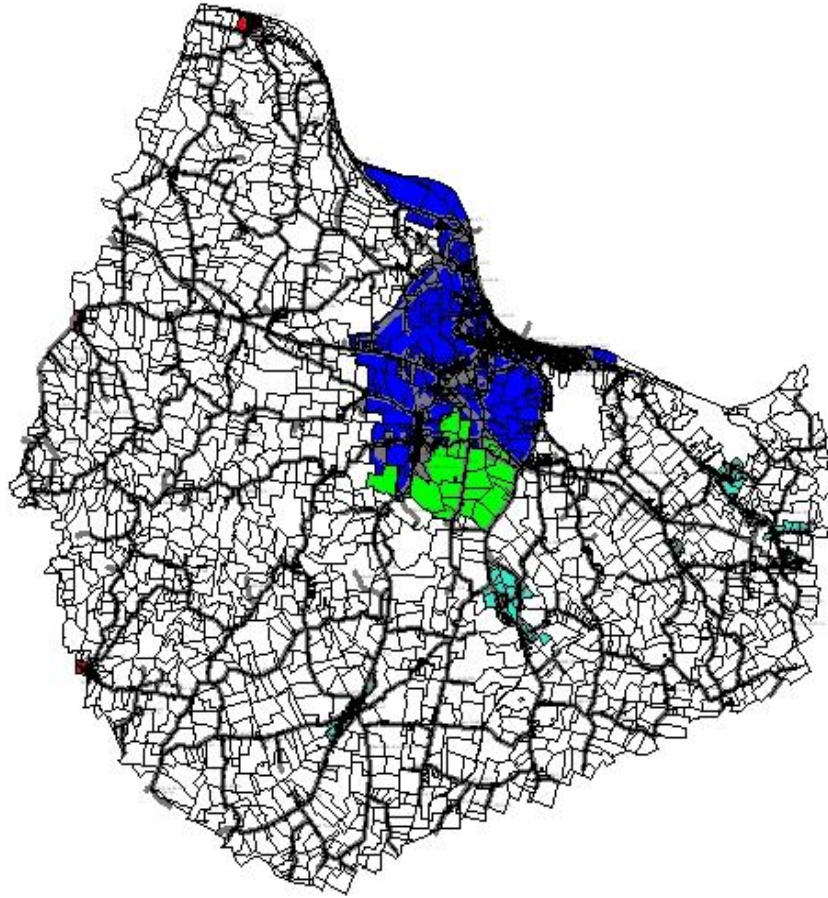


LAND USE MANAGEMENT ORDINANCE



CITY OF MAYSVILLE & MASON COUNTY, KENTUCKY

December, 2020

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ARTICLE I INTRODUCTION

100 MISSION STATEMENT

This ordinance is designed to guide land use decisions in Maysville and Mason County as a means of implementing the comprehensive plan. It is the desire of the City of Maysville, the Mason County Fiscal Court, and the Mason County Joint Planning Commission that, through the use of this document, future development in both the city and county may take place in an orderly fashion.

This ordinance will also serve as a practical guide for understanding the land use process in Maysville and Mason County. It has been written in such a way as to provide flexibility in design and development while being careful to protect the health, safety, and general welfare of citizens. One goal of the ordinance is to avoid excessive regulation and costs associated with land use. A second goal is to recognize the differences that exist between the City of Maysville and the unincorporated area of Mason County, and to take these differences into account in guiding land use decisions. Finally, this ordinance attempts to spell out in an organized manner and in sufficient detail, how the land use decision process works.

ARTICLE II GENERAL PROVISIONS

200 TITLE

The ordinance shall be known and may be cited to as the Maysville/Mason County Land Use Management Regulations.

201 AUTHORITY

These regulations are adopted under the authority granted in Kentucky Revised Statutes (K.R.S.) Chapter 100.

202 PURPOSE

The purpose of this ordinance is to promote public health, safety, morals, and the general welfare of Maysville and Mason County, Kentucky; to facilitate orderly and harmonious development and preserve the visual or historical character of the area; and to regulate the density of population and the intensity of land use in order to provide for adequate light and air. In addition, these land use regulations are designed to provide for vehicle parking and loading spaces, as well as to facilitate police and fire protection, prevent the overcrowding of land, blight, danger, and congestion in the circulation of people and commodities, and prevent the loss of life, health, or property from fire, flood, or other dangers. These regulations are used also to protect airports, highways, and other transportation facilities, public grounds and facilities, historic districts, prime agricultural land and other natural resources, and other specific areas of the city and county which need special protection.

203 JURISDICTION

On and after the date of adoption, these regulations shall govern the use of land and structures in the City of Maysville and the unincorporated portions of Mason County, excluding the incorporated areas of Dover, Germantown, and Sardis.

Cross reference: Adoption by City of Maysville Ordinance 02C-15, effective 12-19-02

Adoption by Mason County Fiscal Court Ordinance 02-07, effective 10-15-02

204 MINIMUM REQUIREMENTS

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements. The Planning Commission may require standards above the minimum contained herein whenever it finds that the protection of public health, safety, and welfare warrants such increases.

205 CONSISTENCY WITH OTHER PROVISIONS

Whenever there is a discrepancy between minimum standards set forth in these regulations and those of other lawfully adopted rules, regulations, resolutions, or ordinances, the most restrictive or highest standard shall apply.

206 SEPARABILITY AND SEVERABILITY

Should any section or provision of these regulations be for any reason held void or invalid, it shall not affect the validity of any other section or provision thereof which is not itself void or invalid.

207 RELATION TO THE COMPREHENSIVE PLAN

The implementation of these regulations is closely related to the attainment of goals and objectives contained in the 2001 Comprehensive Plan for Maysville/Mason County, Kentucky. The section of the plan dealing with the use and management of land and development should serve as a primary reference in administering these regulations.

Cross-reference : A Comprehensive Plan for Maysville and Mason County

Adopted by City of Maysville Resolution No. 2001-11, 3-13-02

Adopted by Mason County Fiscal Court Resolution 01-18, 3-8-01

208 REPEAL OF CONFLICTING ORDINANCES

All ordinances or parts of ordinances of the City of Maysville or Mason County Fiscal Court in conflict with this ordinance or inconsistent with the provisions of this ordinance are hereby repealed to the extent necessary to give this ordinance full force and effect.

209 EFFECTIVE DATE

This ordinance shall become effective from and after the date of its approval and adoption by the City of Maysville and the Mason County Fiscal Court.

City of Maysville

David W. Cartmell

Mayor

3/22/2005

Date

Mason County Fiscal Court

James L. Gallenstein

Judge Executive

3/15/2005

Date

ARTICLE III

ADMINISTRATION AND ENFORCEMENT

300 THE CITY OF MAYSVILLE AND MASON COUNTY

The Board of Commissioners of the City of Maysville and the Mason County Fiscal Court are the two bodies of elected officials responsible for overall governance of their respective jurisdictions. Their specific responsibilities as pertain to planning and development activities in their respective jurisdictions are as follows:

- 1) Development, adoption, administration, and amendment of laws, regulations, and rules for conduct of governmental affairs.
- 2) Adoption of the Comprehensive Plan which serves as the general guide for future growth and development.
- 3) Make the final decisions regarding all applications for land use changes, and oversee the administration of subdivision regulations, building codes and this ordinance.

301 THE PLANNING COMMISSION

The Mason County Joint Planning Commission is an eight (8) member body, with four (4) members appointed by the Mayor of Maysville and approved by the Board of Commissioners and four (4) members appointed by the Mason County Judge Executive and approved by the Fiscal Court. The Commission's responsibilities as provided for in K.R.S. 100:

- 1) Preparation of the comprehensive plan
- 2) Review and revisions to the comprehensive plan
- 3) Review and act upon all applications for the subdivision of land
- 4) Review and make recommendations to the appropriate governmental body on all applications for amendments to the land use regulations and official land use map.
- 5) File certificates of land use restrictions

302 BOARDS OF ADJUSTMENTS

There are separate city and county Boards of Adjustments. The City of Maysville Board of Adjustments consists of seven (7) members appointed by the Mayor of Maysville and approved by the Board of Commissioners; and the Mason County Board of Adjustments has five (5) members appointed by the Judge Executive and approved by the Fiscal Court. The Boards have the following responsibilities as pertains to this ordinance:

(1) The power to hear and decide applications for conditional use permits

The power to act on applications for changes to non-conforming uses and structures

The power to act on applications for variances from the provisions of this ordinance.

The power to hear and decide cases where it is alleged by an applicant that there is an error in any order, requirement, decision, grant, or refusal made by the administrative official or Board of Architectural Review in the enforcement of these regulations.

303 PLANNING AND CODES OFFICES

303.1 The City of Maysville Codes Enforcement Office shall be responsible for administration of the Land Use Management Regulations and Subdivision Regulations within the city limits. The City of Maysville Board of Commissioners shall appoint an Administrative Officer to oversee the duties of this office.

303.2 The Mason County Planning and Development Office shall be responsible for administration of the Mason County Land Use Management Regulations and the Subdivision Regulations in the unincorporated areas of Mason County. The Mason County Fiscal Court shall appoint an Administrative Official to oversee the duties of this office.

303.3 Interlocal Agreement The city and county shall adopt an interlocal agreement which shall define the financial responsibilities of each entity, the location of the Planning Commission offices, and coordination of services in the city and county.

303.4 Bylaws. The Planning Commission shall adopt bylaws for the transaction of business, and shall keep minutes of all proceedings of the Planning Commission.

Cross-reference : Amended Interlocal Agreement RE: Mason County Joint Planning Commisison,

Adopted by City of Mayville Resolution No. 02-44

Adopted by Mason County Fiscal Court Resolution No. 03 - ____, - ____03

Cross-reference : Mason County Joint Planning Commission, see §70.040

304 ADMINISTRATIVE OFFICIALS

The Administrative Officials of the City of Maysville and Mason County Fiscal Court shall have the responsibilities of administering the Land Use Management Regulations within their jurisdictions, and shall work closely with each other. The Administrative Official may be designated to issue building permits and certificates of occupancy in accordance with the literal terms of the regulation, but may not have the power to permit any construction, or to permit any use or any change of use which does not conform to the literal terms of the Land Use Management Regulations.

305 PENALTIES

- 305.1** Any person or entity who violates any of the provisions of KRS 100.201 to 100.347 or any of the regulations adopted pursuant thereto for which no other penalty is provided, shall upon conviction, be fined not less than ten dollars (\$10) but not more than five hundred (\$500) for each conviction. Each day of violation shall constitute a separate offense.
- 305.2** Any person, owner, or agent who violates Chapter 100, KRS shall, upon conviction be fined not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) for each lot or parcel which was the subject of sale or transfer, or a contract for sale or transfer.
- 305.3** Any person who intentionally violates any provision of KRS 100.3682 to 0.3684 shall be guilty of a misdemeanor punishable by a fine of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500).

ARTICLE IV THE USE OF LAND AND STRUCTURES

400 PURPOSE

The purpose of this section is to protect and promote the general welfare, health, safety, and morals of the public by establishing regulations and standards to:

1. Preserve and protect the aesthetic quality, natural beauty, and character of the land and the natural resources.
- Preserve, enhance, and protect the character and quality of life of the community.
- Encourage the harmonious interaction of residential, commercial, industrial, public and semi-public, and agricultural land uses.
- Promote and protect the safety of the public against fire, flood, or other hazards.
- Promote and protect the safety and convenience of motorists and pedestrians.
- Encourage the best possible use of the land while avoiding the undesirable effects of overcrowding, congestion, and mixture of incompatible uses.

401 PROCEDURES

This ordinance consists of two parts:

1. The written text portion of the ordinance contained herein.
2. The Official Land Use Management Map which accurately portrays the land use areas and districts as described in the text.

401.1 AMENDING THE TEXT

A proposal to amend the text of the Land Use Management Regulations may originate with the Planning Commission, the City of Maysville Board of Commissioners, or the Mason County Fiscal Court. Regardless of the origin of the proposed amendment, it shall be referred to the Planning Commission before adoption. The Planning Commission shall hold a public hearing after notice as required by K.R.S. 424, and make a recommendation as to the text of the amendment, and whether the text amendment shall be approved or disapproved, stating the reasons for its recommendation. In the case of a proposed amendment originating with the Board of Commissioners or Fiscal Court, the Planning Commission shall make its recommendations within sixty (60) days of the date of its receipt of the proposed amendment. It shall take an affirmative vote of a majority of the Board of Commissioners or Fiscal Court to adopt the proposed amendment.

Cross-reference : Zoning Regulation Amendment, see K.R.S. Ch. 100.211

401.2 AMENDING THE OFFICIAL MAP

- A. Prior to application for amendment to the Official Land Use Management Map, the applicant is encouraged to have a conference with the Planning Commission Administrative Officer to discuss the proposed land use change.
- B. Amendment application. A proposal to amend the Official Land Use Management Map may originate with the Planning Commission, the Board of Commissioners, the Fiscal Court, or the owner of the property in question. The application for amendment shall contain at least the following items:

1. Interest and Ownership. The applicant's name, address, and interest in the application and the name, address, and interest of every person, firm, or corporation represented by the applicant in the application, the name and signature of the owner or owners of the entire land area to be included within the proposed district and all encumbrances of such land and the names and addresses of owners of all adjacent property. If the applicant is not the owner, then the owner shall submit a notarized affidavit certifying the person acting as a representative has the authority to act in his/her behalf.

2. Property survey and site plan. A property survey and written legal

description shall be submitted.

3.Reason for the amendment. The reason and justification for the proposed amendment is consistent with Section 402.1 (C)(4).

4.Effect of the amendment. A statement giving the nature, description, and effect of the proposed amendment on surrounding land uses and properties must be included.

5.A development plan may be required by the Planning Commission in conjunction with the application, and shall be reviewed in accordance with 401.3. If a development plan is approved as part of the land use map amendment, a certificate of land use restriction must be filed.

C. Planning Commission Action:

1. Following receipt of an application for a Land Use Map amendment, the Planning Commission shall conduct a public hearing within 60 days of receipt of an administratively completed map amendment application, UNLESS the timeframe is waived by the applicant. The applicant shall then give public notice thereof in accordance with KRS Chapter 424; such notice shall include publication in a local newspaper at least once and shall be made not less than seven (7) days or more than twenty-one (21) days before the date of the hearing. The applicant shall also give notice at least 14 days in advance of the hearing by first class mail, return receipt requested, to the owners of the adjacent property. Copies of all returned receipts and affidavits of publication shall be presented to the Planning Commission as evidence of compliance prior to the hearing. In addition, the application shall post a notice on the property for fourteen (14) consecutive days. This notice shall be in compliance with KRS Chapter 100.212 and with any requirements established by the Planning Commission.

2. If the property the classification of which is proposed to be changed adjoins property in a different planning unit, notice of the hearing shall be given at least fourteen (14) days in advance of the hearing by first class mail to the Planning Commission of that planning unit.

3. If the property the classification of which is proposed to be changed is part of a proposal for annexation by the city, the city may amend its Comprehensive Plan and official Land Use Management Map to incorporate and establish land use districts for the property proposed for annexation. If the city elects to follow this procedure, the Planning Commission shall hold a public hearing, after the adoption of the ordinance stating the city's intention to annex and prior to final action upon the ordinance of annexation, for the purpose of adopting the comprehensive plan amendment and making its recommendations as to the classification of the land which will be effective for the property upon its annexation. Notice setting forth the time, date, location, and purpose for the public hearing shall be published as required by KRS Chapter 424 and shall be given to the owners of all properties within the area proposed for annexation and to adjoining property owners in conjunction with KRS 100.212(2). The City of Maysville Board of Commissioners 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 land use district which will be effective for the annexed property. If the city elects not to follow this procedure, the newly annexed territory shall remain subject to the same land use restrictions as applied to it prior to annexation, until those restrictions are changed by an amendment to the Official Land Use Management Map or other regulations in accordance with this chapter.

4. These Land Use Management Regulations are based on recommendations included in the Comprehensive Plan. Before any amendment to the Official Land Use Management Map is granted, The Planning Commission must first find that the proposed map amendment is in agreement with the Comprehensive Plan, or in the absence of such a finding, that one of more of the following apply:

(A). That the original land use classification given to the property was inappropriate, and that the proposed land use classification is appropriate, 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 adopted comprehensive plan, and which have substantially altered the basic character of such area.

Cross Reference: KRS 100.213 (2)

5. The Planning Commission shall hold a public hearing and shall make a finding of fact which shall be recorded in the minutes and records of the Planning Commission. The Planning Commission may vote to approve, reject, or defer action on the proposed amendment. After voting, the Planning Commission shall forward its finding of fact and recommendation in writing to the Board of Commissioners or the Fiscal Court. The findings of fact shall include a summary of the evidence and testimony presented by the proponents and opponents of the proposed amendment. A tie vote shall be subject to further consideration by the Planning Commission not to exceed thirty (30) days, at the end of which if the tie has not been broken, the application shall be forwarded to the Fiscal Court or Board of Commissioners without a recommendation for approval or disapproval.

6. (City of Maysville only) A Planning Commission recommendation relating to the proposed amendment shall become final and the map amendment shall be automatically implemented subject to the provisions of KRS 100.347, all as set forth in the Planning Commission recommendations, unless within twenty-one (21) days after the final action by the Planning Commission:

- (a) Any aggrieved person files a written request with the Planning Commission that the final decision shall be made by the appropriate legislative body or fiscal court; or
- (b) The appropriated legislative body or fiscal court files a notice with the Planning Commission that the legislative body or fiscal court shall decide the map amendment.

It shall take a majority of the entire legislative body or fiscal court to override the recommendation of the Planning Commission.

All procedures for public notices and publication as well as for adoption

shall be the same as for the original enactment of a zoning regulation, and the notice of publication shall include the street address of the property in question, or if one is not available, or if it is not practicable due to the number of addresses involved, a geographic description sufficient to locate and identify the property, and the names of the two (2) streets on either side of the property which intersect the street on which the property is located. If the property is located at the intersection of two (2) streets, the notice shall designate the intersection by name of both streets rather than name the two (2) streets on either side of the property.

7. Action by the Board of Commissioners or Fiscal Court: In case of deferring proposed map amendment final decisions to the appropriate legislative body or fiscal court as described by 401.2(6)(a) and 401.2(C)(6)(b), the appropriate legislative body shall not act upon a proposed amendment to the Official Land Use Management Map until it shall have received the written findings of fact and recommendation from the Planning Commission. It shall take a majority vote of the entire membership of the legislative body to override the recommendation of the Planning Commission. It shall take a majority vote of the entire membership of the legislative body to adopt a Land use Map amendment when the Planning Commission forwards the application without a recommendation due to a tie vote.

8. The Planning Commission, legislative body, or fiscal court may adopt provisions which prohibit for a period of (2) years, the reconsideration of a denied map amendment or the consideration of a map amendment identical to a denied map amendment.

401.3 DEVELOPMENT PLAN REQUIREMENTS

1) A development plan shall be prepared and submitted to the appropriate Administrative Official whenever a person wishes to;

a) Develop land within a Conservation Overlay District,

b) Develop a Planned Commercial District,

c) Develop a Planned Unit Development, or

d) Develop within a Corridor Overlay District,

e) Make application to amend the Official Land Use Management Map, if required by the Planning Commission pursuant to section 401.2(B)(5).

2) An application shall be submitted as part of any development plan, and shall be made on a form provided by the appropriate Administrative Official. The application shall contain the following information:

a) Name, address, and telephone number of the owner of all land within the building site (and developer, if different from owner).

b) If the developer is not the owner, a notarized affidavit signed by the owner shall be submitted stating that the owner authorizes the developer to act on his behalf, and that the owner agrees to abide by any restriction or condition placed on the development plan

c) A legal description of the entire area to be developed

d) Copies of any documents pertinent to the development of the property, including deed restrictive covenants, easements, or encroachment permits.

e) A brief concise description of the proposed usage of the property, including the anticipated number of employees or families, types of products produced or sold, services rendered, or any other related activities.

3. The Planning Commission may require the following information to be shown on a development plan drawn to scale and bearing the seal and signature of an architect, engineer, or land surveyor duly licensed by the Commonwealth of Kentucky.

- a)The boundary lines of the building sites and all lots or parcels which comprise the building site
- b)The area of the building site in square footage or acreage
- c)The type, location, and size or all utility and right-of-way easements, which shall be labeled as existing or proposed
- d)The deed book or plat cabinet reference numbers for all deeds or easements
- e)All existing and proposed final contours
- f)All existing natural features such as trees, sinkholes, streams, creeks, or other bodies of water
- g)The sizes and locations of all proposed or existing site improvements, including but not limited to:
 - Off-street parking and loading areas
 - Buffer strips and open spaces
 - Service roads, fire lanes, and sidewalks
 - Vehicle entrance and access locations and dimensions
 - Paved areas and curb cuts
 - Fire hydrants and Fire Department connections
 - Landscaping
 - Guardrails, fences, or hedges
 - Signs
 - Exterior lighting
 - Electric, water, and gas meters
 - Trash collection areas
- h)Provisions for drainage of all surface water
- i)Floor plans and elevations of all proposed and existing structures, and the proposed uses of the structures

4) Development Plan Review Procedures: Upon receipt of a development plan prepared in accordance with the provisions above, the appropriate Administrative Official shall immediately forward copies to the following agencies who shall review the development plan for compliance with any applicable codes, ordinances, or standards.

a)City/County Engineer (as appropriate), who shall review and make recommendations on the drainage, traffic flow, structural and pavement design, or any other engineering related criteria.

b)City/County Codes Enforcement Office (as appropriate), who shall review and make recommendations on compliance with the terms of this chapter or any other codes or ordinances under his jurisdiction.

c)City/County Fire Department (as appropriate), who shall review and make recommendations on the accessibility of the development to emergency vehicles, fire hydrant types and locations, water supply, fire lanes, or any other related standards under its jurisdiction.

d)City/County Utility Commission/Agency (as appropriate), who shall review and make recommendations on the water and sanitary sewer services.

e) The Mason County Health Department, if private sewage disposal systems or private water supply systems are proposed.

f)Any other agency the appropriate Administrative Officer deems to have an interest in the development plan.

5.Recommendations. The reviewing agencies shall review the plan for compliance with the standards, codes, or ordinances which they are responsible for administering. The agencies shall, within seven (7) days of receipt of a development plan, make a recommendation to the Planning Commission, in writing, to approve, disapprove, or approve with modifications or conditions.

402 CERTIFICATES OF LAND USE RESTRICTION

402.1 When land use restrictions are imposed through approvals of variances, conditional use permits, conditional land use management conditions, unrecorded preliminary subdivision plats and development plans, but not including land use management map amendments which impose no limitations or restrictions upon the use of the property other than those generally applicable to properties within the same land use district and not including any recorded subdivision plat, a certificate of land use restriction must be completed by the appropriate body (Planning Commission, Board of Adjustment, City Commission, or Fiscal Court which finally adopts or imposes the land use restriction.

402.2 The certificates shall be in the format provided for in the Appendix to these regulations, and shall be filed with the County Clerk within thirty (30) days of the date upon which the body takes final action to impose or adopt the restriction. The Administrative Official shall collect the County Clerks' filing fee (not to exceed \$10.50) from the applicant at the time any processing is initiated which may result in the imposition, adoption, amendment or release of any land use restriction. The fee shall be refunded to the applicant in the event no land use restriction is imposed or adopted as a result of the proceeding. The County Clerk shall upon receipt of the fee, file and maintain these certificates among the official records of the office. The County Clerk shall index the certificates by property owner, and if applicable, name of subdivision or development. The County Clerk shall maintain in the office a record of the name and address of the agency having custody of the official land use management map for each planning unit within the county.

402.3 Amendments. When a restriction reflected on the certificate is amended, a new certificate shall be filed. In the case of such amendment or in the event the original restriction is released, the previous certificate shall be released by the secretary of the body which amended or released the restriction in the same manner as releases of encumbrances upon real estate.

402.4 Failure to file. The failure to file, file on time, or to complete the certificate properly or accurately shall not affect the validity or ability to enforce any land use restriction or regulation. An improper filing may be cured by a subsequent proper filing. Nothing herein shall affect the running of time for any appeal or other act for which a time limit is prescribed in these regulations. It is strongly recommended that a certificate be filed, particularly with Conditional Use Permits and Variances, so that subsequent developers and/or owners are aware of the stipulations on the property.

402.5 When a land use management map amendment is filed for more than five (5) contiguous properties, or a land use restriction is imposed upon two (2) or more properties or lots in the same proceedings, a single certificate shall be filed for all the properties or lots collectively, and a single fee shall be paid.

403 CONDITIONAL USE PERMITS

403.1 The Board of Adjustments shall have the power to hear and decide applications for conditional use permits to allow the proper integration into the community of uses which are specifically named in the Land Use Management Regulations which may be suitable only in specific locations in the district only if certain conditions are met.

403.2 The board may approve, modify, or deny any application for a conditional use permit. If it approves such permit, it may attach necessary conditions such as time limitations, requirements that one or more things be done before the request can be initiated, or conditions of a continuing nature. Any such conditions shall be recorded in the board's minutes and on the conditional use permit along with a reference to the specific section in the regulations listing the conditional use under consideration. The board shall have the power to revoke conditional use permits, or variances for non-compliance with the condition thereof. Furthermore, the board shall have a right of action to compel offending structures or uses removed at the cost of the violator and may have judgment in personam for such cost. If an applicant for a conditional use permit submits a modified plan to regulatory authorities in order to comply with relevant housing, building or other code requirements that expands the previously established geographic boundaries of the conditional use permit, the modified plan must be resubmitted to the board of adjustment within 14 days of submission to regulatory authorities for review of the expanded geographic boundaries of the modified plan. The board may deny the applicant's conditional use permit for the expanded geographic area. Failure to provide notification to the board is grounds for the board to revoke the conditional use permit following a hearing before the Board.

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

- 403.4** In any case where a conditional use permit has not been exercised within the time limit set by the board, or within one year if no specific time limit has been set, such conditional use permit shall not revert to its original designation, unless there has been a public hearing. Exercised, as set forth in this section, shall mean that binding contracts for the construction of the main building or other improvement is under construction to a substantial degree or that prerequisite conditions involving substantial investment shall be under contract, in development, or completed. When construction is not part of the use, exercised shall mean that the use in operation is in compliance with the conditions as set forth in the permit.
- 403.5** The Administrative Official shall review all conditional 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. If the landowner is not complying with the conditions on the conditional use permit, the Administrative Official shall report the fact in writing to the chairman of the Board of Adjustments. The report shall state specifically the manner in which the landowner is not complying with the conditions on the conditional use permit and a copy of the report shall be furnished to the landowner at the same time it is furnished to the chairman of the Board of Adjustments. The board shall hold a hearing on the report within a reasonable time, and notice of the time and place of the hearing shall be furnished to the landowner at least one week prior to the hearing. If the Board of Adjustments finds that the facts alleged in the report of the Administrative Official are true and that the landowner has taken no steps to comply with them between the date of the report and the date of the hearing, the Board of Adjustments may authorize the Administrative Official to revoke the conditional use permit and take the necessary legal action to cause the termination of the activity on the land which the conditional use permit authorizes.
- 403.6** Once the Board of Adjustments has completed a conditional use permit and all the conditions required are of such type that they can be satisfied completely and permanently, the Administrative Official, upon request of the applicant, may, if the facts warrant, make a determination that the conditions have been satisfied and the and the conclusion in the margin of the copy and note the conclusion in the margin of the copy of the conditional use permit which is on file with the county clerk as required in KRS 100.329. Thereafter, said use if it continues to

meet the other requirements of the regulations, will be treated as a permitted use.

403.7 When an application is made for a conditional use permit for land located in or abutting any residential district, written notice shall be given at least fourteen (14) days in advance of the public hearing on the application to the applicant, Administrative Official, and owner of every parcel of property adjoining the property to which the application applies and such other persons as the regulations shall direct. Written notice shall be by first class mail with certification by the board's secretary or other officer that the notice is mailed. It shall be the duty of the applicant to furnish to the board the name and address of any owner of each parcel of property as described in this subsection. Records maintained by the property valuation administrator may be relied upon to determine the identity and address of said owner. In the event such property is in condominium or cooperative forms of ownership, then the person notified by mail shall be the president or chairperson of the owner group which administers property commonly owned by the condominium or cooperative owners.

403.8 All conditional use permits approved by the Board of Adjustments shall be recorded at the expense of the applicant in the office of the county clerk.

404 VARIANCES

404.1 The board shall have the power to decide on applications for variances. The board may impose any reasonable conditions or restrictions on any variance it decides to grant.

404.2 Before any variance is granted, the board must find all of the following, which shall be recorded along with any imposed conditions or restrictions in its minutes and records issued in written form to the applicant to constitute proof of the variance.

