

COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Ordinance No. 20-16

AN ORDINANCE AMENDING CODE OF ORDINANCES CHAPTER 320
RE DETOX FACILITY

Summary

This Ordinance amends Code of Ordinances Chapter 320.406 to allow detox facilities as a conditional use in R-4, B-1, B-2, B-3, D-1, P-1, and I-1 and to amend Halfway House entry to Sober Living Facility and to modify the definition of Residential Care Facilities to include Sober Living Facilities.

WHEREAS, the Maysville-Mason County Joint Planning Commission held a public hearing on October 7, 2020 concerning the proposed changes in Chapter 320 and

WHEREAS, the Maysville-Mason County Joint Planning Commission adopted Findings of Fact, Conclusions of Law, and recommended adoption of the following changes;

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF MAYSVILLE, KENTUCKY, as follows:

(1) Code of Ordinances Section 320.406.6 is hereby amended to read in its entirety as follows:

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
Single Family Dwelling*	P	C	C	P	C	C	X	X	P	X	P	P	X	X				
Duplex Dwelling	C	P	P	P	P	C	X	X	P	X	C	C	X	X	X	P	P	P
Townhouse	C	C	P	P	P	C	X	X	P	X	C	C	X	X	X	P	C	C
Condominium	C	C	P	P	P	C	X	X	P	X	C	C	X	X	X	P	C	C
Multi-family Dwelling	X	X	P	C	X	C	C	C	P	X	X	C	X	X	X	P	C	C
Boarding Homes	X	X	X	C	X	C	X	C	P	X	X	X	X	X	X	C	X	C
Group Homes	X	X	P	C	X	C	X	C	P	X	X	X	X	X	X	C	X	C
Bed/Breakfast Home	C	C	P	P	C	C	X	C	P	X	P	P	X	X	X	X	X	X
Manufactured Home	X	X	X	X	X	X	X	X	X	X	X	P	X	X	X	P	P	P
Hotel/Motel	X	X	X	X	X	P	P	X	P	X	X	X	X	X	P	P	X	P
* Includes modular homes															X	X	X	X

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
Transportation	X	X	P	P	P	C	X	X	P	C	C	C	P	C				
Parks/Playgrounds	C	C	P	P	P	C	X	X	P	C	C	C	P	C	X	P	X	X
Pools, Sports Facilities	X	X	P	C	X	C	C	C	C	X	X	C	P	C	P	P	P	P
Utility Offices	X	X	P	P	C	C	X	C	P	C	P	P	P	C	X	C	X	X
Utility Facilities **	C	C	X	X	X	X	X	X	X	X	X	P	P	P	X	P	X	X
Cellular Towers ***	X	X	X	X	X	X	X	X	X	X	P	P	P	P	C	P	X	X
Library/Museum	X	X	X	C	X	P	P	P	P	X	X	X	X	X	X	X	X	X
Churches	C	C	C	P	X	P	P	P	P	C	C	C	X	X	X	C	X	X
Cemeteries	X	X	X	C	X	C	C	C	X	X	P	P	X	X	X	P	X	X
Funeral Home	X	X	X	C	X	P	P	P	P	X	C	C	X	X	X	C	X	X
															X	P	X	X

** Public utilities operating under state authority, shall not be required to receive Planning Commission

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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	

Outdoor	X	X	X	X	X	X	P	C	X	C	C	C	X	X	X	C	X	X	
Art/exhibition gallery	X	X	X	C	X	P	P	P	P	X	X	X	X	X	X	P	X	X	
Golf course/driving range	X	X	X	X	X	P	P	P	X	C	P	C	X	X	X	C	X	X	
Arena/amphitheater	X	X	X	X	X	C	P	C	C	C	C	C	X	X	X	C	X	X	
Movie theater	X	X	X	C	X	P	P	P	P	X	X	X	X	X	X	P	X	X	
Private clubs/lodges	X	X	X	C	X	P	P	P	P	X	C	X	X	X	X	P	X	X	
Photography/art/dance studio	X	X	X	C	X	P	P	P	P	X	X	X	X	X	X	P	X	X	
Barber/beauty shop	X	X	X	C	X	P	P	P	P	X	X	X	X	X	X	P	X	X	
Tanning/nail/massage salon	X	X	X	C	X	P	P	P	P	X	X	X	X	X	X	P	X	X	
Health/weight loss spa	X	X	X	C	X	P	P	P	P	X	X	X	X	X	X	P	X	X	
Auto mechanical repair	X	X	X	C	X	P	P	P	C	X	C	C	C	X	X	P	X	X	
Auto body repair	X	X	X	C	X	C	P	C	X	X	C	C	C	X	X	P	X	X	
Electronics/appliance repair	X	X	X	C	X	P	P	P	P	X	X	X	X	X	X	P	X	X	
Machine/welding shop	X	X	X	C	X	C	P	P	C	X	C	C	C	X	X	C	X	X	
Woodworking/refinishing	X	X	X	C	X	C	P	P	C	X	X	C	C	X	X	C	X	X	
Laundromat/dry cleaning	X	X	X	C	X	P	P	P	P	X	X	C	X	X	X	P	X	X	
Plumbing/Electrical/HVAC	X	X	X	X	X	C	P	C	C	X	X	X	P	C	X	C	X	X	
Conference/Convention Centers & Exhibition Halls	X	X	X	X	X	C	P	X	P	X	X	X	X	X	X	X	X	X	
Video/Audio/Theater Production Facilities	X	X	X	X	X	P	P	C	P	X	X	X	X	X	X	C	X	X	
Tailor/seamstress/upholstery	X	X	X	C	X	P	P	P	P	X	X	X	X	X	X	P	X	X	
Photo developing	X	X	X	C	X	P	P	P	P	X	X	X	X	X	X	P	X	X	
Video rental	X	X	X	C	X	P	P	P	P	X	X	X	X	X	X	P	X	X	
Pawn shop	X	X	X	C	X	P	P	P	C	X	X	X	X	X	X	P	X	X	
Check cashing/loan	X	X	X	X	X	P	P	C	C	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	
													I-1B 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.

