporting structures, and all components) shall be professionally installed and be kept in a state of good repair. All components shall be thoroughly painted at least once every 2 years unless the component is constructed of galvanized or non-corroding material or is a changeable copy component.

F. Sign Illumination

1. All permanent signs are permitted to be internally or externally illuminated unless otherwise specified in this Ordinance; temporary signs shall not be illuminated.
2. All illuminated signs, where permitted, must meet the latest version of the National Electrical Code (NEC), as amended, and all lighting requirements outlined in Article 9.5: Lighting Standards.
3. All electrical wiring for permanent signs and temporary signs shall be in conduit.
4. Internally illuminated signs are prohibited in the VC zone district.

G. Electronic Variable Message Signs (EVMS). In addition to the standards for Sign Illumination, all EVMS shall also comply with the following standards:

1. Messages displayed on the sign must remain unchanged for at least 8 seconds. Scrolling messages and/or motion of any display are prohibited.
2. Sign illumination shall be controlled by ambient light monitors that automatically reduce brightness at night and other darkened conditions (such as cloudy).
3. Maximum brightness shall not exceed 5,000 nits (measured at the sign face) during daylight hours and 500 nits (measured at the sign face) between dusk and dawn (sunset/sunrise).
4. Any EVMS sign or component that malfunctions, fails, or ceases to operate in its usual or normal programmed manner causing therein motion, movement, flashing or any other similar effects, shall be repaired or disconnected within 48 hours by the owner or operator of such sign.
5. The area of any sign consisting of EVMS shall not exceed 30% of the total sign structure.
6. No sign containing EVMS as a component shall be located within 150 feet of any signalized intersection and 500 feet from any property line of a parcel with a residential use and/or structure or a residential zoning designation.
7. EVMS signs shall only permitted in CN, CG, CH, and IG zone districts.
8. Drive-thru menu boards that utilize EVMS are exempt from the above EVMS standards but shall comply with all other applicable sign standards.

H. Exempt Signs

1. The following do not require a permit and shall not be included in the maximum allowable sign calculations unless otherwise specified.
2. If any exempt sign contains components that would otherwise be regulated in this Article (such as electrical or EVMS), they are not considered exempt sign unless specified otherwise.
3. All exempt signs shall comply with zoning district setbacks and shall not be located within a public right-of-way (including placement on utility poles).

TABLE 9.18: EXEMPT SIGNS

Address Signs	<ul style="list-style-type: none"> • Street address sign to provide adequate property identification as required by USPS • Cannot exceed 2 square feet in total sign structure size
Building or Site Identification Signs	<ul style="list-style-type: none"> • Names of buildings, date of erection, monumental citations, historical interest or marker, commemorative or memorial tablets, and similar identification • Carved into stone, concrete, or similar material or made of bronze, aluminum, or other permanent type construction • Cannot exceed 6 square feet in total sign structure size
Decorations	<ul style="list-style-type: none"> • Temporary decorations customarily associated with a national, local, or religious holiday • Cannot be displayed for more than 45 consecutive days
Flags	<ul style="list-style-type: none"> • Flag of any country, state, unit of local government, institution of higher learning, or similar institutional flags
Non-Visible Signs	<ul style="list-style-type: none"> • Signs that are not visible from any public or private right-of-way or any adjacent parcel
Operational Signs	<ul style="list-style-type: none"> • Operational information such as hours of operations, restroom identification, directional signs (such as enter or exit), visitor parking, menus, or similar information that are not legible from the right-of-way or adjacent parcel • Cannot exceed 12 square feet in total sign structure size and 8 feet in height
Political Signs	<ul style="list-style-type: none"> • Political campaign signs in accordance with KRS 381.800 that do not exceed 8 sq ft • Political signs shall not be placed earlier than 30 days prior to the election and shall be removed no later than 7 days following the conclusion of the election
Public Notice, Regulatory & Safety Signs	<ul style="list-style-type: none"> • Information for the public's interest that are erected by or on the order of a local, state, or federal law or intended to provide a public notice (such as rezoning, government) and regulatory or safety notices (such as no trespassing, directional, ingress/egress, and traffic) that are smaller than 4 square feet in total sign structure size
Utility Signs	<ul style="list-style-type: none"> • Utility locations, cables, lines, and similar notices for public and private utilities that are smaller than 2 square feet in total sign structure size, except if determined to be a hazard by the Administrative Official
Vehicle Signs	<ul style="list-style-type: none"> • Signs on vehicles which are regularly used in the operation of a business • Signs on vehicles parked for 30 continuous days or 40 days within a 60 day period or vehicles that are not operational and/or are not regularly used in the operation of a business at the same location where the vehicle is most frequently parked are not exempt

- I. **Prohibited Sign Types.** The following types of signs are expressly prohibited in all zoning districts. Any sign that is not expressly permitted in this Ordinance is also considered prohibited.

TABLE 9.19: PROHIBITED SIGN TYPES

Animated Signs	Flashing, blinking, fluttering, glare, or using any motion picture, laser, or visual projection of images or copy or that change light intensity or brightness
Emitting Signs	Emit audible sound, odor, or visible matter as well as glare that will reflect light and create a hazard or nuisance
Flashing Sign	Signs with illumination which is not kept at a constant intensity at all times when in use
Imitation Signs	Emulate emergency service vehicles, road equipment, or traffic signs (such as Stop, Slow, or Caution) by their shape, color, or manner of display
Inflatable Signs	Static or moving by electrical, mechanical, or wind power
Movement Signs	Designed to rotate or move in a comparable manner by means of electrical, mechanical, and/or wind power
Obscene Signs	Display or convey obscene matter as defined in KRS 531.010
Obstructing Signs	Located at or near an intersection in such a way as to hinder or obstruct free and clear vision, including on the inside of a curve of a street which causes interference with sight distance
Pole Signs	Signs that are mounted on one or more freestanding poles or supports so that the bottom edge of the sign face is not in direct contact with a solid base or the ground.
Portable Signs	Signs designed to be transported, including, but not limited to folding portable signs, flashing portable signs, and signs designed to be transported by means of wheels, such as ground marquee signs (note portable signs do not include sidewalk signs)
Roof Signs	Signs that extend above the roof line or parapet of a building or signs that are mounted to the roof of a structure
Vehicle Signs	Signs placed on vehicles or trailers that are parked on public or private property with the primary purpose of displaying the sign. This does not include vehicles lawfully parked: <ul style="list-style-type: none"> • Overnight during non-business hours at a driver's residence or business; • While conducting lawful business; and • On a construction site in conjunction with construction operations

- J. **Prohibited Sign Locations.** The following placement standards shall apply to all signs unless otherwise noted in this Ordinance.