A).The requested variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same district.

B.Such special circumstances are not the result of actions of the applicant taken subsequent to the adoption of these regulations.

C.The strict application of the provisions of the regulations would deprive the applicant of a reasonable use of the land or would create an unnecessary hardship on the applicant.

D.Reasons that the variance will not adversely affect the public health, safety, and welfare, will not alter the essential character of the general vicinity, and will not cause a hazard or a nuisance to the public.

E.A variance applies to the property for which it is granted, and not to the individual who applied for it. A variance runs with the land and is transferable to any future owner of the land, but sit cannot be transferred by the applicant to a different site.

F.All variances approved by the Board of Adjustments shall be recorded at the expense of the applicant in the office of the county clerk.

405 NONCONFORMING USES AND STRUCTURES

405.1 The lawful use of a lot or a structure, existing at the time of adoption of any land use regulations affecting it may be continued, although such does not conform to the provisions of such regulations, except as otherwise provided herein.

405.2 A nonconforming use may lapse for a period of one year without being considered abandoned. The property owner may appeal to the Board of Adjustments for an additional year prior to the end of the first year. Any lapse of a nonconforming use for a period of more than two years ~~will~~ **may** result in the property being required to conform to existing land use requirements regarding appropriate uses.

405.3 A residential dwelling may be built upon a lot which was nonconforming at the time this ordinance was adopted even though such lot fails to meet the requirements for area or frontage, or both, that are generally applicable in the district. However, dimensional requirements other than those applying to area or frontage (or both) of the lots shall conform to the regulations for the district in which such lot is located. Variances must be obtained from the Board of Adjustments as described in Section 404

of this ordinance.

405.4 The Board of Adjustments shall not allow the enlargement or extension of a nonconforming use beyond the scope and area of its operation at the time the regulation which makes it nonconforming was adopted. Nor shall the board permit a change from one nonconforming use to another unless the new nonconforming use is in the same or a more restrictive classification.

405.5 Should any nonconforming structure or nonconforming portion of a structure be damaged, destroyed, or demolished by any means, it may be reconstructed or repaired, but not to exceed the number of cubic feet existing in it, and not to extend or enlarge the scope and area of its operation prior to its damage, destruction, or demolition.

405.6 Administrative Review - The Board of Adjustments 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 an administrative official or the Board of Architectural Review in the enforcement of the land use regulations. Such appeal shall be made within thirty (30) days.

405.61 Procedure for Appeals to the Board - Appeals to the Board of Adjustments may be taken by any person or entity, claiming to be injuriously affected or aggrieved by an official action or decision of any land use regulations enforcement officer or Board of Architectural Review. Such appeal shall be taken within thirty (30) days after the appellant or his agent receives official notice of the action, by filing with said officer and the board a notice of appeal specifying the ground thereof, and giving notice of such appeal to any and all parties of record. Said officer shall forthwith transmit to the board all papers constituting the record upon which the action appealed from was taken and shall be treated as and be the respondent in such further proceedings. At the public hearing on the appeal held by the board, any interested person may appear and enter his appearance, and all shall be given an opportunity to be heard. The board will rehear an appeal only in cases where new evidence is available, or where the appealing person or entity desires a complete transcription for the court record.

405.62 Public Notice of Appeal Hearing - The board shall fix a reasonable time for hearing the appeal and give public notice in accordance with KRS Chapter 424, as well as written notice to the appellant and the Administrative Official at least one week prior to the hearing, and shall decide it within sixty (60) days. The

affected party may appear at the hearing in person or be represented by an attorney.

405.63 Appeals From Board of Adjustments -

Any person or entity claiming to be injured or aggrieved by any final action of the Board of Adjustments shall appeal from the action to the circuit court of the county in which the property, which is the subject of the action of the Board of Adjustments, lies. Such appeal shall be taken within thirty (30) days after the final action of the board. All final actions which have not been appealed within thirty (30) days shall not be subject to judicial Review. The Board of Adjustments shall be a party in any such appeal filed in the circuit court.

405.64 Subpoena Requests -- subpoena requests to the Maysville or Mason County Board of Adjustment must be made at least 10 days prior to a public hearing.

406 LAND USE CLASSIFICATION AND DESIGNATION

406.1 LAND USE AREAS

Areas are relatively large segments of the county landscape describing very general land use patterns. There are five such areas recognized:

Urban Area	Includes the City of Maysville and the surrounding unincorporated portion of Mason County within and along the highway loop. The boundaries of the outer portion of this area extend 1,000 feet from the centerline of highway loop as indicated on the Official Land Use Management Map. This area contains most of the more intensively developed land in Mason County, with an adequate level of support services/infrastructure to meet the needs of the area. This is the area that contains the urban population and the greatest potential for future urbanization.
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Urban Corridors	Designated areas along highways 9, 11, and 62 which are within close proximity to the Urban Center, or are presently under development. These corridors are 2,000 feet wide (1,000 feet from
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highway centerline), and contain the needed infrastructure to support fairly intensive urban-type development.

Rural Corridors - Designated areas along major highways extending beyond the urban portions. These corridors are 1,000 feet wide (500 feet from highway centerline), and do not have infrastructure of sufficient capacity to support intensive development.

Note: Corridor widths may be reduced and development limited or prohibited due to topographic limitations.

Rural-Agricultural Areas- The most extensive area in Mason County comprised largely of land used for agriculture or dispersed single-family residences. This area includes idle land and a significant portion of the county's natural resource base.

406.2 LAND USE DISTRICTS:

Land use districts are smaller sections of the county in which more specific land use categories are identified. There are sixteen (16) regular land use districts, and five overlay districts. Overlay districts have been established to provide additional regulations in order to protect certain areas which warrant special considerations. Each of the districts is described below with the purpose it is designed to serve.

A)**Single-Family Residential** (R-1A, R-1B, R-1C, R-1D) the R-1 districts have been established to provide quiet, low to medium density single-family residential neighborhoods and protect them from the encroachment of non-residential or higher density residential uses.

B)**Two-Family (duplex) Residential** (R-2). The R-2 districts have been established to provide for medium density single and two-family residential uses by permitting smaller lot sizes and the development of duplex dwelling units.

C)**Multi-Family Residential** (R-3). The R-3 districts have been established to provide for the development of high density residential uses and to meet the demand for rental dwelling units.

D)**Manufactured Home** (MH). The MH districts have been established to provide for

the integration of lower cost affordable housing in areas of the city, subject to design and location prerequisites to provide for the safety, health, and general welfare of the public and of the users of such structures.

E.Oldtown Residential (R-4A, R-4B). The R-4 districts have been established to preserve and protect the still vibrant older residential neighborhoods which evolved since the earliest settlement of Maysville. These areas, while mainly consisting of medium density single-family dwellings, have interspersed multi-family, commercial, and other non-residential uses which are vital to the neighborhoods and need to be protected.

F.Townhouses (TH-1). The TH-1 districts have been established to provide for the development of medium to high density single-family residential uses while encouraging the development of areas of natural beauty whose topography tends to limit the construction of lower density detached single-family residential districts.

G.Professional Office (P-1). The P-1 districts have been established to encourage the clustering of professional, medical, and related uses in areas which need to be protected from the encroachment of heavier commercial uses.

H.General Business (B-1). The B-1 districts have been established to encourage the development of commercial activities which tend to attract lower volumes of traffic in areas which are likely to be surrounded by medium to high density residential areas.

I.Highway Business (B-2). The B-2 districts have been established to encourage the development of commercial uses in areas that are readily accessible to the main traffic corridors and highly visible to vehicular traffic.

J.Neighborhood Business (B-3). The B-3 districts have been established to encourage the development of stores providing convenient-type goods and services designed to meet the daily needs of nearby residential areas.

K.Downtown Business (D-1). The D-1 district has been established to protect and encourage the revitalization of the central business district which has long been the heart and core of Maysville. The intent is to encourage the development of specialty shops,

financial, governmental, professional, cultural, and residential uses, as well as maintaining and preserving the existing uses.

L.Light Industrial (I-1A, I-1B). The I-1 districts have been established to preserve and encourage the revitalization of the tobacco warehousing industry and to encourage the continued recruitment of warehousing, storage, transportation processing and manufacturing uses which are clean, quiet, and free of hazardous or objectionable elements such as noise, odor, dust, smoke, or glare. The development of these uses is encouraged in areas that are readily accessible to rail service and the main traffic corridors.

M.Heavy Industrial (I-2A, I-2B). The I-2 districts have been established to protect existing manufacturing industries and encourage recruitment of new major manufacturing industries in areas which are accessible to the facilities they require, such as rail service.

N.Rural Industrial (I-3). The I-3 district has been established to encourage the recruitment of new major industries in the rural areas of unincorporated Mason County which are readily or may become readily accessible to utilities, rail service and main traffic corridors; while still maintaining the agricultural nature of the land until so used for industrial purposes.

O.Agricultural Transition (A-1). The A-1 districts have been established to provide for areas that are within or adjacent to the Urban Area and are either in transition to urban type uses, or have a high potential for urban uses in the near future, as infrastructure becomes available.

P)Agricultural (A-2). The A-2 districts have been established to preserve and protect the decreasing supply of prime agricultural land and to minimize urban-type development into rural areas until utilities and other municipal services can be provided efficiently.

Q)Rural Residential (RR-1). The RR-1 districts have been established to provide for medium to low density residential uses in the unincorporated parts of the county where public sewer is available.

R)Rural Residential (RR-2). The RR-2 districts have been established to provide for low density residential uses in the unincorporated parts of the county where public sewer is **NOT** available

S)Communities (C). Selected rural communities, while they are described earlier as land use areas, also serve as districts due to their small size. The boundaries of communities are determined on an individual basis, and they are considered to function as small compact settlements with mixed land uses.

T) Overlay Districts. A city legislative body, except for urban-county governments, may by ordinance create one (1) or more overlay districts pursuant to KRS 82.660 and 82.670 to provide additional regulations for design standards and development within any area of the city determined to be:

- (a) An area that has historical, architectural, natural, or cultural significance that is suitable for preservation or conservation; or
- (b) An area that is located near a river or other body of water, or along an established commercial corridor that has a special character related to the location that is suitable for conservation.

(1) Upon the establishment of an overlay district, development within the area shall conform to all zoning regulations applicable to the area and shall also conform to all overlay district regulations.

(2) An ordinance establishing an overlay district shall, at a minimum, include the following provisions:

- (a) An accurate description of the boundaries of the district;
- (b) A description of the historical, architectural, cultural, aesthetic, natural, or other distinctive characteristics of the district that are to be preserved or conserved;
- (c) A delegation of responsibility for the administration of overlay regulations to an appropriate entity of city government pursuant to KRS 82.670;
- (d) The standards, guidelines, or criteria that shall govern development within the district to preserve, conserve, or protect the historical, architectural, cultural, aesthetic, or other distinctive characteristics of the district. These standards, guidelines, or criteria may be set out descriptively in the ordinance or by illustration, and may incorporate by reference established architectural standards or guidelines; and

(3) Any city participating in the Certified Local Government Historic Preservation Program shall comply with the regulations of the Kentucky Heritage Commission.

(4) Upon the effective date of the establishment of an overlay district, no person shall begin any major structural change or any ordinary repairs to any building or structure or change or create any surface parking lot, or clear a parcel or lot of trees or other major vegetation, or change the appearance to signage within an overlay district until the city has issued a permit, without cost, certifying that the person has complied with the provisions of the overlay district regulations governing the district. This prohibition shall not apply to emergency repairs that need to be made to a building or structure within an overlay district.

U)Historic Overlay District (HOD). The Historic Overlay District has been established to protect and preserve certain areas or individual structures and premises designated as having historic or architectural significance and to encourage uses that will lead to their continuance, conservation, and improvement in a manner appropriate to the preservation of the area's heritage.

V)Conservation Overlay District (COD). The Conservation Overlay District has been established to protect environmentally sensitive areas, including but not limited to those areas identified with steep slopes, wetlands, dense forests.

W)Flood Prone Overlay District (FP). The Flood Prone Overlay District has been established to guide development in the flood prone areas of any watercourse, to minimize the expenses and inconvenience to individual property owners and the general public through flooding. This district is designed to protect certain areas which have been designated as being susceptible to periodic inundation which may result in loss of life and property, health and safety hazards, destruction of commercial and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

X)Planned Commercial Development Overlay District (PCD). The PCD Overlay District has been established to provide for commercial activity that is planned, developed, operated, and maintained by a single entity, on larger tracts of land, and which accommodates retail, service, and office uses, or a combination of such uses in one or more structures.

Y)Planned Unit Development Overlay District (PUD). The PUD Overlay District has been established to allow the mixing of uses and densities on larger tract developments and to allow higher densities than otherwise provided for in

established districts.

Z) Corridor Districts (CD). The Corridor Districts are linear areas that parallel major transportation arteries, serve as locations for public utilities, and often contain much of the development. Corridors may be designated as either Urban or Rural, depending upon their function. Urban Corridors are those that are located in the urban (city-like) environment, and have a high potential for future development. Beyond the Urban Corridors are the Rural Corridors which are usually in agricultural or natural resource areas, often with scenic views, and less amenable to intensive development because of their distance from urban centers and the lack of necessary infrastructure.

Cross Reference: Maysville/Mason County Comprehensive Plan, March 2001 (p. 76)

406.3 DISTRICTS ALLOWED BY LAND AREAS

<u>Land Use Areas</u>				
<u>Land Use</u>				
<u>District</u>	<u>Urban Center</u>	<u>Urban Corridor</u>	<u>Rural Corridor</u>	<u>Rural/Agricultural</u>
R-1	X	X	X	X
R-2	X	X	X	-
R-3	X	X	-	-
R-4	X	-	-	-
TH-1	X	X	-	-
P-1	X	X	X	-
B-1	X	X	X	-
B-2	X	X	X	-
B-3	X	X	X	-
D-1	X	-	-	-
I-1	X	X	-	-
I-2	X	-	-	-
A-1	X	X	-	-
A-2	X	X	X	X
(MH)	X	X	X	X
(HOD)	X	X	X	X
(CD)	X	X	X	X
(FP)	X	X	-	-
(PCD)	X	X	-	-
(PUD)	X	X	-	-
(COD)	X	-	-	-

The districts allowed by areas are designated with the letter X..

406.4 DIMENSIONAL REQUIREMENTS

<u>Residential Areas</u>	<u>R-1A</u>	<u>R-1B</u>	<u>R-1C</u>	<u>R-1D</u>	<u>R-2</u>	<u>R-3</u>	<u>R-4A</u>	<u>R-4B</u>	<u>TH-1</u>	<u>MH</u>
<u>Minimum Building site area (in square feet) for:***</u>										
Single-family dwelling	12,000	10,000	8,000	3,000	8,000	NA	5,000	3,000	2,000	3,000
Duplex Dwelling	20,000	14,000	12,000	5,000	6,000	6,000	6,000	4,000	3,000	NA
Multi-family Dwelling	(Applicable only in R-4A and R-4B)						8,000	6,000		NA
Non-residential uses	(Applicable only in R-4A and R-4B)						5,000	4,000		NA
Minimum building site width at front setback line*	100 feet	80 feet	60 feet	40 feet	60 feet	60 feet	33 feet	33 feet	20 feet	33 feet
<u>Minimum Setbacks</u>										
Front yard	25 feet	20 feet	15 feet	12 feet	20 feet	20 feet	15 feet	10 feet	20 feet	15 feet
Side yard	15 feet	12 feet	10 feet	3 feet	10 feet**10 feet		10 feet	3 feet	10 feet** 10 feet	
Rear yard	20 feet	15 feet	10 feet	10 feet	10 feet	15 feet	10 feet	5 feet	10 feet	10 feet
Maximum building height ****	35 feet	35 feet	35 feet	35 feet	35 feet	50 feet	35 feet	25 feet	35 feet	20 feet

*Where deed restrictions or restrictive covenants have been recorded and are in conflict with these dimensions, the more stringent requirements shall take precedent.

**These side setback dimensions shall apply only between blocks of attached dwelling units and the nearest property line. The setback between the attached dwelling units may be reduced to 0 feet where the common wall is designed and constructed to meet the fire separation requirements of the Kentucky Building Code or Kentucky Residential Code.

***One acre (43,560 square feet) is the minimum building site area for all land use activities in all districts of the unincorporated areas of the county that are dependent upon on-site sewage disposal systems.

****These height limitations shall not apply to church spires, belfries, cupolas, or domes not used for human habitation, nor to chimneys, ventilators, skylights, water tanks, parapet walls, cornices, radio or television towers, or necessary mechanical appurtenances usually carried above the roof level, provided that such features are limited to that height necessary for their proper functioning.

<u>Non-Residential Areas</u>	<u>P-1</u>	<u>B-1</u>	<u>B-2</u>	<u>B-3</u>	<u>D-1</u>	<u>I-1A</u>	<u>I-1B</u>	<u>I-2A</u>	<u>I-2B</u>	<u>A-1</u>
Minimum building area (in square feet) for										
single-family dwelling					3,000					43,560*** 5 acres***
Duplex dwelling					4,000					43,560 5 acres
Multi-family dwelling		6,000	8,000	8,000	3,000					
Non-residential uses	10,000	6,000	20,000	8,000	None	40,000	12,000	43,560	6,000	43,560 5 acres
Minimum building site width at front setback line	100 feet	50 feet	150 feet	100 feet	None	200 feet	100 feet	200 feet	50 feet	100 feet
<u>Minimum setbacks</u> *										
Front yard	50 feet	20 feet	50 feet	25 feet	None	75 feet	20 feet	150 feet	20 feet	50 feet
Side yard	15 feet	10 feet	25 feet	15 feet	None	50 feet	20 feet	50 feet	15 feet	25 feet
Rear yard	20 feet	20 feet	30 feet	20 feet	None	50 feet	20 feet	50 feet	20 feet	30 feet
Maximum building height****	50 feet	35 feet	50 feet	35 feet	75 feet	50 feet	35 feet	75 feet	35 feet	50 feet

* Where deed restrictions or restrictive covenants have been recorded and are in conflict with these dimensions, the more stringent requirements shall take precedent.

** These side setback dimensions shall apply only between blocks of attached dwelling units and the nearest property line. The setback between the attached dwelling units may be reduced to 0 feet where the common wall is designed and constructed to meet the fire separation requirements of the Kentucky Building Code or Kentucky Residential Code.

***One acre (43,560 sq. ft.) is the minimum building site area for all land use activities in all zones in the City limits dependent upon on-site sewage disposal systems. Five (5) acres is the minimum building site area for all use activities in the A-1 Zone of the unincorporated parts of the County.

**** These height limitations shall not apply to church spires, belfries, cupolas, or domes not used for human habitation, nor to chimneys, ventilators, skylights, water tanks, parapet walls, cornices, radio or television towers, or necessary mechanical appurtenances usually carried above the roof level, provided that such features are limited to that height necessary for their proper functioning.

<u>Rural Areas</u>	<u>A-2</u>	<u>C</u>	<u>I-3</u>	<u>RR-1</u>	**** <u>RR-2</u>
<u>Minimum building area (in square feet) for: **</u>					
Single-family dwelling (including manufactured homes)	5 acres	43,560 w/out public sewer 21,780 with public sewer	5 acres	1 acre	2 acres
Duplex dwelling	5 acres	43,560 w/out public sewer 21,780 with public sewer	5 acres	1 acre	2 acres
Multi-family dwelling	5 acres	43,560 w/out public sewer 21,780 with public sewer	5 acres	1 acre	2 acres
Non-residential uses	5 acres	43,560 w/out public sewer 21,780 with public sewer	1 acre	1 acre	2 acres
Minimum building site width at front setback line	100 feet	100 feet	200 feet	100 feet	200 feet
<u>Minimum setbacks *</u>					
Front yard	100 feet	40 feet	100 feet	50 feet	100 feet
Side yard	50 feet	20 feet	50 feet	25 feet	50 feet
Rear yard	30 feet	20 feet	50 feet	30 feet	50 feet
Maximum building height ***	35 feet	50 feet	75 feet	35 feet	35 feet

* Where deed restrictions or restrictive covenants have been recorded and are in conflict with these dimensions, the more stringent requirements shall take precedent.

** One acre (43,560 square feet) is the minimum building site area for all land use activities in **Community** districts of the unincorporated areas of the county that are dependent upon on-site sewage disposal systems. Those sites with public sewer shall require one-half acre (21,780 square feet).

*** **These height limitations shall not apply to church spires, belfries, cupolas, or domes not used for human habitation, nor to chimneys, ventilators, skylights, water tanks, parapet walls, cornices, radio or television towers, or necessary mechanical appurtenances usually carried above the roof level, provided that such features are limited to that height necessary for their proper functioning.**

****Please refer to the Maysville/Mason County Subdivision Regulations for lots on new roadways that will ultimately be dedicated to the Mason County Fiscal Court.

NOTE: Setbacks for lots LESS THAN two (2) acres that were recorded BEFORE October 21, 2005 in the A-2 and I-3 zones, and lots LESS THAN two (2) acres in the RR-2 zone (in which the development is in the interior of the property and a new County road is constructed) are as follows: Front- 50 feet; Sides- 25 feet; and Rear- 30 feet.

NOTE: A landowner may create no more than two lots within the A-1, A-2, or I-3 zones of less than five acres and not less than one acre. The plat shall depict the subject lot(s), together with contiguous property which is to be set aside by the landowner as a buffer zone and designated as such on the plat. The lot and contiguous acreage set aside by the landowner must be at least five acres. Residential development is not permitted within the buffer area. Mason Co. Fiscal Ct. Ordinance: 06-04.

406.5 TYPES OF LAND USES:

406.51 Types of Land Uses:

Permitted (P)	These are uses that are deemed to be the most appropriate uses, and are allowed in a district subject to the restrictions applicable to that district.
Conditional (C)	These are uses that are allowed in a district but which would impair the integrity and character of the district in which it is located, or in adjoining districts, unless restrictions on location, size, extent, and character of performance are imposed in addition to those imposed within this ordinance.
Accessory (A)	These uses are subordinate or incidental to the principal use and are located on the same lot with the principal use.

406.6 LAND USE CLASSIFICATION:

The purpose of this section is to regulate the use of land and structures conducted within the different districts, to insure that they are in keeping with the purposes of the district, and are compatible with one another. For the purpose of determining which uses shall be permitted in the different districts, the uses shall be defined and listed by categories in

406.61: Unclassified Uses:

The Administrative Official may determine in which category an unclassified use shall be classified. In making his determination, the Administrative Officer shall consider the characteristics of the site, the surrounding area, and the proposed use. In addition, he may refer to the detailed list of uses provided in the Appendix. When a new use is discovered, the Administrative Official shall determine if this chapter needs to be amended.

406.62 Allowable Land Uses

Residential Uses	R-1	R-2	R-3	R-4	TH-1	B-1	B-2	B-3	D-1	P-1	A-1	A-2	I-1	I-2	MH	C	RR-1	RR-2	I-3
Single Family Dwelling*	P	C	C	P	C	C	X	X	P	X	P	P	X	X	X	P	P	P	P
Duplex Dwelling	C	P	P	P	P	C	X	X	P	X	C	C	X	X	X	P	C	C	C
Townhouse	C	C	P	P	P	C	X	X	P	X	C	C	X	X	X	P	C	C	C
Condominium	C	C	P	P	P	C	X	X	P	X	C	C	X	X	X	P	C	C	C
Multi-family Dwelling	X	X	P	C	X	C	C	C	P	X	X	C	X	X	X	C	X	C	C
Hotels/Motels	X	X	X	X	X	P	P	X	P	X	X	X	X	X	X	X	X	X	X
Boarding Homes	X	X	X	C	X	C	X	C	P	X	X	X	X	X	X	C	X	C	X
Group Homes	X	X	P	C	X	C	X	C	P	X	X	X	X	X	X	X	X	X	X
Bed/Breakfast Home	C	C	P	P	C	C	X	C	P	X	P	P	X	X	X	P	P	P	P
Manufactured Home	X	X	X	X	X	X	X	X	X	X	X	P	X	X	P	P	P	P	P

* Includes modular homes

Public/Semi-public Uses	R-1	R-2	R-3	R-4	TH-1	B-1	B-2	B-3	D-1	P-1	A-1	A-2	I-1	I-2	MH	C	RR-1	RR-2	I-3
Transportation	X	X	P	P	P	C	X	X	P	C	C	C	P	C	X	P	X	X	C
Parks/Playgrounds	C	C	P	P	P	C	X	X	P	C	C	C	P	C	P	P	P	P	C
Pools, Sports Facilities	X	X	P	C	X	C	C	C	C	X	X	C	P	C	X	C	X	X	C
Utility Offices	X	X	P	P	C	C	X	C	P	C	P	P	P	C	X	P	X	X	P
Utility Facilities **	C	C	X	X	X	X	X	X	X	X	X	P	P	P	C	P	X	X	P
Cellular Towers ***	X	X	X	X	X	X	X	X	X	X	P	P	P	P	X	X	X	X	P
Library/Museum	X	X	X	C	X	P	P	P	P	X	X	X	X	X	X	C	X	X	X
Churches	X	X	C	P	X	P	P	P	P	C	C	C	X	X	X	P	X	X	C
Cemetaries	X	X	X	C	X	C	C	C	X	X	P	P	X	X	X	C	X	X	P
Funeral Home	X	X	X	C	X	P	P	P	P	X	C	C	X	X	X	P	X	X	C

** Public utilities operating under state authority, shall not be required to receive Planning Commission Approval for the location or relocation of any of their service facilities. However, the utility in question shall Provide the Planning Commission with information on the proposed change (see KRS 100.324).

*** Cellular Towers are permitted ONLY upon approval from the Mason County Joint Planning Commission. Cellular antennas are permitted on existing infrastructure WITHOUT planning commission Approval (co-location).

Business and Service Uses	R-1	R-2	R-3	R-4	TH-1	B-1	B-2	B-3	D-1	P-1	A-1	A-2	I-1	I-2	MH	C	RR-1	RR-2	I-3
Private sports/recreation																			
Indoor	X	X	X	C	X	C	P	P	C	X	X	C	X	X	X	P	X	X	C
Outdoor	X	X	X	X	X	X	P	C	X	C	C	C	X	X	X	C	X	X	C
Art/exhibition gallery	X	X	X	C	X	P	P	P	P	X	X	X	X	X	X	P	X	X	X
Golf course/driving range	X	X	X	X	X	P	P	P	X	C	P	C	X	X	X	C	X	X	C
Arena/amphitheater	X	X	X	X	X	C	P	C	C	C	C	C	X	X	X	C	X	X	C
Movie theater	X	X	X	C	X	P	P	P	P	X	X	X	X	X	X	P	X	X	X
Private clubs/lodges	X	X	X	C	X	P	P	P	P	X	C	X	C	X	X	P	X	X	X
Photography/art/dance studio	X	X	X	C	X	P	P	P	P	X	X	X	X	X	X	P	X	X	X
Barber/beauty shop	X	X	X	C	X	P	P	P	P	X	X	X	X	X	X	P	X	X	X
Tanning/nail/massage salon	X	X	X	C	X	P	P	P	P	X	X	X	X	X	X	P	X	X	X
Health/weight loss spa	X	X	X	C	X	P	P	P	P	X	X	X	X	X	X	P	X	X	X
Auto mechanical repair	X	X	X	C	X	P	P	P	C	X	C	C	C	X	X	P	X	X	C
Auto body repair	X	X	X	X	X	C	P	C	X	X	C	C	C	X	X	P	X	X	C
Electronics/appliance repair	X	X	X	C	X	P	P	P	P	X	X	X	X	X	X	P	X	X	X
Machine/welding shop	X	X	X	C	X	C	P	P	C	X	C	C	C	X	X	C	X	X	C
Woodworking/refinishing	X	X	X	C	X	C	P	P	C	X	X	C	C	X	X	C	X	X	C
Laundromat/dry cleaning	X	X	X	C	X	P	P	P	P	X	X	C	X	X	X	P	X	X	C
Tailor/seamstress/upholstery	X	X	X	C	X	P	P	P	P	X	X	X	X	X	X	P	X	X	X
Photo developing	X	X	X	C	X	P	P	P	P	X	X	X	X	X	X	P	X	X	X
Video rental	X	X	X	C	X	P	P	P	P	X	X	X	X	X	X	P	X	X	X
Pawn shop	X	X	X	C	X	P	P	P	C	X	X	X	X	X	X	P	X	X	X
Check cashing/loan	X	X	X	X	X	P	P	C	C	X	X	X	X	X	X	X	X	X	X
Adult Entertainment****	X	X	X	X	X	X	X	X	X	X	X	X	I-1A P	X	X	X	X	X	X
													I-1B X						
Electrical/Plumbing/HVAC	X	X	X	X	X	C	P	C	C	X	X	X	P	C	X	C	X	X	C
Conference/Convention Centers	X	X	X	X	X	C	P	X	P	X	X	X	X	X	X	X	X	X	X
& Exhibition Halls																			
Video/Audio/Theater Production	X	X	X	X	X	P	P	C	P	X	X	X	X	X	X	C	X	X	X
Car washes	X	X	X	X	X	P	P	C	X	X	X	X	C	X	X	P	X	X	X
Taxi	X	X	X	X	X	P	P	C	C	X	X	X	C	X	X	P	X	X	X

**** Adult entertainment uses are not permitted within 1,000 feet of any residence, school, church, public Recreation area or other public uses.

