

COMMONWEALTH OF KENTUCKY
MASON FISCAL COURT
ORDINANCE NO. 18- 06

AN ORDINANCE ADOPTING THE RECOMMENDATIONS OF THE MASON COUNTY JOINT PLANNING COMMISSION AND AMENDING THE SIGN REGULATIONS AT ORDINANCE NO. 02-07, CHAPTER 411, AS AMENDED, TO REVISE AND AND RECODIFY THE SIGN REGULATIONS TO PROVIDE CONTENT NEUTRAL SIGN STANDARDS.

WHEREAS, the Mason Fiscal Court adopted a Land Use Ordinance, by virtue of its Ordinance No. 02-07, as amended; and

WHEREAS, the Maysville-Mason County Joint Planning Commission held a duly noticed Public Hearing on June 6, 2018, to consider proposed text amendments to such Ordinance pertaining to the sign regulations contained therein; and

WHEREAS, the Maysville-Mason County Joint Planning Commission adopted Findings of Fact recommending text amendments to Ordinance No. 02-07; and

WHEREAS, the Fiscal Court of Mason County, Kentucky, unanimously approved the proposed amendments to its Ordinance No. 02-07, such amendments affirming the Findings of Fact, Conclusions of Law, and Recommendation of the Maysville-Mason County Joint Planning Commission.

NOW THEREFORE, be it **ORDAINED** by the Fiscal Court of Mason County, Kentucky, that Chapter 411 of Mason Fiscal Court Ordinance No. 02-07 is hereby **AMENDED**, **REPUBLISHED**, **RESTATED** and **RECODIFIED** as follows:

§ 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 Ordinance shall be the Zoning Administrator. The Zoning Administrator, his or 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

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; and
- (6) Any other information requested by the Zoning Administrator 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. SEE Mason Fiscal Court Ordinance No. 17-11 for fee ordinance in effect at time of adoption of this ordinance. 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 regarding construction 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 1 per parcel and shall not exceed 40 square feet 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, streets signs, danger signs, railroad crossing signs and other related signs, and those placed by government officers in the performance of their professional/elected 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 an 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. 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 cub 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 includes manual, electrical, electronic, or other variable message signs except signs meeting the requirements of 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, MN, 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 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 60 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	[32] 16 sq. ft.				
	Post/Ground	[24] 12 sq. ft. per face	12 sq. ft.	2 sq. ft.	12 ft.	5 ft.
B-1, P-1	Facade	40 sq. ft.				
	Post/Ground	24 sq. ft. per face	8 sq. ft.		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				
	Ground	80 sq. ft. per face			8 ft.	10 ft.
	Pole	80 sq. ft. per face	8 sq. ft.		30 ft.	5 ft.
B-3, I-1B, I-2B	Facade	1 sq. ft. sign area per 1 linear foot of building face				
	Pole	60 sq. ft. per face			20 ft.	5 ft.
	Ground	32 sq. ft. per face	8 sq. ft.		5 ft.	5 ft.
D-1, C	Facade	30 sq. ft.				
	Projecting	12 sq. ft. per face				
	Post*	12 sq. ft. per face	12 sq. ft.	2 sq. ft.	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 Districts

§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.

§411.52 BILLBOARDS.

Billboards shall require permits and are allowed in A-1 districts, 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 154 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 one 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 PROHIBITED SIGNS

(A) Any prohibited 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 Zoning Administrator or other designee of the Judge Executive, and kept for 10 days. If the sign's owner can be identified, he, she or it will be given the opportunity to reclaim the 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.

(B) Any sign that was issued a permit by the Administrative Officer that is not consistent with the height and/or dimensions established on the 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.

§411.70 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, as appropriate. Applications for dimensional variances shall be submitted to the Administrative Officer, with any application fees as may be established from time to time.

§411.99 PENALTIES

A. Any person or entity violating this Ordinance shall be subject to the penalties as provided by §305 of Ordinance No. 02-07.

B. In addition to the criminal enforcement of this Ordinance and imposition of the penalties as set forth in §305, civil penalties in like amounts as established in §305.1 may be imposed and payable to the Mason Fiscal Court, in addition to any other remedies available, including entry of a permanent injunction removing any sign in violation hereof.

GIVEN FIRST READING THIS 13th DAY OF August, 2018. THEREAFTER,
GIVEN SECOND READING AND UNANIMOUSLY ENACTED THIS 11th DAY OF
Sept., 2018.