TABLE 9.20: PROHIBITED SIGN LOCATIONS

Right-of-Way	Signs within any right-of-way unless authorized by the city, Administrative Official and/or KYTC, including signs located on any traffic control device, street sign, tree, utility pole, or similar location
Obstruction	Signs that obstruct any door, fire escape, stairway, or any opening intended to provide entry or exit from any building or structure or that hide from view any traffic or roadway sign, signal, or device
Sight Triangle	Signs that obstruct a sight clearance or be placed within the sight triangle of any intersection or driveway
Setback	Signs (measured from nearest edge of the sign structure) located within any required setback or 5 feet of any property line (whichever is greater) or 10 feet of any utility easement
Vegetation	Signs attached to trees or other natural features

- K. **Permitted Temporary Signs.** The following temporary signs shall be permitted, provided the respective development standards (including setbacks) in Article 6: Establishment of Zones are met.

TABLE 9.21: PERMITTED TEMPORARY SIGNS

All Districts	<ul style="list-style-type: none"> • Minimum setback shall be 10 feet of any property line or the zoning district setback (whichever is greater) and 10 feet of any utility easement (setback measured from the nearest edge of the structure) • EVMS and illumination are not permitted unless otherwise specified • Maximum duration of no more than 45 consecutive days and a total of 180 days per calendar year unless otherwise specified
A1 DISTRICT: PERMITTED TEMPORARY SIGNS	
Banner Sign Window Sign	<ul style="list-style-type: none"> • 1 per parcel • Maximum of 32 sq ft of sign area • Maximum of 8-foot height • Permit is required • Must be firmly affixed at all four corners to the principal building
Freestanding Sign	<ul style="list-style-type: none"> • 1 per parcel • Maximum of 32 sq ft of sign area • Maximum of 6-foot height • Permit is required
Subdivision Construction Sign	<ul style="list-style-type: none"> • 1 per subdivision (residential uses) or one per parcel (non-residential uses) while project is under construction (10 days after construction completed but not to exceed 2 years) • Maximum of 32 sq ft of sign area • Maximum of 8-foot height • Permit is not required
Yard Sign (such as real estate sign)	<ul style="list-style-type: none"> • 1 per road frontage while property is for sale or lease (7 days prior and 2 days after) • Maximum of 32 sq ft of sign area • Maximum of 8-foot height • Permit is not required
RS-20, RS-12, RU-8, & RU-5 DISTRICTS: PERMITTED TEMPORARY SIGNS	
Subdivision Construction Sign	<ul style="list-style-type: none"> • 1 per subdivision or development project while project is under construction (10 days after construction completed but not to exceed 2 years) • Maximum of 32 sq ft of sign area • Maximum of 8-foot height • Permit is not required
Yard Sign (such as real estate sign)	<ul style="list-style-type: none"> • 1 per road frontage while property is for sale or lease (7 days prior and 2 days after) • Maximum of 8 sq ft of sign area • Maximum of 4-foot height • Permit is not required

TABLE 9.21: PERMITTED TEMPORARY SIGNS (CONTINUED)

VC DISTRICT: PERMITTED TEMPORARY SIGNS	
Banner Sign Window Sign	<ul style="list-style-type: none"> • 1 per parcel • Maximum of 8 sq ft of sign area • Maximum of 8-foot height • Permit is required • Must be firmly affixed at all four corners to the principal building
Freestanding Sign	<ul style="list-style-type: none"> • 1 per parcel • Maximum of 32 sq ft of sign area • Maximum of 6-foot height • Permit is required
Sidewalk Sign	<ul style="list-style-type: none"> • 1 per parcel • Maximum of 6 sq ft of sign area • Maximum of 4-foot height • Permitted only during business hours; no maximum number of days per year • Must maintain clear ADA accessible route • Permit is not required
Yard Sign (such as real estate sign)	<ul style="list-style-type: none"> • 1 per road frontage while property is for sale or lease (7 days prior and 2 days after) • Maximum of 32 sq ft of sign area • Maximum of 8-foot height • Permit is not required
RMF, CN, CG, CH, & IG DISTRICTS: PERMITTED TEMPORARY SIGNS	
Banner Sign Window Sign	<ul style="list-style-type: none"> • 1 per parcel • Maximum of 32 sq ft of sign area • Maximum of 8-foot height • Permit is required • Must be firmly affixed at all four corners to the principal building
Freestanding Sign	<ul style="list-style-type: none"> • 1 per parcel • Maximum of 32 sq ft of sign area • Maximum of 6-foot height • Permit is required
Subdivision Construction Sign	<ul style="list-style-type: none"> • 1 per subdivision or development project while project is under construction (10 days after construction completed but not to exceed 2 years) • Maximum of 32 sq ft of sign area • Maximum of 8-foot height • Permit is not required
Yard Sign (such as real estate sign)	<ul style="list-style-type: none"> • 1 per road frontage while property is for sale or lease (7 days prior and 2 days after) • Maximum of 32 sq ft of sign area • Maximum of 8-foot height • Permit is not required

- L. **Permanent Sign Standards.** The following Permanent Signs shall be permitted, provided the respective development standards in Article 6: Establishment of Zones are met.