Retail Trades	R-1	R-2	R-3	R-4	TH-1	B-1	B-2	B-3	D-1	P-1	A-1	A-2	I-1	I-2	MH	C	RR-1	RR-2	I-3
Food stores	X	X	X	C	X	P	P	P	P	X	X	X	X	X	X	P	X	X	X
General merchandise	X	X	X	C	X	P	P	P	P	X	X	X	X	X	X	P	X	X	X
Auto dealers	X	X	X	X	X	P	P	P	C	X	X	X	X	X	X	C	X	X	X
Service stations	X	X	X	C	X	P	P	P	C	X	X	X	X	X	X	P	X	X	X
Apparel/ accessory stores	X	X	X	C	X	P	P	P	P	X	X	X	X	X	X	P	X	X	X
Furniture/furnishings/appliances	X	X	X	C	X	P	P	P	P	X	X	X	X	X	X	P	X	X	X
Brewpub	X	X	X	C	X	P	P	P	P	X	X	X	X	X	X	P	X	X	X
Eating/drinking establishments	X	X	X	C	X	P	P	P	P	X	X	X	X	X	X	P	X	X	X
Drug stores/pharmacies	X	X	X	C	X	P	P	P	P	X	X	X	X	X	X	P	X	X	X
Office supplies	X	X	X	C	X	P	P	P	P	X	X	X	X	X	X	P	X	X	X
Toys and sporting goods	X	X	X	C	X	P	P	P	P	X	X	X	X	X	X	P	X	X	X
Books, records, tapes, cd's	X	X	X	C	X	P	P	P	P	X	X	X	X	X	X	P	X	X	X
Hardware and related	X	X	X	C	X	P	P	P	P	X	X	X	X	X	X	P	X	X	X
Gifts, jewelry, novelties	X	X	X	C	X	P	P	P	P	X	X	X	X	X	X	P	X	X	X
Bicycles, motorcycles	X	X	X	C	X	P	P	P	P	X	X	X	X	X	X	P	X	X	X
Auto parts and supplies	X	X	X	C	X	P	P	P	P	X	X	X	X	X	X	P	X	X	X
Package liquor, beer, wine	X	X	X	C	X	P	P	P	P	X	X	X	X	X	X	P	X	X	X
Pet stores	X	X	X	X	X	P	P	P	P	X	X	X	X	X	X	P	X	X	X
Farm equipment/supplies	X	X	X	X	X	C	P	C	C	C	C	P	C	X	X	C	X	X	P
Feed/seed/garden supplies	X	X	X	C	X	C	P	C	C	C	C	P	C	X	X	C	X	X	P
Computers, electronics	X	X	X	C	X	P	P	P	P	X	X	X	X	X	X	P	X	X	X
Miscellaneous retail	X	X	X	C	X	P	P	P	P	X	X	X	X	X	X	P	X	X	X
Manufactured structure sales	X	X	X	X	X	X	X	X	X	X	C	X	C	C	X	X	X	X	X
Outdoor flea market	X	X	X	X	X	X	X	X	X	X	C	X	X	X	X	C	X	X	X
Firearm sales	X	X	X	C	X	P	P	P	C	X	X	X	X	X	X	P	X	X	X

Professional Services	R-1	R-2	R-3	R-4	TH-1	B-1	B-2	B-3	D-1	P-1	A-1	A-2	I-1	I-2	MH	C	RR-1	RR-2	I-3
Architects, engineers, planners	X	X	X	C	X	P	P	P	P	P	X	X	X	X	X	P	X	X	X
Accountant	X	X	X	C	X	P	P	P	P	P	X	X	X	X	X	P	X	X	X
Banks and investment	X	X	X	C	X	P	P	P	P	P	X	X	X	X	X	P	X	X	X
Real Estate	X	X	X	C	X	P	P	P	P	P	X	X	X	X	X	P	X	X	X
Tax Services	X	X	X	C	X	P	P	P	P	P	X	X	X	X	X	P	X	X	X
Attorneys	X	X	X	C	X	P	P	P	P	P	X	X	X	X	X	P	X	X	X
Insurance agency	X	X	X	C	X	P	P	P	P	P	X	X	X	X	X	P	X	X	X

Health Services	R-1	R-2	R-3	R-4	TH-1	B-1	B-2	B-3	D-1	P-1	A-1	A-2	I-1	I-2	MH	C	RR-1	RR-2	I-3
Hospitals	X	X	X	C	X	P	P	P	P	P	X	X	X	X	X	P	X	X	X
Clinics, instant care	X	X	X	C	X	P	P	P	P	P	X	X	X	X	X	P	X	X	X
Physical therapy	X	X	X	C	X	P	P	P	P	P	X	X	X	X	X	P	X	X	X
Assisted care facilities	C	C	C	C	C	P	P	P	P	C	X	P	X	X	X	P	X	X	X
Medical offices	X	X	X	C	X	P	P	P	P	P	X	X	X	X	X	P	X	X	X
Hospices	X	X	X	C	X	P	P	P	P	P	X	X	X	X	X	P	X	X	X
Veterinary clinics	X	X	X	C	X	P	P	P	P	C	C	C	X	X	X	P	X	X	X
Nursing homes	X	X	C	C	X	P	P	P	P	C	X	X	X	X	X	P	X	X	X

Educational/Social Services	R-1	R-2	R-3	R-4	TH-1	B-1	B-2	B-3	D-1	P-1	A-1	A-2	I-1	I-2	MH	C	RR-1	RR-2	I-3
Schools*****	C	C	X	C	X	P	P	P	P	C	C	C	X	X	X	P	X	X	X
Child/adult care facilities	C	C	C	C	C	P	P	P	P	C	X	X	X	X	X	P	X	X	X
Counseling services	X	X	X	C	X	P	P	P	P	P	X	X	X	X	X	P	X	X	X
Social services	X	X	X	C	X	P	P	P	P	C	X	X	X	X	X	P	X	X	X
Business/technical training	X	X	X	C	X	P	P	P	P	C	X	X	X	X	X	P	X	X	X
Residential care facility*****	P	P	P	P	P	C	X	X	P	X	X	X	X	X	P	P	X	X	X
Residential Treatment Center	X	X	C	X	X	C	C	C	C	X	X	X	C	C	X	X	X	X	X
Detox Facility	X	X	X	C	X	C	C	C	C	C	X	X	C	X	X	X	X	X	X

***** Public schools are exempt from the zoning process by KRS 100.111 & 100.324.

***** Residential care facilities defined and permitted by KRS 100.984

Warehousing & Storage	R-1	R-2	R-3	R-4	TH-1	B-1	B-2	B-3	D-1	P-1	A-1	A-2	I-1	I-2	MH	C	RR-1	RR-2	I-3
Tobacco warehouses	X	X	X	X	X	X	X	X	X	X	X	X	P	P	X	X	X	X	P
Mini-warehouses/storage units	X	X	X	X	X	C	P	C	X	X	X	X	P	P	X	C	X	X	P
Moving and storage	X	X	X	X	X	X	X	X	X	X	X	X	P	P	X	X	X	X	P
Truck freight terminals	X	X	X	X	X	X	X	X	X	X	X	X	P	P	X	X	X	X	P
Food lockers	X	X	X	X	X	X	X	X	X	X	X	X	P	P	X	X	X	X	P
Indoor Storage Units	X	X	X	X	X	P	P	P	P	X	X	X	P	P	X	C	X	X	P

Industrial / Manufacturing	R-1	R-2	R-3	R-4	TH-1	B-1	B-2	B-3	D-1	P-1	A-1	A-2	I-1	I-2	MH	C	RR-1	RR-2	I-3
Food & related	X	X	X	X	X	X	X	X	X	X	X	X	C	P	X	X	X	X	P
Apparel & finished goods	X	X	X	X	X	X	X	X	X	X	X	X	P	P	X	X	X	X	P
Lumber & wood products	X	X	X	X	X	X	X	X	X	X	X	X	P	P	X	X	X	X	P
Paper & related	X	X	X	X	X	X	X	X	X	X	X	X	P	P	X	X	X	X	P
Printing/publishing	X	X	X	X	X	X	X	X	X	X	X	X	P	P	X	X	X	X	P
Chemicals/petroleum	X	X	X	X	X	X	X	X	X	X	X	X	X	P	X	X	X	X	P
Rubber/plastics	X	X	X	X	X	X	X	X	X	X	X	X	X	P	X	X	X	X	P
Leather products	X	X	X	X	X	X	X	X	X	X	X	X	X	P	X	X	X	X	P
Stone, clay, concrete, glass	X	X	X	X	X	X	X	X	X	X	X	X	X	P	X	X	X	X	P
Primary metals	X	X	X	X	X	X	X	X	X	X	X	X	X	P	X	X	X	X	P
Fabricated metal products	X	X	X	X	X	X	X	X	X	X	X	X	P	P	X	X	X	X	P
Industrial equipment	X	X	X	X	X	X	X	X	X	X	X	X	C	P	X	X	X	X	P
Transportation equipment	X	X	X	X	X	X	X	X	X	X	X	X	C	P	X	X	X	X	P
Electronics	X	X	X	X	X	X	X	X	X	X	X	X	P	P	X	X	X	X	P
Impound lots	X	X	X	X	X	C	X	X	X	X	X	X	C	X	X	X	X	X	X
Recycling Center	X	X	X	X	X	X	X	X	X	X	C	C	P	P	X	C	X	X	P
Recycling Plant**	X	X	X	X	X	X	X	X	X	X	X	C	P	P	X	C	X	X	P
Salvage Yard	X	X	X	X	X	X	X	X	X	X	X	X	X	C	X	X	X	X	X
Industrial Scale WECS***	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	P
Meteorological Tower***	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	P
Distillery/Brewery****	X	X	X	X	X	X	X	X	X	X	X	X	P/C	C	X	X	X	X	P/C
Micro-Distillery/Brewery/Winery*****	X	X	X	C	X	P	P	P	P/C	X	P*	P*	P	P	X	P	X	X	P

** Must be located at least 1,000 feet from any residence in the A-2 and C Zones

***Requires Site Plan Review by Planning Commission prior to construction

**** Permitted in I-1A, Conditional in I-1B. Permitted in I-3 if site is over 50 acres. Conditional in I-3 if under 50 acres.

***** Permitted in downtown Maysville D-1, Conditional in old Washington D-1. *Only micro-wineries permitted in A-1 and A-2.

Agriculture*****	R-1	R-2	R-3	R-4	TH-1	B-1	B-2	B-3	D-1	P-1	A-1	A-2	I-1	I-2	MH	C	RR-1	RR-2	I-3
Crop production	X	X	X	X	X	X	X	X	X	X	P	P	X	X	X	C	X	X	P
Pastures	X	X	X	X	X	X	X	X	X	X	P	P	X	X	X	C	X	X	P
Timber	X	X	X	X	X	X	X	X	X	X	P	P	X	X	X	C	X	X	P
Orchard fruits/vineyards	X	X	X	X	X	X	X	X	X	X	P	P	X	X	X	C	X	X	P
Horticulture	X	X	X	X	X	X	X	X	X	X	P	P	X	X	X	C	X	X	P
Livestock production*****	X	X	X	X	X	X	X	X	X	X	P	P	X	X	X	C	X	X	P
Poultry production	X	X	X	X	X	X	X	X	X	X	P	P	X	X	X	C	X	X	P
Aquaculture	X	X	X	X	X	X	X	X	X	X	P	P	X	X	X	C	X	X	P
Farm machinery repair	X	X	X	X	X	X	X	X	X	X	P	P	X	X	X	C	X	X	P
Zoos	X	X	X	X	X	X	X	X	X	X	X	P	X	X	X	C	X	X	X
Slaughterhouse	X	X	X	X	X	X	X	X	X	X	X	C	X	X	X	X	X	X	C
Stockyard	X	X	X	X	X	X	X	X	X	X	X	C	X	X	X	X	X	X	C
Down/Slow Livestock	X	X	X	X	X	X	X	X	X	X	X	C	X	X	X	X	X	X	C

***** See the definition of agricultural uses in Article V. A five acre or larger lot the principal use of which is For a single family dwelling is not considered as an agricultural use.

***** High density livestock activity such as cattle/hog feedlots, and similar intensive feeding operations Shall require conditional use approval.

Extractive	R-1	R-2	R-3	R-4	TH-1	B-1	B-2	B-3	D-1	P-1	A-1	A-2	I-1	I-2	MH	C	RR-1	RR-2	I-3
Commercial logging	X	X	X	X	X	X	X	X	X	X	X	C	X	X	X	X	X	X	C
Mining/quarrying	X	X	X	X	X	X	X	X	X	X	X	C	X	X	X	X	X	X	P

407 THE OFFICIAL LAND USE MANAGEMENT MAP

407.1 OFFICIAL MAP

For the purpose of administering this chapter, the City of Maysville and Mason County are divided into land use areas and districts, the boundaries of which are shown on the Official Land Use Management Map.

407.11 The Official Land Use Management Map for the City of Maysville shall be identified by the title “Official Land Use Management Map of Maysville, Kentucky” and shall bear the signature of the Mayor attested by the City Clerk and bearing the seal of the city following the statement “This is to certify that this map is the Official Land Use Management Map of Maysville, Kentucky, as adopted by Ordinance 89C-24,25,26 by the Board of Commissioners on 1 July 1989.”

407.12 The Official Land Use Management Map for Mason County shall be identified by the title “Official Land Use Management Map of Mason County, Kentucky” and shall bear the signature of the Judge Executive attested by the County Clerk and bearing the seal of the county following the statement “This is to certify that this map is the Official Land Use Management Map of Mason County, Kentucky, as adopted by Ordinance 02-07 by the Fiscal Court on 15 October 2002.”

407.13 If in accordance with the provisions of this chapter and KRS Chapter 100, amendments are made in the district or overlay district boundaries or other matters portrayed on the Official Land Use Management Map of the City of Maysville or Mason County, such amendments shall be made to the Official Map promptly after the amendment has been approved by the appropriate governing body with an entry on the Official Map as follows:

“By official action of the Board of Commissioners (or Fiscal Court), entry shall be signed by the Mayor or Judge Executive and attested by the City or County Clerk.”

- 407.14 No changes of any nature shall be made to the Official Land Use Management Map or matter shown thereon except in conformity with the procedures set forth in this chapter and in KRS Chapter 100. Any unauthorized change of whatever kind by any person or persons shall be consideration a violation of this chapter and punishable as provided herein.
- 407.15 Regardless of the existence of purported copies of the Official Land Use Management Map which may from time to time be made or published, the Official Land Use Management Map which shall be located in the office of the appropriate Administrative Official shall be the final authority as to the current land use classification of land and water areas, buildings, and other structures in the city or county.
- 407.16 In the event the Official Land Use Management Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the appropriate governing body may adopt a new Official Land Use Management Map which shall supersede the prior map, but no such correction shall have the effect of amending the original Official Land Use provided in the original map.

407.2 INTERPRETATION OF BOUNDARIES

Where uncertainty exists with respect to the boundaries of any of the land use areas or districts as shown on the Official Land Use Management Map, the following rules shall apply:

1. Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines.
2. Boundaries indicated as approximately following platted lot lines or property lines shall be construed as following such lot lines or property lines.
3. Boundaries indicated as approximately following city limits shall be construed as following such city limits.
4. Boundaries indicated as following railroad lines shall be construed to

- be midway between the main tracks.
5. Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line, shall be construed as moving with the actual shore line; boundaries indicated as approximately following the centerline of streams, rivers, creeks, or other natural drainage courses shall be construed to follow such center lines.
 6. Boundaries indicated as parallel to or extensions of features indicated in divisions 1 through 5 above, shall so be construed.
 7. Where physical or geographical features existing on the ground are at variance with those shown on the Official Land Use Management Map, or in other circumstances not covered by divisions 1 through 5 above, the Planning Commission shall interpret the district or overlay district boundaries.

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SUPPLEMENTARY USE REGULATIONS

- A. Home occupations shall be permitted as an accessory use in all land use districts, provided they comply with all of the following:
 1. A home occupation permit shall be obtained from the from the Administrative Official who shall inspect the site where the home occupation is to be located to insure compliance with this section of the ordinance. If the terms of this section are being violated, the Home Occupation Permit may be revoked.
 2. Allowable uses include but are not limited to professional offices, workshops, studios, and personal services. Neither retail sales, or processing (manufacturing) of any product shall be allowed.
 3. The use shall be conducted entirely within the principal dwelling or attached garage. In rural districts, the use may be conducted in an accessory structure.
 4. The use shall not occupy more than 25% of the gross floor area of the structure.

5. There shall be no evidence of the use visible from the exterior of the dwelling except for one non-illuminated sign of not more than eight square feet in area.
6. There shall be no noise, odors, fumes, dust, or vibrations emitted from the building.
7. There shall not be more than one employee who is not a family member residing at that location.
8. Two off-street parking spaces shall be provided for customers and clients in addition to off-street parking for the residents.

408.2 Accessory Uses and Structures: Accessory uses or structures are subordinate to the principal use of the land or building, are located on the same lot, and serve a purpose that is customarily incidental to the principal land use or principal building use.

1. Residential accessory structures shall be permitted in all residential and agricultural districts (except where prohibited by private land use restrictions/covenants), and include but are not limited to the following; detached garages, storage sheds, carports, patios, picnic shelters, playhouses, tree-houses, satellite dishes, swimming pools, greenhouses, swing-sets/slides, radio/television antennae, heating/air conditioner units, and basketball goals.
2. Residential accessory structures may be located in a side yard or rear yard provided they comply with all setback requirements and do not occupy more than 25% of the yard area.
3. In-ground swimming pools shall be completely enclosed by a fence or wall at least four feet in height. The walls of an above ground swimming pool may be considered part of the required fence height. All gates or openings in the fence shall be equipped with self-closing and self-latching devices. Pools shall not be located beneath or within five (5) feet of an overhead electric line.
4. All ladders shall be removed while the pool is not in use; and decks, steps, or

other means of access to an above ground pool shall be secured within a fence or be equipped with self-closing and self-latching devices.

5. Non-residential accessory structures shall be permitted in all non-residential districts and include but are not limited to the following; storage buildings, storage silos, heating and mechanical equipment, conveyor equipment, trash dumpsters, compactors, incinerators, or electric substations.
6. Non-residential accessory structures shall be permitted in all non-residential districts provided they comply with all the district requirements.
7. Small-Scale WECS are permitted as accessory residential uses provided that the following conditions are met:

1. A site plan be provided that indicates the tower can be setback a minimum of 1.5 times the height of the WECS to the top of blade from any structure, property line, power line, or road right-of-way.

2. Evidence is provided that the WECS has adequate overspeed protection system(s), does not exceed 5 Kw nameplate capacity, is not capable of net metering, is covered under the owner's liability insurance and conforms to the district height standards.

3. If a WECS is inoperable for a period of one year it is considered abandoned and must be removed from the property. Abandoned WECS are considered to be a public nuisance.

4. The owner of a WECS is responsible for mitigating any adverse effects of electromagnetic interference affecting another property owner as a result of the operation of the WECS. If the electromagnetic interference is proven to be sourced from the WECS and the problem is not rectified the WECS must be removed.

5. The owner must demonstrate that the equipment will operate at less than 30 dB(A) and 50 dB(C) at the property line.

(H) Mid-Scale WECS are permitted as accessory non-residential uses provided that the following conditions are met:

1. A site plan be provided that indicates the tower can be setback a minimum of 1.5 times the height of the WECS to the top of blade from any structure, property line, power line, or road right-of-way.
2. Evidence is provided that the WECS has adequate overspeed protection system(s), does not exceed 50 Kw nameplate capacity, is not capable of net metering, is covered under the owner's liability insurance and conforms to the district height standards.
3. If a WECS is inoperable for a period of one year it is considered abandoned and must be removed from the property. Abandoned WECS are considered to be a public nuisance.
4. The owner of a WECS is responsible for mitigating any adverse effects of electromagnetic interference affecting another property owner as a result of the operation of the WECS. If the electromagnetic interference is proven to be sourced from the WECS and the problem is not rectified the WECS must be removed.
5. The owner must demonstrate that the equipment will operate at less than 30 dB(A) and 50 dB(C) at the property line.

408.3 Roadside Sales. All non-residential uses shall have a permanent location from which to conduct their business, except those permitted as roadside sales uses. Roadside sales are temporary stands and temporary places of business for sales of locally-grown fruit, flowers and vegetables; locally produced crafts; seasonal items such as Christmas trees, Memorial Day flowers, and fireworks, and similar seasonal merchandise for which there is not a year-round market. Flea markets shall not be a permitted roadside sales use. Roadside sales shall be permitted in B-1, B-2, B-3, D-1, I-1, A-1, A-2, and C districts, provided:

1. A roadside sales permit shall be obtained from the Administrative Official. The Administrative Official shall approve the site, and may issue a three day or 21 day permit; however, not more than three permits may be issued to the same vendor at the same location during any calendar year. A person who obtains three permits for the sale of locally grown fruits, vegetables, flowers, and/or crafts shall be allowed to obtain one additional permit for the sale of seasonal items, including but not limited too, fireworks and Christmas trees.

2. A roadside sales permit shall not be required for vendors participating in an organized event or festival sponsored by a governmental agency or civic group.
3. The Administrative Official shall inspect the site before sales may begin.
4. Sales may be conducted from temporary structures such as booths, tents, trucks, or tables, but sales from campers or manufactured structures shall not be permitted.
5. One sign not more than 12 feet in area may be permitted. No merchandise or signs shall be displayed on any public way.
6. Adequate off-street parking shall be provided for customers. If located on a commercial establishment lot, the sale area shall not occupy any of the required off-street parking space.

408.4 Yard and garage sales. Yard and garage sales for sales of unneeded personal or household items may be permitted in any residential district, provided that:

1. No more than two sales may be permitted at any address during any calendar year. Sales shall be limited to three consecutive days. Sales shall be permitted during daylight hours only.
2. No vendors, merchants, or retail sales shall be permitted. Retail sales shall include the re-sale of merchandise purchased at other yard sales. No merchandise or signs may be placed on any public way.
3. One sign may be permitted, not more than four square feet in area and posted not more than 24 hours prior to the sale, and shall be removed immediately after the sale.

408.5 Fences, Walls, and Hedges. Fences, walls, and hedges serve to enclose similar land uses and to separate different land uses. They also serve as buffers that screen activities that might be inharmonious. There are two types of these devices;

1. **Type 1** fences are those that do not impede visibility by more than twenty (20) percent, and include but are not limited to chain link, woven wire, split rail, and other similar fences and low density vegetative screens. These devices

shall be permitted in any rear or side yard in any district, and in the front yard of a R-4A, R-4B, I-1, I-2, A-1, and A-2 district.

2. **Type 2** fences are those that do impede visibility by more than twenty (20) percent, and include but are not limited to masonry walls, board and stockade fences, chain link fences with inserts, and dense hedges or vegetative screens. These devices shall be permitted in the rear yard in any district provided it shall not exceed six feet in height in a R-1, R-2, R-3, R-4, TH-1, P-1, B-1, or D-1 district.
3. Except for permitted agricultural uses, barbed wire, electrified fences or other similar protection devices shall not be permitted in any residential district or adjacent to any residential use. Barbed wire and electric fences shall be permitted in A-1 and A-2 districts.

408.6 Storage of recreational vehicles. Storage of recreational vehicles including campers, boats and trailers, motor homes, off-road vehicles, and other non-licensed vehicles may be stored in any district, provided:

1. Recreational vehicles shall not be stored on the driveway in the front of the dwelling. Not more than two recreational vehicles shall be stored on any lot, nor shall their storage impede visibility of vehicular or pedestrian traffic.
2. Recreational vehicles may not be stored on any public way for more than twenty four (24) hours.
3. Only operable, functional recreational vehicles possessing current vehicle registration, when registration is required, are permitted.
4. Only recreational vehicles registered to the occupant may be stored on the occupant's lot.
5. Recreational vehicles used for more than 21 consecutive days shall conform to these regulations in regards to a permanent structure, and therefore require onsite sewage disposal.

408.7 Outdoor uses. Unless specifically permitted elsewhere in this chapter, all usages, including storage or displays thereof, shall be conducted entirely within completely enclosed structures. The following shall be excepted from this requirement:

1. Uses located within a B-2, I-1, or I-2 district.

2. Agricultural uses within any district.
3. Storage or display of automobiles, trucks, boats, or recreational vehicles.
4. Fuel pumps for permitted service stations.
5. Displays or production of trees, shrubs, vegetable plants and flowers.
6. Trash dumpsters, compactors, or receptacles. These uses shall be located in the rear yard and screened from public view.

408.8 Separate building site required. Unless specifically permitted elsewhere in this chapter, a separate building site shall be provided for each individual building or use, except for permitted accessory buildings or accessory uses. This includes land uses that may not require a building. All land uses, unless inherently compatible, proposed to be in mixed-use zones, or specifically permitted elsewhere in this ordinance, require separate building sites/lots.

408.9 Visibility at intersections. On corner building sites, no structure, fence, or planting which creates a material impediment to visibility shall be permitted within the triangular area formed by the intersecting street lines and a straight line connecting such street lines at points 30 feet from their point of intersection.

408.10 Yard requirements at district boundaries. Whenever two different districts adjoin, the minimum width and depth requirements of both adjoining front, side, and rear yards shall be the more restrictive of the two districts.

408.11 Projecting architectural features. Every part of a required yard shall be open and unobstructed from the ground to the sky except for permitted accessory structures and for the ordinary projection of sills, belt course, cornices, buttresses, eaves, and similar architectural features, provided that such projections shall not extend more than five feet into any required yard. Open fire escapes may extend into any required yard not more than 3 ½ feet.

408.12 Landscaping. In the City of Maysville, a landscape plan shall be submitted with the development plan or the building permit application for review and approval by the City Engineer, in accordance with the provisions of the city's Landscaping Regulations (Chapter 300 of the City Code).

408.13 Buffers and Screening. Whenever a commercial or industrial building site adjoins a R-1, R-2, or Th-1 district, or an existing single-family dwelling in any district, there shall be

provided on the commercial or industrial building site a buffer strip not less than 20 feet in width and parallel to and adjoining the common boundary line of the residential district or use. Any required yard may be included as part of such buffer strip. Buffer strips shall provide protection to adjoining residential building sites from the glare of headlights and the blowing of dust, paper or other debris. The protection may be provided by the construction of a screening fence, or by the planting of trees and shrubs. Where the commercial or industrial site is located across a public way from the residential site, the width of the buffer site shall be reduced to the width of said public way, however, screening shall be required.

1. Screening fence or wall. If a fence or wall is used to provide screening, it shall be constructed such that visibility through any portion of the fence or wall is not greater than 80%. The fence or wall shall be of sufficient height to accomplish the purpose for which it is designed but shall not be greater than eight feet, nor less than four feet in height. The fence or wall may be constructed of wood, masonry, metal provided it is aesthetically pleasing.

2. Landscaping or screen planting. If trees or shrubs are to be used to provide screening, a species shall be used such that visibility through the screening is blocked by at least 80% throughout the year. The effective screening height of the trees or shrubs shall be at least four feet in height at the time of planting.

3. Landscaping of buffer strip. The remaining portions of the buffer strip shall be planted in grass, ivy, flowers, or other forms of vegetation.

4. Maintenance of buffer strip. The buffer strip shall be maintained in a neat, clean, and sanitary manner.

408.14 Regulations by Land Use

A. Salvage Yards and Impound Lots

In consideration of the potential impacts, environmental or otherwise, upon adjacent properties, salvage yards and impound lots shall only be permitted as conditional uses in districts specified in this ordinance and, in the case of salvage yards, where applicable authorization is obtained from the Kentucky Transportation Cabinet, in accordance with KRS 177.905 to 177.950.

Salvage yards and impound lots shall adhere to the following regulations:

1. Operations must be entirely screened from public view with a fence that is at least eight feet above the highest point of the lot and must meet all City or County landscaping requirements.

