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Proposed Zoning Regulations Text Amendments  
Draft #1 1-25-2022

B-3 Section 6.13C(5)

B-4 Section 6.14C(4)

B-5 Section 6.15C(4)

LIP Section 6.16C(4)

The purpose of these amendments is to allow Type 2 craft distilleries to have one distilled spirits storage structure (rickhouse).

## Section 6.13: Regional Retail Business District (B-3)

**Draft #1 1-25-2022**

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Intent: The intent of this zoning classification, when properly applied, is to provide areas for major retail service and goods providers to locate. Areas zoned to this classification are primarily those with high accessibility for the community at large.

### A. Principal Uses Permitted

Those uses allowed in B-2 Zoning District.

Retail commercial uses serving the community as a whole, or whose customer base is the community at large not just the local or transitory population. Such uses include but are not limited to: large retail stores; groceries; movie theaters; furniture and reupholsterers; automobile service stations; automobile and small truck sales and/or service; minor automobile and truck repair; used car lots; restaurants, drive-in or sit down (no uses allowed serving liquor by the drink are allowed without first obtaining a PUD designation, see Section D. below; only in effect in the City of Bardstown); motels and hotels; boat and marine supplies; drive-in theaters, skating rinks; bowling alleys; and mini-warehouses.

Car wash, discharging wash water into a sanitary sewer or a Nelson County Health Department approved waste facility, and a traffic pattern and vehicle storage plan determined by the City or County Engineer not to pose a traffic hazard.

Parking Lots and structures

### B. Accessory Uses Permitted

Garage or other accessory building

Private recreational facilities

Only that wholesaling of merchandise or services which is clearly incidental and subordinate to the principal retail use of the premises.

### C. Conditional Uses Permitted

- (1) Regular Outside Storage of Material; related to the business or offered for sale, whether stored in containers or individually. The Board of Adjustment when reviewing a request for this conditional use may impose the following conditions some of which are mandatory (\*): restrictions on areas to be used; restrict the time period for storage; impose screening or buffering requirements; require additional parking where existing parking areas are used for such storage(\*); and any other condition that helps the proposed use to blend in with its unique surroundings. (Only in effect in the City of Bardstown)
- (2) Green Houses, Plant Nurseries, and Produce Markets; determined by the Board of Adjustment to be accessory to the primary use of the property or in the alternative, an appropriate primary use. The Board of Adjustment when reviewing a request for this conditional use may impose the following conditions some of which are mandatory (\*): restrictions on areas to be used; restrict the time period for such use; impose screening or buffering requirements; require additional parking where existing parking areas are used for such uses(\*); and any other condition that helps the proposed use to blend in with its unique surroundings.
- (3) Mobile Home as Place of Residence for a Commercial Watchman: The Board of Adjustment, when reviewing applications for this conditional use, shall consider the following factors: if there other facilities that can reasonably accommodate a watchman's residence, if so the permit may be denied; if there is a necessity for a watchman living on site; sewage disposal facilities; as well as aesthetic considerations, appearance, and maintenance concerns.
- (4) Micro-Brewery. The intent of this conditional use is to allow micro-breweries supporting permitted eating and drinking establishments, event facilities, or similar uses. Prior to the approval of a conditional use permit hereunder, the BOA must consider the impact of the proposed use upon surrounding properties and insure that the character of the area is protected. Any conditional use permit issued hereunder must meet the mandatory requirements for approval set out in KRS 100.237 and Section 4.3C of this Ordinance. The BOA also may impose conditions that ensure compatibility and appropriateness of the proposed use, and such conditions may include, but are not limited to, limitations on hours of operation, screening and buffering, etc.
- (5) Craft Distillery, Type II. The intent of this conditional use is to allow craft distilleries supporting permitted eating and drinking establishments, event facilities, or similar uses. Prior to the approval of a conditional use permit hereunder, the BOA must consider the impact of the proposed use upon surrounding properties and insure that the character of the area is protected. Any conditional use permit issued hereunder must meet the mandatory requirements for approval set out in KRS 100.237 and the following minimum criteria:
  - (a) The use and any associated use on the property shall serve alcohol by the drink only in accordance with the underlying zoning requirements;