TABLE 9.22: PERMITTED PERMANENT SIGNS

All Districts	<ul style="list-style-type: none">• A sign permit is required unless otherwise specified• EVMS is not permitted unless otherwise specified• Illumination (external or internal) is permitted unless otherwise specified• Minimum setback shall be 5 feet of any property line or the zoning district setback (whichever is greater) and 10 feet of any utility easement (setback measured from the nearest edge of the structure)	
A1 DISTRICT: PERMITTED PERMANENT SIGNS		
Fascia Sign Wall Sign	<u>RESIDENTIAL USES</u> <ul style="list-style-type: none">• 1 per parcel• Maximum of 2 sq ft of sign area• Must be placed on principal structure• Cannot be illuminated	<u>NON-RESIDENTIAL USES</u> <ul style="list-style-type: none">• 1 per parcel• 1.5 sq ft of sign area per linear foot (max of 75 sq ft)• Must be placed on principal structure
	<u>RESIDENTIAL USES</u> <ul style="list-style-type: none">• 1 sign permitted at each entrance of a subdivision if located in an acceptable easement• Maximum of 32 sq ft of sign area• Maximum of 6-foot height	<u>NON-RESIDENTIAL USES</u> <ul style="list-style-type: none">• 1 per parcel plus 1 additional sign permitted at each entrance of a subdivision if located in an acceptable easement• Maximum of 32 sq ft of sign area• Maximum of 6-foot height
Subdivision Monument Sign	<u>ALL USES</u> <ul style="list-style-type: none">• 1 sign permitted at each entrance of a subdivision if located in an acceptable easement or multi-family development of 20+ units• Maximum of 32 sq ft of sign area• Maximum of 6-foot height	
RS-20, RS-12, & RU-8 DISTRICTS: PERMITTED PERMANENT SIGNS		
Facia Sign Wall Sign	<u>RESIDENTIAL USES</u> <ul style="list-style-type: none">• 1 per parcel• Maximum of 2 sq ft of sign area• Cannot be illuminated• Must be placed on principal structure	<u>NON-RESIDENTIAL USES</u> <ul style="list-style-type: none">• 1 per parcel• 1.5 sq ft of sign area per linear foot (max of 75 sq ft)• Must be placed on principal structure
	<u>RESIDENTIAL USES</u> <ul style="list-style-type: none">• 1 sign permitted at each entrance of a subdivision if located in an acceptable easement• Maximum of 32 sq ft of sign area• Maximum of 6-foot height	<u>NON-RESIDENTIAL USES</u> <ul style="list-style-type: none">• 1 per parcel plus 1 additional sign permitted at each entrance of a subdivision if located in an acceptable easement• Maximum of 32 sq ft of sign area• Maximum of 6-foot height
Subdivision Monument Sign	<u>ALL USES</u> <ul style="list-style-type: none">• 1 sign permitted at each entrance of a subdivision if located in an acceptable easement or multi-family development of 20+ units• Maximum of 32 sq ft of sign area• Maximum of 6-foot height	

TABLE 9.22: PERMITTED PERMANENT SIGNS (CONTINUED)

RU-5 & RMF DISTRICTS: PERMITTED PERMANENT SIGNS		
	<u>RESIDENTIAL USES</u>	<u>NON-RESIDENTIAL USES</u>
Facia Sign Wall Sign	<ul style="list-style-type: none">• 1 per parcel• Maximum of 2 sq ft of sign area• Cannot be illuminated• Must be placed on principal structure	<ul style="list-style-type: none">• 1 per parcel• 1.5 sq ft of sign area per linear foot (max of 75 sq ft)• Must be placed on principal structure
Freestanding Sign	<u>RESIDENTIAL USES</u> <ul style="list-style-type: none">• Not Permitted	<u>NON-RESIDENTIAL USES</u> <ul style="list-style-type: none">• 1 per parcel• Maximum of 32 sq ft of sign area• Maximum of 6-foot height• 30% of sign area may be EVMS
Subdivision Monument Sign	<u>ALL USES</u> <ul style="list-style-type: none">• 1 sign permitted at each entrance of a subdivision if located in an acceptable easement or multi-family development of 20+ units• Maximum of 32 sq ft of sign area• Maximum of 6-foot height	
VC DISTRICT: PERMITTED PERMANENT SIGNS		
Facia Sign Wall Sign Canopy Sign Window Sign	<u>ALL USES</u> <ul style="list-style-type: none">• 1 per street frontage• 1.5 sq ft of sign area per linear foot (max of 75 sq ft but cannot exceed 25% of window or wall area)• Must be firmly affixed at all four corners to the principal building and cannot exceed more than 4 inches from facade• May be externally illuminated• Permitted materials include masonry, wood (painted, stained, or similar finish), metal, or plastic (only for individual letters or symbols within the sign)	
Freestanding Sign	<u>ALL USES</u> <ul style="list-style-type: none">• 1 per street frontage plus 1 additional per 200 linear feet of street frontage• Signs must be at least 100 feet apart• Maximum of 72 sq ft of sign area per sign• Maximum of 6-foot height• May be externally illuminated• Must be at least 50 feet from any residentially zoned parcel• 30% of sign area may be EVMS• Permitted materials include masonry, wood (painted, stained, or similar finish), metal, or plastic (only for individual letters or symbols within the sign)	
Projecting Sign	<u>ALL USES</u> <ul style="list-style-type: none">• 1 per parcel• Maximum of 32 sq ft of sign area per sign• Cannot extend more than 24 inches from facade• May be externally illuminated• Must be attached to principal building and projecting from façade (cannot parallel the façade/building)• Must be at least 50 feet from any residentially zoned parcel• Permitted materials include masonry, wood (painted, stained, or similar finish), metal, or plastic (only for individual letters or symbols within the sign)	

TABLE 9.22: PERMITTED PERMANENT SIGNS (CONTINUED)