2. Salvage yards and impound lots must be operated on a hard surface, i.e. gravel, concrete, asphalt, etc.
3. Neither salvage yards nor impound lots are inherently compatible with each other or with any other land use unless specifically permitted elsewhere in this ordinance.
4. As salvage yards and impound lots can be a threat to the public health, safety and welfare in a variety of ways, such as groundwater contamination, eyesores, etc., any impound lot or salvage yard must meet all applicable State and Federal environmental standards.
5. The surrounding area shall not be adversely affected by, and shall be protected from, noise, odor, glare, dust, gas, smoke, vibration and fluids.

Salvage yards shall adhere to the following regulations;

6. No person shall operate a salvage yard which is situated closer than 1,000 feet from the right-of-way line of any road unless a permit for the operation is obtained from the Kentucky Transportation Cabinet, in accordance with KRS 177.905 to 177.950. The operation of any automobile or vehicle salvage yard without a permit is hereby declared to be a public nuisance and in violation of this ordinance.
7. All salvage materials and activities involving the same other than loading or unloading shall be within fully enclosed buildings. Enclosed buildings must be permanent structures specifically constructed for the purpose of storage. In no case shall salvage materials be stored in inoperable automobiles, buses, mobile homes, trailers, truck or rail freight cars or containers, or dilapidated structures. No rubbish, junk, salvage, or miscellaneous material, because it is discarded and incapable of being re-used in some form, shall be placed in open storage.

Impound lots shall adhere to the following regulations:

8. Impound lots are limited to a maximum size of two acres.
9. All vehicles must be parked as would normally be the case in conventional parking lots.

B. Auto Mechanical Repair and Auto Body Repair

1. There may be a maximum of 25 automobiles on the premises, not counting employee vehicles.

2. Any automotive parts or road unworthy automobiles must be screened from public view with a fence that is at least eight feet above the highest point of the lot.

409 OVERLAY DISTRICTS

Development plans are required for all proposed development in overlay districts, in accordance with Section 401.3.

409.1 CONSERVATION OVERLAY DISTRICT

A.Purpose. Land in these districts has been determined to be environmentally sensitive and warrants special development considerations. However, it is not the intent of this section to prohibit development entirely in these districts, but to encourage projects that will not have a detrimental effect on environmental quality.

B.Hillsides within the City of Maysville and Mason County are of special concern in proposed development projects. These hillsides are linked together into an open space system that provides wildlife habitat, scenic values, and dense vegetative cover.

C.In reviewing plans for development in a conservation overlay district, the following principles should be adhered to in order to protect these areas from environmental damage:

- 1.The overall density or intensity of development should be less than that which is permitted in more level topography.
- 2.When possible, development should be confined to slopes that do not exceed 20%. Any proposed development on slopes steeper than 20% must provide information on special considerations that are to be given to provide information on special considerations that are to be given to reducing problems of soil erosion or slippage of slope material.
- 3.Certain hillside areas are so special either for geologic or aesthetic qualities that

they should be preserved entirely in their natural state.

4. Buildings that are part of the development should reflect the scale and proportion of surrounding trees and should be clustered so as to minimize the loss of tree cover or changes in topography. Buildings, streets, parking areas, and other features should be constructed in such a way as to be harmonious with the natural features of the site.

5. The overall development plan should include a detailed soil conservation plan that provides for adequate drainage control measures and timely replanting of appropriate vegetative cover.

409.2 FLOODPLAIN OVERLAY DISTRICT

- A. Purpose. The purpose of the floodplain overlay district is to protect the health, safety, and welfare of the general public and to minimize damage to property by regulating development within the floodplain boundaries.
- B. Boundaries. The boundaries of the floodplain district shall be determined by the Federal Insurance Administration employing customarily accepted practices of flood protection, and the results plotted on the Official Land Use Management Map of Maysville. Boundaries for construction or use restrictions shall be determined by scaling distances on the Official Land Use management Map. Where interpretation is needed to determine the exact boundaries of the Floodplain Overlay District, the Administrative Official shall make that determination.
- C. Establishment of the Floodplain District. The floodplain areas within the jurisdiction of this chapter are hereby divided into two subdistricts: The Floodway District (FD-1) and the Floodway Fringe District (FD-2). The FD-1 districts are adjacent to the stream channel and are the areas of most frequent and severe flooding. This area is required to maintain stream flow at flood stage. The FD-2 districts are areas of streams, overflow and backwater. Construction in these districts would not inhibit stream flow not significantly affect flooding on properties upstream. The districts established by this section shall include all areas designated as floodway on the National Flood Insurance Program Floodway Boundaries and Floodway Map, City of Maysville, Kentucky, dated 3/7/80, or an approved subsequent amendment to that map. Where floodplain districts are designated, regulations for these areas shall be in addition to the regular

district requirements.

- D. Specific standards. In all areas of special flood hazard where an applicant wishes to establish a permitted use, he/she must conform to the following requirements as applicable:

1.Encroachments. All encroachments including fill, new construction, and substantial improvements are prohibited unless permitted by the Kentucky Department of Natural Resources and certification by a registered professional engineer or architect is provided, which demonstrates beyond reasonable doubt that said encroachments shall not result in an increase of more than a one foot rise in flood levels during occurrence of the base flood discharge.

2.Residential construction. New construction or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above base flood elevation.

3.Nonresidential construction. New construction or substantial improvement of any nonresidential structure shall have the lowest floor, including basement, elevated to the level of the base flood elevation, or together with attendant utility.

409.3 PLANNED COMMERCIAL DEVELOPMENT OVERLAY DISTRICT

- A. Purpose. The purpose of the planned commercial development overlay District is to provide for commercial development that is planned, developed, operated, and maintained as a single entity and containing one or more structures to accommodate retail, service, or office uses, or a combination of such uses, and appurtenant common areas and accessory uses incidental to the principal uses.
- B. Specifications. The minimum area required for a planned commercial development shall be 5 acres in a B-3 district, and 15 acres in a B-1 or B-2 district. The planned commercial development shall meet all of the requirements of the district in which it is being located as provided for elsewhere in this chapter.
- C. Failure to begin. If construction of the planned commercial development has not begun within one year of the recording of the

development plan, or if construction is suspended for 180 days, the approval shall become null and void, and the developer shall resubmit a development plan for review and approval.

409.4 PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT

A.Purpose. The planned unit development (PUD) district is designed to provide for the mixing of harmonious non-residential uses with residential uses on larger tracts of land. The primary use of the development is to be residential.

B.Objectives. The objectives of the PUD are as follows:

- 1.To provide a more useful pattern of open space and recreation areas.
- 2.To allow for a development pattern which utilizes and protects the natural features of the site.
- 3.To encourage a more efficient use of the land than is generally achieved through conventional development, resulting in substantial savings in infrastructure costs.
- 4.To create a mixed use development pattern that is in harmony with surrounding land uses, that is in keeping with the objectives of the Comprehensive Plan.

C. Specifications. The PUD shall meet the following requirements:

- 1.Compatible residential, commercial (B-3 district), public, and semi-public uses may be combined, proposed location of the non-residential uses will not be detrimental to the character of the residential areas.
- 2.The project land shall be owned, leased, or controlled by a single entity at the time of development.
- 3.The minimum area required for the PUD shall be five acres.
- 4.A minimum of 20% of the site shall be reserved for common open space and recreational facilities on as determined by the Planning

Commission. The common area shall be retained in joint ownership by the occupants or shall be dedicated to the city for maintenance

5.The Planning Commission may place limits on the amount of commercial development that will be allowed, and shall not allow the development of the commercial portions of the PUD to take place until completion of the residential areas, unless the project exceeds 750 acres.

6.All utilities serving the PUD shall be located underground if possible. Any above ground utility equipment necessary to serve the development shall be screened from view.

7.Failure to begin. If construction of the Planned Unit Development has not begun within one year of the approval of the development plan, or if construction is suspended for 180 days, the approval shall become null and void, and the developer shall resubmit a development plan for review and approval.

409.5 CORRIDOR OVERLAY DISTRICT

A.Purpose. The purpose of the Corridor Overlay District is to protect and enhance the character of selected corridors by insuring that proper planning and management principles are followed in future changes proposed for these areas.

B.Criteria and Specifications. Both Urban and Rural Corridors have been identified as distinctive areas in the Comprehensive Plan. Within these corridors there may be sections that have a character or quality that is distinctive from surrounding property and in need of special consideration:

1.The need for providing buffers/screening in order to protect the character of these areas from adjacent land uses that are not compatible.

2.The need to require setbacks that are in addition to the normal setback requirements provided for in Section 406.3.

3.The need to require additional landscaping beyond that which is required elsewhere in these regulations.

4.The need to modify other requirements included in Section 408, Supplementary Regulations.

C. Procedures. Corridor Overlay Districts may be proposed by the City Board of Commissioners, the Fiscal Court, or the Planning Commission, by filing application with the appropriate Administrative Official. The application shall clearly identify the essential character or qualities of the area that are to be protected by establishment of the district (historic, scenic, aesthetic, etc.). The Planning Commission shall review the proposed designation in a public hearing as spelled out in Section 401.2, C. The City Board of Commissioners or the Fiscal Court shall act on the Planning Commission's findings in keeping with that section.

409.6 HISTORIC OVERLAY DISTRICTS AND LANDMARKS

Downtown Maysville

A. Purpose: Downtown Maysville Historic Districts and Landmarks serve the following purpose:

1. To preserve, protect, and utilize the historic districts and landmarks that have a special historic, architectural, or cultural value to the city, county, state, and nation.
2. To promote the educational, cultural, economic, and general welfare of the people and to safeguard the history and heritage of the City of Maysville and Mason County, as reflected in such districts and landmarks.
3. Stabilize and improve property values of such districts and landmarks, and in the city and county as a whole.
4. Strengthen the local economy by protecting and enhancing the role that these sites play in attracting visitors to the City of Maysville and Mason County.
5. Enhance the visual and aesthetic character of the local area.

B. Designation of Historic Districts and Landmarks. The Board of Architectural Review (City of Maysville) and The Historic Preservation Committee (Mason County) shall make recommendations to the Planning Commission and to the appropriate local government, the designation of historic districts and individual landmarks, and the appropriate local government may make these designations by the enactment of ordinances. Each designation of a landmark shall include the land on which the landmark and related buildings and structures are located, and the land that provides the grounds or setting for the landmark. The recommendation from the appropriate city or county agency described above, shall identify the property that will be included as part of the designation and will be subject to the provisions of this section.

C. A proposal for designation of a historic district or landmark may originate with the Board of Architectural Review or the Historic Preservation Committee, or by the filing of an application by a property owner (see Appendix for copy of the application form). The criteria for designation as an historic district or landmark are as follows:

1. Its value as a reminder of the cultural or archaeological heritage of Maysville, Mason County, Kentucky, or the nation;
2. Its location as a site of a significant local, state, or national event;
3. Its identification with a person or persons who made a significant contribution to the development of Maysville, Mason County, Kentucky, or the nation;
4. Its identification as the work of a master builder, designer, or architect whose individual work has influenced development of Maysville, Mason County, Kentucky, or the nation;
5. Its value as including buildings that are recognized for the quality of their architecture and that retain sufficient elements showing their architectural significance;
6. Its distinguishing characteristics of an architectural style valuable for the study of a period, method of construction, or used of indigenous materials;

7. Its character as a geographically defined area possessing a significant concentration of sites, buildings, objects or structures united by past events or aesthetically by plan or physical development, or;
8. Its character as an established and geographically definable neighborhood, united by culture, architectural style, or physical plan and development.

D. Procedures for Review. The following procedures shall be followed in the review of a proposal for designation of a historic district or landmark:

1. The applicant shall provide the appropriate reviewing agency with the names and addresses of the owners of the affected property and the owners of all adjoining property as well as property across the street from the affected property. The reviewing agency shall promptly notify such owner by certified mail, to the addressee only, return receipt requested, that the property is under consideration for designation and that a public hearing will be held concerning the proposed designation. Written notice shall be considered sufficient when it is mailed to the owners's last known address, relying on tax assessment records if the address is otherwise unknown.
2. Before its first public hearing, the appropriate reviewing agency shall adopt general guidelines which must be approved by the Planning Commission, that will apply to historic districts and landmarks in Maysville or Mason County.
3. The reviewing agency shall hold a public hearing concerning the proposed designation within 60 days after the application was submitted to the appropriate agency. The reviewing agency shall review the information received, and vote to approve or disapprove the proposed designation. It shall then forward its written recommendations to the Planning Commission
4. The Planning Commission shall hold a public hearing on the proposed designation in accordance with the provisions of

401.2(C)(1). The Planning Commission shall forward its written recommendations to the Board of Commissioners or Fiscal Court.

5. The Board of Commissioners or Fiscal Court shall act upon a proposed application for the establishment of a historic district or landmark within 45 days after it has received the written recommendation thereon from the Planning Commission. If the Board of Commissioners or Fiscal Court approves the establishment of said district, the Official Land Use Management shall be amended to reflect the new district or landmark.
6. The Administrative Official shall certify and file all approved designations to the City Clerk and Mason County Clerk who shall preserve them as permanent records.
7. The amendment or rescission of any designation shall be accomplished through the same steps as were followed in the original designation.

E. Effects of designation on land use regulations. The historic district or landmark classification and regulations thereunder shall be established in addition to the land use classification and regulations applicable thereto as shown on the Official Land Use Management Map for the subject area and buildings. Where there are conflicts between the procedures and regulations established for historic districts and landmarks and other procedures and regulations in this chapter, it is intended that provisions as set forth in this section shall apply.

F. Approval of changes to designated property. The Administrative Official shall issue no permits for the construction, demolition, alteration, relocation, or change in the exterior appearance of a landmark or a building in a historic district until the applicant shall have received a certificate of appropriateness. Approvals shall be required for fences and items of street furniture, but shall not be required for sidewalks or mailboxes. Street furniture to be reviewed shall include objects to be located in public ways in front of designated landmarks or within historic districts. (Please refer to the Maysville Historic District Guidelines for further information.)

G. Application for Certificate of Appropriateness

1. The application for a Certificate of Appropriateness shall be filed with the reviewing agency, which shall meet within thirty (30) days of notification.
 - a. Based upon the scope of the application/project the board shall require the submission of any information they deem necessary to adequately review the application/project and may require the submission of any or all of the following items as part of the application process: a drawing of the proposed work, architectural plans, plot plans, landscaping plans, plans for off-street parking, proposed signs, elevations of all visible portions of proposed structures facing streets, photographs of the existing building or structure and adjacent properties, and any information about the building materials to be used. In the event work is being performed without the required certificate of appropriateness, the Administrative Official shall issue a stop work order on behalf of the city or Mason County.
 - b. No additional work shall be undertaken as long as such stop work order shall continue in effect.
 - c. The city or Mason County may apply to the Mason County Circuit Court for injunctive relief to enforce its stop work order.
2. The reviewing agency shall hold a hearing and act upon each certificate of appropriateness application within 30 days after it is received. The reviewing agency may extend the time for decision an additional 30 days when the application is for demolition or new construction however, the 30 day period does not begin to run until such time as the board has been provided all information deemed necessary to review the application/project. The reviewing agency shall recommend approval, conditional approval (based on suggested modifications), or disapproval of an application, and shall give the reasons for its decision. Failure to make a recommendation on an application within the specified time period shall be deemed approval of the application.

3. If the reviewing agency approves the application, it shall immediately forward the certificate of appropriateness to the Administrative Official, who shall then issue the certificate to the applicant. If the application meets all other requirements of law, a building permit may be issued. If the reviewing agency disapproves the certificate of appropriateness, the applicant may appeal to the Board of Adjustments. If the Board of Adjustments upholds the previous decision, the applicant may appeal to the Mason County Circuit Court. Work shall begin within 6 months of approval from the Board or the application shall be revoked. If the work to be done that is approved by the Board is not completed in 6 months after the start of the project, the certificate of appropriateness shall be null and void and a new application must be submitted. This shall apply to all approved projects except for new habitable buildings and additions which will be given 12 months to complete.

H. Standards for granting certificates of appropriateness.

1. In making a recommendation on an application for a certificate of appropriateness, the reviewing agency shall consider historic and architectural significance, architectural style, design, arrangement, texture, methods or materials to be used, method of construction, and color scheme.
2. When an applicant wishes to move a building or structure in a historic district or a landmark, or to move a building or structure to a property in a historic district or to a landmark, the reviewing agency shall consider, in addition to (1) above:
3. The contribution the building or structure makes to its present setting;
4. Whether there are definite plans for the site to be vacated;
5. Whether the building or structure can be moved without significant damage to its physical integrity; and
6. The compatibility of the building or structure to its proposed site and adjacent properties.

- I. Applications to demolish designated property. When an applicant wishes to demolish a building or structure in a historic district or a landmark, the reviewing agency shall negotiate with the applicant on alternatives while it prepares for its hearing on the certificate of appropriateness. The reviewing agency shall negotiate with the applicant to see if an alternative to demolition can be found. After its hearing, the reviewing agency may recommend that a building or structure may be demolished because it does not contribute to the historic district or to the landmark.
- J. Ordinary repairs and maintenance is identified as: Any work the purpose of which is to correct deterioration or to prevent deterioration of designated historic property. The work shall restore the property to its appearance prior to deterioration or shall result in the protection of its present appearance. The work shall involve the use of the same building materials or available materials that are as close as possible to the original. Work that changes the external appearance of a property shall be considered an alteration for purposes of this ordinance. Ordinary repairs and maintenance may be undertaken without a certificate of appropriateness provided that work on a property in a historic district or a landmark does not noticeably change its exterior appearance that is visible to the public. The reviewing agency may adopt guidelines on acceptable color schemes that it shall recommend to property owners, provided that the use of the approved colors is not required.
- K. Emergency conditions. In any case where the Administrative Official determines that there are emergency conditions dangerous to life, health, or property affecting a property in a historic district or landmark, he may order the remedying of these conditions without an application to the responsible reviewing agency. The necessary action may include the demolition of a building or structure. The Administrative Official shall promptly notify the chairman of the reviewing agency of the action being taken.
- L. Condemnation. Notice shall be provided to the board when the Codes Enforcement Office files a condemnation order for a piece of property located within either historic district. Notice of condemnation orders or applications to demolish property shall be given to agencies that request

such information at the beginning of each year.

- M. Conformity with the certificate of appropriateness. The Administrative Official shall inspect periodically the construction or alteration approved by the certificate of appropriateness to insure that it conforms to the provisions of such certificate. If the work being performed is not in conformance with the provisions of the certificate, the Administrative Official shall notify the Chairman of the reviewing agency, and shall issue a stop work order on behalf of the city or county. All work on the designated property shall cease until such work is brought into conformity, as determined by the Administrative Official. No additional work shall be undertaken as long as such stop work order shall continue in effect. The city or county may apply to the Mason County Circuit Court for injunctive relief to enforce its stop work order.
- N. Prevention of demolition by neglect. Designated properties shall be maintained by their property owners in accordance with the provisions of the International Property Maintenance Code, as adopted by the City of Maysville. Every owner and other person in charge of a property shall keep in good repair all of the exterior portions of such buildings or structures, and all interior portions thereof which, if not so maintained, may cause the building or structure to deteriorate or to become damaged or otherwise to fall into a state of disrepair. The reviewing agency shall request a meeting with a property owner whose building or structure in a designated historic district or a landmark is in poor repair, and discuss ways with the owner to improve the condition of the property.
- O. Building codes. The provisions of this section shall be in addition to provisions of the Kentucky Building Code and this Code of Ordinance concerning building permits and requiring buildings and structures to be kept in good repair and safe condition.
(The boundaries of the Maysville Historic Overlay Districts are shown on the Official Land Use Management Map).
- P. Assistance for the Board. The board shall receive regular assistance in the performance of its responsibilities from the city staff. In addition, the city may, by contract, obtain assistance on preservation matters from a professional with expertise in historic preservation,

architecture, or a closely related field.

Q. Signage.

1. *Purpose.* The purpose of this section is to encourage the use of well designed signage within the Historic Districts which will enhance the architectural styles and historic atmosphere of the district, rather than detract from them. It is recognized that commercial signage is, and always has been vital to the character and livelihood of the Historic Districts and of their merchants. It is also recognized that poorly designed and haphazardly placed signage cannot only destroy the atmosphere of the Districts, but can spoil their beauty and character.
2. *Certificate of Appropriateness required.* Except for the signs listed below, the Administrative Officer shall not issue any sign permit unless the permit application is accompanied by a certificate of appropriateness issued by the Board of Architectural Review:
 - a. Residential nameplates
 - b. Real estate signs
 - c. Incidental signs
3. *Prohibited signs.* In addition to the signs prohibited in section 411.23, the following signs shall be prohibited in the Historic District:
 - a. Off-premise signs
 - b. Any sign or sign support which conceals any significant architectural feature or detail of any structure.
4. *Sign regulations.*
 - a. *Single family and duplex uses.* One non-illuminated nameplate shall be permitted for each dwelling unit, not to exceed two square feet in area.

- b. *Multi-family uses.* One identification sign shall be permitted for each multi-family building or complex, not to exceed 20 square feet in area. The sign may be a ground sign, pole sign, lamp post sign, projecting sign, or fascia sign, and shall not be internally illuminated.
- c. *Non-residential uses.* Signs for non-residential uses shall comply with the following regulations:
 - 1. One sign shall be permitted for each 100 feet of building frontage for each establishment or tenant space provided the signs are located no closer than 60 feet from each other.
 - 2. One sign shall be permitted for each street frontage for double frontage building sites.
 - 3. Signs may be ground/post signs (only permitted on the Old Washington Historic District), fascia signs, projecting signs, or canopy signs.
 - 4. In addition to the signs permitted above, window signs shall be permitted provided they do not cover more than 25% of the window pane area.
- d. *Multi-tenant commercial developments.* Signs for multi-tenant commercial developments shall comply with the following regulations:
 - 1. One joint identification sign shall be permitted for each frontage or entrance to a multi-unit commercial development, up to a maximum of two signs.
 - 2. The joint identification sign may be a ground/post sign, fascia sign, projecting sign, or canopy sign, not to exceed square feet.
 - 3. In addition to the joint identification sign, one directory sign, not to exceed four square feet in area, may be

permitted for each tenant space.

- e. *Sidewalk signs.* “A frame,” “sandwich” or free-standing signs may be used to advertise daily specials or special events provided:

1. One sign may be permitted for each establishment or multi-tenant commercial development.
2. The sign may not reduce the passable width of a sidewalk to five feet or less.
3. The sign shall be a minimum of four feet in height.
4. The sign may be double-faced provided the area of the largest face does not exceed six square feet.

- 5. *Size and location requirements.* Unless otherwise specified in this section, the following regulations shall apply:

- a. *Fascia Signs.*

1. Maximum sign area shall be 20 square feet.
2. Sign face shall not extend more than 12 inches from the building wall.

- b. *Projecting Signs.*

1. Maximum sign area shall be 12 square feet per face.
2. Minimum clearance above pedestrian walkways shall be eight feet.
3. Minimum clearance above vehicular drives shall be 15 feet.
4. Maximum projection from building face shall be five feet.

- c. *Canopy or awning signs.*

1. The sign shall be painted onto, sewn into or fabricated as an integral part of the canopy.
2. The copy area of the sign shall not cover more than 50% of the area of the canopy.
6. *Variances.* The Board of Architectural Review may permit variances from the regulations of this ordinance.

Old Washington

A. Purpose: Old Washington Historic Districts and Landmarks serve the following purpose:

1. To preserve, protect, and utilize the historic districts and landmarks that have a special historic, architectural, or cultural value to the city, county, state, and nation.
2. To promote the educational, cultural, economic, and general welfare of the people and to safeguard the history and heritage of the city and Mason County, as reflected in such districts and landmarks.
3. To stabilize and improve property values of such districts and landmarks, and in the city and Mason County as a whole.
4. To strengthen the local economy by protecting and enhancing the role that these sites play in attracting visitors to the city and Mason County.
5. To enhance the visual and aesthetic character of the local area.

B. Designation of Historic Districts and Landmarks. The Board of Architectural Review (City of Maysville) and The Historic Preservation Committee (Mason County) shall make recommendations to the Planning Commission and to the appropriate local government, the designation of historic districts and individual landmarks, and the appropriate local government may make these designations by the enactment of ordinances.

1. Each designation of a landmark shall include the land on which the landmark and related buildings and structures are located, and the land that provides the grounds or setting for the landmark.
 2. The recommendation from the appropriate city or county agency described above, shall identify the property that will be included as part of the designation and will be subject to the provisions of this section.
- C. A proposal for designation of a historic district or landmark may originate with the Board of Architectural Review or the Historic Preservation Committee, or by the filing of an application by a property owner (see Appendix for copy of the application form). The criteria for designation as an historic district or landmark are as follows:
1. Its value as a reminder of the cultural or archaeological heritage of the city, Mason County, or the nation;
 2. Its location as a site of a significant local, state, or national event;
 3. Its identification with a person or persons who made a significant contribution to the development of the city, Mason County, or the nation;
 4. Its identification as the work of a master builder, designer, or architect whose individual work has influenced development of the city, Mason County, or the nation;
 5. Its value because it contains buildings that are recognized for the quality of their architecture and that retain sufficient elements showing their architectural significance;
 6. Its distinguishing characteristics of an architectural style valuable for the study of a period, method of construction, or used of indigenous materials;
 7. Its character as a geographically defined area possessing a

significant concentration of sites, buildings, objects or structures united by past events or aesthetically by plan or physical development, or;

8. Its character as an established and geographically definable neighborhood, united by culture, architectural style, or physical plan and development.

D. Procedures for Review. The following procedures shall be followed in the review of a proposal for designation of a historic district or landmark:

1. The applicant shall provide the appropriate reviewing agency with the names and addresses of the owners of the affected property and the owners of all adjoining property as well as property across the street from the affected property. The reviewing agency shall promptly notify such owner by certified mail, to the addressee only, return receipt requested, that the property is under consideration for designation and that a public hearing will be held concerning the proposed designation. Written notice shall be considered sufficient when it is mailed to the owner's last known address, relying on tax assessment records if the address is otherwise unknown.
2. The guidelines to be adopted by the appropriate reviewing agency and which will apply to historic districts and landmarks in the city or Mason County shall be the most recent general guidelines which have been approved by the Planning Commission. [N.B. Said guidelines were first promulgated in 1992; Agencies and applicants are expected to use the most recently amended version of said guidelines.]
3. The reviewing agency shall hold a public hearing concerning the proposed designation within 60 days after the application was submitted to the appropriate agency. The reviewing agency shall review the information received, and vote to approve or disapprove the proposed designation. It shall then forward its written recommendations to the Planning Commission within 30 days.

4. The Planning Commission shall hold a public hearing on the proposed designation in accordance with the provisions of 401.2(C)(1) within 60 days of receiving the recommendation of the reviewing agency. The Planning Commission shall forward its written recommendations to the Board of Commissioners or Fiscal Court within 30 days after holding the public hearing.
5. The Board of Commissioners or Fiscal Court shall act upon a proposed application for the establishment of a historic district or landmark within 45 days after it has received the written recommendation thereon from the Planning Commission. If the Board of Commissioners or Fiscal Court approves the establishment of said district, the Official Land Use Management shall be amended to reflect the new district or landmark.
6. The Administrative Official shall certify and file all approved designations to the City Clerk and Mason County Clerk who shall preserve them as permanent records.
7. The amendment or rescission of any designation shall be accomplished through the same steps as were followed in the original designation.

E. Effects of designation on land use regulations. The historic district or landmark classification and regulations there-under shall be established in addition to the land use classification and regulations applicable thereto as shown on the Official Land Use Management Map for the subject area and buildings. Where there are conflicts between the procedures and regulations established for historic districts and landmarks and other procedures and regulations in this chapter, it is intended that provisions as set forth in this section shall apply.

F. Approval of changes to designated property.

1. The Administrative Official shall issue no permits for the construction, demolition, alteration, relocation, or change in the exterior appearance of a landmark or a building in a historic district until the applicant shall have received a certificate of appropriateness.