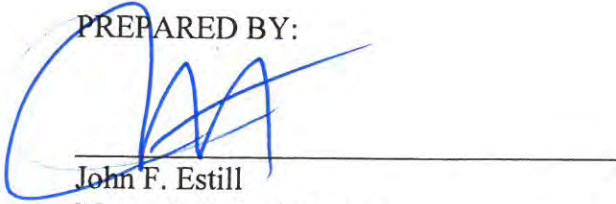

Hon. Joseph P. Pfeffer, Judge Executive

ATTESTED TO:



Stephanie Schumacher
Mason County Clerk

PREPARED BY:



John F. Estill
Mason County Attorney

MASON COUNTY JOINT PLANNING COMMISSION
PUBLIC HEARING
June 6, 2018
5:30 P.M.

IN RE: Proposed text amendments regarding
sign ordinance.

FINDINGS OF FACT,
CONCLUSIONS OF LAW,
and
RECOMMENDATION

In accordance with the Maysville Code Of Ordinances and KRS Chapter 100, the Mason County Joint Planning Commission (hereinafter "Commission") conducted a public hearing at Maysville Municipal Building, 216 Bridge Street, Maysville, Mason County, Kentucky on June 6, 2018 at 5:30 P.M. regarding proposed amendments to the Land Use Management Sign Ordinance.

The purpose of the hearing was to receive comments from the public and address any questions the public may have regarding the proposed amendments.

The meeting was called to order with a quorum in attendance. Commission members present were Tommy Stanfield, Joe Brannen, Tim Teegarden, Bob Biddle, David Reed, Xandy Stewart, Jean Everett and Tom Coe. No members were absent.

At the conclusion of the public hearing, a quorum being

present, and upon a majority vote of the members present, the Commission adopted the following Findings Of Fact, Conclusions Of Law, and Recommendation.

FINDINGS OF FACT

- A. The notice requirements of KRS Chapters 100 and 424 were complied with, written notice of the public hearing having been provided to the public in general by publication in the Ledger-Independent newspaper, as evidenced by the documents submitted for the record by the staff.
- B. That codes officer George Larger explained the following proposed changes which are set forth on "Exhibit A" attached hereto and incorporated herein by reference. The Supreme Court of the United States issued an opinion in 2015 that essentially made large portions of sign ordinances for municipalities across the country unconstitutional. A recent training that the codes officer, legal counsel for the commission and members of the commission attended reinforced the need to update the sign language contained within the ordinance to pass constitutional muster. Essentially, all content based regulation was removed to the extent possible and time, place and manner regulation was emphasized. Portions of the model sign ordinance published by the Kentucky

League of Cities were utilized and referenced in making changes. The purpose section was replaced completely and the substitution clause was re-worked. Certain signs were allowed to remain exempt while others were not. District sign regulations were modified to allow a certain amount of square footage per property per district that would not require any kind of permit and temporary signs of certain types were made exempt from permitting. Finally, a section was added to allow for dimensional variance applications to be brought before the City or County Board of Adjustment.

- C. Only two members of the public addressed the Commission during the public hearing. Bill Marshall suggested language revision regarding use of the word realtor and Cathy Walston raised questions about a particular sign on the AA Highway.
- D. The public hearing was closed and the Commission discussed in open session the proposed changes. The Commission discussed issues regarding size of permanent exempt signs, flags, flag poles, and whether permits should be required for billboards.

CONCLUSIONS OF LAW

1. That the Mason County Joint Planning Commission is empowered by KRS Chapter 100 and the Code Of Ordinances to conduct public hearings regarding land use matters, and are, in fact,

required by law to conduct such hearings.

2. That pursuant to KRS 100.201, the Maysville City Commission and the Mason County Fiscal Court are empowered to enact land use regulations in conjunction with the comprehensive plan.

RECOMMENDATION


WHEREFORE, the Mason County Joint Planning Commission respectfully recommends to the Maysville City Commission and the Mason Fiscal Court that the land use text amendments, in the form attached hereto as "Exhibit A", be adopted for application within Maysville and Mason County, with the following modifications:

1. Maximum permanent sign areas in R-3/R-4 districts are changed from 32 square feet to 16 square feet for facade signs and from 24 square feet to 12 square feet for post/ground signs;
2. Billboards (referring to the infrastructure not individual billboard signs) shall require permits before being erected;
3. The Board of Commissioners **or**, as applicable, the Fiscal Court may grant permission for signs or banners over a public way;
4. "Realty" signs are changed to "real estate" signs;
5. "Realtors" are changed to "real estate agents" and

6. Section 411.53(C) will be added and shall read "Joint Identification signs shall comply with height, setback, and illumination requirements as set forth in this Ordinance."

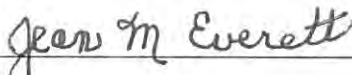
Motion made by Tom Coe, and seconded by Bob Biddle. Motion passed unanimously.

MASON COUNTY JOINT PLANNING COMMISSION



Tim Teegarden
Chairman

Attest:



Secretary