RMF, CN, CG, CH, & IG DISTRICTS: PERMITTED PERMANENT SIGNS		
Facia Sign / Wall Sign	<u>ALL USES</u>	
	<ul style="list-style-type: none"> • 1 per building side (max of 4 sides per building) • 1.5 sq ft of sign area per linear foot (max of 100 sq ft in CN and 150 sq ft in CG, CH & IG) • Must be placed on principal structure 	
Canoy Sign	<u>ALL USES</u>	
	<ul style="list-style-type: none"> • 1 permitted on up to 3 sides of canopy structure • Maximum of 25% of the canopy fascia • Cannot extend beyond the canopy structure 	
Freestanding Sign	<u>SINGLE-TENANT USES</u>	<u>MULTI-TENANT USES</u>
	<ul style="list-style-type: none"> • 1 per street frontage plus 1 additional per 200 linear feet of street frontage • Signs must be at least 100 feet apart • Maximum of 72 sq ft of sign area per sign • Maximum of 25-foot height • May be illuminated • Must be at least 50 feet from any residentially zoned parcel • 30% of sign area may be EVMS 	<ul style="list-style-type: none"> • 1 unified sign per street frontage if parcel is 3+ acres and has 5+ tenants (if less than 3 acres or 5 tenants, must comply with single-tenant standards) • Maximum of 300 sq ft of sign area per sign • Maximum of 35-foot height • May be illuminated • Must be at least 75 feet from any residentially zoned parcel • 15% of sign area may be EVMS
Subdivision Monument Sign	<u>ALL USES</u>	
	<ul style="list-style-type: none"> • 1 sign permitted on each side of an entrance of a subdivision if located in an acceptable easement • Maximum of 32 sq ft of sign area • Maximum of 6-foot height 	

ARTICLE 10:

STRUCTURE STANDARDS

IN THIS ARTICLE:

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10.1 INTENT

- A. The intent of these standards is to prevent unsafe conditions while encouraging compatible development to ensure the health, safety, and welfare of residents.
- B. It is also the intent of these standards is to provide high quality development while also promoting structure longevity, including:
 - 1. Protecting the character of the city;
 - 2. Improving the long-term value and durability of buildings;
 - 3. Fostering high-quality, attractive development consistent with the Comprehensive Plan; and
 - 4. Preserving and protecting property values of existing public and private investment.

10.2 APPLICABILITY OF STRUCTURE STANDARDS

- A. The structure standards within this article shall apply to the following, unless otherwise stated:
 - 1. BEQ Special District
 - a. All new principal and accessory structures for non-residential uses and multi-family uses within the BEQ.
 - b. All exterior modifications, alterations, and/or additions to a principal and/or accessory structure for non-residential and multi-family uses within the BEQ.
 - 2. VC District
 - a. All new principal and accessory structures for all land uses within the VC Zoning District.
 - b. All exterior modifications, alterations, and/or additions to a principal and/or accessory structure for all land uses within the VC Zoning District.
- B. A change in use without building a new structure or modifying an existing structure does not require compliance with these standards.
- C. If exterior modifications, alterations, and/or additions are made to an existing structure, only the portion of the structure being modified, altered, or expanded shall comply with these standards.
- D. Ordinary and routine maintenance and minor repairs to existing structures does not require compliance with these standards.

10.3 GENERAL STRUCTURE STANDARDS

- A. All new structures shall require a Zoning Permit, including principal structures, all accessory structures, manufactured homes (mobile homes), and all temporary structures.
- B. All new structures shall comply with all standards of this Ordinance.
- C. Structures that are relocated or moved from one parcel to another parcel or moved on the same parcel shall not be moved unless the structure and placement of that structure conforms with the standards of the underlying zone district and all standards of this Ordinance.
- D. The following structures are exempt from the height standards of the underlying zoning district:
 - 1. Agricultural structures as necessary for its operation;
 - 2. Wind turbines;
 - 3. Spires or church steeples;
 - 4. Cellular towers; and
 - 5. Industrial appurtenances.
- E. Accessory structures for non-residential uses and multi-family uses shall have the same architectural detail, elements, materials and roof design as the principal structure.
- F. Shipping containers, vehicles, parts of vehicles, or similar structures cannot be used as a permanent accessory structure.

10.4 BUILDING ENTRANCES AND ORIENTATION

- A. Front of the principal structure and the primary entrance shall be oriented towards the street with the highest roadway classification, unless documentation is provided showing the alternative orientation better serves the intent of these standards and is approved by the Administrative Official.
- B. Corner lots may have one entrance at the building corner, and entrances at a building corner may be recessed at a 45-degree angle to both public streets. Within the VC district, the recessed entrance shall not extend beyond 20 feet from the corner of the property line.
- C. Garage entrances shall not exceed 16 feet clear height and 24 feet clear width and shall not be sited within 100 feet of a block corner or another garage entrance on the same block.
- D. Garage entrances may be recessed up to 24 inches behind the building façade but may not project beyond (in front of) the building facade.
- E. Ramps intended and designed to provide handicap access for mobility purposes shall be permitted to encroach into any required yard, provided they are constructed in accordance with the Kentucky Building Code and the Americans with Disabilities Act Accessibility Guidelines (ADAAG). One ramp shall be permitted for each structure entrance. In no case shall this be construed to permit any other structure (e.g., elevated deck or patio) to encroach into any required yard.

10.5 BUILDING FAÇADE DESIGN

A. Fenestration

1. No blank/uninterrupted walls shall face a public street, sidewalk, outdoor amenity, recreational area, or public use.
2. Balconies, if provided, must be minimum of 4 feet in depth and be accessible from the interior.

B. Additional VC District Fenestration. The following standards shall apply only within the VC District.

1. Building facades within the VC District that are adjacent to a public street, sidewalk, outdoor amenity, recreational area, off-street parking area (public or private), or public use shall have at least 50% fenestration. Fenestration calculations shall include all openings in the building's facade (such as transparent doors/windows or arcade) and shall include at least two of the following features:
 - a. Transparent doors or entry areas
 - b. Display windows or transparent windows
 - c. Arcades
2. Openings for windows, windowpanes, and doors shall be taller than they are wide. Transom windows are not included in the measurements of this requirement.
3. Exterior shutters, if utilized, shall be sized and mounted appropriately for the window (1/2 the width), even if inoperable.
4. At least 90% of a window surface on the ground floor and at least 75% of a window surface on upper floors must be transparent (excluding operable blinds or shade devices on the air-conditioned side).

