

ORDINANCE NO. 2023 – 018

AN ORDINANCE ADOPTING NEW AND/OR AMENDED ZONING REGULATIONS OF THE CITY OF FRANKLIN AS RECOMMENDED BY THE FRANKLIN-SIMPSON PLANNING AND ZONING COMMISSION

WHEREAS, after a public hearing held on Tuesday, May 16, 2023 and, pursuant to KRS 100.210 and all other applicable statutes, the Franklin-Simpson County Planning and Zoning Commission approved revisions in Article 7, a new section 7.19.2; and Article 11, revisions to section 11.1, and new sections 11.14.6 and 11.14.7; and a revision to Article 13.4.1; and Article 14, adding new sections 14.4.5 and 14.4.6 of the Zoning Regulations of the City of Franklin and Simpson County, Kentucky, and submitted the regulations to the Board of City Commissioners of the City of Franklin for consideration and adoption; and

WHEREAS, it is in the best interest of the City of Franklin to adopt said regulations.

NOW, THEREFORE, BE IT ORDAINED by the City of Franklin, Kentucky, acting by and through its Board of City Commissioners as follows:

1. The new and amended zoning regulations are contained in Article 7, adding a new section 7.19.2; amending Section 8.2.3; Article 11, revisions to section 11.1 and 11.6.2, and adding new sections 11.14.6 and 11.14.7; a revision to Article 13.4.1; and Article 14, adding new sections 14.4.5 and 14.4.6; to the Zoning Regulations of the City of Franklin and Simpson County, Kentucky approved by the Franklin-Simpson County Planning and Zoning Commission on Tuesday, May 16, 2023, are hereby adopted and all of the provisions, conditions and terms of such regulations on file in the office of the Franklin-Simpson County Planning and Zoning Commission and the office of the City Clerk of the City of Franklin are hereby referred to, adopted, and made a part hereof as if fully set out in this ordinance. The additions and revisions are as follows:

- (a) A new section 7.19.2 shall be created to read as follows:

7.19.2 Traffic Impact Studies (TIS).

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

Commission, is likely to generate significant traffic above current conditions.

- (b) Section 8.2.3 a. is amended as follows:

8.2.3 Conditional Uses

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

- a. One duplex per lot of not less than ten (10) acres; Airports and landing strips; Solar Farms as described and as set forth in section 9.8; Cemeteries; Hospitals; Public or private schools or colleges; Home occupations when in compliance with section 9.3; Oil or gas wells; Country club or golf course; Public parks, playgrounds and community centers; Private marine, boat dock, boat ramp; Driving range or private outdoor recreational activity; Manufactured home parks complying with section 8.8.13.

- (c) Sections 11.1 and 11.6.2 shall be revised as follows, and two new Sections in Article 11, namely Sections 11.14.6 and 11.14.7 shall be created to read as follows:

11.1 Appointment of Code Enforcement Officer

The provisions of these regulations shall be administered and enforced by the Code Enforcement officer appointed by the Franklin Board Commissioners or the Simpson County Fiscal Court. The Code Enforcement officer may have the assistance of the Administrative Official or such other persons as the Planning Commission appoint in carrying out the duties assigned to them.

The Code Enforcement Officer shall have the power to make inspection or examinations of buildings and premises necessary to carry out his duties in the enforcement of these regulations. In the performance of his duties, the Code Enforcement officer, may enter upon any land and make surveys that do not cause damage or injury to private property. In addition to his/ her authority elsewhere in the City or County Code of Ordinances, the Code Enforcement Officer shall have the powers set forth in article 11.2.2, 11.2.4, and 11.2.5.

For purposes of this Article 11, Code Enforcement officer means Property Maintenance Code Enforcement Officer, Community Development Director, Building Inspector, Administrative Official, or other public law enforcement officer that has been given specific authority to issue a citation for violations of these regulations or other city or county ordinances.

11.6.2 Issuance

If the proposed construction or alteration conforms with all applicable provisions of these Zoning Regulations and all other applicable ordinances, regulations and codes, the administrative officer shall issue a building permit authorizing such construction or alteration. If the proposed construction or alteration fails to conform, the administrative officer shall refuse to issue a building permit and shall deliver written notice to the applicant stating the reasons for the refusal. The administrative official shall act upon applications for building permits within two (2) weeks from the date of their submission. Provided, however, that the Administrative Official may issue a Stop Work Order on or suspend or revoke any building permit previously issued if the Administrative Official determines that the permittee is in violation of these regulations or any provisions of the applicable local government's Code of Ordinances. A Stop Work Order shall be in effect for a period of time not to exceed sixty (60) days' so long as permittee remains in violation of these regulations or a local ordinance during that time. If the violation is remedied, the Administrative Official shall rescind the Stop Work Order. If the Stop Work Order is ineffective or if the Administrative Official deems the violation more serious in nature, the Administrative Official may suspend or revoke a building permit provided that he or she shall provide the reasons for the suspension or revocation, in writing, within ten (10) days of the effective date said suspension or revocation. A permittee aggrieved by this provision shall file a request for appeal, in writing, with the Administrative Official or the Chairperson of the Planning Commission within ten (10) days of receipt of the written notice of suspension or revocation along with the reasons why the permittee feels that the suspension or revocation is not warranted. The Administrative Official or Chairperson shall schedule a hearing on the matter at a meeting of the Planning Commission to be held not later than thirty (30) days after receipt of the request for appeal.