2. Approvals shall be required for construction, modification, or demolition of features contributing to the historic landscape or streetscape within the Historic Overlay Districts or landmark properties. Said features include existing greenspace, existing levels of settlement density, fences, items of street furniture, well-heads, sidewalks, stone culverts, surface drains or other historic drainage devices, and mailboxes. Street furniture to be reviewed shall include objects to be located in public ways in front of designated landmarks or within historic districts. Approvals shall be required for the construction, modification, demolition of outbuildings such as (but not limited to) garages, barns, springhouses, car ports, storage sheds, and summer kitchens.
3. In an effort to preserve the existing levels of settlement density, the Board will not approve proposed new construction that requires the subdivision of existing parcels, or that results in a net increase in the number of dwellings within a parcel. Washington was originally platted into “inlots” and “outlots,” which are reflected to this day in the relative density of settlement. Outlots included lands to the east of Green Street and west of Water Street (now US 62/68). Inlots included properties between US 62/68 and Green Street. Proposed new construction must maintain the historically given inlot (i.e., if historically a row house, then a new row house; if historically single family, then new single family). Historically undeveloped outlots ideally should be maintained as greenspace. The approval of any development of an outlot will take into consideration historic levels of settlement density.
4. Any application for a zoning change within the Historic Overlay District must account for the above historic precedents. To that end, the Planning Commission may invite comment from the Board of Architectural Review for any proposed construction within the Washington Historic Overlay District. Any rezoning request within the Historic District must be accompanied by a development plan. Said request and plan are to be reviewed in a public hearing called jointly by both the Planning Commission and the Board of Architectural Review.

5. The Board shall not limit new construction to any one architectural style. However, the Board seeks to preserve the character and integrity of the historic districts and landmarks or properties by requiring new construction to reflect the proportions, setback and design motifs of the historically significant architectural periods represented within the Historic Overlay District. Any new construction on a previously built-upon lot shall be similar in appearance to the demolished or destroyed property. The new construction shall have the same front setback as the demolished or destroyed property. (Refer to the Maysville/Washington Historic District Design Review Guidelines for further information.)

G. Application for Certificate of Appropriateness

1. The application for a Certificate of Appropriateness shall be filed with the reviewing agency, which shall meet within thirty (30) days of notification.
 - c. Based upon the scope of the application/project the board shall require the submission of any information they deem necessary to adequately review the application/project and may require the submission of any or all of the following items as part of the application process: a drawing of the proposed work, architectural plans, plot plans, landscaping plans, plans for off-street parking, proposed signs, elevations of all visible portions of proposed structures facing streets, photographs of the existing building or structure and adjacent properties, and any information about the building materials to be used. In the event work is being performed without the required certificate of appropriateness, the Administrative Official shall issue a stop work order on behalf of the city or Mason County.
 - d. No additional work shall be undertaken as long as such stop work order shall continue in effect.
 - c. The city or Mason County may apply to the Mason County Circuit Court for injunctive relief to enforce its stop work order.

2. The reviewing agency shall hold a hearing and act upon each certificate of appropriateness application within 30 days after it is received. The reviewing agency may extend the time for decision an additional 30 days when the application is for demolition or new construction however, the 30 day period does not begin to run until such time as the board has been provided all information deemed necessary to review the application/project. The reviewing agency shall recommend approval, conditional approval (based on suggested modifications), or disapproval of an application, and shall give the reasons for its decision. Failure to make a recommendation on an application within the specified time period shall be deemed approval of the application.
3. If the reviewing agency approves the application, it shall immediately forward the certificate of appropriateness to the Administrative Official, who shall then issue the certificate to the applicant. If the application meets all other requirements of law, a building permit may be issued. If the reviewing agency disapproves the certificate of appropriateness, the applicant may appeal to the Board of Adjustments. If the Board of Adjustments upholds the previous decision, the applicant may appeal to the Mason County Circuit Court. Work shall begin within 6 months of approval from the Board or the application shall be revoked. If the work to be done that is approved by the Board is not completed in 6 months after the start of the project, the certificate of appropriateness shall be null and void and a new application must be submitted. This shall apply to all approved projects except for new habitable buildings and additions which will be given 12 months to complete.

H. Standards for granting certificates of appropriateness.

1. In making a recommendation on an application for a certificate of appropriateness, the reviewing agency shall consider historic and architectural significance, architectural style, design, enclosed structural volume, external proportions, the arrangement of massing, texture, methods or materials to be used, method of construction, and color scheme;

2. When an applicant wishes to move a building or structure in a historic district or a landmark, or to move a building or structure to a property in a historic district or to a landmark, the reviewing agency shall consider, in addition to (1) above:
 3. The contribution the building or structure makes to its present setting;
 4. Whether there are definite plans for the site to be vacated;
 5. Whether the building or structure can be moved without significant damage to its physical integrity; and
 6. The compatibility of the building or structure to its proposed site and adjacent properties.
- I. Applications to demolish designated property. Every effort will be made to encourage the preservation and repair of historically significant properties. When an applicant wishes to demolish a building or structure in a historic district or a landmark, the reviewing agency shall negotiate with the applicant on alternatives while it prepares for its hearing on the certificate of appropriateness. The reviewing agency shall negotiate with the applicant to see if an alternative to demolition can be found. Applications to demolish must be submitted at least 14 days prior to being heard and the applicant must post a sign (to be provided by the City Codes Office and paid for by the applicant) at least 7 days before the hearing which sign gives notification of the application to demolish and a time, date, and location of the hearing regarding such application. After its hearing, the reviewing agency may recommend that a building or structure may be demolished because it does not contribute to the historic district or to the landmark.
- J. Ordinary repairs and maintenance. Ordinary repairs and maintenance are identified as: Any work the purpose of which is to correct deterioration or to prevent deterioration of designated, historic property. The work shall restore the property to its appearance prior to deterioration or shall result in the protection of its present appearance. The work shall involve the use of the same building materials or available materials that are as close as possible to the original. Work that changes the external appearance of a property shall be considered

an alteration for purposes of this section. Ordinary repairs and maintenance may be undertaken without a certificate of appropriateness provided that work on a property in a historic district or a landmark does not noticeably change the construction materials or exterior appearance that is visible to the public. The reviewing agency may adopt guidelines on acceptable color schemes that it shall recommend to property owners, provided that the use of the approved colors is not required.

- K. Emergency conditions. In any case where the Administrative Official determines that there are emergency conditions dangerous to life, health, or property affecting a property in a historic district or landmark, he or she may order the remedying of these conditions without an application to the responsible reviewing agency. Direct recourse to legal sanctions under all applicable planning and zoning ordinances apply equally to historic overlay districts and landmarks; indeed such districts and landmarks require particular vigilance, as they are vulnerable to various natural emergencies and neglect. The necessary action may include the demolition of a building or structure. The Administrative Official shall promptly notify the chairman of the reviewing agency of the action being taken.
- L. Condemnation. Notice shall be provided to the board when the Codes Enforcement Office files a condemnation order for a piece of property located within either historic district. Notice of condemnation orders or applications to demolish property shall be given to agencies that request such information at the beginning of each year.
- M. Conformity with the certificate of appropriateness. The Administrative Official shall inspect periodically the construction or alteration approved by the certificate of appropriateness to insure that it conforms to the provisions of such certificate. If the work being performed is not in conformance with the provisions of the certificate, the Administrative Official shall notify the Chairman of the reviewing agency, and shall issue a stop work order on behalf of the city or county. All work on the designated property shall cease until such work is brought into conformity, as determined by the Administrative Official. No additional work shall be undertaken as long as such stop work order shall continue in effect. The city or county may apply to the Mason County Circuit Court for injunctive relief to enforce its stop

work order.

- N. Prevention of demolition by neglect. Designated properties shall be maintained by their property owners in accordance with the provisions of the International Property Maintenance Code, as adopted by the City of Maysville. Every owner and other person in charge of a property shall keep in good repair all of the exterior portions of such buildings or structures, and all interior portions thereof which, if not so maintained, may cause the building or structure to deteriorate or to become damaged or otherwise to fall into a state of disrepair. The Administrative Official shall assess the exterior of all buildings in the historic district and landmarks at least once a year to ascertain those being neglected and report these neglected buildings to the reviewing agency within 30 days of the assessment. The reviewing agency, after confirming the report of the Administrative Official, shall, within 45 days of receiving the report issue a registered letter of warning to the property owner, stating that said property has been placed on a watch list, and that if the necessary actions are not effected within 6 months of the letter's receipt, the reviewing agency shall request a meeting with the property owner whose building or structure in a designated historic district or landmark is in poor repair, and try to reach agreement with the owner to improve the condition of the property or demolish it if the property is beyond reasonable repair. Landowners demonstrating a consistent pattern of neglect, such that the structural integrity of their properties are compromised may be subject to legal sanctions at the discretion of the reviewing agency. If no agreement can be reached, the city or county shall proceed to the Mason County Circuit Court to obtain relief.
- O. Building codes. The provisions of this section shall be in addition to provisions of the Kentucky Building Code and this Code of Ordinance concerning building permits and requiring buildings and structures to be kept in good repair and safe condition.
(The boundaries of the Maysville Historic Overlay Districts are shown on the Official Land Use Management Map).
- P. Assistance for the Board. The board shall receive regular assistance in the performance of its responsibilities from the city staff. In addition, the city may, by contract, obtain assistance on preservation matters from a professional with expertise in historic preservation,

architecture, or a closely related field.

410 PARKING

410.1 PURPOSE

The purpose of this subchapter is to establish requirements regulating the quantity and design of off-street parking areas, to relieve traffic congestion in the public ways, and to minimize potential detrimental effects of off-street parking on adjacent properties.

410.2 GENERAL REQUIREMENTS

- A. The provisions of this section are the minimum permissible off-street parking requirements and shall apply to all districts except D-1, A-1, and A-2, and within an approved PUD or PCD.
- B. No building or structure shall be constructed, enlarged, or altered, or its use changed or enlarged, unless off-street parking has been provided in conjunction with this section.
- C. Each application for a building permit shall include sufficient information or plans to enable the Administrative Officer to determine whether or not the requirements of this section have been met, to include:
 - 1. Location and dimensions of all parking spaces, driveways, aisles, and pedestrian walkways.
 - 2. Provisions for pedestrian and vehicular circulation, lighting, and drainage.
 - 3. Number of anticipated employees, company-owned vehicles, building rooms, offices, square footage, or other related information for determining the number of spaces required.
 - 4. Landscaping plan.
- D. All required off-street parking shall be located on the same building site, or on as site adjacent to the land use served.

E. Collective off-street parking may be provided; however, the required number of spaces provided shall not be less than would otherwise be required individually.

F. Upon written application and certification by the owner, adjacent off-street parking spaces may be shared if the hours of usage for the uses in question do not coincide.

410.3 OFF-STREET PARKING AND DESIGN STANDARDS:

410.31 Access

A. Access to off-street parking areas within the City of Maysville and Mason County shall be as follows:

1. The location, width, and number of entrance and exit driveways serving public accessory parking facilities, drive-in businesses, fee parking lots, and public parking lots, shall be planned in such a manner as not to interfere with either the use of adjacent property or the flow of traffic on the streets to which they connect. The interconnection between off street parking areas shall be provided.

2. Location of curb cuts shall be approved by the City Engineer.*

3. Parking areas of up to twenty (20) spaces shall have at least one (1) two-lane driveway located at least fifty (50) feet from the right-of-way line of the nearest intersecting street.

4. Parking areas of more than twenty (20) spaces shall have two (2) two-lane driveways located not less than fifty (50) feet from the right-of-way line of the nearest intersecting street.

5. Entrance or exit driveways shall have travel lanes of a minimum width of ten (10) feet and a maximum width of twelve (12) feet for each lane.

6. The angle of intersection between the driveway and the street shall be between seventy (70) and ninety (90) degrees. The radius of the driveway apron shall be at least twenty (20) feet.

7.All parking spaces, except those required for single household detached dwellings and two household dwellings, shall have access to a public street or alley in such a manner that any vehicle leaving or entering the parking area from or into a public street or alley shall be traveling in a forward motion.

8.Properties located in a residential district shall not be utilized to provide parking for or access to non-residential districts. However, the Board of Adjustments may authorize a conditional use permit to grant the development of a parking area in a residential district, provided that such parking area is no farther than two-hundred (200) feet from the use which it is serving.

9.On any residential property where the garage access is located in the side or rear yard of the property, there shall be a minimum ten (10) foot driveway accessing the garage.*

10.Parking of vehicles in any parking lot shall be marked stalls only.*

* Items 2, 9, and 10 are not applicable in A-1, A-2, and C districts.

B.Setbacks

The location of off-street parking facilities and access drives for more than five (5) vehicles, excluding single and two household dwellings, may be located in the required yards unless otherwise specified elsewhere in this ordinance. In no case however, shall the parking area or access drives be located closer than ten (10) feet from any right-of-way, ten (10) feet from any non-residential property line and twenty (20) feet from any residential property line.

C.Landscaping and Screening

In addition to the setback requirements specified in this chapter for off-street parking for more than five (5) vehicles, screening shall be provided on each side of the parking area that abuts any residential district or use. This provision is not applicable in A-1, A-2, and C districts.

D.Paving and Drainage

Any off-street parking area for more than five (5) vehicles and its access

drives shall be graded and drained so that the natural flow of surface water shall not be channeled or concentrated onto adjacent property by means other than a designated drainage course. Parking areas and access driveways shall be improved with an asphalt or concrete surface in accordance with the Subdivision Regulations. Paving or parking areas and driveways is not required in A-1, A-2, and C districts. Pavers may also be used if approved by the Planning Commission. Pavers shall include durable materials suitable for parking such as cobblestones, brick, concrete formed blocks, or cut stone, provided the materials are specifically designed and installed for vehicular loads.

E.Barriers

Whenever a parking lot extends to a property line, fencing, wheel stops, concrete curbs or other suitable barriers shall be provided in order to prevent any part of a parked vehicle from extending beyond the property line and from destroying the screening materials.

F.Visibility

Access of driveways for parking areas shall be located in such a way that any vehicle entering or leaving such parking area shall be clearly visible public street, private street, or alley.

G.Marking

All parking areas for more than five (5) vehicles shall be marked with paint lines or in some other manner approved by the city and shall be maintained in a clearly visible condition. This item is applicable in the city only.

H.Maintenance

Any owner of property used for parking areas shall maintain such areas in good condition.

I.Signage

Where necessary, entrances, exits, and the intended circulation pattern shall be clearly marked in the parking area. Signs may also be permitted which indicate the operator of the parking facility. Stop signs shall be

installed where parking areas exit to a public way.

J.Lighting

Lighting shall be in conformance with Section 412 of this ordinance.

K.Stacking Spaces for Drive Through Businesses

Businesses utilizing drive through windows or those that offer drive through facilities shall provide sufficient stacking space for five (5) vehicles. For the purposes of this article, one stacking space shall be construed as a minimum of nine (9) feet in width and nineteen (19) feet in length. Such stacking space shall begin at the point of business transaction shall include teller windows, fast food order location, a

L.Parking of Commercial Vehicles

Commercial vehicles with or without signage which are over nine (9) feet in width or nineteen (19) feet in length, shall not be parked in a parking area. Such vehicles shall be parked or stored in the required off-street loading space(s).

M.Parking on Unimproved Surfaces Prohibited

No motor vehicle shall be parked or stored on any area not improved in accordance with Section D above. Both the owner of any such improperly parked or stored vehicle and the owner or occupant of the property on which the vehicle is parked or stored shall be considered in violation of this section.

410.32 Determination of Required Spaces

In computing the number of parking spaces required by this ordinance, the following shall apply:

A.Where floor area is designated as the standard for determining parking space requirements, floor area shall be the sum of the net leaseable horizontal area of all floors of a non-residential building. Those areas used for storage or otherwise not occupied by people may be excluded from the floor area calculation if such exclusion is approved by the Planning Commission.

B.Where seating capacity is designated as the standard for determining parking space requirements, the capacity shall mean the number of seating units as determined by code.

C. Where the required parking is determined by the number of employees, the maximum number of employees on duty on the premises at one (1) time, or any two (2) successive shifts, whichever is greater, shall be used.

D. Fractional number shall be increased to the next highest whole number.

E. When the building floor area is designated as the standard for determining parking space requirements and that number is less than the minimum standard, at least one (1) parking space shall be provided on the premises.

410.33 Parking Space Dimensions

Each off-street parking space shall have the following dimensions and shall be of useable shape and conditions:

A Parking Angle	B Stall Width	C Length of Stall	D Aisle Width	E Curb to Curb Width (Single Bay)	F Bay Width (Center to Center)
15 degrees	9 feet	21 feet	24 feet	42 feet	42 feet
45 degrees	9 feet	19 feet 10 inches	13 feet 24 feet two way	52 feet 4 inches	46 feet
60 degrees	9 feet	20 feet 11 inches	18 feet 24 feet two way	59 feet 10 inches	55 feet 4 inches
90 degrees	9 feet	19 feet	24 feet	62 feet	62 feet

PARKING AREA DESIGN STANDARDS

410.4 PARKING SPACE REQUIREMENTS

The number of parking spaces required for selected land use activities along with the criteria for determining the spaces are indicated below. If a particular use is not included in the list, the Administrative Official will determine the requirements based on the land use most closely related to the one in question.

<u>A. Uses</u>	<u>Space Requirements</u>
<u>Residential</u>	
Single-family, duplexes, townhomes and condominiums	2 spaces per dwelling unit
Multi-family	1.5 spaces per bedroom
Group quarters	3 spaces for every 5 beds
Assisted care/living facilities	3 spaces per 5 dwelling units + 1 space per employee on the largest shift
Nursing homes	1 spaces per 3 beds
<u>Commercial</u>	
Automobile repair	2 spaces per service bay (excluding the bay) + one space per employee, and 1 space per employer vehicle
Automobile sales	1 space per 400 sq. ft. of net indoor/outdoor floor/land area of sales, shop and garage + 1 space per employee
Banks, financial institutions	1 space per 200 sq. ft. of net floor area + 3 stacking spaces per drive through lane
Bars/Pubs	1 space per 50 sq. ft. of gross floor area
Beauty salons/Barber shops	2 spaces per beauty/barber chair
Bed and breakfasts	1 space per sleeping room + 1 space per employee + 1 space per permanent resident
Car wash	
Automatic	5 stacking spaces per lane + 1 space per employee
Manual	3 stacking spaces per stall + 1 space per

	employee
Convenience store	1 space per 200 sq. ft. of net floor area + 1 space per island + 1 space per employee on the largest shift
Day care center, child/ Pre-school	1 space per employee, + 1 space for each 6 children + 1 space per facility vehicle
Funeral homes	1 space per 100 sq. ft. gross floor area
Grocery stores	1 space per 200 sq. ft. of net sales floor area
Health/fitness facility	1 space per 200 sq. ft. of net floor area
Hotels, motels	1 space per sleeping room + 1 space per employee + 1 space per 50 sq. ft. of meeting room of related facilities (if applicable) + specified requirements for restaurants (if applicable)
Mini-storage facility	3 spaces + 1 space per 100 storage units
Offices (excluding medical)	5 spaces for first 1,000 sq. ft. + 1 space for each additional 300 sq. ft. of net floor area
Offices, medical/clinic	6 spaces for first 1,000 sq. ft. + 1 space for each additional 250 sq. ft. of net floor area
Repair shops, general	1 space per 400 sq. ft. open to the public + 1 space per employee
Retail, sales/service	
High volume	1 space per 250 sq. ft. gross sales floor area + 1 space per employee on the largest shift
Low volume	1 space per 500 sq. ft. gross sales floor area + 1 space per employee on the largest shift
Restaurants, sit-down	1 space per 50 sq. ft. gross floor area

Restaurants, drive through	5 stacking spaces per lane + 1 space per employee on the largest shift
Service, general	1 space per employee + 1 space per 400 sq. ft. open to the public
Service stations	1 space per pump + 1 space per bay + 1 space per 200 sq. ft. gross floor area for offices/retails activities + 1 space per employee on the largest shift
Trucking/Freight	1 space per 1,000 sq. ft. of gross floor area or 1 space per employee, whichever is greater
Warehousing	1 space per 1.5 employees on the largest shift
<u>Entertainment/Recreation</u>	
Bowling alley	4 spaces per lane + 1 space per 100 sq. ft. gross floor area for other uses (if applicable)
Theaters	1 space per 3 seats
Sports arenas, stadiums	1 space per 3 seats
Parks, recreation areas	
Indoor	1 space per 400 sq. ft.
Outdoor	4 spaces per acre
Golf courses	4 spaces per golf hole + 1 space per employee on the largest shift
Golf driving range	1 space per driving tee + 1 space per employee on the largest shift
Galleries/Studios/ Exhibition Halls	1 space per 100 sq. ft. + 1 space per employee on the largest shift
<u>Public/Semi-public</u>	
Cemeteries	4 spaces per acre when no church or chapel exists on the premises

Libraries, museums	1 per 400 sq. ft. gross floor area
Elementary/Middle Schools	One space for each 3 auditorium seats or 1 space per classroom (whichever is greater)
High school	1 space per employee + 1 space per 6 students + 12 visitor spaces
Vocational/Technical	1 space per employee + 1 space per 2 students
College/university	1 space per employee + 1 space per 4 students
Government buildings	1 space per 250 sq. ft.
Police/fire stations	1 space per employee on the largest shift + 1 space per facility vehicle + 1 space per 250 sq. ft. open to the public
Civic clubs, related activities	1 space per 100 sq. ft. of net floor area
Churches/places of worship	1 space per 4 seats in sanctuary
Hospitals/clinics	1 space per bed + 1 space per doctor + 1 space per two employees on the largest shift + 1 space per hospital vehicle
Counseling/social services	5 spaces + 1.5 spaces per office/examination room
<u>Manufacturing</u>	
Manufacturing/Industrial, general	1 space per 1.5 employees on the largest shift + 1 space per facility vehicle
Impound Lots/Salvage Yards	1 space per quarter-acre of screened land area + 1 space per employee
<u>Agricultural</u>	
Agricultural, general	1 space per employee on the largest shift + 1 space per 400 sq. ft. open to the public

B. Loading and Unloading Areas:

Whenever the normal operation of any development requires that goods, merchandise, or equipment be routinely delivered to or shipped from that development, a sufficient off-street loading and unloading area must be provided in accordance with this section to accommodate the delivery or shipment operations in a safe and convenient manner.

The loading and unloading area must be of a sufficient size to accommodate the number and types of vehicles that are likely to use this area, given the nature of the development in question. The following table indicates the number and size of spaces that, presumptively, satisfy the standard set forth in this section. However, the Administrative Official may require more or less area if reasonably necessary to satisfy the foregoing standard.

<u>Gross Leasable Area of Building</u>	<u>Number of Spaces*</u>
1,000 - 19,999	1
20,000 - 79,999	2
80,000 - 127,999	3
128,000- 191,000	4
192,000- 255,999	5
256,000- 319,999	6

Plus one (1) space for each additional 72,000 square feet or fraction thereof.

*Minimum dimensions of 12 feet x 55 feet and overhead clearance of 14 feet from street grade required.

Loading and unloading areas shall be located and designed so that the vehicles using them can; 1) maneuver safely and conveniently to and from a public right-of-way, and 2) complete the loading and unloading operations without obstructing or interfering with any public right-of-way or any parking area.

No area allocated to loading and unloading may be used to satisfy other area requirements for off-street parking.

§ 411 SIGN REGULATIONS.

§ 411.1 INTENT.

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

- (A) Reduce intrusions and protect property values;
- (B) Minimize undue distractions to the motoring public;
- (C) Protect the tourist industry by promoting a pleasing community image; and
- (D) Enhance and strengthen economic stability.

§ 411.11 Administration

The Administrative Officer of this Sign Ordinance shall be the Zoning Administrator. The Zoning Administrator, his/her designee, or anyone from the Codes Enforcement Department, shall have the responsibility and authority to administer and enforce all provisions of this Ordinance, other than those provisions with powers specifically reserved to the Board of Adjustment, Planning Commission, or Board of Architectural Review.

§ 411.12 Substitution Clause

Any sign, display or device allowed under this Ordinance may contain, in lieu of any commercial copy, any otherwise lawful non-commercial message, which may occupy the entire sign area or any portion thereof, and may substitute for or be combined with the commercial message, and which must comply with all other requirements of this Ordinance.

§ 411.2 PERMITS.

§ 411.21 Permit Requirements.

- (A) Permit required. Except as otherwise provided in this Ordinance, it shall be unlawful for any person to erect, construct, alter, enlarge, move or convert any sign in the city or county, or cause the same to be done, without first obtaining a sign permit for such sign from the Administrative Officer as required by this section. These directives shall not be construed to require any permit for a change of copy on any sign, nor for repainting, cleaning and other normal maintenance or repair of a sign or sign structure for which a permit has previously been issued, so long as the sign or structure is not modified in any way. No new permit is required

for signs which conform with the requirements of this section on the date of its adoption unless and until the sign is altered or relocated.

(B) Application for permit. Applications for a permit shall be made to the Administrative Officer upon a form provided, and shall be accompanied by such information as may be required to assure compliance with all appropriate laws and regulations of the city or County including:

1. The name and address of the owner of the sign;
2. Name and address of the owner of the premises where the sign is located or to be located;
3. Name and address of the person who will erect the sign;
4. Clear and legible drawings of the sign and sign structure which are the subject of the permit and all on the same premises and the placement of such signs in relation to the building or buildings.
5. Drawings showing the dimension, construction supports, sizes, foundations, electrical wiring and components, sign materials and method of attachment and character of structure members to which the attachment is to be made. The design, quality, materials and loading shall conform to the International Building Code and Kentucky Amendments. If required by the Administrative Officer, engineering data shall be supplied on plans submitted and certified by a licensed structural engineer.
6. Any other information requested by the Zoning Administration in order to carry out the intent and purpose of this Ordinance.

(C) Fees. The Board of Commissioners or Fiscal Court shall by separate ordinance, establish fees for sign permits. The Administrative Officer shall not issue any sign permit until all applicable fees have been paid in full.

(D) Expiration of permit. Any sign permit issued by the Administrative Officer shall be null and void if erection, installation or relocation has not been commenced within 120 days of issuance of the sign permit. If work is suspended for 180 days at any time, the sign permit shall be null and void. A new permit shall be obtained before work is commenced.

(E) Emergency situations. Where there is imminent danger of personal injury or harm to property, repair work may be initiated and completed without first applying for a permit. However, a permit shall be applied for within

48 hours after the first working day when work has commenced on the sign.

(F) Maintenance. Every sign in the city or county, including any sign exempted from normal permit requirements, shall be maintained in good structural condition at all times, and shall be kept neatly painted, including all parts and supports

§ 411.3 EXEMPT SIGNS.

The following signs shall be exempt from the requirement to obtain a sign permit:

(A) Construction signs. Temporary signs erected by construction companies in the performance of their professional duties for which a valid building permit has been issued. Such signs shall be confined to the construction site and shall be removed no more than 7 days after construction is completed. Construction signs are exempt from the area allotments specified in the District Sign Regulations section. If construction ceases for 90 days, the Administrative Officer may require the sign to be removed;

(B) Flags. Flags, emblems or insignias are exempt from permit requirements but are subject to the following requirements:

1. No single flag that is flown shall exceed 40 square feet in area.
2. Flag poles shall not exceed 40 feet in height.
3. Wall-mounted flags, emblems, insignias or logos shall be limited to one per parcel and shall not exceed 40 square in area.

(C) Historic markers. A sign or emblem which commemorates or identifies an event, past ownership of property or age of a building.

(D) Addresses and residential name plates. Building address numbers and residential name plates not exceeding 2 square feet in area for each building;

(E) Governmental signs and notices. Signs and notices required or specifically authorized for a public purpose by any law, statute or ordinance, those that serve a regulatory function, to include traffic signs, street signs, danger signs, railroad crossing signs and other related signs, and those placed by government officers in the performance of their professional duties;

(F) Window signs. Not more than 25% of the inside or outside surface of any window, showcase or similar facility may be painted on or be otherwise covered by permanent signs. The signs shall be in addition to those signs permitted under the other provisions of this Ordinance. Window signs may also be used as temporary signs, in accordance with area allotments specified in the District Sign Regulations section;

(G) Temporary signs. Temporary signs pertaining to drives or events. Such signs shall be subject to setbacks and signage area allotments specified in the District Sign Regulations section, and shall not be used to continuously advertise the same event.

Temporary signs may be posted for 30 consecutive days before and event and must be taken down no later than 48 hours after an event. Temporary signs may be displayed for new enterprises for up to 15 consecutive days before and 30 consecutive days from the first day of operation. The Board of Commissioners or Fiscal Court may grant permission for signs or banners over a public way.

(H) Obscured signs. Signs not visible beyond the boundaries of the property upon which they are located;

(I) Public Utility signs. Signs for public utilities as defined by KRS 100.24;

(J) Real estate signs. Signage placed by real estate agents in the performance of their professional duties. Such signs are considered temporary signs and are subject to temporary signage area allotments specified in the District Sign Regulations section but are exempt from duration limitations for temporary signs.

§ 411.4 PROHIBITED SIGNS.