### Section 6.13: Regional Retail Business District (B-3)

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- (b) All processing, production, manufacturing, distilling, brewing, and/or bottling associated with such distillery shall be located within a fully enclosed building;
- (c) Outdoor storage of materials, equipment, or supplies is not allowed, unless otherwise allowed by the underlying zoning;
- (d) All loading and unloading areas shall be oriented away from public streets, whenever feasible;
- (e) ~~The use shall have no more than 240 gallons of barreled distilled spirits stored on site during any 24-hour period; The use shall be allowed one distilled spirits storage structure meeting the following mandatory requirements:~~
  - 1. The site shall have an additional minimum 5 acres for the distilled spirits storage structure. The 5-acre site for the storage structure shall be immediately adjoining the distillery site and shall be permanently consolidated with the adjoining distillery property. The 5-acre site shall be limited only to the distilled spirits storage structure and associated utility structures (i.e., pump house, tank);
  - 2. The distilled spirits storage structure shall be limited to the storage of distilled spirits processed, produced, and manufactured on the property.
  - 3. The maximum size of the distilled spirits storage structure shall not exceed a footprint of 20,000 square feet, excluding stairwells and open docks;
  - 4. The construction type shall be limited to rack supported structure, and a pallet storage structure is prohibited;
  - 5. The structure may be non-sprinklered with written evidence from the appropriate fire department that adequate water pressure is available to meet minimum fire suppression standards;
  - 6. The structure shall not exceed 50 feet in height;
  - 7. The structure shall be set back a minimum of 200 feet from all property lines; and
  - 8. The building design, materials, and colors of the distilled spirits storage building shall be consistent with the character of the surrounding area and shall be approved by the Development Review Board.
- (f) All ~~distillery~~ facilities, except any approved distilled spirits storage structure, shall have an automatic fire sprinkler system;
- (g) All ~~distillery~~ facilities, except any approved distilled spirits storage facilities, shall be served by public water and sanitary sewer;
- (h) The Owner must provide evidence of annual production from the Alcohol and Tobacco Tax and Trade Bureau at the time of the annual inspection; and,
- (i) The BOA also may impose conditions that ensure compatibility and appropriateness of the proposed use, and such conditions may include, but are not limited to, limitations on hours of operation, screening and buffering, etc.

D. Planned Unit Development Uses Permitted (approved as provided for in Section 8.2 of these Regulations)

- (1) Otherwise Allowed Uses Serving Alcohol by the Drink: providing that the nuisance aspects of these uses are mitigated to the extent possible using screens, buffers, limitations on hours of business, or other conditions necessary in the opinion of the Planning Commission to allow the unique aspects of this type of use to blend in with the surrounding land use pattern, current and anticipated.
- (2) Dance Halls, Reception Halls, Nightclubs, Billiard or Pool Halls: providing that the nuisance aspects of these uses are mitigated to the extent possible using screens, buffers, limitations on hours of business, or other conditions necessary in the opinion of the Planning Commission to allow the unique aspects of this type of use to blend in with the surrounding land use pattern, current and anticipated.

## Section 6.14: General Business District (B-4)

**Draft #1 1-25-2022**

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Intent: The intent of this zoning district, when properly applied, is to provide areas for wholesale and heavy commercial uses. These uses, by their nature, tend to be more intrusive in their operational characteristics.

### A. Principal Uses Permitted

Those uses allowed in the B-3 Regional Retail Business District

Wholesale businesses and heavy commercial such as but not limited to the following: warehouses and storage facilities; sale of building materials, lumber yards and contractors businesses; sale of feed, grain or agricultural supplies; greenhouses and plant nurseries; boat and marine supplies sales and service; mobile home and travel trailer sales and service; new or used car, truck or heavy equipment sales lots; truck terminals and freight yards; machine shops; establishments and lots for the display, rental, sale and repair of farm equipment and contractors equipment and trucks.

