

ORDINANCE NO. _____, SERIES 2024

AN ORDINANCE AMENDING SECTION 1.2.2 AND CREATING SECTIONS 4.2.67, 4.3.30 AND 4.3.31 OF THE LOUISVILLE METRO LAND DEVELOPMENT CODE (“LDC”) REGARDING MEDICAL CANNABIS (MARIJUANA) USE (CASE NO. 24-LDC-0007) (AMENDMENT BY SUBSTITUTION).

SPONSORED BY: COUNCIL MEMBERS FLOOD, SEUM, ARTHUR, BAKER, REED, FOWLER, AND HAWKINS

WHEREAS, on March 31, 2023, Governor Beshear signed Senate Bill 47 into law, codified in Kentucky Revised Statutes (“KRS”) 218B, legalizing medical cannabis for Kentuckians beginning January 1, 2025; and

WHEREAS, prior to the passage of Senate Bill 47, the Legislative Council of the Louisville/Jefferson County Metro Government (the “Council”) approved a resolution in 2018 supporting medical cannabis legislation; and

WHEREAS, the Cabinet for Health and Family Services will open its license application period on July 1, 2024, and the state can accept licenses absent of local regulations; and

WHEREAS, Office of Planning staff worked with the Louisville Metro Department of Health and Wellness to develop an amendment to the LDC; and

WHEREAS, the Planning Commission held a public hearing on those amendments on May 30, 2024; and

WHEREAS, the Planning Commission considered the record and testimony relative to those amendments and recommended the approval of such amendments to the Council; and

WHEREAS, the Council approves and accepts the recommendation of the Planning Commission as set forth in the minutes of the Planning Commission in Case No. 24-LDC-0007, as amended.

NOW THEREFORE BE IT ORDAINED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT AS FOLLOWS:

SECTION I: Chapter 1 of the LDC, Section 1.2.2 – Definitions is hereby amended to add the following definitions:

.....

Medical or Medicinal Cannabis – As defined in KRS 218B.010: (a) means marijuana as defined in KRS 218A.010 when cultivated, harvested, processed, produced, transported, dispensed, distributed, sold, possessed, or used in accordance with KRS 218B; (b) includes medicinal cannabis products and raw plant material; and (c) does not include industrial hemp or industrial hemp products as defined in KRS 260.850.

.....

Medicinal Cannabis Business – As defined in KRS 218B.010, an entity licensed under KRS 218B as a cultivator, dispensary, processor, producer or safety compliance factory.

Medicinal Cannabis Cultivator – A Medicinal Cannabis Business that plants, raises, harvests, trims, and/or cures raw plant material in an indoor facility, licensed as such under KRS 218B.0080, 218B.085, and 218B.090.

Medicinal Cannabis Dispensary – A Medicinal Cannabis Business that purchases and sells finished products to medicinal cannabis cardholders, licensed as such under KRS 218B.080, 218B.085, and 218B.090.

Medicinal Cannabis Practitioner – As defined in KRS 218B.010, a physician or an advanced practice registered nurse who is authorized to prescribe controlled substances under KRS 314.042, who is authorized by his or her state licensing board to provide written certifications pursuant to KRS 218B.050.

Medicinal Cannabis Processor – A Medicinal Cannabis Business that processes and packages raw plant material into usable product formats, licensed as such under KRS 218B.080, 218B.085, and 218B.090.

Medicinal Cannabis Producer – A Medicinal Cannabis Business that acts as both a Medicinal Cannabis Cultivator and a Medicinal Cannabis Processor, licensed as such under KRS 218B.080, 218B.085, and 218B.090.

Medicinal Cannabis Safety Compliance Facility – A Medicinal Cannabis Business involved in contamination and purity testing of raw plant material

and medical cannabis products, licensed as such under KRS 218B.080, 218B.085, and 218B.090.

.....

SECTION II: Chapter 4 of the LDC, Part 2, Conditional Uses, is hereby amended to add the following new Section:

4.2.67 Medicinal Cannabis Safety Compliance Facility or Medicinal Cannabis Dispensary in a C-2 or C-3 district

A Medicinal Cannabis Safety Compliance Facility or Medicinal Cannabis Dispensary may be allowed in a C-2 or C-3 district upon the granting of a Conditional Use Permit and compliance with the following requirements. This section does not apply to any Safety Compliance Facility or Dispensary that may be permitted with special standards pursuant to Section 4.3.30 of this Land Development Code.

A. A Safety Compliance Facility or Dispensary shall be not located within 1,000 feet of the boundary of any parcel occupied by any of the following uses (as measured in a straight line from parcel boundary to parcel boundary):

1. A facility used for education or instruction in any branch of knowledge, and including the following: elementary, middle or high schools, whether public or private
2. Child Care Center

This separation is required by KRS and is not subject to relief.

B. All business activity must occur indoors within a secure building, excluding any activity at a permitted loading area, drive-through window, or curbside pickup space. The building or secure structure shall meet all applicable state and local building codes. Such use is not permitted in a mobile or temporary building/structure.

C. The hours of operation for a Dispensary shall be no earlier than eight (8) A.M., and no later than eight (8) P.M.

D. A Dispensary shall not be located at the same site and location used for growing, cultivating, or processing medicinal cannabis or in the same office space as a Medicinal Cannabis Practitioner or other physician.