C. Awnings and Canopies

1. All awnings and canopies must have a minimum of 8.5 feet of clearance above the sidewalk or finished grade.
2. Gasoline stations shall have a canopy over the fuel pumps that are consistent with the principal structure's architectural style, roof color, material, and pitch.
3. Permitted building materials shall comply with Table 10.1: Permitted Façade Materials.
4. Internal illumination of an awning or canopy is prohibited. Recessed downlighting is permitted within a fixed or permanent awning or canopy and shall comply with Article 9.5: Lighting Standards.
5. One-quarter cylinder awning configurations are prohibited within the VC district.

D. Permitted Facade Materials

1. Materials on all building facades shall comply with Table 10.1: Permitted Facade Materials.
2. Areas with windows, doors, and similar openings within the façade shall not be included in the wall area elevation calculation.
3. Gable areas shall be included in the wall area elevation of a building facade.
4. If more than one building material is used, the heavier building material shall be located below the lighter material. Heavier building materials may be used as a detail on the corner of a building, along cornices or windows, or similar architectural features. For example, brick must be used below stucco if both are used on the same building elevation.
5. If only one building material is used on a building elevation, the façade shall have a modulation of at least two feet to provide visual interest.
6. Prototype or franchise designs shall be adapted to reflect these design standards and be compatible with the character and uniqueness of the City of Simpsonville.
7. All signs shall comply with Article 9.10: Sign Standards.

E. Permitted Colors

1. All material colors shall be compatible with each other and compatible with adjacent properties.
2. Subdued, low-reflecting, muted, and neutral or earth-toned colors are permitted.
3. High-intensity colors, bright primary colors, metallic colors, or fluorescent colors are not permitted.
4. Black may only be used as an accent color on building facades. Black shall not be used as the main façade color or on major trim elements on a building facade.
5. Neon tubing lighting is prohibited on buildings and structures.

TABLE 10.1: PERMITTED FAÇADE MATERIALS

Permitted Primary Façade Materials ¹	<ul style="list-style-type: none"> • Brick and tile masonry • Natural stone (limestone, granite, marble, sandstone, fieldstone, or other natural stone approved by Administrative Official) • Manufactured stone products (imitation field stone, marble terrazzo, or other manufactured architectural finish stone approved by the Administrative Official) • Pre-cast masonry² • CMU, split-faced or scored³ • Architecturally treated slabs, pre-cast, or tilt up concrete (fluted or exposed aggregate)³ 				
Permitted Secondary Façade Materials (Maximum 33% of each façade elevation)	<ul style="list-style-type: none"> • Stucco • Wood (vertical or horizontal board siding patterns, shingle pattern; painted or stained) • Fiber-cement planks and panels (lap siding, shingle siding or vertical siding patterns; painted or stained) • Vinyl (vertical or horizontal board siding or shingle patterns)³ • Gypsum reinforced fiber concrete • Clay tile • EIFS (only if located 10 feet or more above finished grade) 				
Prohibited Façade Materials	<ul style="list-style-type: none"> • Mirrored and reflective glass • CMU, smooth finish • Unfinished concrete • Unfinished wood, plywood, and other pressed wood products • Corrugated sheet metal • Fiberglass • Plastic • Any material not specifically permitted or deemed comparable to a permitted material by the Administrative Official 				
Permitted Awning Materials	<ul style="list-style-type: none"> • Metal • Fabric 				
Permitted Canopy Materials	<table border="1"> <tr> <td data-bbox="407 1276 548 1302">Canopy Face</td><td data-bbox="586 1276 1425 1302">• Any primary or secondary façade material(s) used on the principal structure</td></tr> <tr> <td data-bbox="407 1312 493 1337">Canopy Support Structures</td><td data-bbox="586 1337 1300 1371">• Any principal building material(s) used on the principal structure</td></tr> </table>	Canopy Face	• Any primary or secondary façade material(s) used on the principal structure	Canopy Support Structures	• Any principal building material(s) used on the principal structure
Canopy Face	• Any primary or secondary façade material(s) used on the principal structure				
Canopy Support Structures	• Any principal building material(s) used on the principal structure				

1 – Materials are only regulated where clearly visible from streets, sidewalks, outdoor amenities, recreational areas, and other uses

2 – Within the VC district, this material is only permitted as trim and/or cornice elements.

3 – Prohibited within the VC zoning district.

10.6 FENCES AND WALLS

- A. All fences and walls (including retaining walls) shall comply with Table 10.2: Fence and Wall Standards.

TABLE 10.2: FENCE AND WALL STANDARDS

Permitted Fence and Wall Materials (VC District Only) ¹	<ul style="list-style-type: none"> • Anodized aluminum, wrought iron, or steel (chain link is prohibited) • Brick and tile masonry • Natural stone (limestone, granite, marble, sandstone, fieldstone, or other natural stone approved by Administrative Official) • Manufactured stone products (imitation field stone, marble terrazzo, or other manufactured architectural finish stone approved by the Administrative Official)
Permitted Colors (VC District Only)	<ul style="list-style-type: none"> • Colors shall comply with Article 10.5-E: Permitted Colors
Maximum Height	<ul style="list-style-type: none"> • Walls (excluding retaining walls) shall be a maximum of 6 feet • Maximum height of 36 inches within a sight triangle
Permitted Location	<ul style="list-style-type: none"> • Fences shall be located at least 10 feet from the public right-of-way and comply with the site triangle requirements

1 – Materials are only regulated on faces of a wall or retaining wall that are visible from the public right-of-way

10.7 ROOF DESIGN

- A. These standards only apply to buildings and structures within the VC zoning district. Buildings outside of the VC district do not have to comply with these standards.
1. Roof colors shall be muted and compatible with the dominant building color.
 2. If parapets, towers, or cornices that incorporate a peaked or a flat-faced elevation are used, they shall be incorporated into each building design in the development.
 3. Maximum building height can be increased by 3 feet for a section of the parapet emphasizing the building's main entrance along a public street or a corner.
 4. Facades that exceed 100 feet in length (measured along the street frontage) shall have variations in the roofline or rooftop parapet.