Parking lots and structures

### B. Accessory Uses Permitted

Garage or other accessory building

Private recreational facilities

### C. Conditional Uses Permitted

- (1) Regular Outside Storage of Material; related to the business or offered for sale, whether stored in containers or individually. The Board of Adjustment when reviewing a request for this conditional use may impose the following conditions some of which are mandatory (\*): restrictions on areas to be used; restrict the time period for storage; impose screening or buffering requirements; require additional parking where existing parking areas are used for such storage(\*); and any other condition that helps the proposed use to blend in with its unique surroundings. (Only in effect in the City of Bardstown)
- (2) Mobile Home as Place of Residence for a Commercial Watchman: The Board of Adjustment, when reviewing applications for this conditional use, shall consider the following factors: if there other facilities that can reasonably accommodate a watchman's residence, if so the permit may be denied; if there is a necessity for a watchman living on site; sewage disposal facilities; as well as aesthetic considerations, appearance, and maintenance concerns.
- (3) Micro-Brewery. The intent of this conditional use is to allow micro-breweries supporting permitted eating and drinking establishments, event facilities, or similar uses. Prior to the approval of a conditional use permit hereunder, the BOA must consider the impact of the proposed use upon surrounding properties and insure that the character of the area is protected. Any conditional use permit issued hereunder must meet the mandatory requirements for approval set out in KRS 100.237 and Section 4.3C of this Ordinance. The BOA also may impose conditions that ensure compatibility and appropriateness of the proposed use, and such conditions may include, but are not limited to, limitations on hours of operation, screening and buffering, etc.
- (4) Craft Distillery, Type II. The intent of this conditional use is to allow craft distilleries supporting permitted eating and drinking establishments, event facilities, or similar uses. Prior to the approval of a conditional use permit hereunder, the BOA must consider the impact of the proposed use upon surrounding properties and insure that the character of the area is protected. Any conditional use permit issued hereunder must meet the mandatory requirements for approval set out in KRS 100.237 and the following minimum criteria:



**Section 6.14: General Business District (B-4)**

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- (a) The use and any associated use on the property shall serve alcohol by the drink only in accordance with the underlying zoning requirements;
- (b) All processing, production, manufacturing, distilling, brewing, and/or bottling associated with such distillery shall be located within a fully enclosed building;
- (c) Outdoor storage of materials, equipment, or supplies is not allowed, unless otherwise allowed by the underlying zoning;
- (d) All loading and unloading areas shall be oriented away from public streets, whenever feasible;
- (e) ~~The use shall have no more than 240 gallons of barreled distilled spirits stored on site during any 24-hour period; The use shall be allowed one distilled spirits storage structure meeting the following mandatory requirements:~~
  - 1. ~~The site shall have an additional minimum 5 acres for the distilled spirits storage structure. The 5-acre site for the storage structure shall be immediately adjoining the distillery site and shall be permanently consolidated with the adjoining distillery property. The 5-acre site shall be limited only to the distilled spirits storage structure and associated utility structures (i.e., pump house, tank);~~
  - 2. ~~The distilled spirits storage structure shall be limited to the storage of distilled spirits processed, produced, and manufactured on the property.~~
  - 3. ~~The maximum size of the distilled spirits storage structure shall not exceed a footprint of 20,000 square feet, excluding stairwells and open docks;~~
  - 4. ~~The construction type shall be limited to rack supported structure, and a pallet storage structure is prohibited;~~
  - 5. ~~The structure may be non-sprinklered with written evidence from the appropriate fire department that adequate water pressure is available to meet minimum fire suppression standards;~~
  - 6. ~~The structure shall not exceed 50 feet in height;~~
  - 7. ~~The structure shall be set back a minimum of 200 feet from all property lines; and~~
  - 8. ~~The building design, materials, and colors of the distilled spirits storage building shall be consistent with the character of the surrounding area and shall be approved by the Development Review Board.~~
- (f) All ~~distillery~~ facilities, ~~except any approved distilled spirits storage structure,~~ shall have an automatic fire sprinkler system;
- (g) All ~~distillery~~ facilities, ~~except any approved distilled spirits storage facilities,~~ shall be served by public water and sanitary sewer;
- (h) All facilities shall have an automatic fire sprinkler system;
- (i) All facilities shall be served by public water and sanitary sewer;
- (j) The Owner must provide evidence of annual production from the Alcohol and Tobacco Tax and Trade Bureau at the time of annual inspection; and,
- (k) The BOA also may impose conditions that ensure compatibility and appropriateness of the proposed use, and such conditions may include, but are not limited to, limitations on hours of operation, screening and buffering, etc.