(A) Animated and intensely lighted signs. No sign shall be permitted which is animated by means of a flashing, scintillating, blinking or traveling lights powered by natural, manual, mechanical, electrical or any other means not providing constant illumination;

(B) Miscellaneous signs and posters. The tacking, pasting or otherwise affixing of unpermitted miscellaneous signs, visible from a public way, located on the walls of buildings, barns, sheds, on trees, poles, posts, fences or other structures, or within a public right-of-way, unless specifically permitted by this Ordinance are prohibited;

(C) Moving signs. Except as otherwise provided in this Ordinance, no sign or any portion thereof shall be permitted which moves or assumes any motion constituting a non-stationary or non-fixed condition except for changing signs or multi-prism units. This requirement is not meant to prohibit any form of vehicular sign such as a sign attached to a bus or lettered on a motor vehicle;

(D) Abandoned signs. No person, firm or corporation shall abandon any sign anywhere in the City. Said signs include those located on a property which are vacant and/or unoccupied for a period of 90 days; a sign which is damaged, in disrepair, or vandalized and not repaired within 90 days;

(E) Advertising vehicles. No person shall operate or park any vehicle or trailer on a public right-of-way or private property, which has attached thereto or located thereon any sign or advertising device for the primary purpose of directing people to a business or activity. This requirement only pertains to signs attached to a bus or lettered on a motor vehicle for which the primary purpose of the vehicle is advertising;

(F) Public area. No sign shall be placed on any curb, sidewalk, post, pole, hydrant, bridge, tree or other surface located on public property or over or across any street or public thoroughfare except as expressly authorized in

this Ordinance;

(G) Others. Banners, flags, pennants, search lights, twirling signs, portable or wheeled signs, balloons, or other gas-filled figures shall not be permitted except as provided for elsewhere in this Ordinance or for the opening of a new enterprise in a commercial or industrial district for a total period not to exceed 45 days;

(H) “A” frame signs. “A” frame or sandwich board, sidewalk, or curb signs are prohibited except in Historic Districts;

(I) Changing Signs. A sign that is designed so that characters, letters, illustrations, or other content can be changed, altered, or rearranged without physically altering the permanent physical face or surface of the sign. This included manual, electrical, electronic, or other variable message signs except signs meeting the requirements of §320.411.41;

(J) Other signs. The following signs are also prohibited:

1. Signs which are painted on or attached to any fence which is not structurally a part of a building;
2. Signs which operate or employ stereopticon or motion picture projections or media in conjunction with any advertisements, or have visible moving parts or give the illusion of motion except as expressly permitted in this Ordinance;
3. Signs which emit audible sound, odor or visible matter;
4. Signs which purport to be, or are an imitation of, or resemble an official traffic sign or signal, and signs which by reason of their size, location, movement, content, coloring or manner of illumination, may be confused with or construed as a traffic control sign, signal or device or the light of an emergency or road equipment vehicle, or which hide from view any traffic or street sign or signal or device, or block highway visibility.

411.41 Electronic Message Signs

Electronic signs which are capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means are permitted with a permit in all zones except R-1, R-2, TH-1, MH, A-I, A-2, the Maysville Historic District, Washington Historic District, and Renaissance District, subject to the following requirements:

(A) Operational Limitations. Such display shall be monochromatic; shall contain static messages only, and shall have not have movement, or the appearance or optical illusion of movement, of any part of the sign structure, design, or pictorial segment of the sign, including the movement or appearance of movement of any illumination or the flashing, scintillating or varying of light intensity.

(B) Minimum Display Time. Messages may be changed once every sixty minutes.

(C) Message Change Sequence. The change of messages must be accomplished immediately.

(D) Size. Electronic message size is limited to 25% of maximum sign area in zone where sign is to be located.

§ 411.5 DISTRICT SIGN REGULATIONS.

This section specifies the type and size of signs, maximum height of a sign and the minimum setbacks of the sign and structure from any property line or right-of-way in the various land use districts. Only 1 pole sign is allowed per building.

District	Type	Maximum Permanent Sign Area	Maximum Exempt Temporary Sign Area	Maximum Exempt Permanent Sign Area**	Maximum Height	Setback
R-1, R-2, TH-1, MH	Post/Ground	12 sq. ft. per face	12 sq. ft.	2 sq. ft.	8 ft.	5 ft.
R-3, R-4	Facade	16 sq. ft.	12 sq. ft.	2 sq. ft.		
	Post/Ground	12 sq. ft. per face			12 ft.	5 ft.
B-1, P-1	Facade	40 sq. ft.	8 sq. ft.			
	Post/Ground	24 sq. ft. per face			12 ft.	5 ft.
B-2, I-1A, I-2A, A-1, A-2	Facade	1 ½ sq. ft. sign area per 1 linear ft. of building face	8 sq. ft.			
	Ground	80 sq. ft. per face			8 ft.	10 ft.
	Pole	80 sq. ft. per face			30 ft.	5 ft.
B-3, I-1B, I-2B	Facade	1 sq. ft. sign area per 1 linear foot of building face	8 sq. ft.			
	Pole	60 sq. ft. per face			20 ft.	5 ft.
	Ground	32 sq. ft. per face			5 ft.	5 ft.
D-1, C	Facade	30 sq. ft.	12 sq. ft.	2 sq. ft.		
	Projecting	12 sq. ft. per face				
	Post*	12 sq. ft. per face			5 ft.	5 ft.

*Ground Signs permitted in D-1 service stations

*Only permitted in the Old Washington Downtown Zone (D-1)

*Post signs are not permitted in the Renaissance District

**Only pertains to ground signs, and includes ground signs in Rural Community Zones (C) and D-1 Zones outside the Historic

§ 411.51 Historic Signs.

Signs which can be proven to have historic and/or nostalgic value, including but not limited to those that utilize neon, shall be allowed upon approval of a sign permit. Sign permits will be issued for such signs in historic districts only after a Certificate of Appropriateness is granted by the Maysville/Washington Board of Architectural Review. See Chapter 409.6 for more information on historic district sign regulations and Certificates of Appropriateness.

§ 411.52 Billboards.

Billboards shall require permits and are allowed in A-1 districts within City limits, provided:

- (A) They shall not be erected within 300 feet of any other sign including other billboards;
- (B) The maximum sign area shall not exceed 200 square feet;
- (C) The billboard shall setback a minimum of 100 feet from any right-of-way line;
- (D) The minimum clearance for the billboard shall be 15 feet above grade;
- (E) The maximum height including any structural member shall be 35 feet; and
- (F) Billboards shall not be internally illuminated.

§ 411.53 Multi-tenant Commercial Development.

In addition to the signs permitted above, multi-tenant commercial developments and industrial parks shall be permitted on joint identification sign for each 1,000 feet of street frontage provided:

- (A) The signs shall not exceed 120 square feet in area of each sign; and
- (B) Free standing signs for tenants shall not be permitted; and
- (C) Joint identification signs shall comply with height, setback, and illumination requirements as set forth in this Ordinance

§ 411.54 Setback Increase.

The permitted total area of facade signs shall be increased for buildings which set back greater distances from the street pavement according to the following scale:

<u>Feet Setback</u>	<u>Increase</u>
200-299	5%
300-399	10%

400 or more

15%

§ 411.6 Removal of Illegal Signs

Any illegal sign, as defined in this Ordinance, on public property or public right of way, or attached to any structure on public property or right of way including but not limited to fences, utility poles, and gates shall be removed by the Maysville Codes Enforcement Department or Zoning Administrator and kept for 10 days. If the sign's owner can be identified, he/she/it will be given the opportunity to reclaim said sign. If the sign(s) is/are not reclaimed after 10 days, it/they will be discarded. The illegal signs of repeat offenders may be discarded immediately.

Any sign that was issued a permit by the Administrative Officer that is not consistent with the height and/or dimensions established on said permit, once erected, shall be required to be removed and/or taken down. A notice of violation shall be sent to the sign owner allowing 7 days for the sign to be removed.

§ 411.7 SIGNAGE AREA ALLOTMENTS AND DIMENSIONAL VARIANCES.

Dimensional variances may be sought for square footage allotments established by this Ordinance through either the Maysville Board of Adjustment or the Mason County Board of Adjustment. Applications for dimensional variances shall be submitted to the Administrative Officer and are subject to the requirements of Chapter 404.

412 OUTDOOR LIGHTING

The following regulations shall apply to any outdoor lighting located within the City of Maysville only, in any district where there are parking spaces for five (5) or more vehicles, or where a building, sign, or electrical permit is required for the installation of lighting fixtures.

A. Submission of Lighting Plan

Any building, structure or use of land that requires a review and approval of a parking plan, as specified in this article, shall provide a lighting plan. A lighting plan may also be required at the determination of the Administrative Official, when a building, sign, or electrical permit application for lighting fixtures is filed. The lighting plan shall provide the following information as a minimum:

1. A photometric plan showing the proposed intensity levels of the lighting throughout the site, indicating foot-candle measurement shall be provided. The lighting plan shall include the property lines and right-of-way lines for the site, and shall include the first fifty feet of adjacent property, at a minimum. Light levels shall be indicated a minimum of thirty feet onto adjacent properties. The lighting plan shall indicate all site lighting including on-building security, flood, and other lights in the evaluation. The initial output of lamp fixtures, as defined by the manufacturer, is the value to be considered in the intensity analysis.
2. The lighting plan shall indicate the locations of each of the proposed fixtures.
3. The lighting plan shall indicate the minimum, maximum, and average intensity/illumination for the site.
4. Details of all proposed outdoor lighting fixtures shall be provided, indicating manufacturer, model and style of the fixture. A graphic representation of the fixture is requested. The fixture lamp type (i.e. low pressure sodium, metal halide, etc.) shall be indicated on the proposed plans.
5. The proposed height of the lighting fixtures shall be indicated.
6. The hours of use of the lighting fixtures shall be indicated on the plans.

B. Height

All outdoor lighting shall be designed, located, and mounted at heights no greater than twelve (12) feet above grade for non-cutoff-lights and twenty-two (22) feet above grade for cutoff lights. A greater height may be authorized in any district by a variance approved as required in Section 404. Lighting height should not exceed the permitted building height. The following guidelines are provided based on the intensity of the proposed use.

Height Range by Activity Level:

Low: 10 ft. to 15 ft.; medium: 10 ft. to 18 ft.; high: 10 ft. to 22 ft.

C. Illumination

Outdoor lighting shall be designed and located with a maximum illumination of 0.5 foot-candles at the property line. Lighting for parking areas and where security lighting is needed shall have a minimum of 0.5 foot-candles. The guidelines for illumination levels listed below are based on the activity levels described above.

1. High: Regional shopping centers, motorist services at expressway interchanges, athletic facilities, regional cultural or civic facilities.

Average illumination	3 footcandles
Maximum illumination	15 footcandles

2. Medium: Community and neighborhood shopping centers, office parks, hospitals, commuter lots, community facilities (cultural, civic, recreational).

Average illumination	2 footcandles
Maximum illumination	10 footcandles

3. Low: Multi-family dwellings, education facilities, churches, local commercial and industrial uses.

Average illumination	1 footcandle
Maximum illumination	5 footcandles

D. Light Trespass

Light trespass is any form of artificial illumination emanating from a light fixture (or illuminated sign) that penetrates other property and

creates a nuisance. A lighting plan shall be provided by the property owner proposing the installation of outdoor lighting fixtures and shall meet the following minimum standards for light trespass:

1. Outdoor light fixtures shall be directed so that there will not be any objectionable direct glare source visible from any property, and shall be properly installed and thereafter maintained.
2. At a height of five (5) feet above the property line of the subject property, illumination from light fixtures shall not exceed 0.5 foot-candles in a vertical plane on adjacent property.
3. Appropriate fixture lamp types and shielding shall be installed to prevent light trespass onto adjacent property.

E. Shielding

All outdoor lighting for non-residential uses shall be located, screened, or shielded so adjacent lots located in residential districts are not directly illuminated. Shielding may also be required for high intensity light fixtures to prevent glare to adjacent uses, public right-of-ways, and drivers. Perimeter lighting should be cut-off fixtures to prevent light trespass onto adjacent properties.

F. Color and Glare

No outdoor lighting shall be of such intensity or color distortion as to cause glare or to impair the vision of drivers, pedestrians, or adjacent properties. Shields and/or filters are required for light fixtures with high intensity and glare potential. All lighting shall be provided by cut-off fixtures with no extended/projected lenses.

G. Factors for Evaluation

The following factors shall be considered in the evaluation of lighting plans:

Pole height

Type of luminary

Site coverage - average maintained

Uniformity: (1) maximum: minimum, (2) average: minimum

Intensity at property line

H. Location

Outdoor lighting need not comply with the yard requirements of each district, except that no such light shall obstruct vision in the sight triangles as specified elsewhere in this ordinance.

I. Exemptions

1.All outdoor lighting fixtures producing light directly by the combination of fossil fuels, such as kerosene lanterns or gas lamps are exempt from the requirements of this section.

2.Holiday lighting shall be exempt from the requirements of this section.

3.All temporary emergency lighting needed by police or fire departments or other emergency services, as well as all vehicular luminaries, shall be exempt from the requirements of this section.

J. Special Approval

Search lights, laser source lights, or any similar high-intensity light shall not be permitted, except in emergencies by police and fire department personnel at their discretion, unless a temporary sign/use permit is issued by the Administrative Official.

K. Modifications. Should any outdoor light fixture or the type of light source therein be changed after the permit has been issued, a change request must be submitted to the Administrative Official for his approval, together with adequate information to assure compliance with this section, which must be received prior to substitution.

413 CELLULAR ANTENNA TOWERS

413.1 Purpose: Due to the semi-public nature of cellular antenna towers and other wireless communication systems, it is the purpose of this section to regulate these facilities in order to:

- A. Accommodate the need for cellular or wireless communications towers while regulating their location and number in Maysville and Mason County.

- B. Minimize the adverse visual effects of such facilities through proper siting and design.
- C. Avoid potential damage to adjacent properties from structural failure of communication towers and support structure.
- D. Encourage the joint use of any new and existing communications towers and support structures in order to reduce the number of such structures needed in the future.

413.2 Use Regulations: Cellular communications towers are permitted in the A-1, A-2, I-1, I-2, and I-3 zones upon Planning Commission approval. The following regulations shall apply to cellular or wireless communication antennas and towers.

- A. The planning commission shall require the applicant to make a reasonable attempt to co-locate additional transmitting or related equipment. If the planning commission requires the applicant to attempt co-location, the applicant shall provide the planning commission with a statement indicating that the applicant has:
 - a) Successfully attempted to co-locate on towers designed to host multiple wireless service providers' facilities or existing structures such as a telecommunications tower or another suitable structure capable of supporting the applicant's facilities, and that identifies the location of the tower or suitable structure on which the applicant will co-locate its transmission and related facilities; or
 - b) Unsuccessfully attempted to co-locate on towers designed to host multiple wireless service provider's facilities or existing structures such as a telecommunications tower or another suitable structure capable of supporting the applicants facilities and that:
 - 1. Identifies the location of the towers or other structures on which the applicant attempted to co-locate; and
 - 2. Lists the reasons why the co-location was unsuccessful in each instance.
- B. The planning commission may deny a uniform application to construct a cellular antenna tower based on an applicant's unwillingness to attempt to co-locate additional transmitting or related equipment on any new or existing towers or other structures.
- C. In the event of co-location, a utility shall be considered the primary user of the tower, if

the utility is the owner of the antenna tower and if no other agreement exists that prescribes an alternate arrangement between the parties for use of tower. Any other entity that co-locates transmission or related facilities on a cellular antenna tower shall do so in a manner that does not impose additional costs or operating restrictions on the primary user.

- D. In order to limit the number of antenna support structures needed in the future, the proposed new tower shall be required to accommodate at a minimum, three other wireless communications companies, and local law enforcement and emergency agencies.
- E. A cellular or wireless communication antenna that is mounted to an existing communication tower or other tall structure shall be permitted without Planning Commission approval.
- F. Any cellular or wireless communications antenna that is mounted to an existing structure shall be compatible in color with that structure.
- G. Cellular or wireless communications sites shall not be located any closer than the total height of the tower from any residential district.
- H. The cellular or wireless communications company shall be required to demonstrate, using the latest technological evidence that the antenna or tower must be placed where it is proposed in order to satisfy its necessary function in the company's grid system.
- I. If the cellular or wireless communications company proposes to build a new tower as opposed to mounting an antenna on an existing structure, it is required to demonstrate that it has contacted the owners of nearby tall structures within a one (1) mile radius of the site proposed, has asked for permission to install the cellular or wireless communications antenna on these structures, and was denied in writing for reasons other than economic ones. "Tall structures" shall include, but not be limited to, smoke stacks, water towers, buildings over 50 feet in height, antenna support structures or other cellular wireless communications companies, other communication towers, and roadway lighting poles.
- J. Every utility or a company that is engaged in the business of providing the required infrastructure to a utility that proposes to construct an antenna tower for cellular telecommunications services or personal communications services in the incorporated areas of Maysville or the unincorporated areas of Mason County shall submit a minimum of 10 copies of the uniform application to the Administrative Officer of the Mason County Joint Planning Commission.
- K. **Uniform Application Information**
 - (1) The full name and address of the applicant;

- (2) The applicant's articles of incorporation, if applicable;
- (3) A geotechnical investigation report, signed and sealed by a professional engineer registered in Kentucky, that includes boring logs and foundation design recommendations;
- (4) A written report, prepared by a professional engineer or land surveyor, or findings as to the proximity of the proposed site to flood hazard areas;
- (5) Clear directions from the county seat to the proposed site, including highway numbers and street names, if applicable, with the telephone number of the person who prepared the directions;
- (6) The lease or sale agreement for the property on which the tower is proposed to be located, except that, if the agreement has been filed in abbreviated form with the county clerk, an applicant may file a copy of the agreement as recorded by the county clerk and, if applicable, the portion of the agreement demonstrating compliance with KRS 100.987(2);
- (7) The identity and qualifications of each person directly responsible for the design and construction of the proposed tower;
- (8) A site development plan or survey, signed and sealed by a professional engineer registered in Kentucky, that shows the proposed location of the tower and all easements and existing structures within five hundred (500) feet of the proposed site on the property on which the tower will be located, and all easements and existing structures within two hundred (200) feet of the access drive, including the intersection with the public street system;
- (9) A vertical profile sketch of the tower, signed and sealed by a professional engineer registered in Kentucky, indicating the height of the tower and the placement of all antennas;
- (10) The tower and foundation design plans and a description of the standard according to which the tower was designed, signed, and sealed by a professional engineer registered in Kentucky;
- (11) A map, drawn to a scale no less than one (1) inch equals two hundred (200) feet, that identifies every structure and every owner of real estate within five hundred (500) feet of the proposed tower;
- (12) A statement that every person who, according to the records of the property valuation administrator, owns property within five hundred (500) feet of the proposed tower or property contiguous to the site upon which the tower is

proposed to be constructed, has been:

- (a) Notified by certified mail, return receipt requested, of the proposed construction, which notice shall include a map of the location of the proposed construction;
 - (b) Given the telephone number and address of the local planning commission; and
 - (c) Informed of his or her right to participate in the planning commission's proceedings on the application;
- (13) A list of the property owners who received the notice, together with copies of the certified letters sent to the listed property owners;
- (14) A statement that the chief executive officer of the affected local governments and their legislative bodies have been notified, in writing, of the proposed construction;
- (15) A copy of the notice sent to the chief executive officer of the affected local governments and their legislative bodies;
- (16) A statement that:
- (a) A written notice, of durable material at least two (2) feet by four (4) feet in size, stating that "[Name of applicant] proposes to construct a telecommunications tower on this site" and including the addresses and telephone numbers of the applicant and the planning commission, has been posted and shall remain in a visible location on the proposed site until final disposition of the application; and
 - (b) A written notice, at least two (2) feet by four (4) feet in size, stating that "[Name of applicant] proposes to construct a telecommunications tower near this site" and including the addresses and telephone numbers of the applicant and the planning commission, has been posted on the public road nearest the site;
- (17) A statement that notice of the location of the proposed construction has been published in a newspaper of general circulation in the county in which the construction is proposed;
- (18) A brief description of the character of the general area in which the tower is proposed to be constructed, which includes the existing land use for the specific property involved;
- (19) A statement that the applicant has considered the likely effects of the

installation on nearby land uses and values and has concluded that there is no more suitable location reasonably available from which adequate service to the area can be provided, and that there is no reasonably available opportunity to locate its antennas and related facilities on an existing structure, including documentation of attempts to locate its antennas and related facilities on an existing structure, if any, with supporting radio frequency analysis, where applicable, and a statement indicating that the applicant attempted to locate its antennas and related facilities on a tower designed to host multiple wireless service providers' facilities or on an existing structure, such as a telecommunications tower or other suitable structure capable of supporting the applicant's antennas and related facilities; and

- (20) A map of the area in which the tower is proposed to be located, that is drawn to scale, and that clearly depicts the necessary search area within which an antenna tower should, pursuant to radio frequency requirements, be located.

- L. After an applicant's submission of the uniform application to construct a cellular antenna tower, the planning commission shall:
- a. Review the uniform application in light of its agreement with the comprehensive plan and locally adopted zoning regulations;
 - b. Hold a public hearing within 60 days of receipt of the application as spelled out in section 401.2 (C) of this ordinance, with the only exception being that all property owners within 500 feet of the proposed tower be notified, not just adjoining property owners;
 - c. Make its final decision to approve or disapprove the uniform application; and
 - d. Advise the applicant in writing of its final decision within sixty (60) days commencing from the date that the uniform application is submitted to the planning commission or within a date certain specified in a written agreement between the planning commission and the applicant. If the planning commission fails to issue a final decision within sixty (60) days and if there is no written agreement between the planning commission and the applicant to a specific date for the planning commission to issue a decision, the uniform application shall be deemed approved.
- M. If the planning commission disapproves of the proposed construction, it shall state the reasons for disapproval in its written decision and may make suggestions which, in its opinion, better accomplish the objectives of the comprehensive plan and

this ordinance. No permit for construction of a cellular or personal communications services antenna tower shall be issued until the planning commission approves the uniform application or the sixty (60) day time period has expired, whichever comes first.

- N. Upon the approval of an application for the construction of a cellular antenna tower by the planning commission, the applicant shall notify the Public Service Commission within ten (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.
- O. Cellular antenna towers shall not be illuminated, except in accord with other state or federal regulations.
- P. Woven wire or chain link (eighty (80) percent open) or solid fences made from wood or other materials (less than fifty (50) percent open), shall be used to enclose the site. Such fences shall not be less than six (6) feet in height nor more than ten (10) feet in height. The use of barbed wire or sharp pointed fences shall be prohibited. Such fence may be located within the front, side, or rear yard.
- Q. Screening shall be provided by evergreen trees, with a minimum height of six (6) feet, planted in a staggered pattern at a maximum distance of fifteen (15) feet on center. The screening shall to be placed in an area between the property line, or lease line, and a ten (10) foot setback.
- R. There shall be no signs permitted, except those displaying emergency information, owner contact information, warning or safety instructions, or signs which are required by a federal, state, or local agency. Such signs shall not exceed five (5) square feet in area.
- S. Back up generator(s) are required at all new cell tower sites or any existing site that receives any form of upgrade, as supplemental power should primary power go down during an unforeseen event, weather storm, etc.

414.01 Wind Energy Conversion Systems (WECS)

PURPOSE

The purposes of this Section are to:

- A. Assure that any development of industrial scale wind energy projects within Maysville,

Kentucky, is safe and effective; and

B. Provide a framework for development for wind energy resources which balances the benefits of renewable energy production with protection of agriculture, existing residential use and existing built environment.

414.02 INTENT

It is the intent of these Industrial Scale Wind Energy Conversion Systems Regulations to provide a regulatory framework for the siting, construction and operation of industrial scale Wind Energy Conversion Systems, hereafter referred to as Industrial Scale WECS, within Maysville consistent with the Comprehensive Plan for such jurisdiction and consistent with Section 320.100 (Mission Statement) and Section 320.202 (Purpose).

414.03 APPLICABILITY

The provisions of this Section are applicable to those districts which permit industrial scale wind energy conversion systems within Mason County, Kentucky, and governs the siting of industrial scale WECS and related substation, maintenance facilities and other accessory facilities, as defined, that are ancillary to industrial scale WECS. Any reference to applicant, owner, operator or successor is intended to refer to an entity that is a responsible party in terms of being continually required to abide by the provisions of this Chapter and similarly is bound by any agreement entered into with the City of Maysville.

414.04 PROHIBITION

No entity or applicant shall construct, operate, or locate an industrial scale WECS within the City of Maysville, Kentucky, without first having applied for and obtained a permit under this Section 414 and having fully complied with the provisions hereof.

414.05 CONFLICT WITH OTHER REGULATIONS

Nothing in this Chapter is intended to preempt other applicable state and federal laws or regulations, including compliance with all Federal Aviation Administration rules and regulations. Nor are they intended to interfere with, abrogate, or annul any other ordinance, rule, or regulation, statute or other provisions of law. In the event that any provision of these regulations imposes restrictions different from any other ordinance, rule, regulation, statute, or provision of law, the provisions that are more restrictive or that imposes higher standards shall govern.

414.06 DISTRICT REGULATIONS

A. Location. Industrial scale WECS are permitted only in districts as specified in Code of Ordinances Section 320.406, Land Use Classification and Designation.

B. Height. Industrial scale WECS or Operational Support Metrological Towers for

Industrial scale WECS are not specifically limited by this ordinance but are subject to those height limitations promulgated by Federal Aviation Administration.

414.07 **SETBACK REQUIREMENTS**

A. Minimum Setback Distances for INDUSTRIAL SCALE WECS TOWERS

Distance from a...	Minimum Setback Distance
Property line, measured from the center of the WECS Tower to the property line	One Mile (5,280 feet).
Residential dwellings, regularly occupied industrial or institutional buildings, public or semi-public institutions such as schools and churches and historical landmarks measured from the center of the WECS Tower to the nearest corner of the	One Mile (5,280 feet).
Public road right-of-way, measured from the center of the WECS Tower to the edge of the right-of-way	One Mile (5,280 feet). SEE FN 1.
Other rights-of-way, such as railroads and public utility easements, measured from the center of the WECS Tower to the edge of the right-of-way	One Mile (5,280 feet).
Public conservation lands, measured from the center of the WECS Tower to the nearest point of the public conservation land in question	One Mile (5,280 feet).
Community or Rural Residential Districts measured from the WECS Tower to the Rural District line	One Mile (5,280 feet).
Incorporated limits of a municipality and County boundary, as measured from the center of the WECS Tower to the corporate limits or County boundary.	One Mile (5,280 feet).
Wetlands, as defined by the U.S. Army Corps of Engineers, measured from the center of the WECS Tower to the nearest point of the Wetland in question.	One Mile (5,280 feet).
Above-ground electric transmission or distribution line, measured from the nearest horizontal extension	One Mile (5,280 feet).

Cell towers, radio and television towers	One Mile (5,280 feet).
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¹ The setback shall be measured from future public rights-of-way width if a planned public road improvement or expansion is known at the time of application.

B. Industrial Scale WECS Ancillary Structure Setback

1. Industrial scale WECS and ancillary structures such as substations and maintenance and operation facilities are considered principal structures and subject to principal structure setbacks unless otherwise specified herein or if specifically identified as an accessory structure in Code of Ordinances Section 320.408.2.

2. For all poles carrying overhead wiring connecting Industrial scale WECS Towers to a Substation for connection to a utility's electric transmission line, there are no setback requirements from property lines as long as the poles are located within a recorded easement for such purpose.

414.08 SAFETY DESIGN AND INSTALLATION STANDARDS

A. Equipment Type

1. All turbines shall be constructed of commercially available equipment.
2. Experimental or proto-type equipment still in testing which does not fully comply with industry standards, may be approved by the Board of Adjustment per the variance process established by this Ordinance.
3. Industrial scale WECS towers shall be of tubular construction or appearance, not guyed or with exposed girders.

B. Industry Standards and Other Regulations

All industrial scale WECS shall conform to applicable industry standards, as well as all local, state and federal regulations. An applicant shall submit certificate(s) of design compliance that wind turbine manufacturers have obtained from Underwriters Laboratories, DNV-GL, or an equivalent third party.

C. Controls and Brakes

1. Braking System. All industrial scale WECS Towers shall be equipped with a redundant braking system. This includes both aerodynamic over speed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Stall regulation shall not be considered a sufficient braking system for over speed protection.

2. Operation Mode. All mechanical brakes shall be operated in a fail-safe mode.

D. Electrical components

1. Standards. All electrical components of all WECS shall conform to applicable local, state and national codes, and any relevant national and international standards.
2. Collection Cables. All electrical collection cables between each WECS Tower shall be located underground wherever possible.
3. Transmission lines/Distribution lines. All transmission and/or distribution lines that are buried should be at a depth consistent with or greater than local utility and telecommunication underground lines standards.