Section 406.62

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	
General merchandise	X	X	X	C	X	P	P	P	P	X	X	X	X	X	X	P	X	X	
Auto dealers	X	X	X	X	X	P	P	P	C	X	X	X	X	X	X	C	X	X	
Service stations	X	X	X	C	X	P	P	P	C	X	X	X	X	X	X	P	X	X	
Apparel/ accessory stores	X	X	X	C	X	P	P	P	P	X	X	X	X	X	X	P	X	X	
Furniture/furnishings/appliances	X	X	X	C	X	P	P	P	P	X	X	X	X	X	X	P	X	X	
Eating/drinking establishments	X	X	X	C	X	P	P	P	P	X	X	X	X	X	X	P	X	X	
Drug stores/pharmacies	X	X	X	C	X	P	P	P	P	X	X	X	X	X	X	P	X	X	
Office supplies	X	X	X	C	X	P	P	P	P	X	X	X	X	X	X	P	X	X	

Toys and sporting goods	X	X	X	C	X	P	P	P	P	X	X	X	X	X	X	P	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	
Hardware and related	X	X	X	C	X	P	P	P	P	X	X	X	X	X	X	P	X	X	
Gifts, jewelry, novelties	X	X	X	C	X	P	P	P	P	X	X	X	X	X	X	P	X	X	
Bicycles, motorcycles	X	X	X	C	X	P	P	P	P	X	X	X	X	X	X	P	X	X	
Auto parts and supplies	X	X	X	C	X	P	P	P	P	X	X	X	X	X	X	P	X	X	
Package liquor, beer, wine	X	X	X	C	X	P	P	P	P	X	X	X	X	X	X	P	X	X	
Pet stores	X	X	X	X	X	P	P	P	P	X	X	X	X	X	X	P	X	X	
Farm equipment/supplies	X	X	X	X	X	C	P	C	C	C	C	P	C	X	X	C	X	X	
Feed/seed/garden supplies	X	X	X	C	X	C	P	C	C	C	C	P	C	X	X	C	X	X	
Computers, electronics	X	X	X	C	X	P	P	P	P	X	X	X	X	X	X	P	X	X	
Miscellaneous retail	X	X	X	C	X	P	P	P	P	X	X	X	X	X	X	P	X	X	
Manufactured structure sales	X	X	X	X	X	X	X	X	X	X	C	X	C	C	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	
Firearm sales	X	X	X	C	X	P	P	P	C	X	X	X	X	X	X	P	X	X	
Brewpub	X	X	X	C	X	P	P	P	P	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	
Architects, engineers, planners	X	X	X	C	X	P	P	P	P	P	X	X	X	X	X	P	X	X	
Accountant	X	X	X	C	X	P	P	P	P	P	X	X	X	X	X	P	X	X	
Banks and investment	X	X	X	C	X	P	P	P	P	P	X	X	X	X	X	P	X	X	
Real Estate	X	X	X	C	X	P	P	P	P	P	X	X	X	X	X	P	X	X	
Tax Services	X	X	X	C	X	P	P	P	P	P	X	X	X	X	X	P	X	X	
Attorneys	X	X	X	C	X	P	P	P	P	P	X	X	X	X	X	P	X	X	
Insurance agency	X	X	X	C	X	P	P	P	P	P	X	X	X	X	X	P	X	X	