D. Planned Unit Development Uses Permitted (approved as provided for in Section 8.2 of these Regulations)

None

## Section 6.15: Retail Complex District (B-5)

**Draft #1 1-25-2022**

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Intent: The intent of this zoning district, when properly applied, is to allow development of larger retail complexes, in the form of stand alone buildings, strip centers, malls and other designs.

### A. Principal Uses Permitted

Those uses allowed in the B-3 Regional Retail Business district

Note: A site development plan must be submitted as part of the rezoning application requesting reclassification to this zoning district. This plan shall show: location of utilities; roadways (which may be private, but must provide guaranteed, adequate access to all parcels); size and type of structures (may be submitted as individual buildings are to be built); storm water drainage and retention facilities; signage; lighting; landscaping; screening and buffering. All items required are subject to Planning Commission review and approval. The standard for review shall be that all required items must be provided in a way so as to minimize adverse impacts on the public. Departures from the development plan, as finally approved, must receive Planning Commission approval after another, required public hearing.

### B. Accessory Uses Permitted

Garage or other accessory building

Private recreational facilities

Only that wholesaling of merchandise or services which is clearly incidental and subordinate to the principal retail use of the premises.

### C. Conditional Uses Permitted

- (1) Regular Outside Storage of Material; related to the business or offered for sale, whether stored in containers or individually. The Board of Adjustment when reviewing a request for this conditional use may impose the following conditions some of which are mandatory (\*): restrictions on areas to be used; restrict the time period for storage; impose screening or buffering requirements; require additional parking where existing parking areas are used for such storage(\*); and any other condition that helps the proposed use to blend in with its unique surroundings. (Only in effect in the City of Bardstown)
- (2) Green Houses, Plant Nurseries, and Produce Markets; determined by the Board of Adjustment to be accessory to the primary use of the property or in the alternative, an appropriate primary use. The Board of Adjustment when reviewing a request for this conditional use may impose the following conditions some of which are mandatory (\*): restrictions on areas to be used; restrict the time period for such use; impose screening or buffering requirements; require additional parking where existing parking areas are used for such uses(\*); and any other condition that helps the proposed use to blend in with its unique surroundings.
- (3) Micro-Brewery. The intent of this conditional use is to allow micro-breweries supporting permitted eating and drinking establishments, event facilities, or similar uses. Prior to the approval of a conditional use permit hereunder, the BOA must consider the impact of the proposed use upon surrounding properties and insure that the character of the area is protected. Any conditional use permit issued hereunder must meet the mandatory requirements for approval set out in KRS 100.237 and Section 4.3C of this Ordinance. The BOA also may impose conditions that ensure compatibility and appropriateness of the proposed use, and such conditions may include, but are not limited to, limitations on hours of operation, screening and buffering, etc.
- (4) Craft Distillery, Type II. The intent of this conditional use is to allow craft distilleries supporting permitted eating and drinking establishments, event facilities, or similar uses. Prior to the approval of a conditional use permit hereunder, the BOA must consider the impact of the proposed use upon surrounding properties and insure that the character of the area is protected. Any conditional use permit issued hereunder must meet the mandatory requirements for approval set out in KRS 100.237 and the following minimum criteria:
  - (a) The use and any associated use on the property shall serve alcohol by the drink only in accordance with the underlying zoning requirements;
  - (b) All processing, production, manufacturing, distilling, brewing, and/or bottling associated with such distillery shall be located within a fully enclosed building;