E. Color and Finish. In addition to all applicable Federal Aviation Administration requirements, the following shall also apply to all WECS:

1. All wind turbines and towers that are part of a commercial scale WECS project shall be white, grey, or another unobtrusive color.
2. All blades shall be white, grey, or another unobtrusive color. Blades may be black in order to facilitate deicing.
3. Finishes shall be matte or non-reflective.

F. WECS Warnings and Notices.

The following notices shall be clearly visible on industrial scale WECS Towers and accessory facilities:

1. "No Trespassing" signs shall be attached to any perimeter fence.
2. "Danger" signs shall be posted at the height of five (5) feet on WECS Towers and accessory structures.
3. A sign shall be posted on the WECS Tower showing an emergency telephone number.
4. The manual electrical and/or overspeed shutdown disconnect switch(es) shall be clearly labeled.
5. Sign or signs shall be posted on the pad-mounted transformer and the Substation(s) warning of high voltage.
6. Private roads providing access to Industrial scale WECS shall have posted an

Emergency-911 address private road sign.

G. Climb Prevention

All Industrial scale WECS Tower designs shall include features to deter climbing or be protected by anti-climbing devices such as:

1. Fences with locking portals at least six (6) feet in height; or
2. Anti-climbing devices fifteen (15) feet vertically from the base of the WECS Tower; or
3. Locked WECS Tower doors.

H. Blade Clearance

The minimum distance between the ground and any protruding blades(s) utilized on all industrial scale WECS Towers shall be twenty-five (25) feet, as measured at the lowest point of the arc of the blades.

I. Lighting

All lighting, including lighting intensity and frequency of strobe, shall adhere to but not exceed requirements established by Federal Aviation Administration (FAA) and this Ordinance and must incorporate an FAA-approved Aircraft Detection System (ADS) lighting control, activating lighting only when aircraft are in the vicinity of the turbine, to minimize potential for nuisance.

J. Materials Handling, Storage and Disposal

1. Solid wastes. All solid wastes whether generated from supplies, equipment, parts, packaging, operation or maintenance of the WECS, including old parts and equipment related to the construction, operation and/or maintenance of the WECS shall be removed from the site promptly and disposed of in accordance with all federal, state, and local laws.
2. Hazardous Materials. All hazardous materials or waste related to the construction, operation and/or maintenance of any WECS shall be handled, stored, transported and disposed of in accordance with all applicable local, state and federal laws.

K. Shadow Flicker

1. Flicker which results from the passage of the blades of a rotating wind turbine between the sun and the observer shall be limited to the following:

- a. No more than 30 minutes a day.
- b. No more than 30 hours a year.
- 2. Evidence that the limits pertaining to shadow flicker have not been exceeded will be provided in the form of a model done for the project that is certified by a competent professional utilizing the following conditions in the model:
 - a. Sun is always shining during the day.
 - b. Wind is always blowing, i.e. blades are always spinning.
 - c. Wind direction is always favorable for generating shadow flicker at the receiver.
 - d. The applicant is required to use available technology to detect conditions when shadow flicker would occur and turn off the turbine during the time when those conditions are present to prevent shadow flicker (e.g., Shadow Detection System). If the technology is applied and used to completely prevent shadow flicker, then the above requirements to perform to the worst case analysis are waived.

414.09 **OTHER APPLICABLE STANDARDS**

A. Guyed Wire Anchors

No guyed wire anchors shall be allowed within any required public road right-of way.

B. Sewer and Water

All facilities or structures that are part of the industrial scale WECS project shall comply with the existing septic and well regulations as required by the Mason County, Kentucky Health Department and/or the State of Kentucky Department of Public Health.

C. Noise and Vibration

- 1. No turbine shall be located so as to create a decibel level greater than 30 dBa at the property line of the parcel in which the turbine is located and also less than 50 dB(C) at the property lines of the parcel in which the turbine is located.
- 2. The application shall include a pre-construction sound study that establishes the ambient sound conditions in the proposed project area and surrounding the project area with a perimeter of one mile. The sound study shall be performed by a certified independent acoustical engineer. The sound study must provide a

description of the testing, sampling and process methodology used in determining the ambient measurement. The firm with which the engineer is associated shall be a member of the National Council of Acoustical Consultants (NCAC) with a specialty in environmental noise, and the independent acoustical engineer shall be a Member, Board Certified of the Institute of Noise Control Engineering of the USA.

3. Within twelve months after the date when the project is fully operational the operator shall conduct a two phased post-construction sound study conducted by an independent accredited sound engineer chosen by the Plan Commission and paid for by the applicant/owner. Post-construction sound level measurements shall be taken both with all WECS running and with all WECS off. The post-construction measurements shall be reported to the Plan Commission and made available for public review.
4. If sound measurements from the post-construction analysis show levels above what is permitted by the ordinance, the operator shall take all necessary steps to remediate the problem, up to and including shutting down the offending turbine(s).

D. Utility Interconnection

The WECS, if interconnected to a utility system, shall meet the requirements for interconnection and operate as prescribed by the applicable regulations and/or tariffs of the electrical utility or any other regulatory body with jurisdiction, as amended from time to time.

E. Signage

All signs pertaining to an industrial scale WECS project must comply with Section 320.411, Sign Regulations, unless otherwise specified as follows:

1. No sign shall exceed sixteen (16) square feet in surface area except development signs.
2. No sign shall exceed eight (8) feet in height.
3. The manufacturer's or owner's company name and/or logo may be placed upon the compartment containing the electrical equipment in accordance with customary practice.
4. An identification sign relating to the WECS Project development shall be located on each side of the total WECS Project area. There shall be no less than four (4) and no more than six (6) signs. Development signs must be sized and placed in compliance with Section 320.411 and must include seven (7) day per week contact information to reach a responsible representative of the operator with authority to resolve problems associated with development of a WECS Project.

5. No other advertising signs or logos shall be placed or painted on any structure or facility with the exception of an identifying sign at the operation and maintenance facility.

F. Feeder lines

Feeder lines (lines at distribution levels) installed as part of any WECS shall not be considered an essential service. To wit, all communications and feeder lines installed as part of any WECS shall be buried underground wherever possible.

G. Other appurtenances

No appurtenances other than those associated with the WECS construction, operations, maintenance, decommissioning/removal, and permit requirements shall be connected to any WECS Tower except with express, written permission by the Board of Adjustment.

414.10 **OPERATION AND MAINTENANCE**

A. Physical Modifications

In general, any physical modification to any WECS that alters the mechanical load, mechanical load path, or major electrical components shall require re-certification. Like-kind replacements shall not require re-certification. Therefore, prior to making any physical modification, the owner or operator shall confer with the Zoning Administrator/ Building Inspector for the City of Maysville to determine whether the physical modification requires re-certification.

B. Communications Interference

Prior to construction, a communications study to determine whether the proposed industrial scale WECS will have any adverse impacts on any public or public serving utility microwave transmissions shall be completed. If necessary, the applicant or successor shall mitigate interference with electromagnetic communications, such as radio, telephone, microwaves, or television signals caused by any WECS. In addition, the applicant or successor shall comply with the following:

1. **Post-Construction.** If, after construction of the WECS, the owner or operator receives a written complaint that can be substantiated through an independent review related to interference with the broadcast of residential television, telecommunication, communication or microwave transmissions that existed prior to construction of the WECS, the owner or operator shall take reasonable steps to mitigate said interference. Interference with private telecommunications systems such as GPS shall be between the company and the complainant.
2. **Failure to Remedy a Complaint.** If an agreement to remedy a known interference

is not reached within sixty (60) days, appropriate action will be taken. If further negotiations and/or mitigation measures to reduce or eliminate the interference do not remedy the problem it may result in requiring the WECS to become inactive. This Section does not apply to interference with private telecommunications systems. See Complaint Procedure in subsection D below.

C. Declaration of Public Nuisance

Any utility scale WECS declared to be a hazard to public safety (unsafe) by the City of Maysville by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, damage or abandonment is hereby declared to be a public nuisance and shall be abated by repair, rehabilitation, demolition or removal in accordance with the approved Decommissioning Plan.

D. Complaint Procedure

1. All complaints regarding utility scale WECS operation shall be logged by the Operator. At minimum the log shall describe the name and address of the complainant, contact information of the complainant, when the complaint is received, a detailed description of the nature of the complaint, action taken to resolve the complaint and the date the complaint is resolved. If any complaint is considered by the operator to not be the responsibility of the operator a reason shall be provided to the complainant and so noted on the log. The log must be sent to the Planning Office by a method mutually agreeable to the Zoning Administrator and the Operator at a frequency no less than once per month. Upon receipt of a formal complaint regarding noise, the WECS operator shall be responsible for conducting a specific focused sound study to ascertain facts associated with a specific study to address the concern of the complainant and shall be financially responsible for the study. The acoustical engineering firm that conducts the complaint generated sound study must be different than that of the firm that conducted the pre and post-construction studies and must also be similarly accredited.
2. If after sixty (60) days there is no resolution of a registered complaint the complainant may provide notice to the Zoning Administrator on a form provided by the Planning Office accompanied by a fee of \$150.00 that they intend to enter into binding arbitration of the unresolved complaint. Failure by the operator to perform an action specified by the arbitrator will be considered a violation of the zoning ordinance and subject to the applicable enforcement penalties and remedies. Upon receipt of a request for arbitration the Planning Office will arrange for a time and place to meet with the arbitrator. Upon approval of a WECS project the Operator shall continually fund a non-reverting fund (for arbitration only), which will contain no less than \$5,000 dollars at any time, for the life of the WECS project. Notification of the balance of the fund to the Operator shall be the responsibility of the Zoning Administrator, in a manner he or she sees fit. If upon notification that the fund is deficient, the Operator shall

have sixty (60) days to bring the fund back to the prescribed minimum amount. If the payment is not satisfied within the sixty (60) days, the WECS project will be deemed in violation of the permit. The arbitrator shall be a member of the Kentucky Bar Association, be on the Roster of Court-Approved Mediators in the State of Kentucky and not be a citizen of Mason County, Kentucky. The Zoning Administrator may appear and present evidence on behalf of a complainant if requested to do so.

414.11 **DECOMMISSIONING PLAN**

Prior to filing an application for a permit under this Ordinance, the appropriate Executive authority with jurisdiction and the applicant or successor shall formulate a decommissioning plan outlining the responsibility for and anticipated means and cost of removing a utility scale WECS at the end of their serviceable life or upon becoming a discontinued or abandoned use in order to ensure that the WECS is properly decommissioned.

A. Content of Decommissioning Plan

1. Assurance. Written assurance that the WECS will be properly decommissioned upon the expiration of the project life or in the event that the WECS Project is abandoned.
2. Cost Estimates. The applicant or successor shall provide a contractor cost estimate for demolition and removal of the WECS. The cost estimates shall be made by a competent party: such as a professional engineer, a contractor capable of decommissioning or a person with suitable expertise or experience with decommissioning industrial scale WECS.
3. Financial Assurance. Prior to commencement of construction the applicant or its successor, as defined, will provide to the Executive of the appropriate jurisdiction a financial assurance for the cost of decommissioning each WECS tower and related improvements to be constructed under the permit. The financial assurance shall be in the form of a performance bond, surety bond, letter of credit or other security instrument mutually acceptable to the Executive and the Applicant or Applicant's Successor.
4. Abandonment by the Applicant or Successor. Written assurance that in the event of abandonment by the applicant or successor, the applicant or successor will provide an affidavit to the Executive of the appropriate jurisdiction representing that all easements and/or property leases for WECS Towers shall contain terms that provide financial assurances, including access to the salvage value of the equipment, for the property owners to ensure that the WECS Towers are properly decommissioned within one (1) year of expiration or earlier of termination of the WECS Project.

B. Discontinuation and Abandonment

All industrial scale WECS shall be considered a discontinued use after one (1) year without energy production, unless a plan is developed and submitted to the Zoning Administrator outlining the steps and schedule for returning the WECS to service. The Plan Commission may, at its discretion after one year of discontinued production, initiate an action to recommend to the Executive authority that it act to exercise the financial assurance to effect a decommissioning.

1. Removal. An applicant or successor's obligations shall include removal of all physical material pertaining to the project improvements to no less than a depth of four (4) feet below ground level within three hundred sixty-five (365) days of the discontinuation or abandonment of the WECS or WECS Project, and restoration of the project area to as near as practicable to a condition similar to its previous use immediately before construction of such improvements. Below ground level is understood to be from the existing grade. Covering with fill material does not constitute removal. Removal obligations shall be completed by the applicant or successor or by the City at the former's expense.
2. Written notices. Prior to implementation of procedures to effect the financial guarantee the appropriate Executive authority shall provide notice to the owner/operator according to the terms of the required Decommissioning Agreement. The owner of the project must provide notice to the appropriate Executive authority of its intention to change ownership, abandon, decommission or suspend operations of a utility scale WECS project.
3. Costs incurred by the City. If the City removes a WECS Tower and appurtenant facilities, it may sell the salvage to defray the costs of removal. By acceptance of a building permit, the applicant or operator grants a license to the appropriate Executive authority to enter the property to remove a WECS Tower and appurtenant facilities pursuant to the terms of an approved decommissioning plan.

414.12 **LIABILITY INSURANCE**

The owner or operator of any industrial scale WECS shall maintain a current general liability policy covering bodily injury and property damage and shall be required to name the City of Maysville as an additional insured with dollar amount limits not less than \$2,000,000 per occurrence, \$5,000,000 in the aggregate, and a deductible which is reasonably industrial available and which is mutually suitable to the applicant or successor and the City.

414.13 **APPLICATION PROCEDURES**

A. Permits and variances for industrial scale WECS shall be applied for and reviewed under the procedures established by this Ordinance and shall include the following information:

1. Contact information of project applicant including the name(s), address(es), and phone number(s) of the applicant(s), as well as a description of the applicant's business structure and overall role in the proposed project.
2. Contact information of current project owner the name(s), address(es), and phone number(s) of the owner(s), as well as a description of the owner's business structure and overall role in the proposed project, and including documentation of land ownership or legal control of the property on which the WECS is proposed to be located. The Zoning Administrator shall be informed of any changes in ownership.
3. Contact information of project operator. The name(s), address(es) and phone number(s) of the operator(s) if other than the owner. If the owner assigns a different operator at any time they are obligated to notify the Zoning Administrator.
4. Legal description-The legal description, address, and general location of the project.
5. A General WECS Project Description, including to the extent possible, information on each wind turbine proposed, including:
 - a. Number of turbines;
 - b. Manufacturer of turbines with brochure depiction;
 - c. Name plate generating capacity;
 - d. Tower height;
 - e. Rotor diameter;
 - f. Total height;
 - g. Anchor base;
 - h. The means of interconnecting with the electrical grid;
 - i. If the applicant has a purchase power agreement (PPA) name the entity;
and
 - j. All related accessory structures.
6. Site Layout Plan. A site layout plan, drawn at an appropriate scale, showing distances pertaining to all applicable setback requirements. The site layout plan

must be certified by a registered land surveyor, and depict:

a. Property lines, including identification of adjoining properties, with a notation indicating participating and non-participating landowners;

b. The latitude and longitude of each individual WECS Tower, along with individual identification of each WECS Tower using the developer's numbering scheme;

c. WECS access roads;

d. Substations(s), and operational support meteorological tower(s) location;

e. Operation and maintenance building location (building to be permitted separately);

f. Electrical cabling;

g. Ancillary equipment;

h. Occupied structures within one quarter one mile of all proposed WECS Towers;

i. Distances from each individual WECS Tower to each setback requirement;

j. Location of all existing and planned public roads which abut, or traverse the proposed site;

k. The location of all above-ground utility lines within a distance of one mile of any proposed WECS structure;

l. The location of any historic or heritage sites as within the WECS Project Area;

m. The location of any wetlands based upon a delineation plan prepared in accordance with the applicable U.S. Army Corps of Engineers requirements and guidelines; and

n. A topographical map of the project area and a one mile perimeter with contours of not more than five (5) foot intervals.

7. Sound Study. A sound study that identifies all known occupied structures within one (1) mile of every proposed WECS Tower, including a description of the potential sonic impacts of any WECS Tower and on adjacent properties as per standards indicated in Section 414.09 C.

8. Communications Study. A communications study required by Section 414.10 B.;
9. Shadow Flicker Study. A shadow flicker modeling study that identifies all known occupied structures and the effect of any WECS Tower on those structures as per Section 414.08(M).
10. Engineering Certification. For all WECS, the manufacturer's engineer or another qualified registered professional engineer shall certify, as part of the building permit application, that the foundation and tower design of the WECS is within accepted professional standards, given local soil and climate conditions. An engineering analysis of the WECS Tower showing compliance with the applicable regulations and certified by a licensed professional engineer shall also be submitted. The analysis shall be accompanied by standard drawings of the wind turbine structure, including the tower, base, and footings. The engineering certification may be completed following submission of an improvement location permit application on condition of being required no later than thirty (30) days prior to initiation of construction.
11. Utility Notification. Evidence that the pertinent electric utility company has granted approval for interconnection.
12. Statement of Federal Aviation Administration compliance. A statement of compliance with all applicable Federal Aviation rules and regulations, including any necessary approvals for installations within proximity to an airport.
13. Statement of Kentucky Airport Zoning Commission compliance. A statement of compliance with all applicable Kentucky Airport Zoning Commission rules and regulations and any necessary approvals for installations within proximity to an airport.
14. Compliance with Fish and Wildlife Requirements. Proof of correspondence and cooperation with wildlife agencies for the purposes of preventing harm to migratory birds and in compliance with the Migratory Bird Treaty Act. Applicants shall provide documentation that they are in communication and cooperation with the U.S. Fish and Wildlife Service and the Kentucky Department of Natural Resources.
15. Compliance with National Electrical Code. A line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code. This information is typically supplied by the manufacturer.
16. Good neighbor Notice. An affidavit of service along with supporting documentation that indicates notification was given to all property owners (as per current records of the Mason County, PVA) in and within one mile of the

proposed footprint of the WECS project no less than 30 days prior to the date of official approval sought by or on behalf of the applicant involving any City or County agency or body. The Notice shall contain at minimum:

- a. A map showing the general layout of the project.
- b. An opportunity to meet with the petitioner or contact information whereby questions may be asked by the public.
- c. A list of steps that will required to accomplish the project.

17. Any other item reasonably requested by the Building Inspector.

414.14 PRE-CONSTRUCTION REQUIREMENTS

Prior to the issuance of any building permit, the following shall be required and materials submitted and reviewed by the Building Inspector, who shall certify that the submissions are in compliance with all applicable regulations:

- A. Federal Aviation Administration permits application and approval, if applicable.
- B. Decommissioning plan as described in Section 320.414.11.

C. Economic Development Agreement, Drainage, and Road Use and Maintenance Agreements required before issuance of an improvement location permit.

- 1. An Economic Development Agreement approved by the appropriate Executive authority shall be developed. The Executive authority may include other stakeholders in the negotiations at its discretion. The Economic Development Agreement, is sometimes referred to as a PILOT Agreement.
- 2. A Road Use and Services Maintenance Agreement approved by the appropriate Executive authority that addresses, at minimum, the following:
 - a. A compilation of routes that will be used for construction and maintenance purposes, approved by the Director of Public Works;
 - b. A documented baseline survey to determine existing road conditions prior to construction. The survey shall include photographs, or video, or a combination thereof, and a written agreement to document the condition of the public facility;

- c. A surety bond or similar instrument approved by the City Attorney, in an amount sufficient to ensure that future repairs to public roads are completed to the satisfaction of the unit of local government. The cost of bonding is to be paid by the applicant. This requirement may be addressed in conjunction with the Economic Development Agreement;
- d. A plan to address transportation routes and conditions during construction. If the route includes a public road, it shall be approved by the appropriate highway official(s) and school transportation departments;
- e. A plan to avoid damage and to address repair to damaged roads;
- f. A requirement that newly constructed WECS access roads will not impede the flow of water; and
- g. Provisions to address crop, field tile, waterway and other infrastructure damage.

D. An Erosion Control/Storm Water Plan compliant with any storm water quality management plan adopted by the State or local applicable jurisdiction.

E. A Utility Plan drawn to the same scale as the site layout plan illustrating the location of all underground utility lines associated with the total WECS Project. This may be incorporated into the site plan.

F. A Dust Control Plan detailing reasonable measures to be employed to control dust during construction of a Industrial scale WECS Project. This may be incorporated into the Road Use and Services Maintenance Agreement.

414.15 **POST-CONSTRUCTION REQUIREMENTS**

A. Post-construction, the applicant or successor shall comply with the following provisions:

- 1. Road Repairs. Any road damage caused by the construction of project equipment, the installation of the same, or the removal of the same, shall be repaired as per the Road Use and Services Maintenance Agreement.
- 2. As-Built Plans Requirement. Whereupon completion of all development, the exact measurements of the location of utilities and structures erected during the development are necessary for public record and shall therefore be recorded. The applicant or successor shall submit a copy of the final construction plans (as-built plans), as amended, to the Building Inspector with the exact measurements shown

thereon. The Building Inspector, after being satisfied that the measurements are substantially the same as indicated on the originally approved final plan(s), shall approve, date and sign said Construction Plans for the project, which the applicant or successor shall then record.

3. **Post Construction Sound Study.** Within twelve months after the date when the project is fully operational the operator shall conduct a two phased post-construction sound study conducted by an independent accredited sound engineer chosen by the Plan Commission and paid for by the applicant/owner. Post-construction sound level measurements shall be taken both with all WECS running and with all WECS off. The post-construction measurements shall be reported to the Plan Commission and made available for public review.
4. **Change in Ownership.** It is the responsibility of the owner or operator listed in the application to inform the Zoning Administrator of all changes in ownership and operation during the life of the project, including the sale or transfer of ownership or change in operator.

ARTICLE V DEFINITIONS

For the purpose of this ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Accessory Use or Structure	A use of structure on the same lot with, and of a nature customarily incidental and subordinate to the principal use or structure.
Administrative Official	An individual appointed by the Planning Commission to act on the Commission's behalf in carrying out the provisions of these regulations, or an individual appointed to assist the Administrative Official and authorized to act on his behalf, or to perform the duties of the Administrative Official in his absence.
Agricultural Use	Agricultural use means the use of a tract of at least (5) contiguous acres of land for 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, and aquaculture, including provisions for dwellings for persons and their families who are engaged in the above agricultural use on the land, but not including residential building

development for sale or lease to the public, and shall also include, regardless of the size of the tract of land used, small wineries licensed under K.R.S. 243.155, and farm wineries licensed under K.R.S. 243.156. Commercial feed lots and the raising of fur-bearing animals are not considered to be normal agricultural uses. For the purpose of this chapter, a five acre or larger lot the principal use of which is for single-family dwelling shall not be considered an agricultural use.

Alley	A marginal access street which provides access to the properties which it abuts.
Alteration	Any change, addition, or modification in construction or type of occupancy; any change in the structural members of a building such as walls and partitions, columns, beams or girders, the completed act of which may be referred to herein as altered or reconstructed .
Assisted Care Facility	A residential care facility and grounds that combines housing, support services, and health care for elderly or disabled adults who require supervision or assistance with the activities of daily living. Assisted living facilities may provide apartment living (multi-room facilities) or individual units such as cottages that are separate from the rest of the facilities.
Auto Body Repair	A repair shop that fixes or modifies the structure of automobiles. Auto body repair shops may repair automobile body parts or frames, and refinish automobile interiors or exteriors.
Auto Mechanical Repair	A repair shop where the inner mechanical workings of automobiles are repaired and serviced. Auto mechanical repair shops may conduct general automotive repairs and servicing, or they may specialize in specific parts or making mechanical modifications to automobiles.
Babysitting Service	Facilities for the care and maintenance of three or less children, not related by blood or adoption, whether conducted during the daytime or overnight. Cross reference: See definition of Day Care Center , below.
Basement	That portion of a building which is partly or wholly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story.
Bed and Breakfast	A building occupied as a dwelling unit, but which also has guestrooms or

Establishment	suites which are used, rented, or hired out to be occupied or which are occupied for sleeping purposes by persons not members of the single-family unit. The building shall be further defined as either a bed-and-breakfast inn, or a bed-and-breakfast home.
Bed-and-Breakfast Home	A bed-and-breakfast establishment having five (5) or less guestrooms or suites.
Bed-and-Breakfast Inn	A bed-and-breakfast establishment having six (6) or more guestrooms or suites.
Billboard See Sign, Off-Premise	
Brewery	Any place or premises where over 25,000 barrels per year of malt beverages are manufactured for sale, and includes all offices, granaries, mash rooms, cooling rooms, vaults, yards, and storerooms connected with the premises; or where any part of the process of the manufacture of malt beverages is carried on; or where any apparatus connected with manufacture is kept or used; or where any of the products of brewing or fermentation are stored or kept.
Brewpub	A restaurant/brewery that manufactures up to 5,000 barrels of malt liquor per year. The beer is brewed primarily for sale in the restaurant and bar, and is often dispensed directly from the storage tanks.
Buildable Area	The portion of a building site remaining after the required front yard, rear yard, side yards, and building setback lines and buffer zones have been provided.
Building	Any covered structure, either temporary or permanent, intended for the shelter, housing, or enclosure of persons, animals, chattels, or property of any kind.
Building Frontage	The linear width of a building facing any right-of-way.
Building Height	The vertical distance from established grade to the highest finished roof surface in the case of flat (or nearly flat) roofs, or to a point at the average height of roofs having a pitch of more than one foot in 4 ½ feet. Where a building is located on sloping terrain, the height may be measured from the average ground level of the grade at the building wall.
Building, Main	A building in which is conducted the principal use of the lot on which it is

or Principal	situated.
Building Permit	A written permit issued by the Administrative Official authorizing the construction, repair, alteration or addition to a building or structure.
Building Site	The lot or tract of contiguous lots, which comprises the land occupied by a principal building and any accessory buildings and including open spaces, yards, minimum area, and off-street parking facilities.
Carport	A shelter for one or more vehicles which is not fully enclosed by its walls and one or more doors.
Cellular Antenna Tower	A tower constructed for, or an existing facility that has been adapted for, the location of transmission or related equipment to be used in the provision of cellular telecommunications services or personal communications services.
Cellular Communications Services	A retail telecommunications service that uses radio signals transmitted through cell sites and mobile switching stations.
Cemetery	Land used or intended to be used for the burial of human or animal dead and dedicated for cemetery purposes to include columbarium, crematory, mausoleum, and mortuary, if operated in connection with and within the boundaries of such cemetery.
Clinic, Dental or Medical	A building in which a group of physicians, dentists, and allied professional assistants are associated for the purpose of carrying on their profession; the clinic may include a dental or medical laboratory, but it shall not include in-patient care or operating rooms for major surgery.
Co-location	Locating two (2) or more transmission antennas or related equipment on the same cellular antenna tower.
Completely Enclosed Structure	A building enclosed by a permanent roof and solid exterior walls pierced only by windows and customary entrance and exit doors.
Conditional Use	A use which is essential or would promote the public health, safety, or welfare in one or more land use districts, but which would impair the integrity and character of the land use districts in which it is located, or in adjoining land use districts, unless restrictions on location, size, extent,

and character or performance are imposed in addition to those imposed in the land use regulations. Such uses may be permitted in a district as conditional uses, only when specific provisions are made in this chapter.

Conditional Use Permit	<p>Legal authorization to undertake a conditional use, issued by the Administrative Official pursuant to authorization by the Board of Adjustment, consisting of two parts:</p> <ol style="list-style-type: none">(1) A statement of the factual determination by the Board of Adjustment which justifies the issuance of the permit;(2) A statement of the specific conditions, if any, which must be met for the use to be permitted.
Condominium	<p>The ownership of a single unit within a multiple unit structure or complex in which all common elements are held in joint ownership by the owners of the individual units.</p>
Conference Center	<p>A facility that is constructed for a devoted to meetings and meeting space. Such facilities may be part of or adjoining hotels/motels or other structures utilized for transient stay.</p>
Convention Center	<p>A facility designed to accommodate multiple groups or extremely large groups; exhibit halls, meeting rooms, ballrooms, or banquet space; no sleeping quarters permitted.</p>
Counseling Services	<p>Beneficial activities that apply the therapeutic process to personal, Family, situational, or occupational problems in order to bring about A positive resolution of the problem or improved individual or family Functioning or circumstances.</p>
Day Care Center	<p>Facilities for the day care and maintenance of four or more children or adults without living accommodations for the clientele. The definition shall include day nurseries, nursery schools, kindergartens, and related facilities but shall not include facilities providing overnight care. (Cross Reference: See Babysitting Service).</p>
Detox Facility	<p>Programs/locations offering short-term medical and/or nonmedical detoxification from all substances in preparation for transition into a sober living facility. The participants of such a program should not leave the facility for the duration of their detoxification, unless doing so is essential for immediate medical needs or counseling related to detoxification, and stay only as long as is necessary for detoxification. Non-hospital detox</p>

facilities are licensed by the Commonwealth of Kentucky Cabinet for Health and Family Services.

