COMMONWEALTH OF KENTUCKY
MASON FISCAL COURT
ORDINANCE NO. 18-01

AN ORDINANCE RELATING TO THE LAND USE REGULATION OF IMPOUND LOTS, SALVAGE YARDS, AUTO MECHANICAL REPAIR SHOPS, AND AUTO BODY REPAIR SHOPS IN THE UNINCORPORATED AREAS OF MASON COUNTY, KENTUCKY

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

WHEREAS, the Maysville-Joint Planning Commission held a duly noticed Public Hearing on January 3, 2018, to consider proposed text amendments to such Ordinance; and

WHEREAS, the Maysville-Mason County Joint Planning Commission adopted Findings of Fact recommending text amendments to Ordinance 02-01; 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, THE FISCAL COURT OF MASON COUNTY, KENTUCKY, does hereby ORDAIN that the Findings of Fact, Conclusions of Law, and Recommendation entered by the Maysville-Mason County Joint Planning Commission on January 3, 2018, are hereby ADOPTED, and the Mason Fiscal Court Ordinance No. 02-07 is hereby AMENDED and REPEALED in part to the extent not consistent herewith, as follows:

I. DEFINITIONS.

Additional definitions and revised definitions shall be incorporated in Article V of the Ordinance, repealing prior provisions to the extent inconsistent with these amendments, as follows:

A. 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.

B. 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 regarding salvage yards.

C. 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 repairing specific parts or making mechanical modifications to automobiles.

D. 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.

E. 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.

II. AMENDMENT OF ALLOWABLE USE CHARTS.

The Allowable Use Chart at Section 406.6 is amended as follows:

A. Impound Lots are a conditional use in the B-1 and I-2 zones. Impound lots are a prohibited use in all other zones.

B. Salvage Yards are a conditional use in the I-2 zone. Salvage yards are a prohibited use in all other zones.

III. AMENDMENT OF SUPPLEMENTARY USE REGULATIONS.

Section 408.8 shall be amended as follows:

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.

IV. ADDITION TO SUPPLEMENTARY USE REGULATIONS.

A new subsection of Chapter 408 shall be added as follows:

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, and 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.

V. REPEAL IN PART.

To the extent not consistent herewith, Ordinance No. 02-07 is repealed in part, specifically as to the definitions and allowable uses adopted in Ordinance No. 14-10, which is wholly repealed and replaced hereby.

VI. AMENDMENT AND REPUBLICATION.

These amendments shall be incorporated in a republished Ordinance 02-07, which should include all amendments thereto.

Given first reading this 9th day of January, 2018.

Thereafter, given second reading, and unanimously adopted, after publication in accordance with KRS Chapter 424 this 13th day of February, 2018.

_____
Hon. Joseph P. Pfeffer
Judge/Executive

ATTESTED BY:

_____
Stephanie Schumacher
Mason County Clerk