

# Fiscal Court Orders

Feb. 18, 2014  
REGULAR SESSION OF NELSON FISCAL COURT

Book 37  
Page 197

SECTION II: This Ordinance becomes effective immediately upon passage by the Fiscal Court of Nelson County.

SECTION III: This Ordinance shall be published in the Kentucky Standard newspaper by title and summary within 30 days after adoption.

SECTION IV: This Order or parts of Orders in conflict herewith are repealed to the extent of such conflict.

After a first reading, motion was made by Jeff Lear, second by Jerry Hahn, by unanimous vote of the Court, IT IS HEREBY ORDERED that legal notice advertising the second reading and possible adoption of the proposed ordinance be published in The Kentucky Standard in accordance with KRS 424.

\*\*\*

PLANNING AND ZONING REQUEST #2036 DENIED - WILLIAM DONALD CLARK  
Joint Planning Commission's recommendation re Rezoning Request #2036:

RE: Rezoning Request - #2036 (amended) - William Donald Clark - Amend the previously approved B-4 conditions of approval and development plan

Dear Judge Watts and Fiscal Court Members:

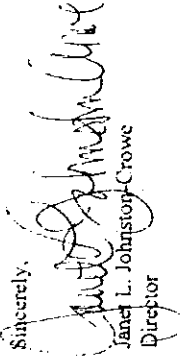
On the night of January 14, 2014, the Joint City-County Planning Commission of Nelson County held a public hearing on the application of William Donald Clark to amend the previously approved B-4 conditions of approval and development plan at 6800 Louisville Road (US 31E).

On the night of January 28, 2014, the Commission met in regular session to discuss the testimony of the January 14, 2014 public hearing. After some discussion, Mr. Zoelter made the following motion:

"I'll make a motion to *deny* the proposed zoning map amendment, application #2036 based on the evidence and testimony as presented in the public hearing, that the zoning map amendment is not in agreement with the Comprehensive Plan, and the Comprehensive Plan no longer anticipates B-4's in a Hamlet or Village area. I request that the findings of fact and recommendation include a summary of the evidence and testimony as presented in the public hearing."

Mr. Brown seconded the motion. The motion carried 8-0.

Sincerely,



Janet L. Johnston-Crowe  
Director

JJC/ep

On motion of Jeff Lear, second of Sam Hutchins, by unanimous vote of the Court, IT IS HEREBY ORDERED to concur with the Planning Commission's recommendation to deny William Donald Clark's request to amend Rezoning Request #2036.

\*\*\*

\*\*\*\*\*

\*\*\*

ORDINANCE ESTABLISHING PROPERTY ASSESSMENT. . . MORATORIUM (SECOND READING)

ORDINANCE NO. KOC 950.004-7

AN ORDINANCE OF THE FISCAL COURT OF NELSON COUNTY  
ESTABLISHING PROPERTY ASSESSMENT AND REASSESSMENT  
MORATORIUMS, LIMITING SAME TO FIVE YEARS AND  
NAMING ADMINISTERING AGENCIES

WHEREAS, the Court held a first reading on Feb. 4, 2014 and after

# Fiscal Court Orders

Feb. 18, 2014  
REGULAR SESSION OF NELSON FISCAL COURT

Book 37  
Page 198

due advertisement held a second reading and adoption on Feb. 18, 2014 and after due consideration,

UPON MOTION OF Bernard Ice SECONDED BY

Keith Metcalfe AND A VOTE BEING HAD AND THE COUNTY

JUDGE ANNOUNCING THAT THE MOTION CARRIED.

NOW THEREFORE BE IT ORDAINED BY THE FISCAL COURT OF NELSON COUNTY, COMMONWEALTH OF KENTUCKY

WHEREAS, KRS Chapter 99 and KRS Chapter 1 permit local governments to establish property assessment and reassessment moratoriums, and

WHEREAS, the County of Nelson wishes to take advantage of the provisions of this law to encourage the repair, rehabilitation, restoration or stabilization of existing real property in Nelson County.

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

**SECTION ONE:** There is hereby established a program for the granting of property assessment or reassessment moratoriums for qualifying units of real property located in Nelson County

To be eligible, a residential building must have been in existence for twenty-five (25)

years and must be used to provide independent living facilities for one (1) or more persons

For a commercial building to qualify, it must be twenty-five (25) years or older and must have as its primary purpose and use the operation of a commercial business enterprise

**SECTION TWO:** The administering agencies for this moratorium program shall be the appropriate legislative body (the Nelson County Fiscal Court), or a body designated by them

**SECTION THREE:** All moratoriums shall be for a period of five (5) years, and each shall become effective on the assessment date next following the issuance of the moratorium certificate

**SECTION FOUR:** Applications shall be made to the administering agency for a property assessment or reassessment moratorium certificate as follows.

(1) The application shall be on a form prescribed by the department of revenue and shall be filed in the manner prescribed by the administering agency

(2) The application shall be filed with the administering agency thirty (30) days before commencing the restoration.

(3) The application shall contain the following

- (a) A general description of the property.
- (b) A general description of its proposed use.
- (c) The general nature and extent of restoration, repair, rehabilitation or stabilization to be undertaken.

# Fiscal Court Orders

Feb. 18, 2014  
REGULAR SESSION OF NELSON FISCAL COURT

Book 37  
Page 199

- (d) A time schedule for undertaking and completing the project
- (e) If the property is a commercial facility, the application shall also contain a descriptive list of the fixed building equipment which will be a part of the facility and a statement of the economic advantages expected from the moratorium, including expected construction employment

**SECTION FIVE:** The property valuation administrator and the administering agency shall maintain a record of all applications for a property assessment or reassessment moratorium. The PVA shall assess or reassess the property within thirty (30) days of receipt of the application. This assessment shall be the value for which taxes are not to be raised for five (5) years.

**SECTION SIX:** The applicant shall have two (2) years in which to complete the improvements unless granted an extension by the administering agency and the appropriate legislative body. In no case shall the application be extended beyond two (2) additional years. This provision shall not preclude normal reassessment of the property.

**SECTION SEVEN:** Any application not acted upon by the applicant shall become void two (2) years from the date of application and shall be purged from the files of the property valuation administrator and the administering agency.

**SECTION EIGHT:** On the assessment date next following the expiration, cancellation or revocation of an assessment or reassessment moratorium, the property shall be assessed on the basis of its full fair cash value.

**SECTION NINE:** The applicant shall notify the administering agency when the project is complete, and the administering agency shall then conduct an on-site inspection of the property for purposes of verifying improvements. Only after the project is complete and the improvements verified shall the moratorium certificate be issued by the administering agency.

**SECTION TEN:** An assessment or reassessment moratorium certificate may be transferred or assigned by the holder of the certificate to a new owner or lessee of the property.

**SECTION ELEVEN:** Any property granted an assessment or reassessment moratorium may be eligible for a subsequent moratorium certification provided that reapplication be made no sooner than three (3) years following the expiration of the original moratorium.

**SECTION TWELVE:** Definitions for interpreting this ordinance shall be those outlined in KRS Chapter 99 relating to property assessment and reassessment moratoriums.

This Ordinance shall become effective immediately after its passage and publication as required by law.

Adopted this 18 day of February, 2014, by 5 ayes and 0 nays

NELSON FISCAL COURT

*Alan Walsh*  
County Judge/Executive

ATTEST

\_\_\_\_\_  
Nelson County Court Clerk