11.14.6 Enforcement proceedings for these Regulations shall generally be initiated by the issuance of a notice of violation or a citation by a code official as set out in the procedures of these Regulations. Provided, however and in addition to all procedures as set out herein and other available injunctive remedies, the Code Enforcement Officer may also take immediate action to remedy a violation of these Regulations, including the issuance of a Stop Work Order, for construction under an active permit, detailed development plan or subdivision if work is not in compliance with the requirements of these Regulations. A Stop Work Order may remain in effect for as long as the condition exists which gave rise to the issuance of said Stop Work Order. Any person violating any portion of these Regulations shall also be subject to civil penalties as set out in Article 11 of these Regulations.

11.14.7 Any person causing a violation of these Regulations which requires the City or County to expend public funds for the response to the violation, its abatement or the cleanup or removal of any prohibited discharges, pollutants or hazardous materials shall be liable to the City or County, depending on the primary jurisdiction of the violation, for all recoverable costs incurred by the City or County for such response and/or cleanup and removal. These costs shall include but not limited to personnel costs of the Police Department, Fire Department, Public Works Department and other responding City or County departments, replacement costs of supplies and equipment contaminated as a result of the discharge, proper disposal of offending materials, cleanup, evacuation, administrative and all other expenses, including legal expenses incurred in recovering such costs. The City or County shall have a lien against the property for its recoverable costs required to be expended as set forth herein.

- (d) Section 13.4.1 shall be amended to read as follows:

13.4 Relationship to Subdivision Regulations

The relationships between development plans and the subdivision regulations are established as follows:

13.4.1 Applicability of Subdivision Regulations

Although development plans are not subdivision plats, quite often the development plan does indicate a need or intent to subdivide property. For any development plan, the design and improvement standards contained within the City of Franklin Subdivision Regulations shall be applied to proposals contained on the development plan and located in the corporate limits of the City. All residentially zoned subdivisions in the city limits shall be required to form and have a functional Homeowners' Association unless the Planning and Zoning Commission exempts the residential subdivision from the requirement of a Homeowners' Association for valid cause. The Homeowners' Association shall be formed in order to maintain all common areas of the subdivision including, but not limited to storm water structures, and for all other purposes as required by the City of Franklin Subdivision Regulations.

- (e) Two new Sections shall be added in Article 14, namely Sections 14.4.5 and 14.4.6 shall be created to read as follows:

14.4.5 The following screening buffer types shall be used in the proposed development plan either by proposal of the developer or by requirement from the administrative official and/or local planning commission which could be in the form of a binding element as a condition of approval of the proposed development plan. See drawings attached hereto and incorporated herein by reference.

14.4.6 Definitions The following definitions shall be used for terms contained within this Article.

A. Buffer yard: A designated area of a yard or open area together with any plant materials, barriers, or berms required thereon to separate and partially obstruct the view of two (2) adjacent land uses or properties from one another.

B. Landscaped Area: That area within the boundaries of a given lot consisting primarily of plant material including, but not limited to, grass, trees, shrubs, flowers, vines, groundcover, and other organic plant materials except weeds. Inorganic materials, such as brick, stone, or aggregate, may be used within landscaped areas provided that such material comprises no more than thirty-five (35) percent of the area of the required landscaped area. Concrete or asphalt surfaces, other than for walkways or bikeways, shall not be used within a required landscaped area.

C. Opaque barrier: A vegetative material or man-made structure designed and placed to prevent overt lighting, reduce noise levels and generally to prevent line of sight between two points or locations.

D. Tree: A woody plant having at least one (1) well-defined trunk or stem and a more or less definitely formed crown which includes broadleaf and evergreen canopy trees and broadleaf and evergreen ornamental trees. (Examples include: oaks, hickory, poplar, elm, maple, sweetgum, sycamore, pine, cypress, redbud, dogwood, ash, cedar, holly and myrtle trees.)

1. **Large tree** – Native tree species capable of achieving a height of thirty (30) feet or more. Examples include oaks, maples, ash, walnut, elm, hickory, sweetgum, sycamore, tulip poplar, birch, cypress, pine and cedar trees. (Also known as a canopy tree.)
2. **Medium tree** – Tree species capable of achieving a height of between fifteen (15) feet and thirty (30) feet in height. Examples include holly, dogwood, redbud and serviceberry trees.
3. **Small (understory or ornamental) tree** – Tree species capable of achieving between eight (8) and fifteen (15) feet in height. Examples include Virginia willow, mountain laurel and crape myrtles trees and other similar sized trees.

2. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such

portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions hereof. All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

May 8, 2023 FIRST READING

May 22, 2023 SECOND READING

At a meeting of the Board of Commissioners of the City of Franklin, Kentucky, held on May 22, 2023, on motion made by Commissioner Powell and seconded by Commissioner Williams the foregoing ordinance was adopted, after full discussion, by the following vote:

YES LARRY DIXON, MAYOR

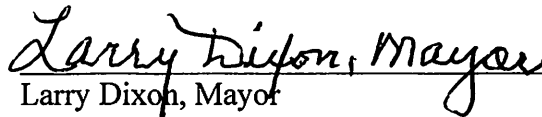
YES JAMIE POWELL

YES DALE MCCREARY


YES WENDELL STEWART

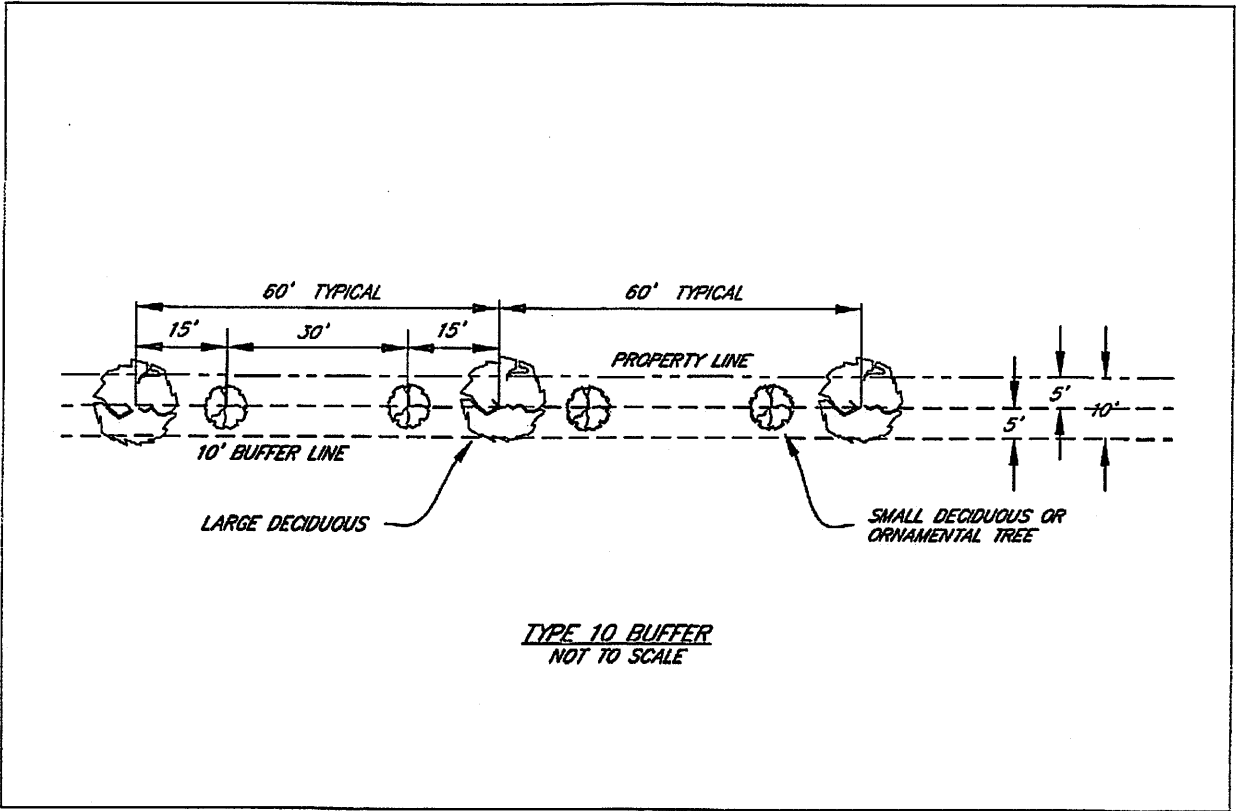
YES HERBERT WILLIAMS

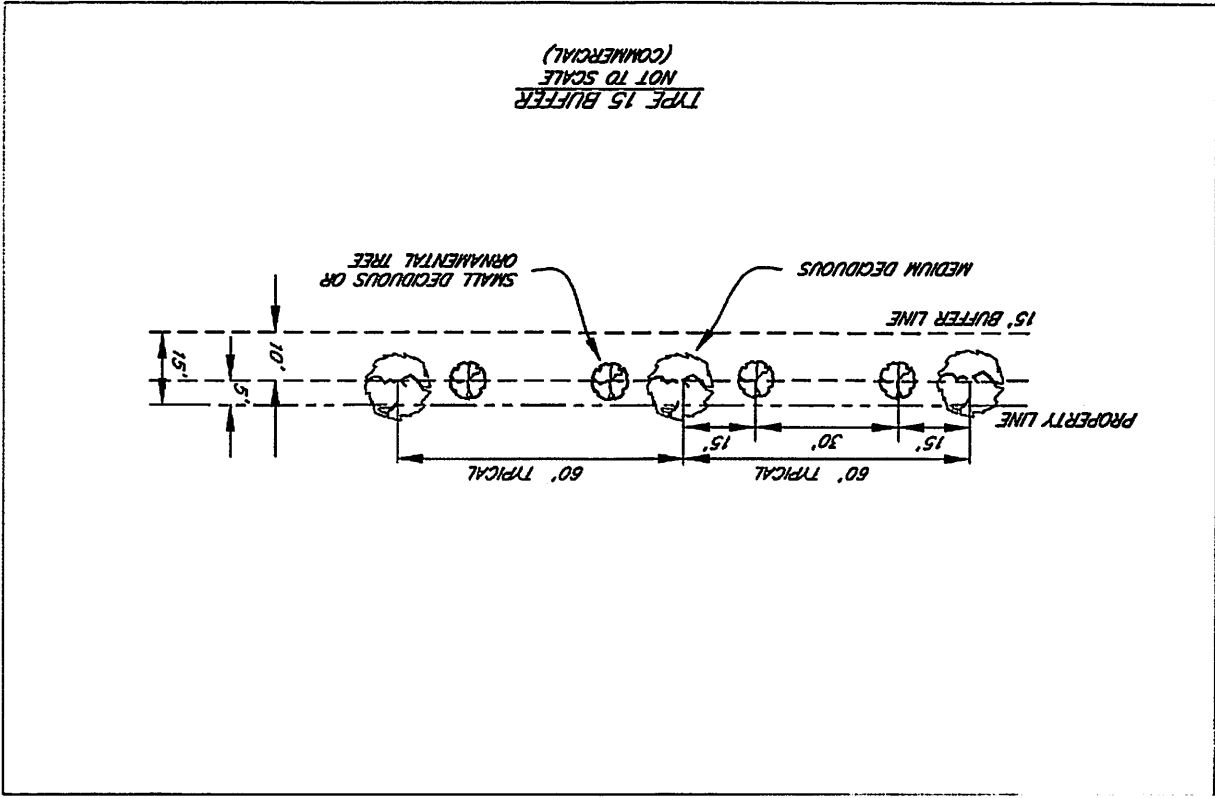
APPROVED BY:


Larry Dixon, Mayor

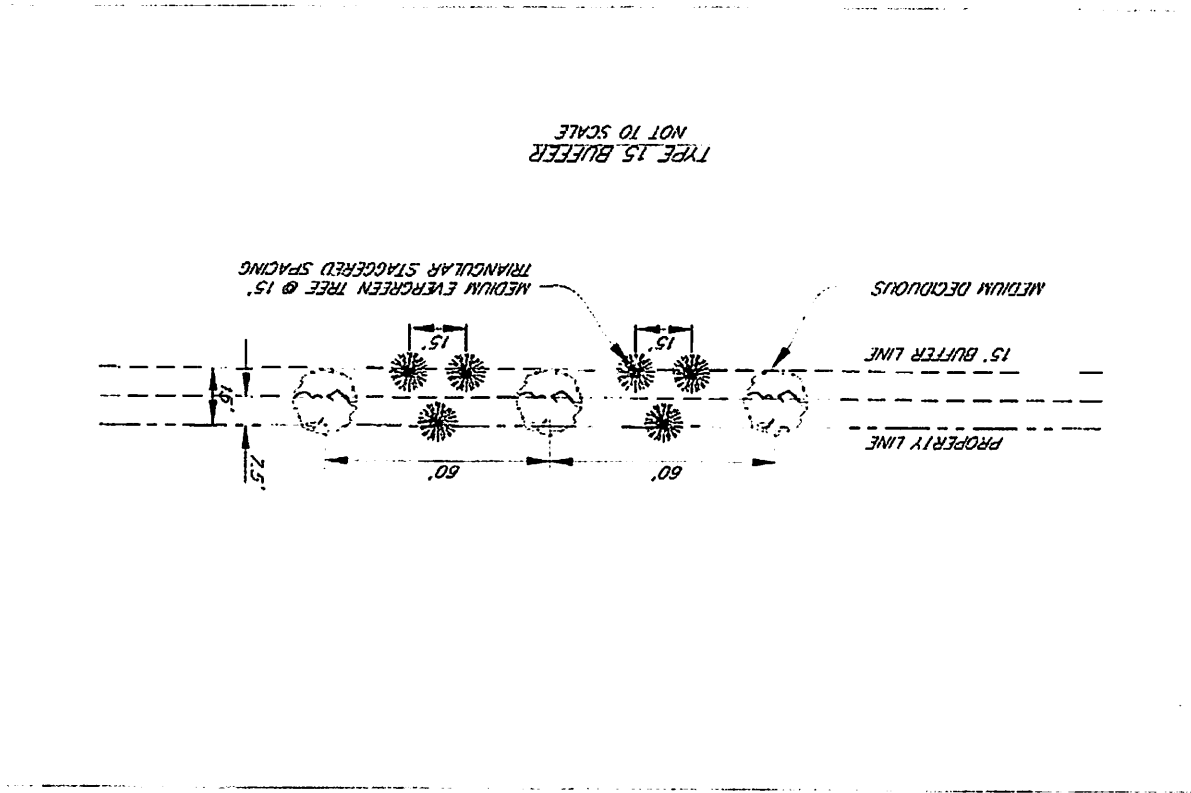
ATTEST:

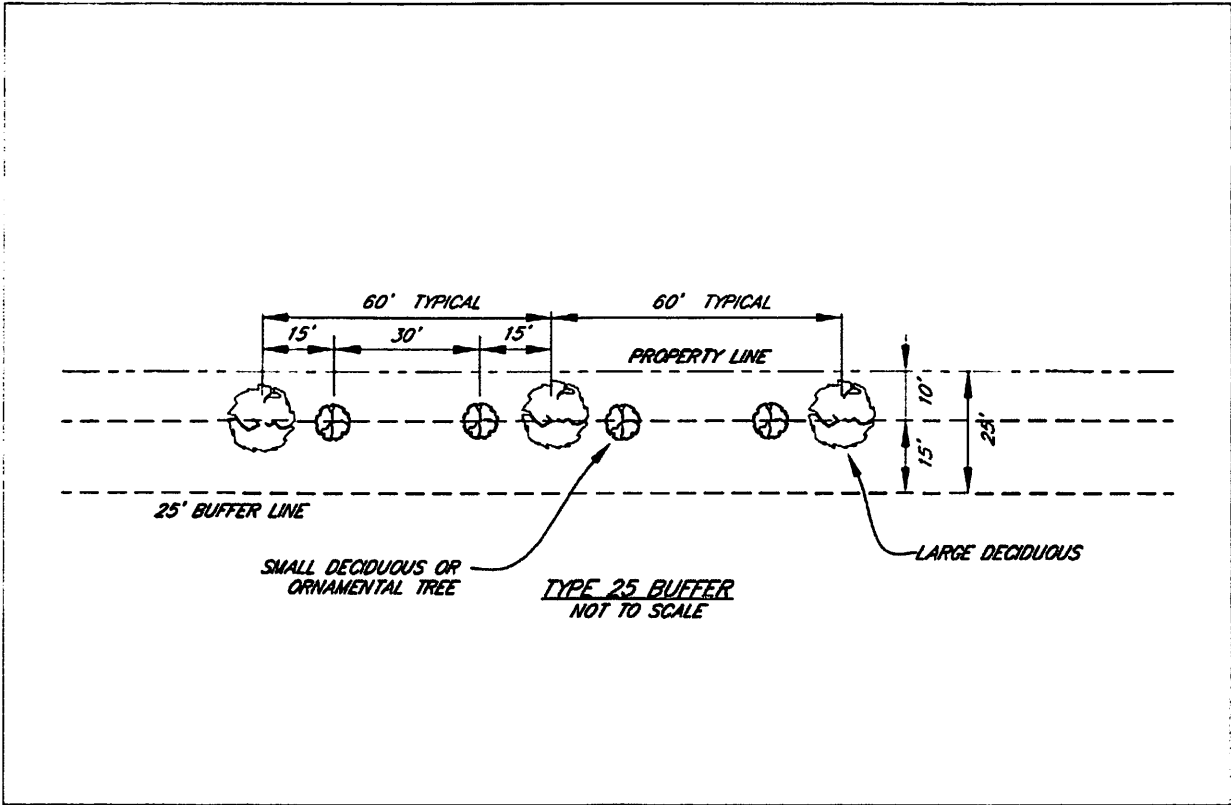
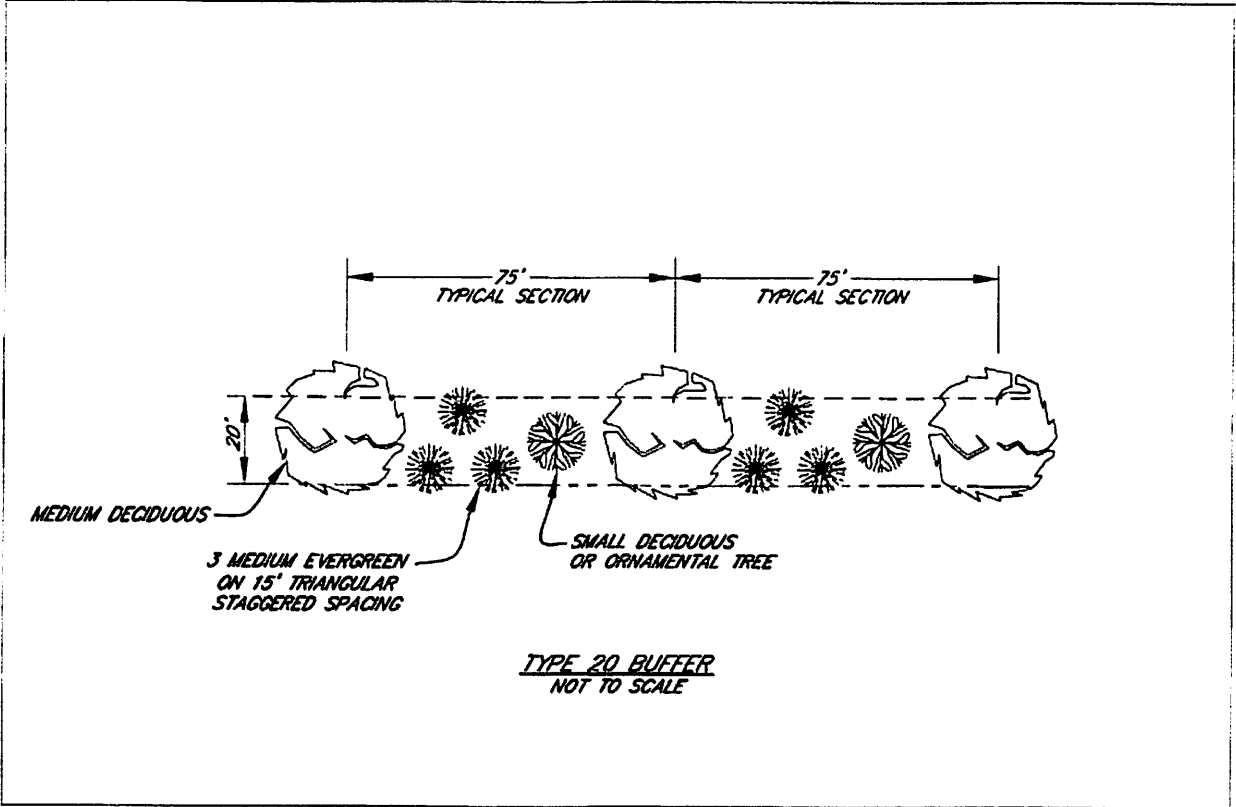