E. For a Dispensary, there shall be at least three off-street parking spaces per 1,000 square feet of retail floor area. A Dispensary shall

have a secure area for the loading and unloading of medicinal cannabis into and from a transport vehicle.

F. For a Safety Compliance Facility, parking shall be provided for an office pursuant to Chapter 9 of this Land Development Code

G. A Safety Compliance Facility or Dispensary shall not operate until it has been issued a license from the Commonwealth of Kentucky pursuant to KRS.

Editor's Note: See KRS 218B.140 and 915 KAR 1:070 for more information.

In the event that any regulation in this section is in conflict with state law (KRS) or state regulations (KAR), the more restrictive provision shall apply.

SECTION III: Chapter 4 of the LDC, Part 3, Permitted Uses with Special Standards, is hereby amended to include the following two new sections:

4.3.30 Medicinal Cannabis Safety Compliance Facility or Medicinal Cannabis Dispensary

In the C-M, EZ-1, PEC, M-1, M-2, and M-3 zoning districts, Medicinal Cannabis Safety Compliance Facilities and Medicinal Cannabis Dispensaries may be permitted in accordance with the following special standards:

A. A Safety Compliance Facility or Dispensary shall be not located within 1,000 feet of the boundary of any parcel occupied by any of the following uses (as measured in a straight line from parcel boundary to parcel boundary):

1. A facility used for education or instruction in any branch of knowledge, and including the following: elementary, middle or high schools, whether public or private
2. Child Care Center

This separation is required by KRS and is not subject to relief. As this land use is permitted with special standards, an advance approval by the Office of Planning is not formally required by this Land Development Code. The burden is on the property owner/dispensary agent to determine compliance with these separation requirements prior to investment in the site and/or operation.

B. All business activity must occur indoors within a secure building, excluding any activity at a permitted loading area, drive-through window, or curbside pickup space. The building or secure structure

must meet all applicable state and local building codes. Such use is not permitted in a mobile or temporary building/structure.

- C. The hours of operation for a Dispensary shall be no earlier than eight (8) A.M., and no later than eight (8) P.M.
- D. A Dispensary shall not be located at the same site and location used for growing, cultivating, or processing medicinal cannabis or in the same office space as a Medicinal Cannabis Practitioner or other physician.
- E. For a Dispensary, there shall be at least three off-street parking spaces per 1,000 square feet of retail floor area. A Dispensary shall have a secure area for the loading and unloading of medicinal cannabis into and from a transport vehicle.
- F. For a Safety Compliance Facility, parking shall be provided for an office pursuant to Chapter 9 of this Land Development Code.
- G. A Safety Compliance Facility or Dispensary shall not operate until it has been issued a license from the Commonwealth of Kentucky pursuant to KRS.

Editor's Note: See KRS 218B.140 and 915 KAR 1:070 for more information.

In the event that any regulation in this section is in conflict with state law (KRS) or state regulations (KAR), the more restrictive provision shall apply.

4.3.31 Medicinal Cannabis Cultivator, Processor or Producer

In the C-M, EZ-1, PEC, M-1, M-2, and M-3 zoning districts, Medicinal Cannabis Cultivators, Processors and Producers may be permitted in accordance with the following special standards:

- A. A Medicinal Cannabis Cultivator, Processor, or Producer shall be not located within 1,000 feet of the boundary of any parcel occupied by any of the following uses (as measured in a straight line from parcel boundary to parcel boundary):
 - 1. A facility used for education or instruction in any branch of knowledge, and including the following: elementary, middle or high schools, whether public or private
 - 2. Child Care Center

This separation is required by KRS and is not subject to relief. As this land use is permitted with special standards, an advance approval by the Office of Planning is not formally required by this Land Development Code. The burden is on the property owner/dispensary agent to determine compliance

with these separation requirements prior to investment in the site and/or operation.

- B. All business activity must occur in an enclosed, locked facility. Enclosed, locked facility means an indoor growing space such as a room, greenhouse, building, or other indoor enclosed area that is maintained and operated by a cultivator or producer and is equipped with locks and other security devices that permit access only by authorized agents of the cultivator or producer, as required by KRS or KAR).
- C. Parking shall be provided for a primarily plant or factory pursuant to Chapter 9 of this Land Development Code.
- D. The cultivation of medicinal cannabis is not permitted as part of any agriculture use allowed in this Land Development Code unless otherwise exempted from local regulation by state law.
- E. A Medicinal Cannabis Cultivator, Processor, or Producer shall not operate until it has been issued a license from the Commonwealth of Kentucky pursuant to KRS.

Editor's Note: See KRS 218B.140 and 915 KAR 1:070 for more information.

In the event any regulation in this section is in conflict with state law (KRS) or state regulations (KAR), the more restrictive provision shall apply.

SECTION IV: This Ordinance shall take effect upon its passage and approval, or otherwise becoming law.

Sonya Harward
Metro Council Clerk

Markus Winkler
President of the Council

Craig Greenberg
Mayor

Approval Date

APPROVED AS TO FORM AND LEGALITY:

Michael J. O'Connell
Jefferson County Attorney

By: _____

O-130-24 Amend LDC 1.2.2 and Create Sections 4.2.67, 4.3.30 and 4.3.31 Re Medical Cannabis (Marijuana) Use- (amendment by substitution) 7-12-24 (lf)