

COMMONWEALTH OF KENTUCKY  
MASON FISCAL COURT  
ORDINANCE NO. 23-04

**AN ORDINANCE ADOPTING THE FINDINGS OF FACT,  
CONCLUSIONS OF LAW AND RECOMMENDATIONS OF  
THE MASON COUNTY PLANNING COMMISSION ADOPTED  
AT ITS FEBRUARY 1, 2023, MEETING, AND AMENDING  
ORDINANCE NO. 02-07 TO DEFINE AND PROHIBIT  
OFF-PREMISES SIGNS**

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

**WHEREAS**, the Mason County Joint Planning Commission held a duly noticed Public Hearing on February 1, 2023, to consider proposed text amendments to such Ordinance; and

**WHEREAS**, the 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 and adopting the Findings of Fact, Conclusions of Law, and Recommendation of the Mason County Joint Planning Commission.

**NOW THEREFORE, THE FISCAL COURT OF MASON COUNTY, KENTUCKY**, does hereby **ORDAIN** that the Findings of Fact, Conclusions of Law and Recommendations entered by the Mason County Joint Planning Commission on September 3, 2014, are hereby **ADOPTED**, and Mason Fiscal Court Ordinance No. 02-07 is hereby **AMENDED** as follows:

**I. "OFF-PREMISES" SIGNS PROHIBITED.**

A new entry is to be created in the "Prohibited Signs" section at §411.4(K) to define and prohibit "Off-premises" signs as follows:

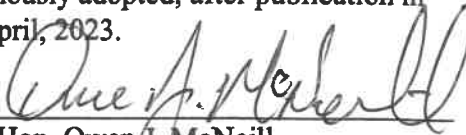
"(K) Off-premise signs. Signs such as billboards, freestanding outdoor advertising structures, or any other off premise signs are prohibited, except those specifically permitted and regulated elsewhere in this Ordinance."

**II. AMENDMENT AND REPLICATION.**


These amendments shall be incorporated in a republished Ordinance No. 02-07, which should include all amendments thereto.

Given first reading this 14<sup>th</sup> day of March, 2023.

Thereafter, given second reading, and unanimously adopted, after publication in accordance with KRS Chapter 424 this 11<sup>th</sup> day of April, 2023.

  
Hon. Owen J. McNeill  
Judge Executive

ATTESTED BY:

  
Stephanie Schumacher  
Mason County Clerk

MASON COUNTY JOINT PLANNING COMMISSION  
PUBLIC HEARING  
February 1, 2023  
5:30 P.M.

IN RE: Proposed text amendments regarding Off-premise signs.

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 the Maysville Municipal Building, 216 Bridge Street, Maysville, Mason County, Kentucky on February 1, 2023 at 5:30 P.M. regarding proposed amendments to the Land Use Management 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 Kirby Rosser, Annette Walters, David Reed, John Hutchings and Xandy Stewart. John Bess and Lesley Myers 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 Administrative Official George Larger.
- B. The proposed text amendment would create a new entry in the “Prohibited Signs” section of the Ordinance as follows: “Off-premise signs: Signs such as billboards, freestanding outdoor advertising structures, or any other off premise signs are prohibited, aside from those specifically permitted and regulated elsewhere in this Ordinance.”
- C. Administrative Official George Larger explained that the proposed language had previously been contained within the Ordinance but had been removed as a result of a United States Supreme Court case that was issued several years ago. That case addressed “content based” speech regulation and appeared to hold that the above language was impermissible.
- D. However, a subsequent Supreme Court case that was just recently issued clarifies the holding of the earlier case and make it once again permissible to restrict signs based on their content if that content merely referred to location.
- E. The adoption of the amendment would allow the Administrative Official more leeway in removing signs that deter from the beauty and orderliness of the community.
- F. No members of the public spoke in regards to the proposed amendment.

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 requested text amendment be adopted. As grounds, the amendments provides the Administrative Official more power to remove unwanted signs in the community without impermissibly engaging in content based speech regulation.

Motion made by Annette Walters, seconded by Xandy Stewart. Motion passed unanimously.

MASON COUNTY JOINT PLANNING COMMISSION

  
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David Reed  
Chairman

Attest:

A. L. Munger

Secretary