

FISCAL COURT ORDERS

APRIL 14, 2023

BOOK 44

SPECIAL SESSION OF NELSON FISCAL COURT

PAGE 448

COURT MET IN SPECIAL SESSION, PRESENT COUNTY JUDGE-EXECUTIVE TIM HUTCHINS AND THE FOLLOWING NAMED MAGISTRATES: KEITH METCALFE, ADAM WHEATLEY, M.T. HARNED AND JON SNOW.

Magistrate Jeff Lear attended the meeting by Zoom.

MEETING CALLED TO ORDER- COUNTY JUDGE EXECUTIVE TIM HUTCHINS

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was led by Magistrate Adam Wheatley.

PRAYER: The Prayer was led by Magistrate Jon Snow.

ZONING MORATORIUM: The Court heard a First Reading on an Ordinance imposing a three month temporary Moratorium on Zoning Compliance Permits and Conditional Use Permits for Distilleries, Distilled Spirits, and Distillery Ancillary, Accessory, and Temporary and Transitional uses in all Zoning Districts pending the adoption of Revised Regulations.

On motion of Jon Snow, second of Adam Wheatley, by vote of four to one with Magistrate Keith Metcalfe voting no, IT IS HEREBY ORDERED to approve the first reading and advertise for a second reading of an Ordinance imposing a three month temporary Moratorium on Zoning Compliance Permits and Conditional Use Permits for Distilleries, Distilled Spirits, and Distillery Ancillary, Accessory, and Temporary and Transitional uses in all Zoning Districts pending the adoption of Revised Regulations. See Pages 350-352.

MATTER OF RECORD: Judge Hutchins read aloud a letter written by Bardstown Mayor in support of the Ordinance.

FISCAL COURT ORDERS

APRIL 14, 2023

BOOK 44

SPECIAL SESSION OF NELSON FISCAL COURT

PAGE 449

On motion of M.T. Harned, second of Jon Snow, by unanimous vote of the court, IT IS
HEREBY ORDERED to adjourn the April 14, 2023 special session Fiscal Court.

TIM HUTCHINS, NELSON COUNTY JUDGE/EXECUTIVE

JEANETTE HALL SIDEBOTTOM, NELSON COUNTY CLERK

FISCAL COURT ORDERS

APRIL 14, 2023

BOOK 44

SPECIAL SESSION OF NELSON FISCAL COURT

PAGE 450

AN ORDINANCE IMPOSING A TEMPORARY MORATORIUM ON ZONING COMPLIANCE PERMITS AND CONDITIONAL USE PERMITS FOR DISTILLERIES, DISTILLED SPIRITS, AND DISTILLERY ANCILLARY, ACCESSORY, AND TEMPORARY AND TRANSITIONAL USES IN ALL ZONING DISTRICTS PENDING THE ADOPTION OF REVISED REGULATIONS.

ORDINANCE NO. _____ as adopted

WHEREAS, the Court held a first reading on _____ and after due advertisement held a second reading and adoption on _____, and after due consideration,

UPON MOTION OF _____, SECONDED BY _____ AND A VOTE BEING HAD AND THE COUNTY JUDGE ANNOUNCING THAT THE MOTION CARRIED.

WHEREAS, the Nelson County Fiscal Court has instructed the Joint City-County Planning Commission of Nelson County to undertake a review of all regulations for distilleries, distilled spirit storage facilities, and distillery ancillary, accessory, and temporary and transitional uses in Articles 1 through 17 of the Zoning Regulations;

WHEREAS, the Fiscal Court has concerns that the increase in distilleries and distilled spirit storage facilities has resulted in a loss of prime agricultural land, has become a burden on public services and infrastructure, has potentially created detrimental effects on the public health, safety, and welfare of our citizens, has altered the character of Nelson County, and has created challenges for the permanent residents;

WHEREAS, the Fiscal Court would like the Planning Commission to review and adopt regulations that allow the distillery industry to thrive but that protect prime agricultural land, protect the public health, safety, and welfare of county residents,

FISCAL COURT ORDERS

APRIL 14, 2023

BOOK 44

SPECIAL SESSION OF NELSON FISCAL COURT

PAGE 451

minimize the burden on public services and infrastructure, and encourage the protection of the character of the community.

WHEREAS, the Fiscal Court would like to create a period wherein no action is taken by the Joint City-County Planning Commission, the Nelson County Board of Adjustment, the Zoning Administrator/Director, or the Planning Commission staff on any Zoning Compliance Permit applications or Conditional Use Permit applications for distilleries, distilled spirits storage facilities, or distillery accessory, ancillary, temporary or transitional uses in any agricultural, residential, or commercial zoning district in unincorporated Nelson County during the pendency of the review and adoption of revised regulations;

WHEREAS, during the pendency of such review and adoption of revised regulations, the Fiscal Court desires to preserve the status quo by preventing or permitting any changes to the existing land uses; and

WHEREAS, it is anticipated that the review and adoption of revised regulations will take no more than three (3) months.

NOW, THEREFORE, BE IT ORDAINED AND ADOPTED BY THE FISCAL COURT OF NELSON COUNTY, COMMONWEALTH OF KENTUCKY, AS FOLLOWS:

SECTION I: There is hereby imposed a temporary moratorium on any action by the Joint City-County Planning Commission, Nelson County Board of Adjustment, the Zoning Administrator/Director, or the Planning Commission staff relating to Zoning Compliance Permits or Conditional Use permit applications and distillery, distillery

FISCAL COURT ORDERS

APRIL 14, 2023

BOOK 44

SPECIAL SESSION OF NELSON FISCAL COURT

PAGE 452

ancillary, distillery accessory, or temporary and transitional distillery uses in all zoning districts except those districts already zoned industrial;

SECTION II: This moratorium shall be effective until it expires on the earlier of three months from the effective date of this Ordinance or the effective date of the revised regulations.

SECTION III: This moratorium shall have no effect on the previous agreements of the Fiscal Court regarding various Industrial Revenue Bonds already agreed to by the Court, regarding the construction of Distilled Spirits warehouses.

Section IV: This moratorium shall have no effect on industrial zoned districts.

SECTION V: This Ordinance shall take effect upon its passage and approval.

Adopted this ____ day of _____, 2023, by ____ ayes and ____ nays.

NELSON FISCAL COURT

County Judge/Executive

ATTEST:

Nelson County Court Clerk