## Section 6.15: Retail Complex District (B-5)

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- (c) Outdoor storage of materials, equipment, or supplies is not allowed, unless otherwise allowed by the underlying zoning;
  - (d) All loading and unloading areas shall be oriented away from public streets, whenever feasible;
  - (e) ~~The use shall have no more than 240 gallons of barreled distilled spirits stored on site during any 24-hour period; The use shall be allowed one distilled spirits storage structure meeting the following mandatory requirements:~~
    - 1. The site shall have an additional minimum 5 acres for the distilled spirits storage structure. The 5-acre site for the storage structure shall be immediately adjoining the distillery site and shall be permanently consolidated with the adjoining distillery property. The 5-acre site shall be limited only to the distilled spirits storage structure and associated utility structures (i.e., pump house, tank);
    - 2. The distilled spirits storage structure shall be limited to the storage of distilled spirits processed, produced, and manufactured on the property.
    - 3. The maximum size of the distilled spirits storage structure shall not exceed a footprint of 20,000 square feet, excluding stairwells and open docks;
    - 4. The construction type shall be limited to rack supported structure, and a pallet storage structure is prohibited;
    - 5. The structure may be non-sprinklered with written evidence from the appropriate fire department that adequate water pressure is available to meet minimum fire suppression standards;
    - 6. The structure shall not exceed 50 feet in height;
    - 7. The structure shall be set back a minimum of 200 feet from all property lines; and
    - 8. The building design, materials, and colors of the distilled spirits storage building shall be consistent with the character of the surrounding area and shall be approved by the Development Review Board.
  - (f) All distillery facilities, except any approved distilled spirits storage structure, shall have an automatic fire sprinkler system;
  - (g) All distillery facilities, except any approved distilled spirits storage facilities, shall be served by public water and sanitary sewer;
  - (h) The Owner must provide evidence of annual production from the Alcohol and Tobacco Tax and Trade Bureau at the time of annual inspection; and,
  - (i) The BOA also may impose conditions that ensure compatibility and appropriateness of the proposed use, and such conditions may include, but are not limited to, limitations on hours of operation, screening and buffering, etc.
- D. Planned Unit Development Uses Permitted (approved as provided for in Section 8.2 of these Regulations)
- (1) Otherwise Allowed Uses Serving Alcohol by the Drink: providing that the nuisance aspects of these uses are mitigated to the extent possible using screens, buffers, limitations on hours of business, or other conditions necessary in the opinion of the Planning Commission to allow the unique aspects of this type of use to blend in with the surrounding land use pattern, current and anticipated.
  - (2) Dance Halls, Reception Halls, Nightclubs, Billiard or Pool Halls: providing that the nuisance aspects of these uses are mitigated to the extent possible using screens, buffers, limitations on hours of business, or other conditions necessary in the opinion of the Planning Commission to allow the unique aspects of this type of use to blend in with the surrounding land use pattern, current and anticipated.

## Section 6.16: Light Industrial Commercial Park (LIP)

**Draft #1 1-25-2022**

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Intent: The intent of this zone, when properly applied, is to allow for development that mixes commercial and light industrial uses in a park or complex environment. Other industrial classifications reflected in these regulations are exclusive in nature, not allowing commercial uses. This zoning classification provides an exception to that general rule.

### A. Principal Uses Permitted

Those uses listed as principal uses permitted in the B-3 Regional Retail Business District, B-4 General Business District and I-1 Light Industrial District.

### B. Accessory Uses Permitted

Parking lots and structures  
Garage or other accessory building  
Private recreational facilities