Cathy Dillard, City Clerk

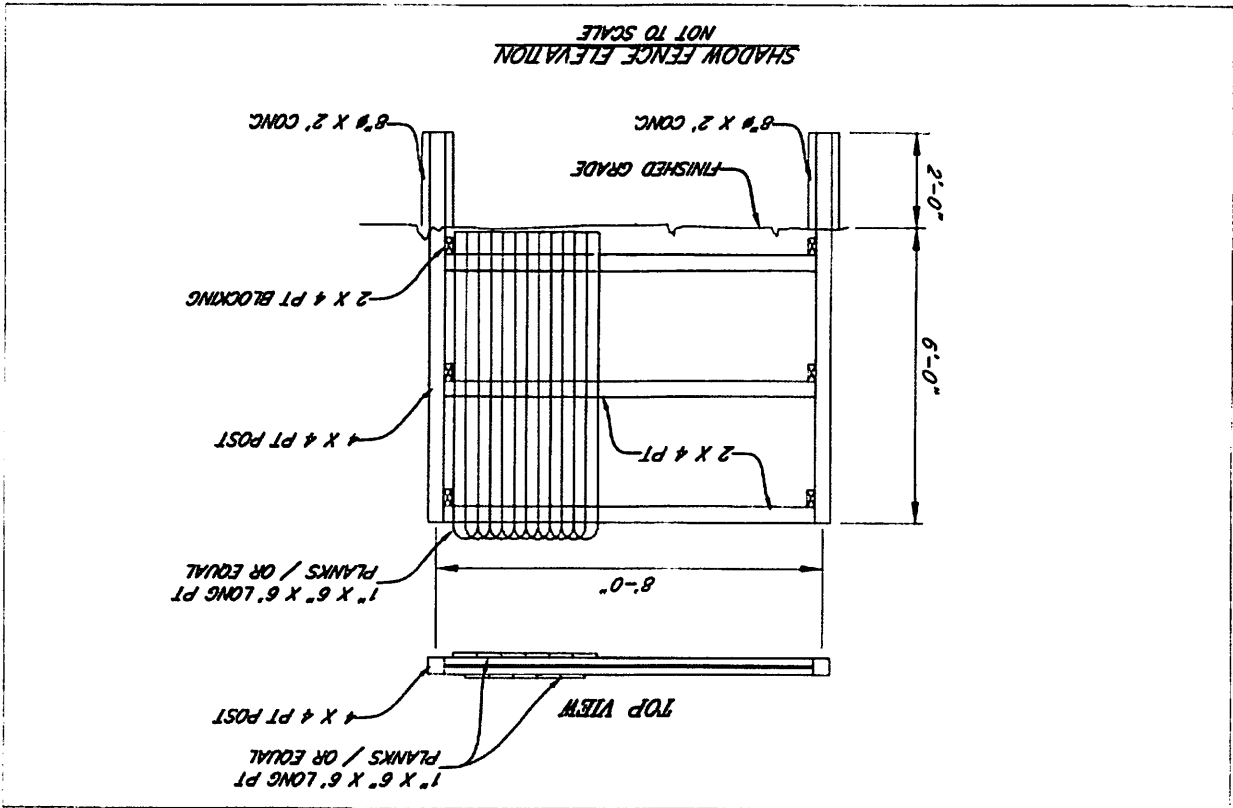
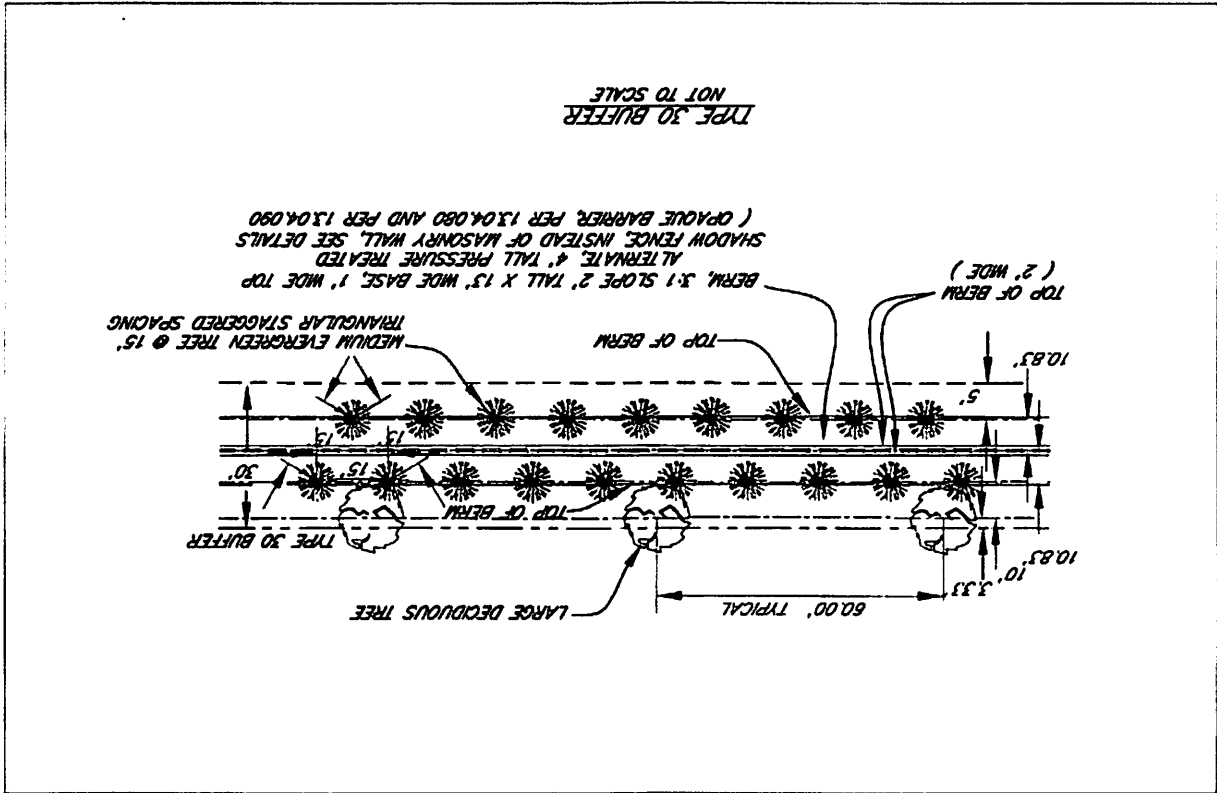