10.8 SWIMMING POOLS

- A. All private in-ground and above-ground pools, except as otherwise stated, must be completely enclosed by a fence and gate that are at least 4 feet in height to prevent unauthorized or accidental access.
- B. Above-ground pools with a retractable or removable ladder that are at least four feet in height (above grade) and any pool without re-circulating equipment that is 18" in depth or less shall be exempt from this requirement.

10.9 TELECOMMUNICATION TOWERS

- A. **Telecommunications Purpose.** The purpose of this Article is to provide for cellular telecommunication towers in appropriate locations throughout the community at sites which provide adequate cellular telecommunication service while protecting the public, preserving the character and value of surrounding property, and protecting the view from residential areas.
- B. **Telecommunications Applicability.** This Article of the Ordinance shall apply to all cellular telecommunication towers located, or to be located, within the city of Simpsonville.
- C. **Telecommunications Locations.** To the largest extent feasible, applicants are encouraged to consider properties owned by the local government for the location of cellular towers, if such properties are appropriate in view of surrounding land uses. Whenever possible, cellular antenna towers, whether temporary or permanent, shall be sited at locations that minimize their adverse effect on residential uses in the immediate area. Only when no other adequate site is available shall a cellular antenna tower be permitted in a residential zone, unless located on a property not used or intended for residential purposes. Cellular antenna towers may be permitted in any zone when approved by the Planning Commission, with the following exceptions:
 - 1. No cellular antenna tower, accessory structure or cabinet shall be permitted in a designated flood hazard area as shown on the Flood Insurance Rate Map (FIRM) as being the 100-year floodplain. Any cellular tower accessory structure must be located at least 25 feet outside of a designated flood hazard area. However, the tower itself, the equipment cabinet, as defined herein, as well as the fence that surrounds the tower and cabinet, may be located within the 25-foot buffer area.
 - 2. No cellular antenna tower shall be permitted in or within 1,200 feet of a local historic district, or within 1,200 feet of a National Register District or Property, unless the Planning Commission finds that no other reasonable site within the search ring is available and it can be determined that the location of a cellular tower will be beneficial to the historic property or district where it is proposed. Every means feasible shall be used to conceal the tower or antenna so that it is reasonable to discern its existence.
- D. **Telecommunications Design Standards.** The following design standards shall apply to all cellular antenna towers:
 - 1. Cellular antenna towers shall not be lighted, except as required by the Federal Aviation Administration (FAA).
 - 2. The arrangement of the tower and its accessory structures on the lot or site shall provide adequately for the servicing of the facilities, including safe access points from streets and roads.
 - 3. No signs shall be located on the cellular antenna tower; on the fence surrounding the antenna; or on any building accessory to the cellular antenna tower, with the exception of signs providing information or instructions relating to warnings, safety, emergencies and the like.
 - 4. Cellular antenna towers located in non-residential zones shall have a height-to-yard ratio of not less than 3:1, unless the owners of the adjoining properties agree or the adjoining properties fail to object to a height-to-yard ratio which is less. The Planning Commission will have the authority to reduce the height-to-yard ratio in cases of demonstrated hardship and only when that location is essential for service.

5. The tower shall be constructed to withstand a minimum wind speed with ½ inch of ice or the basic wind speed, and seismic load capacity standards as determined by Kentucky Building Code. The tower design shall be certified by a registered engineer, licensed in the State of Kentucky.
6. The location of the cellular antenna tower shall not interfere with the traffic circulation, access, storm drainage, required landscaping or other requirements of the Zoning Ordinance, and shall not reduce the number of parking spaces below what is otherwise required.
7. All accessory structures associated with the cellular antenna tower shall be located as close to the antenna tower as possible and at least 25 feet from any adjoining property in a residential zone or any property used for residential purposes. The Planning Commission shall have the power to reduce the 25-foot setback in cases of demonstrated hardship or where adequate natural screening exists on the cell tower lot itself.
8. An amended development plan shall be filed for those sites that were subject to a previous development plan. Such amended plans shall be filed with the Planning Commission within 30 days of Planning Commission approval of a cellular tower and shall be subject to the procedures and requirements of a development plan as set forth in Article 4.5: Development Plan Procedures.
9. A security fence, not less than eight feet in height, shall enclose the base of the cellular antenna tower. In addition, the perimeter of the facility shall be bounded on all sides by the appropriate buffer zone, as outlined in Article 9.3: Buffer & Landscaping Standards, The Planning Commission shall have the authority to waive or modify the landscape requirements if adequate natural screening already exists on the property.
10. Monopole and alternative design cellular antenna towers shall be permitted in all zones. Lattice towers and guyed towers may only be located in the A1, CH, and IG zone districts. In the agricultural zone, lattice and guyed towers shall only be permitted when more than 250 feet from all existing residences.
11. Co-location shall be encouraged in each site considered by the Planning Commission. Each cellular antenna tower should be of sufficient height, and the site should be of sufficient size to accommodate a minimum of three antenna users, except in cases of alternative tower design. Where co-location is not an option, innovative (alternative) design, as defined in Article 2.2: Definitions, shall be encouraged and will require that only staff review be provided to the Planning Commission, provided it meets:
 - a. The more restrictive setback and screening requirements as set forth in this Article and Article 6: Establishment of Zones,
 - b. All requirements set forth in Article 10.9-H: Planning Commission Procedures; and
 - c. The criteria for the required bond or other acceptable surety as described in Article 10.9-K: Abandonment.
12. In cases where a cellular antenna tower or antenna is located on a portion of a property whose “subdivision” is based on a long-term lease, the lease area shall not take the parent tract below the minimum lot requirement for the zone in which it located.
13. Prior to construction and/or location of a cellular antenna or tower, whether on an existing structure or on ground level, any applicable permits must be obtained from the Planning Commission and the local building inspection department for the jurisdiction the cellular antenna or tower is being located.