Schools*****	C	C	X	C	X	P	P	P	P	C	X	C	X	X	X	P	X	X	
Child/adult care facilities	C	C	C	C	C	P	P	P	P	C	X	X	X	X	X	P	X	X	
Counseling services	X	X	X	C	X	P	P	P	P	P	X	X	X	X	X	P	X	X	
Social services	X	X	X	C	X	P	P	P	P	C	X	X	X	X	X	P	X	X	
Business/technical training	X	X	X	C	X	P	P	P	P	C	X	X	X	X	X	P	X	X	
Residential care facility*****	P	P	P	P	P	C	X	X	P	X	X	X	X	X	P	P	X	X	
Residential treatment center	X	X	X	X	X	X	C	X	X	X	X	X	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

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	
Mini-warehouses/storage units	X	X	X	X	X	C	P	C	X	X	X	X	P	P	X	C	X	X	
Moving and storage	X	X	X	X	X	X	X	X	X	X	X	X	P	P	X	X	X	X	
Truck freight terminals	X	X	X	X	X	X	X	X	X	X	X	X	P	P	X	X	X	X	
Food lockers	X	X	X	X	X	X	X	X	X	X	X	X	P	P	X	X	X	X	
Indoor Storage Units	X	X	X	X	X	P	P	P	P	X	X	X	P	P	X	C	X	X	P

Crop production	X	X	X	X	X	X	X	X	X	X	P	P	X	X	X	C	X	X	
Pastures	X	X	X	X	X	X	X	X	X	X	P	P	X	X	X	C	X	X	
Timber	X	X	X	X	X	X	X	X	X	X	P	P	X	X	X	C	X	X	
Orchard fruits/vineyards	X	X	X	X	X	X	X	X	X	X	P	P	X	X	X	C	X	X	
Horticulture	X	X	X	X	X	X	X	X	X	X	P	P	X	X	X	C	X	X	
Livestock production*****	X	X	X	X	X	X	X	X	X	X	P	P	X	X	X	C	X	X	
Poultry production	X	X	X	X	X	X	X	X	X	X	P	P	X	X	X	C	X	X	
Aquaculture	X	X	X	X	X	X	X	X	X	X	P	P	X	X	X	C	X	X	
Farm machinery repair	X	X	X	X	X	X	X	X	X	X	P	P	X	X	X	C	X	X	
Zoos	X	X	X	X	X	X	X	X	X	X	P	P	X	X	X	C	X	X	

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	
Mining/quarrying	X	X	X	X	X	X	X	X	X	X	X	C	X	X	X	X	X	X	

(2) Code of Ordinances Section 320, Article V is hereby amended to read in its entirety as follows:

ARTICLE V DEFINITIONS

For the purpose of this chapter, 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 or her behalf, or to perform the duties of the Administrative Official in his or her absence.

AGRICULTURAL USE. 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 KRS 243.155, and farm wineries licensed under KRS 243.155. 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 5 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 CARE 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 3 or less children, not related by blood or adoption, whether conducted during the daytime or overnight.

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 ESTABLISHMENT. A building occupied as a dwelling unit, but which also has guestrooms or 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 5 or less guestrooms or suites.

BED-AND-BREAKFAST INN. A bed-and- breakfast establishment having 6 or more guestrooms or suites.

BILLBOARD. See **SIGN, OFF-PREMISE**.

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 1 foot in 4-1/2 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 OR PRINCIPAL. A building in which is conducted the principal use of the lot on which it is 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 1 or more vehicles which is not fully enclosed by its walls and 1 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 the 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 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 1 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. Legal authorization to undertake a conditional use, issued by the Administrative Official pursuant to authorization by the Board of Adjustment, consisting of 2 parts:

- (1) A statement of the factual determination by the Board of Adjustment

which justifies the issuance of the permit; and

(2) A statement of the specific conditions, if any, which must be met for the use to be permitted.

CONDOMINIUM. 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.

CONFERENCE CENTER. A facility that is constructed for and devoted to meetings and meeting space. Such facilities may be part of or adjoining hotels/motels or other structures utilized for transient stay.

CONVENTION CENTER. A facility designed to accommodate multiple groups or extremely large groups; exhibit halls, meeting rooms, ballrooms or banquet space; no sleeping quarters permitted.

DAY CARE CENTER. Facilities for the day care and maintenance of 4 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.

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

2) New

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.

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. A building or part thereof used as a place of habitation under 1 of the following categories:

(1) **CONDOMINIUM.** 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.

(2) **DUPLEX DWELLING.** A building and accessories thereto principally used, designed, or adapted for use by 2 families, the living quarters of which are completely separate.

(3) **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~~].

(4) **MULTI-FAMILY DWELLING.** A building or group of buildings designed or used for rental or lease as dwelling units for 3 or more families with separate living quarters and cooking and bathroom facilities for each family.