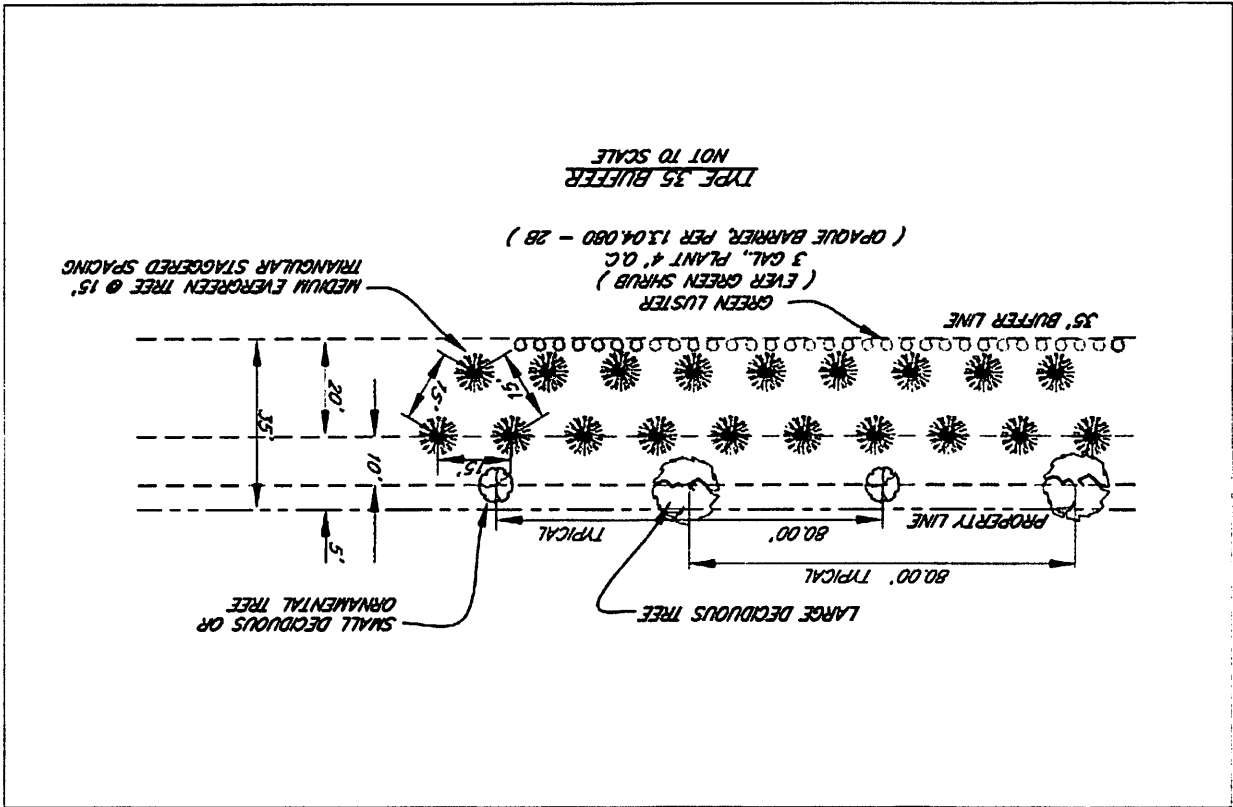
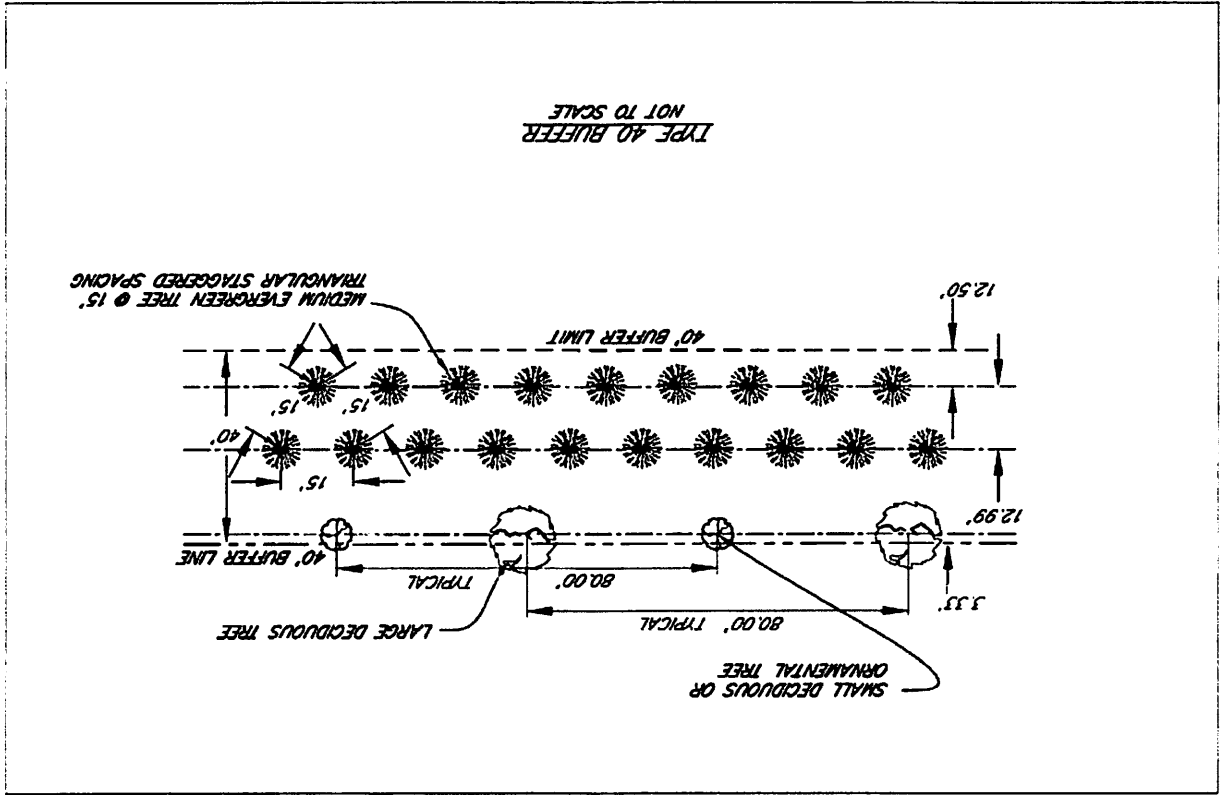