Developer	Any individual, firm, association, corporation, governmental agency, or any other legal entity commencing proceedings under these regulations to carry out the development of land as defined herein, for such entity or for another.
Development	Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, excavating, grading, paving, or drilling operations. Agricultural activities such as plowing, cultivating, and gardening activities are not included in this definition.
Development Plan	A development plan is a written and graphic description of a development, including any and all of the following items; location and bulk of buildings and other structures, intensity of use, density of development, streets, ways, parking facilities, signs, drainage of surface water, access points, a plan for screening or buffering, utilities, existing man-made and natural conditions, and all other conditions agreed to by the developer.
Distillery	Any place or premise where over 50,000 gallons per year of distilled spirits are manufactured for sale, and which are registered in the office of any collector of internal revenue for the United States. It includes any United States government bonded warehouse.
Drive-In Restaurant	Any place or premises used for the sale, dispensing, or serving of food, refreshments or beverages in automobiles, including establishments where customers may serve themselves and may eat or drink the food, refreshments, or beverages in automobiles on the premises.
Duplex Dwelling	A building and accessories thereto principally used, designed, or adapted for use by two families, the living quarters of which are completely separate.
Dwelling	<p>A building or part thereof used as a place of habitation under one of the following categories:</p> <p>(1)Single-Family Detached Dwelling. A building and accessories thereto principally used, designed, or adapted for use by a single family.</p> <p>(2)Duplex Dwelling. A building and accessories thereto principally used, designed, or adapted for use by two families, the living quarters of which are completely separate.</p>

(3)Townhouse. A group of three or more attached single-family dwellings each separated by a common vertical wall and each having a separate lot and entrance at street level. Townhouses may be owner-occupied or rental properties.

(4)Rooming and Boarding House. A building designed or used to provide living accommodations for not more than six occupants in which there are no cooking facilities for each occupant, or in which all occupants share common cooking facilities.

(5)Multi-Family Dwelling. A building or group of buildings designed or used for rental or lease as dwelling units for three or more families with separate living quarters and cooking and bathroom facilities for each family.

(6)Group Home. A dwelling unit housing persons unrelated by blood, adoption, or marriage, and operating as a single household. Group homes include sorority or fraternity houses, hospices, or orphanages, and half-way houses.

(7)Condominium. The ownership of a single unit within a multiple unit Horizontal Property Law, KRS Chapter 381)

Erected	Built, constructed, altered, reconstructed, moved, or any physical operations on the premises which are required for construction. Excavating, filling, and similar earthwork shall be included in this definition.
Establishment	The place of business of any non-residential use, whether an entire building, or an area within a building which is separated by walls and designed to be used solely by the persons who own, lease, rent, or otherwise occupy the area. When more than one non-residential use occupies the same area, it shall be deemed one establishment.
Exhibition Hall	A large hall for holding exhibitions. Such facilities may be included as part of Conference Centers and Convention Centers.
Family	One or more persons occupying a single dwelling unit, provided that no such family shall contain over five persons, unless all members are related by blood, adoption, or marriage, but further provided that domestic servants employed on the premises may be housed on the premises without being counted as part of a family or families. (Statutory Reference: Residential care facility for handicapped persons allowed in residential districts and subdivisions. See KRS 100.982-100.984).
Garage	An 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.

Grade	A ground elevation established for the purpose of regulating the number of stories and the height of a building. The building grade shall be level with the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building.
Gross Floor Area	Total gross area on all floors of a building as measured to the outside surface of exterior walls, excluding crawl spaces, garages, carports, breeze-ways, attics without floors, and open porches, balconies, and terraces.
Group Home	A dwelling unit housing persons unrelated by blood, adoption, or marriage, and operating as a single household. Group homes include sorority and fraternity houses, hospices, or orphanages.
Halfway House	See Sober Living Facility.
Historic Overlay District	An area or neighborhood designated as historic by the Maysville Board of Commissioners or the Mason County Fiscal Court through the creation of an overlay district. (Cross Reference: Historic Overlay District, 409.6).
Home Occupation	An accessory use that may be permitted to be operated within a dwelling in any land use district.
Hospital	An institution providing health services, both for in-patients and out-patients, and medical and surgical care of the sick and injured, which includes, as an integral part, such related facilities as laboratories, training facilities, central service facilities, staff offices, and other related functions.
Hotel	A building occupied as the temporary abiding place of more than six persons, for compensation, where rooms do not contain independent cooking facilities, and which is open to transient or permanent guests, or both. The term includes motel.
Impound Lot	A holding place for cars, trucks, or other road legal vehicles until they are either placed back in the control of the owner, or auctioned off for the benefit of the impounding agency. Refer to Section 408.14 for regulations regarding impound lots.

Indoor Storage Units

Including, but not limited to, climate controlled areas inside buildings and partitioned off, that are leased to individuals or businesses for storage. Access to units is accomplished via entry on the inside of the building. Buildings in a historic district retrofitted for such use must comply with applicable and existing ordinances.

Industrial/Manufacturing

The use of machines, tools and labor to make things for use or sale. The term may refer to a range of human activity, from handicraft to high tech, but is most commonly applied to industrial production, in which raw materials are transformed into finished goods or a large scale.

Inherent Compatibility

A term that describes the compatibility of separate land uses on one lot and/or in one building. According to section 408.8 of this ordinance, separate land uses are required to have separate lots or building sites. However, some land uses are inherently compatible, because they are commonly found in the same lots/buildings due to the nature of the land uses, or because they exist and/or are permitted in mixed-use zoning classifications. Land uses may be deemed to be inherently incompatible elsewhere in this ordinance; otherwise the decision as to whether or not two or more land uses are inherently compatible shall be made by the Administrative Officer.

Landmark

A building, structure, historic site, or public improvement designated as historic by the Maysville Board of Commissioners or the Mason County Fiscal Court. Property eligible to be designated as Landmarks may (Cross Reference: Historic Overlay District and Landmarks, 409.6).

Loading Space

An off-street space or berth on the same lot with a building or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts

Lot

A parcel of land occupied or intended for occupancy by a use permitted in these regulations, including any principal buildings together with the accessory buildings, yard areas, and parking spaces required by these regulations, and having its principal frontage upon a publicly maintained street.

Lot Lines

The lines bounding a lot as defined herein:

- (1) **Front Lot Line.** The common boundary line of a lot and a street right-of-way line. In the case of a corner lot or a double frontage lot,

the common boundary line and that street right-of-way line toward which the principal or usual entrance to the main building faces.

- (2) **Rear Lot Line.** The boundary line of a lot which is most nearly opposite the front lot line of such lot. In the case of a triangular or wedge-shaped lot, for measurement purposes only, a line ten feet in length within the lot parallel to and at the maximum distance from the front lot line.
- (3) **Side Lot Line.** Any boundary line of a lot other than a front lot line or rear lot line.

Lot of Record A lot which is part of a subdivision plat recorded in the office of the Mason County Clerk, or a lot or parcel surveyed or described by metes and bounds, the description of which has been so recorded prior to adoption of these regulations.

Lot Types. Lots described in this chapter are as follows:

- (1) **Corner Lot.** A lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at one interior angle of less than 135 degrees.
- (2) **Interior Lot.** A lot with only one street frontage.

Lot Width The linear width of a lot or building site as measured at the front setback line. (Also see Street Frontage).

Manufactured Home A single-family residential dwelling constructed in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 USC 5401 through 5426, as amended, manufactured after June 15, 1976, and designed to be used as a single-family dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. The term shall include house trailers and recreational vehicles.

Manufactured Home Park An area of land upon which manufactured homes, manufactured home space, or both, are provided for rent or lease by the owner of the land.

Manufactured Home Subdivision An area that is subdivided into individual lots which are offered for sale for the placement of manufactured homes.

Micro-brewery Any place or premises where up to 25,000 barrels per year of malt

beverages are manufactured for sale, and includes all offices, granaries, mash rooms, cooling rooms, vaults, yards, and storerooms connected with the premises; or where any part of the process of the manufacture of malt beverages is carried on; or where any apparatus connected with manufacture is kept or used; or where any of the products of brewing or fermentation are stored or kept.

Micro-distillery Any place or premises where up to 50,000 gallons per year of distilled spirits are manufactured for sale, and which are registered in the office of any collector of internal revenue for the United States. It includes any United States government bonded warehouse.

Micro-winery Any place or premises in which up to 50,000 gallons of wine is manufactured from any fruit, or brandies are distilled as a by-product of wine or other fruit, or cordials are compounded, except a place or premises that manufactures wine for sacramental purposes exclusively.

Modular Home A single-family residential dwelling constructed in accordance with the International Residential Code, without a steel chassis, and designed to be used as a permanent dwelling and placed on a permanent foundation also constructed in accordance with the International Residential Code. A modular home may consist of two or more sections constructed at a location other than its permanent location, and transported in sections to be placed on the permanent foundation at its final location. Removal of the chassis and placement of a manufactured home on a permanent foundation shall not be deemed a modular home.

Multi-Family Dwelling A building or group of buildings designed or used for rental or lease as dwelling units for three or more families with separate living quarters and cooking and bathroom facilities for each family.

Mining/Quarrying The extraction of valuable minerals, geological materials, or other natural substances from the earth, including but not limited to an ore body, vein or seam, oil, natural gas, coal, and the extraction of stone or slate from an open surface quarry.

Multi-Tenant Commercial Development A development containing two or more non-residential uses on the same building site such as shopping centers, shopping malls, or office complexes.

Net Floor Area The total area of all floors of a structure as measured to the outside of exterior walls, but excluding rooms designated as and used exclusively for storage, mechanical or janitorial rooms, uninhabitable areas, or rooms

which when occupied would result in a vacancy elsewhere in the structure, such as restrooms, dressing rooms, locker rooms, and employee cafeterias. Areas not to be excluded are hallways, corridors, vestibules, lobbies, or other space occupied by partition walls, furniture, fixtures, appliances or machinery.

Non-Conforming Use or Structure	<p>An activity or a building, sign, sign structure or a portion thereof which lawfully existed at the time of adoption of these regulations but which does not conform to all of the regulations contained in this chapter which pertain to the district in which it is located.</p> <p>(Cross Reference: Non-conforming Uses or Structures, 405).</p> <p>(Statutory Reference: Non-conforming use, KRS 100.253).</p>
Nursing Home, Intermediate and Skilled Care	<p>Any institution, however named, maintained for the care or treatment of four or more individuals unrelated to the owner or operator or their spouses, which employs nursing services or procedures in the care of such residents that require treatment, judgment, technical knowledge, and skills beyond those possessed by the untrained person.</p>
Nursing Home, Personal Care	<p>Any institution, however named, maintained for the care or treatment of four or more ambulatory individuals unrelated to the owner or operator or their spouses, who require supervision, not nursing care.</p>
Open Space	<p>An area open to the sky which may be one the same lot with a building. The area may include along with the natural environmental features, swimming pools, tennis courts, and other recreational facilities that the Planning Commission deems permissive. Streets, structures for habitation, and similar structures shall not be included.</p>
Plumbing/Electrical/HVAC	<p>means any person or business engaged in plumbing, electrical, and/or premises or buildings for social, recreational, and administrative Heating, Ventilation, Air Condition. Any person or business must be licensed by the State of Kentucky.</p>
Private Clubs/Lodges	<p>An organization catering exclusively to members and their guests or premises or buildings for social, recreational, and administrative purposes, which are not conducted for profit provided they are not, conducted any vending stands, merchandising, or commercial activities. Except as required for the membership of such club/lodge. Clubs and lodge shall include but not limited to service and political organizations, labor unions, as well as social and athletic clubs. The definition of private clubs/lodges shall NOT include adult entertainment/oriented facilities, shooting ranges, nightclubs, campgrounds, and airports.</p>

Public Facility	Any use of land whether publicly or privately owned for transportation, utilities, or communications, for the benefit of the general public, including but not limited to libraries, schools, streets, fire or police stations, city and county buildings, recreational centers and parks, and cemeteries.
Public Utility	Any person, firm, corporation, partnership, municipal or county board, department, or commission that owns, controls, operates, or manages any facility for the production, transmission, or distribution of electricity, natural or manufactured gas, steam, water, telephone or telegraph messages, cable television signals, or the treatment of sewage for disposal.
Recycling Center	A completely enclosed facility that is not a junkyard or wrecking yard that collects, sorts, and processes for shipment to a recycling plant, recoverable resources such as, but not limited to, newspapers, glassware, plastics, and aluminum cans. Material(s) not being stored inside must be completely screened from public view.
Recycling Plant	A completely enclosed facility that is not a junkyard or wrecking yard and in which recoverable resources are recycled, reprocessed, and treated in order to return such materials to a condition in which they may be used in the production of additional goods. Material(s) not being stored inside must be completely screened from public view.
Residential Care Facility	<p>A residence typically operated and maintained by a sponsoring private or govern-mental agency to provide services in a homelike setting for persons with disabilities.</p> <p>Pursuant to the Fair Housing Act, amendments thereto and relevant case law, people recovering from alcohol and substance abuse addictions are classified as having a disability. Therefore, sober living facilities are considered residential care facilities and residents of such facilities, although likely unrelated by blood, marriage or legal means, may collectively be considered families under the policies of sober living facilities. Dwellings for sober living facilities must adhere to the requirements of the Kentucky Residential Code and the International Property Maintenance Code.</p>
Residential Treatment Centers	Programs offering medical and non-medical detoxification from all substances, and long-term treatment following detoxification, which includes individual, group and family counseling. The residents of such

treatment programs do not leave the program premises for work or other assignments or activities (SEE Sober Living Facility definition). Residential treatment centers are licensed by the Commonwealth of Kentucky Cabinet for Health and Family Services.

Rooming and Boarding House

A building designed or used to provide living accommodations for not more than six occupants, in which there are no cooking facilities for each occupant, or in which all occupants share common cooking facilities.

Salvage Yard

An individual or entity engaged in the business of acquiring or owning salvage automobiles for (A) resale in their entirety or as spare parts, or (B) crushing; salvage yards are also known as motor vehicle junkyards. Refer to section 408.14 for regulations regarding salvage yards.

Self-Service Storage Facilities

A structure containing separate, individual, and private storage spaces of varying sizes leased or rented on individual leases for varying periods of time.

Semi-Public

Uses that are quasi-public, to include churches, parochial schools, colleges, hospitals, and other facilities of an educational, religious, charitable, philanthropic, or non-profit nature.

Sign:

A sign is defined as any object, device, display, or structure or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images.

Sign, Animated or Moving:

Any sign or part of a sign that changes physical position or light intensity by any movement or rotation or that gives the visual impression of such movement or rotation.

Sign, Awning, Canopy or Marquee:

A sign that is mounted, painted, or attached to an awning, canopy, or marquee that is otherwise permitted by ordinance.

Sign Area:

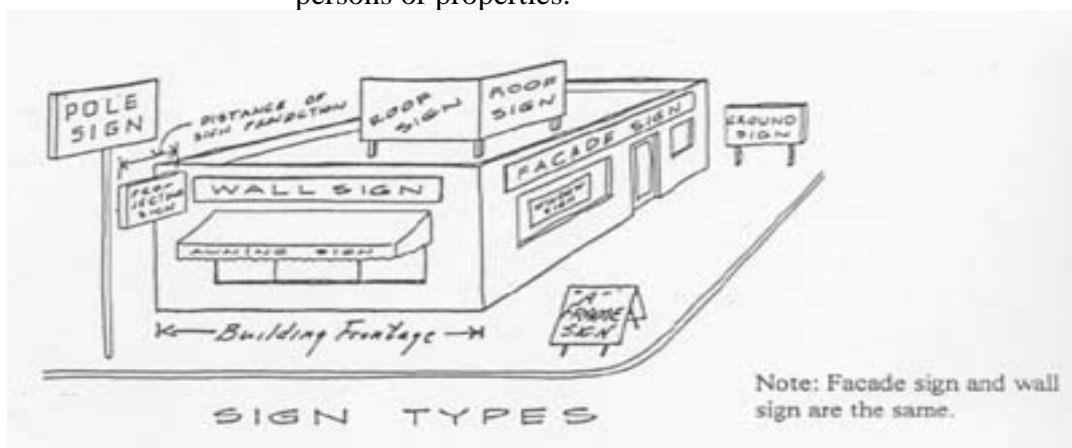
The entire face of a sign, including the advertising surface and any framing, trim, or molding, but not including the supporting structure.

Sign, billboard: (See Sign, Off-Premise)

Sign, Bulletin

Board:	A sign that identifies an institution or organization on the premises of which it is located and that contains the name of the institution or organization, the names of individuals connected with it, and general announcements of events or activities occurring at the institution or similar messages.
Sign, Construction:	A temporary sign erected on the premises on which construction is taking place, during the period of such construction, indicating the names of the businesses/contractors that have role or interest in the project.
Sign, Directional:	Signs limited to directional messages, principally for pedestrian or vehicular traffic such as “one-way,” “entrance,” “exit,” etc.
Sign, Facade/Wall:	A sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of, the sign and that does not project more than twelve (12) inches from such building or structure.
Sign, Face/Area	The area or display surface used for the message.
Sign, Flashing	Any directly or indirectly illuminated sign that exhibits changing natural or artificial light or color effects by any means whatsoever.
Sign, Freestanding	Any non-movable sign not affixed to a building.
Sign, Governmental	A sign erected and maintained pursuant to and in discharge of any governmental functions or required by law, ordinance, or other governmental regulation.
Sign, Ground	Any sign, other than a pole sign, in which the entire bottom is in contact with or is close to the ground and is independent of any other structure.
Sign, Home Occupation	A sign containing only the name and occupation of a permitted home occupation.
Sign, Identification	A sign giving the nature, logo, trademark, or other identifying symbol; address; or any combination of the name, symbol, and address of a building, business, development, or establishment on the premises where it is located.
Sign Illuminated	A sign lighted by or exposed to artificial lighting either by lights on or inside the sign, or directed toward the sign. Illumination must be consistent with the guidelines provided in Section 412.

Sign, Off-Premises	A sign that directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located.
Sign, Pole	A sign that is mounted on a free-standing pole or other support so that the bottom edge of the sign face is six feet or more above grade.
Sign, Portable	A sign that is not permanent, affixed to a building, structure, or the ground.
Sign, Projecting	A sign that is wholly or partly dependent upon a building for support and that projects more than twelve inches from such building.
Sign, Roof	A sign that is mounted on the roof of a building or that is wholly dependent upon a building for support and that projects above the top walk or edge of a building with a flat roof, the eave line of a building with a gambrel, gable, or hip roof, or the deck line of a building with a mansard roof.
Sign, Temporary	A sign or advertising display constructed of cloth, canvas, fabric, plywood, or other light material and designed or intended to be displayed for a short period of time.
Sign, Vehicle	A sign on a vehicle not customarily and regularly used to transport persons or properties.



Single-Family Detached Dwelling	A building and accessories thereto principally used, designed, or adapted by use for a single family.
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Slaughterhouse	A place where animals are marketed for meat are killed humanely and processed. These operations must be located at least 1,000 feet from the nearest residence, church, school, or community structure and at least 500 feet from any road right of way or property line.
Sober Living Facility	A transitional facility where a resident is involved in school, work, and/or training. The resident lives onsite while either stabilizing or re-entering society substance abuse free. The resident usually receives individual counseling, as well as group/family/marital therapy. Also considered a residential care facility as defined in this ordinance.
Social Services	Services provided by the government, private or non-profit agency to improve the lives of those who need assistance, such as the poor, elderly, disabled, and children. This includes but is not limited to health care, insurance, subsidized housing, food, and other basic services.
Stockyard	An enclosed yard, with pens, shed, etc. or stables, where livestock is kept temporarily before being slaughtered, treated, sold, or shipped, etc. These operations must be located at least 1,000 feet from the nearest residence, church, school, or community structure and at least 500 feet from any road right of way or property line.
Story	That portion of a building included between the surface of any floor not be considered a story.
Street Frontage	The linear width of any lot or building site where it adjoins a street or public way.
Structure	Anything constructed or erected, the use of which requires a fixed location on the ground, or attachment to something having a fixed location on the ground, including buildings, radio/telecommunications towers, swimming pools, signs, and includes earthen berms, excavations, or embankments.
Tenant Space	The area within a multi-tenant commercial development or multi-family residential development which is separated by walls and designed to be used solely by the persons who lease, rent, or otherwise occupy the area. When two or more persons lease the same common area, it shall be deemed as one tenant space.
Townhouse	A group of three or more attached single-family dwellings each separated by a common vertical wall and each having a separate lot and entrance at street level. Townhouses may be owner-occupied or rental properties.

Uninhabitable Areas	Areas of a structure not designed or used for human occupancy, such as walk-in coolers, crawl spaces, or attic spaces.
Uniform Application	An application for a certificate of convenience and necessity issued under KRS 278.020 submitted by a utility to the Public Service Commission to construct an antenna tower for cellular telecommunications services or personal communications service in a jurisdiction, that has adopted planning and land use regulations in accordance with KRS Chapter 100.
Use	The purpose or activity for which a building, structure, or land is occupied or maintained.
Variance	A departure from dimensional terms of the land use management regulations pertaining to the height, width, length, 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.
Video/Audio/Theater Productions Facilities	A place where theatrical, film, and video/audio production occurs. It includes, but is not limited to, constructing and rigging scenery, hanging and focusing of lighting, design and procurement of costumes, makeup, and recording and mixing of sound, pre and post-production, and editing. Any and all Adult Entertainment uses are not permitted.
WECS	<p>All necessary devices that together convert wind energy into electricity and deliver that electricity to a utility's transmission lines, including but not limited to the rotor, nacelle, generator, WECS Tower, electrical components, WECS foundation, transformer, and electrical cabling from the WECS Tower, substation, operational meteorological towers, communications facilities, and other required facilities and equipment, as related to the WECS project. Additional definitions applicable to WECS regulations contained in this Ordinance are set forth below:</p> <p>A. Critical Wind Speed: The wind at which a WECS turbine sound pressure levels are at greatest variance with ambient background sound pressure levels.</p> <p>B. Decibels, A-Weighted: Abbreviated as dB(A) are an expression of the relative loudness of sounds in air as perceived by the human ear. In the A-weighted system the decibel levels of sounds at low frequencies are</p>

reduced compared with unweighted decibels in which no correction is made for audio frequency. This correction is made because the human ear is less sensitive at low audio frequencies, especially below 1000Hz, than at higher audio frequencies.

C. **Decibels, C-Weighted:** Abbreviated as dB(C) is a scale at that measures peak levels of sound and is useful in measuring sound pressure waves at lower frequencies that may be inaudible to the human ear.

D. **Industrial Scale WECS:** A Wind Energy Conversion System constructed on the property of another by a company or corporation or other entity, whose general intent is to capture wind energy and place it on the electrical grid for resale to a public utility or other energy marketer.

E. **Meteorological Tower:** Towers which are erected primarily to measure wind speed and direction plus other data in order to validate a proposed WECS project. These are intended to be temporary in nature, are allowed as per table 320.406.62 and permits for which must be renewed after the expiration of five years with the option of an annual permit extension for year 6 and 7. Meteorological towers must be setback a minimum of 1.5 times the height of the tower from any structure, property line, power line, or road right-of-way.

F. **Meteorological Tower, Operational Support:** Towers which are erected primarily to measure wind speed and direction plus other data in support of an operating WECS. These are generally considered to be in place for the life of the project and should be included in the site plan subject to general project approval. Meteorological towers must be setback a minimum of 1.5 times the height of the tower from any structure, property line, power line, or road right-of-way.

G. **Mid-Scale WECS:** A Wind Energy Conversion System with a generating capacity up to 50 Kw, the installation intended to collect wind energy for the purpose of supplying energy to the owners and shall not entail net metering. Mid-Scale WECS are considered a non-residential accessory use.

H. **Non-Participating Landowner:** A person(s) or entity who has not entered into any contractual agreement with a company or entity with the intention of developing a WECS Project on or near such person(s) or entity's land and is not participating contractually to receive certain economic benefits to accrue from the development and operation of the WECS Project.

I. **Operator:** The entity who runs the day to day operations of the industrial WECS. The operator may or may not be part of the parent company and may operate the project on a contractual basis. For the purposes of this ordinance the operator is understood to be a responsible party and all applicable provisions of this ordinance and all agreements shall apply equally to an applicant, owner, operator or successor.

J. **Owner:** The entity that currently owns the project, which could change over time, but is understood to be responsible to operate according to the provisions of this Ordinance and is bound by any of the agreements entered into by itself, its predecessor(s), successors or assigns.

K. **Participating Landowner:** A person(s) or entity who has entered into an executed contractual agreement with a company or entity with the intention of developing a WECS Project on or near such person(s) or entity's land and is participating contractually to receive certain economic benefits to accrue from the development and operation of the WECS Project.

L. **Small-Scale WECS:** A Wind Energy Conversion System designed to provide power to a home or other local site for use by the owner. Small-Scale WECS may have a generating capacity of up to 5 Kw and shall not entail net-metering capability. Small-scale WECS are considered non-residential accessory structures.

M. **Successor:** Any person, partnership, LLC or other corporate entity that purchases, leases or otherwise acquires an interest in all or a portion of a WECS Project from an applicant, owner or successor. For the purposes of this Chapter all applicable provisions of this Chapter and all agreements shall apply equally to an applicant, owner, operator or successor.

N. **Substation:** A structure containing apparatus that connects the below or above-ground electrical collection lines of the WECS to the electricity grid, with or without increasing the voltage.

O. **WECS Project:** A collection of multiple WECS as specified in the application for development plan approval and/or improvement location permit.

P. **WECS Salvage Value:** The net value of towers, nacelles, generators, turbines, blades, wires, transformers and all other salvageable

parts and commodities which make up the WECS whether sold as used parts or on a commodity/scrap basis or any combination thereof (whichever is greater) after deducting all estimated costs and expenses of dismantling, removal, and transportation and all costs and expenses of sale (including but not limited to all commissions and fees) and the amount necessary to pay and satisfy all liens, security interests and all other encumbrances attached to the WECS. The commodity/scrap value shall be based on the five (5) years average scrap value of the commodities.

Q. **WECS Tower:** The support structure to which the nacelle, with turbine and rotor are attached. Sometimes the term is used to refer to the tower, nacelle, turbine and rotor collectively.

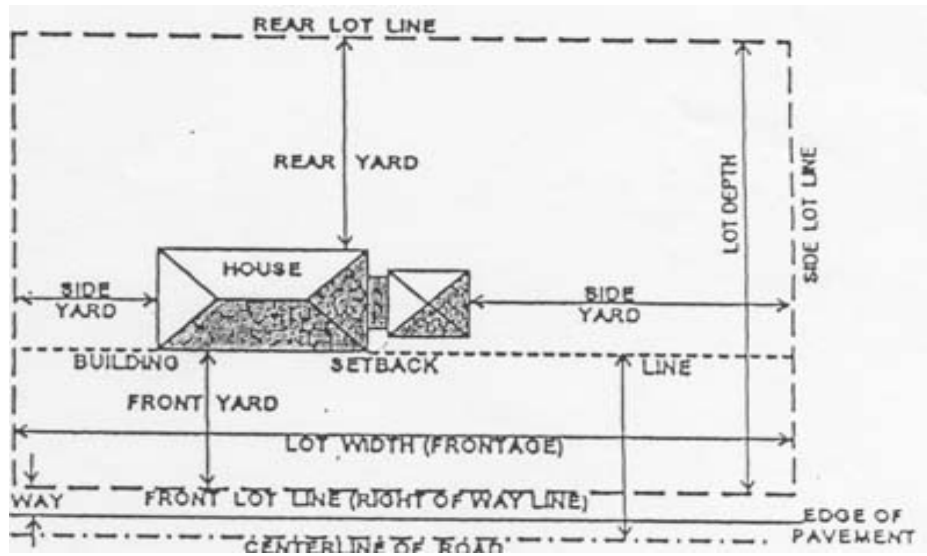
Yard

A required open space unoccupied and unobstructed by any structure or portion of any structure, except as otherwise permitted.

- (1) **Front Yard.** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest line of the main building.
- (2) **Rear Yard.** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest line of the main building.
- (3) **Side Yard.** An open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot to the nearest point of the main building.

Yard, Required

The minimum open space as specified in this chapter for front, side, and rear yards, as distinguished from any yard areas in excess of the minimum required.



Zoo

means any facility, other than a pet shop or kennel, displaying or exhibiting twenty (20) or more species of non-domesticated animals for admission by the public, on a plot of at least ten (10) acres of land.