(5) **ROOMING AND BOARDING HOUSE.** A building designed or used to provide living accommodations for not more than 6 occupants in which there are no cooking facilities for each occupant, or in which all occupants share common cooking facilities.

(6) **SINGLE-FAMILY DETACHED DWELLING.** A building and accessories thereto principally used, designed or adapted for use by a single family.

(7) **TOWNHOUSE.** A group of 3 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.

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 1 non-residential use occupies the same area, it shall be deemed 1 establishment.

EXHIBITION HALL. A large hall for holding exhibitions. Such facilities may be included as part of conference centers or convention centers.

FAMILY. One or more persons occupying a single dwelling unit, provided that no such family shall contain over 5 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.

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 or fraternity houses, hospices, or orphanage

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.

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 6 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.

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.

INTERNET SWEEPSTAKES CAFÉ. An establishment where computers, devices, phone-cards or software are provided by the business or patrons to access games or similar sites; whether free or by purchase; and where cash, merchandise or other items of value are redeemed or otherwise distributed; and whether or not the distribution is determined by games played or are predetermined.

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 include a brick street, cemetery, fountain and other public improvements.

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 upon a street, alley or other appropriate means of access.

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 the lot. In the case of a triangular or wedge-shaped lot, for measurement purposes only, a line 10 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 2 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 an interior angle of less than 135 degrees.

(2) **INTERIOR LOT.** A lot with only 1 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 U.S.C. §§ 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.

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 2 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.

MULTI-TENANT COMMERCIAL DEVELOPMENT. A development containing 2 or more non-residential uses on the same building site such as shopping centers, shopping malls or office complexes.

NEAT 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. 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.

NURSING HOME, INTERMEDIATE AND SKILLED CARE. Any institution, however named, maintained for the care or treatment of 4 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.

NURSING HOME, PERSONAL CARE. Any institution, however named, maintained for the care or treatment of 4 or more ambulatory individuals unrelated to the owner or operator or their spouses, who require supervision, not nursing care.

OPEN SPACE. An area open to the sky which may be on 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.

PLUMBING/ELECTRICAL/HVAC. Any person or business engaged in plumbing, electrical, and/or heating, ventilation, air condition. Any person or business must be licensed by the state.

PRIVATE CLUBS/LODGES. 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 conducting any vending stands, merchandising, or commercial activities, except as required for the membership of such club/lodge. Clubs and lodge shall include but not be 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.

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. Materials(s) not being stored inside must be completely screened from public view.

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

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.

RESIDENTIAL TREATMENT CENTERS. Programs offering medical and nonmedical detoxification from all substances, 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 **HALFWAY HOUSE** definition). Facility is licensed by Commonwealth of Kentucky Cabinet for Health and Human 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 a motor vehicle junkyards. Refer to section 408.14 for regulations.

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 “1-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 12 inches from the 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 § 320.412.

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 6 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 12 inches from the 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 for use by a single family.

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.

STORY. That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, the space between the floor and the ceiling next above its. A basement shall 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 2 or more persons lease the same common area, it shall be deemed as 1 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 the departure meets the requirements of KRS 100.241 to 100.247.

VIDEO/AUDIO THEATER PRODUCTION FACILITY. 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. This does not include any aspect of Adult Entertainment.

WECS. 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 article are set forth below:

(1) **CRITICAL WIND SPEED.** The wind at which a WECS turbine sound pressure levels are at greatest variance with ambient background sound pressure levels.

(2) **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 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.

(3) **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.

(4) **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.

(5) 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.

(6) 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.

(7) 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.

(8) 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.

(9) 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.

(10) 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.

(11) 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.

(12) 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.

(13) 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.

(14) 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.

(15) WECS PROJECT. A collection of multiple WECS as specified in the application for development plan approval and/or improvement location permit.

(16) 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 5 years average scrap value of the commodities.

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

ADOPTED BY THE BOARD OF COMMISSIONERS OF THE CITY OF MAYSVILLE, KENTUCKY, this 10 day of December 2020.

Charles T. Cotterill, Mayor

Passed on 1 st reading	12 November 2020.
Adopted on 2 nd reading	10 December 2020.
Recorded by Clerk	11 December 2020.
Signed by Mayor	11 December 2020.
Published by Summary	12 December 2020.

ATTEST:

Lisa Dunbar, City Clerk

INDEX: Chapter 320, Detox Facility

CERTIFICATE

I hereby certify that I am an attorney licensed to practice law in the Commonwealth of Kentucky, that I prepared the Summary above of the foregoing Ordinance of the City of Maysville, Kentucky, and that such Summary constitutes a general summary of the essential provisions of said Ordinance, reference to the full text of which Ordinance is hereby made for a complete statement of its provisions and terms.

W. Kelly Caudill, City Attorney
Royse, Zweigart, Kirk, Brammer & Caudill
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Maysville, Kentucky 41056
606 564-4012