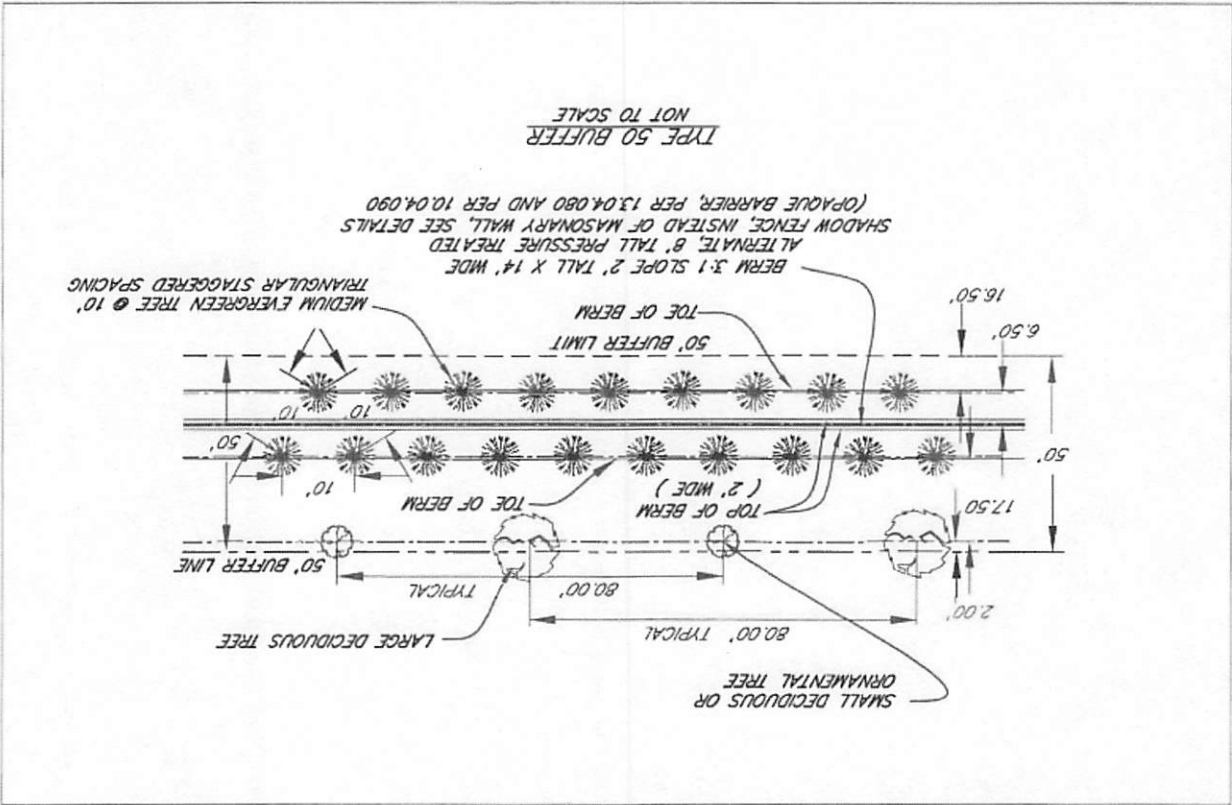
RESIDENTIAL TO RESIDENTIAL











Type 40 with fence to center of buffer screen