### C. Conditional Uses Permitted

- (1) Regular Outside Storage of Material; related to the business or offered for sale, whether stored in containers or individually. The Board of Adjustment when reviewing a request for this conditional use may impose the following conditions some of which are mandatory (\*): restrictions on areas to be used; restrict the time period for storage; impose screening or buffering requirements; require additional parking where existing parking areas are used for such storage(\*); and any other condition that helps the proposed use to blend in with its unique surroundings. (Only in effect in the City of Bardstown)
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- (3) Micro-Brewery. The intent of this conditional use is to allow micro-breweries supporting permitted eating and drinking establishments, event facilities, or similar uses. Prior to the approval of a conditional use permit hereunder, the BOA must consider the impact of the proposed use upon surrounding properties and insure that the character of the area is protected. Any conditional use permit issued hereunder must meet the mandatory requirements for approval set out in KRS 100.237 and Section 4.3C of this Ordinance. The BOA also may impose conditions that ensure compatibility and appropriateness of the proposed use, and such conditions may include, but are not limited to, limitations on hours of operation, screening and buffering, etc.
- (4) Craft Distillery, Type II. The intent of this conditional use is to allow craft distilleries supporting permitted eating and drinking establishments, event facilities, or similar uses. Prior to the approval of a conditional use permit hereunder, the BOA must consider the impact of the proposed use upon surrounding properties and insure that the character of the area is protected. Any conditional use permit issued hereunder must meet the mandatory requirements for approval set out in KRS 100.237 and the following minimum criteria:
  - (a) The use and any associated use on the property shall serve alcohol by the drink only in accordance with the underlying zoning requirements;
  - (b) All processing, production, manufacturing, distilling, brewing, and/or bottling associated with such distillery shall be located within a fully enclosed building;
  - (c) Outdoor storage of materials, equipment, or supplies is not allowed, unless otherwise allowed by the underlying zoning;
  - (d) All loading and unloading areas shall be oriented away from public streets, whenever feasible;
  - (e) The use shall have no more than 240 gallons of barreled distilled spirits stored on site during any 24-hour period; The use shall be allowed one distilled spirits storage structure meeting the following mandatory requirements:
    1. The site shall have an additional minimum 5 acres for the distilled spirits storage structure. The 5-acre



## Section 6.16: Light Industrial Commercial Park (LIP)

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- site for the storage structure shall be immediately adjoining the distillery site and shall be permanently consolidated with the adjoining distillery property. The 5-acre site shall be limited only to the distilled spirits storage structure and associated utility structures (i.e., pump house, tank);
2. The distilled spirits storage structure shall be limited to the storage of distilled spirits processed, produced, and manufactured on the property.
  3. The maximum size of the distilled spirits storage structure shall not exceed a footprint of 20,000 square feet, excluding stairwells and open docks;
  4. The construction type shall be limited to rack supported structure, and a pallet storage structure is prohibited;
  5. The structure may be non-sprinklered with written evidence from the appropriate fire department that adequate water pressure is available to meet minimum fire suppression standards;
  6. The structure shall not exceed 50 feet in height;
  7. The structure shall be set back a minimum of 200 feet from all property lines; and
  8. The building design, materials, and colors of the distilled spirits storage building shall be consistent with the character of the surrounding area and shall be approved by the Development Review Board.
- (f) All distillery facilities, except any approved distilled spirits storage structure, shall have an automatic fire sprinkler system;
- (g) All distillery facilities, except any approved distilled spirits storage facilities, shall be served by public water and sanitary sewer;
- (h) The Owner must provide evidence of annual production from the Alcohol and Tobacco Tax and Trade Bureau at the time of annual inspection; and,
- (i) The BOA also may impose conditions that ensure compatibility and appropriateness of the proposed use, and such conditions may include, but are not limited to, limitations on hours of operation, screening and buffering, etc.

### D. Planned Unit Development Uses Permitted (approved as provided for in Section 8.2 of these Regulations)

- (1) Otherwise Allowed Uses Serving Alcohol by the Drink: providing that the nuisance aspects of these uses are mitigated to the extent possible using screens, buffers, limitations on hours of business, or other conditions necessary in the opinion of the Planning Commission to allow the unique aspects of this type of use to blend in with the surrounding land use pattern, current and anticipated.
- (2) Dance Halls, Reception Halls, Nightclubs, Billiard or Pool Halls: providing that the nuisance aspects of these uses are mitigated to the extent possible using screens, buffers, limitations on hours of business, or other conditions necessary in the opinion of the Planning Commission to allow the unique aspects of this type of use to blend in with the surrounding land use pattern, current and anticipated.