

COMMONWEALTH OF KENTUCKY
MASON FISCAL COURT
ORDINANCE NO. 17-06

**AN ORDINANCE ADOPTING THE FINDINGS
OF FACT, CONCLUSIONS OF LAW AND
RECOMMENDATIONS OF THE MAYSVILLE-MASON
COUNTY JOINT PLANNING COMMISSION, AND THEREBY
AMENDING ORDINANCE NO. 02-07 TO ADOPT TEXT
AMENDMENTS TO THE LAND USE CHART TO ADD
CAR WASH, TAXI CAB STAND AND NURSING HOME TO
THE BUSINESS AND SERVICE USES CATEGORY**

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

WHEREAS, the Maysville-Mason County Joint Planning Commission held a duly noticed Public Hearing on April 5, 2017, to consider proposed text amendments to such Ordinance to add specific uses not presently included within the land use chart, specifically to include car wash, taxi cab stand and nursing home to the Business and Service Uses category;

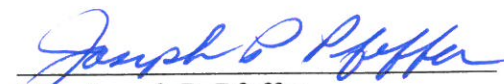
WHEREAS, the Maysville-Mason County Joint Planning Commission adopted Findings of Fact recommending such text amendment; and

WHEREAS, the Fiscal Court of Mason County, Kentucky, hereby unanimously approves an amendment to its Ordinance No. 02-07, such amendment affirming and adopting the Findings of Fact, Conclusions of Law, and Recommendation of the Maysville-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 Maysville-Mason County Joint Planning Commission on April 5, 2017, are hereby **ADOPTED**, and Mason Fiscal Court Ordinance No. 02-07 is hereby **AMENDED** to amend the text of such Ordinance to add specific uses not presently included within the land use chart, specifically to include car wash, taxi cab stand and nursing home to the Business and Service Uses category, and the text of such amendments and amended land use chart as set forth in full in the Exhibit attached to the Findings of Fact, Conclusions of Law and Recommendations attached hereto as Exhibit A, are hereby incorporated herein as if set forth in full, and which further shall be incorporated in a republished Ordinance No. 02-07, which should include all amendments thereto.

Given first reading this 9th day of May, 2017.

Thereafter, given second reading, and unanimously adopted, after publication in accordance with KRS Chapter 424 this 13th day of June, 2017.


Hon. Joseph P. Pfeffer
Judge/Executive

ATTESTED BY:

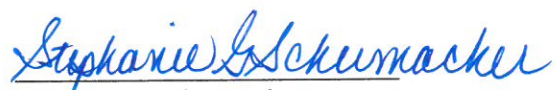

Stephanie Schumacher
Mason County Clerk

Exhibit A

MASON COUNTY JOINT PLANNING COMMISSION
PUBLIC HEARING
April 5, 2017 - 5:30p.m.

IN RE: Proposed land use text amendments.

*** **
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 City Hall on April 5, 2017 at 5:30p.m. regarding the proposed adoption of amendments to the land use 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 Jean Everett, Tommy Stanfield; Joe Brannen, Tim Teegarden, Bob Biddle, David Reed, Tom Coe and Xandy Stewart.

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 no one from the public made any comment when the floor was opened for comments for or against the proposed amendments during the hearing.

C. That codes officer George Larger explained the following proposed changes which are set forth on "Exhibit A" attached hereto and incorporated herein by reference. Said changes would add some new land use entries to the existing land use charts. Specifically, it adds car wash and taxicab services into the Business and Services Uses category, as shown on the said exhibit. Further, the changes would make nursing homes a conditional use in a R-3 multi-family residential zone, as shown on the said exhibit. These changes simply add uses that were not otherwise provided for by the existing ordinance language.

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 to the Mason County Fiscal Court that the land use text amendments, in the form attached hereto as "Exhibit A", be adopted for application within the city and county.


Motion made by Tom Coe, seconded by Xandy Stewart. Motion passed unanimously.

MASON COUNTY JOINT PLANNING COMMISSION



Tim Teegarden
Chairman

Attest:



Secretary

Exhibit – Land Use Chart Text Amendments

The Land Use Management Ordinance does not currently have an applicable land use similar to the following, so the Planning Commission approved the following additions for the charts in the Business and Service Uses category:

Car Washes (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
X	X	X	X	X	P	P	C	X	X	X	X	C	X	X	P	X	X	X

Taxicabs (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
X	X	X	X	X	P	P	C	C	X	X	X	C	X	X	P	X	X	X

The Planning Commission also recommended making Nursing Homes a conditional use in R-3 Multi-Family Residential zones:

Nursing homes:

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
X	X	C	C	X	P	P	P	P	C	X	X	X	X	X	P	X	X	X