E. Mitigating Design Standards for Cellular Antenna Towers in Residential or Agricultural Zones.

When no adequate alternate site for a cellular antenna tower is available, a site in a residential or an agricultural zone may be permitted. The Planning Commission shall consider the following mitigating design standards and may reduce or modify these standards in cases where it can be demonstrated that there is a hardship:

1. The Planning Commission shall have the power to impose additional landscaping requirements, which may include plantings, trees, and fencing designed to complement the character of the landscaping in the surrounding residential area.
2. Design and materials to be used in the accessory building or buildings may be required to be submitted to the Planning Commission for review and approval.
3. Asphalt or other hard-surface paving shall be provided for driveways and parking.
4. A 1:1 height-to-yard ratio shall be required. A reduction in the height-to-yard ratio may be permitted if no other location for the tower can be found.
5. Monopole or alternative tower design shall be used in any residential zone; and acceptable colors but not limited to, such as light gray or light blue, shall be used to minimize any negative visual impact the tower or antenna may have on adjoining properties. The tower must be maintained on a regular basis by the owner of the facility in order to ensure that it continues to have minimal visual impact on the surrounding area.

F. Temporary Cellular Antenna Towers. Temporary cellular antenna towers, which shall be subject to approval by the Planning Commission, shall be limited to a time period of no more than one year from the date the zoning permit is issued by the Planning Commission, shall be subject to the same screening requirements (other than plant material) as a permanent tower, and shall be limited to a height of 70 feet. Removal of the security fence when the tower and any associated accessory structures are dismantled or removed from the site shall be the responsibility of the owner of the tower and shall be accomplished within 90 days of the removal of the tower. Temporary transmitting facilities shall be permitted by right where permanent cellular towers and antennae have been approved, until permanent construction is completed. The Planning Commission shall have the power to require a bond, or other appropriate alternative surety in order to ensure the safe removal of the tower and any accessory structures.

G. Uniform Application for a Cellular Tower. Any applicant that proposes to construct a cellular antenna tower for cellular telecommunications services or personal communications services within the city of Simpsonville must submit a completed uniform application to the Planning Commission, as mandated by KRS 100.9865. A copy of the requirements for submission of a uniform application is on file and may be obtained from the Planning Commission. Unless waived by the applicant, all information contained in the uniform application and any updates, except for information that specifically identifies the proposed location of the cellular antenna tower then being reviewed, shall be deemed confidential and proprietary. In accordance with KRS 100.987, the Planning Commission may not approve public requests 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 the applicant has provided a written waiver of confidentiality. In addition, the applicant shall submit the following information:

1. Efforts of the applicant to locate on an existing structure by identifying:
 - a. The location of the towers or other structures (including buildings) located within the search ring for the subject facility and which are capable of its support.
 - b. Reasons why the co-location was unsuccessful in each instance. Such reasons shall be supported by documentation and shall relate to the following criteria:

- 1) The existing towers or facilities are not of sufficient height to meet the applicant's engineering standards.
 - 2) The existing towers or facilities do not have sufficient structural strength to support the applicant's proposed antenna or related equipment.
 - 3) The physical constraints of the site preclude co-location.
 - 4) The applicant's proposed equipment would cause frequency interference with other existing or proposed equipment on the tower or facility; or the existing or proposed equipment on the tower or facility would cause frequency interference with the applicant's planned equipment, which cannot reasonably be prevented.
 - 5) The owner of the existing tower or facility is unwilling to entertain a co-location proposal.
2. A statement of the relationship of the cellular antenna tower location to the adopted Comprehensive Plan of Simpsonville.
- H. **Planning Commission Procedures.** Upon filing of the uniform application, the Planning Commission shall charge the applicant a fee as established by the Triple S Planning Commission. The Planning Commission shall have 60 days to complete its review of the request for a cellular antenna tower and act on the request. If an application does not contain all of the information as required by KRS 100.9865, it will be considered incomplete and shall not be accepted as "filed." The 60-day time limit for review will not begin until the application has been completed and filed in accordance with the requirements of the uniform application. In situations where it can be demonstrated by the applicant that some portions of the uniform application are unreasonable for the location and construction of a cellular antenna tower, the Planning staff (or other authorized representative of the Planning Commission) may waive such requirements, and the application shall be considered complete. However, the applicant must first provide a written request, including a justification of the waiver, before it can be considered by the staff. Once it has been determined that portions of the uniform application may be waived, the application shall be considered complete as of the date that determination is made. The requisite 60-day time period for review and/or final action on the application will begin at that time.
1. The Planning Commission shall give notice of the time, date and place of the public meeting by one publication in the newspaper of highest circulation in Shelby County, not earlier than 21 days, nor later than seven days before the public hearing. In addition, notice of the hearing shall be given by the posting of a sign on the proposed site by the applicant. The sign shall be constructed of durable material; shall not be less than two feet by four feet; shall state "Cellular Antenna Tower" in bold letters not less than three inches in height; shall state the time, place and location of the public meeting and the phone number of the Triple S Planning Commission in letters at least one inch in height. The sign shall be posted on the property at a location visible from the highest traffic volume roadway abutting the property not more than three days after the filing of the application and shall be maintained until the meeting date. The applicant shall provide an affidavit to the Planning Commission at the hearing, stating that the sign was posted as required and has been maintained on the property during the notice period to the best of the applicant's knowledge and ability.

2. For any cellular tower or antenna that requires Planning Commission review, the Planning Commission shall provide notice of the public hearing by registered mail with return receipt requested at least 21 days in advance to the owners of all property within a 500-foot radius of the subject property. It shall be the duty of the applicant to furnish the Planning Commission the names and addresses of the owners of all property within a 500-foot radius of the subject property. Records maintained by the Property Valuation Administrator may be relied upon conclusively to determine the identity and address of said owner.
3. Upon giving notice as provided herein, the Planning Commission shall hold a public meeting and vote to approve, conditionally approve or disapprove the proposed cellular antenna tower. At the public meeting, the Planning Commission shall receive the report of the staff, orally and/or in writing, and shall hear testimony of the staff members as it sees fit. The Planning Commission shall allow the applicant, protesters, and other interested citizens to testify and rebut the evidence presented by other parties. The Chairman shall have the power to limit repetitive testimony and shall exclude irrelevant testimony and evidence. It should be noted that testimony regarding the environmental effects of radio frequency emissions is considered irrelevant and shall not be permitted.
4. The Planning Commission shall have the authority to hear and decide requests by an applicant for a cellular antenna tower. The Planning Commission may approve, disapprove, or take no action on the request for a cellular antenna tower. The burden shall be on the applicant to establish the following by a clear preponderance of the evidence:
 - a. The application meets all requirements of the Zoning Ordinance;
 - b. The application is in agreement with the Comprehensive Plan;
 - c. Certificate of Authority in the Commonwealth of Kentucky is in good standing;
 - d. Federal Communication Commission (FCC) License is in good standing;
 - e. Reasons why the site is appropriate for a cellular antenna tower and why it will not have an adverse effect on the health, safety and welfare of the adjoining area;
 - f. Reasons why the tower will not alter the essential character of the surrounding area;
 - g. Reasons why the applicant has been successful in its attempts to co-locate on towers designed to host multiple wireless service providers' facilities or other existing structures, such as a telecommunications tower or another suitable structure capable of supporting the applicant's facilities.
5. Action by the Planning Commission to either approve, conditionally approve, postpone or disapprove an application for a cellular antenna tower must occur within 60 days of the receipt of a completed uniform application. No action on the part of the Planning Commission means that the Planning Commission has not taken definitive final action on the application within the requisite time period. The following actions by the Planning Commission shall have the meanings so stated:
 - a. **Approval.** Means the application meets the requirements of the Zoning Ordinance and is in agreement with the Comprehensive Plan. Once it is determined that the application meets these requirements, the Planning Commission may then act to approve the application.

- b. **Conditional Approval.** Means that the Planning Commission has imposed certain reasonable conditions and/or has required modifications to the application, to ensure the health, safety, and welfare of the community and to protect the essential character of the surrounding area. Such conditions may include, but are not limited to, relocating the tower or the accessory building to a different location on the site; installation of landscaping or screening; modification of the tower design; or modification of the antenna design. Conditions imposed by the Planning Commission shall be binding upon any tower constructed on the proposed site, including co-locators.
- c. **Postponement.** Means the Planning Commission has delayed action on the application to a future Planning Commission meeting for definite reasons, which shall be noted by the Planning Commission, in order that certain clarifications can be made. In no case, can the postponement extend past the 60 day time period, unless granted by the applicant writing.
- d. **Disapproval.** Means the application does not meet the requirements of the Zoning Ordinance and/or is in disagreement with the Comprehensive Plan. In these cases, the Planning Commission may then act to disapprove the application. The specific findings and reasons for the disapproval shall be stated in the Planning Commission's action and shall be recorded in the minutes of the meeting and made available to the applicant and to the public. A tie vote by the Planning Commission shall be disapproval by operation of law.
- e. **No Action.** Means that if the Planning Commission has not taken final action on an application within requisite time period, unless there is a written agreement between the applicant and the Planning Commission which specifies a date by which the decision will be rendered, the application is deemed approved by operation of law.
- I. **Forwarding the Planning Commission's Action to the Public Service Commission.** If the application is approved, the applicant shall inform the Public Service Commission of the Planning Commission's action within 10 working days of the approval. The notice to the Public Service Commission shall include a map showing the location of the construction site. If an applicant fails to file notice of an approved uniform application with the Public Service Commission, the applicant shall be prohibited from beginning construction on the cellular antenna tower until such notice has been made.
- J. **Existing Facilities.** Any existing cellular antenna towers that were constructed prior to the adoption of this Ordinance shall be considered permitted uses and shall be subject to this Ordinance in the event the cellular tower is to be removed. This Ordinance shall also apply to existing facilities if a tower or antenna is replaced and/or augmented to increase the height more than 50%. Replacement towers for lattice or guyed towers located in residential zones shall be monopoles or alternative tower design unless, in the review of the application, the Planning Commission finds that the replacement with a lattice or guyed tower would improve or preserve the opportunities for co-location. In its review of such an application, the Planning Commission shall consider the impact of the proposed tower on the immediate neighborhood and the surrounding neighborhoods and may attach appropriate and reasonable conditions to the approval of the tower to mitigate such impacts.

- K. **Abandonment.** The Planning Commission may request the owner of a cellular tower or antenna to provide a declaration of intent for continued operation and use of the tower or antenna. In the event that the tower or antenna is abandoned or there is no response from the owner within 90 days, it must be removed within six months of ceasing operation at the owner's expense. Prior to issuance of a zoning permit for construction of a tower or antenna, a bond or other appropriate surety shall be filed with the Planning Commission, in order to ensure the successful dismantling and removal of the tower or antenna and any associated accessory structure.
- L. **Staff Review Proposals by Applicant.** When an applicant seeks to place antennae on an existing structure; or in the event an applicant proposes to augment the height of an existing tower, provided the height of the tower will not be increased over 50%, and the height will not result in additional lighting requirements pursuant to Federal Aviation Administration rules, and provided Article 9.5: Lighting Standards, is complied with, the application may then be reviewed and acted on by the staff.
- M. **Appeals**
 - 1. Any party claiming to be aggrieved by a final action of the Planning Commission under the provisions of KRS 100.985 to 100.987 may bring an action for review in Shelby Circuit Court.
 - 2. All orders of the Planning Commission which have not been appealed within 30 days shall become final; however, there shall be no stay of any action on the subject property until such time as an appeal has been filed.