

24-LDC-0007

Medical Cannabis (Marijuana) Use Land Development Code Amendments

Planning & Zoning Committee
June 11, 2024



BACKGROUND

- On March 31, 2023, Governor Beshear signed Senate Bill 47 into law, legalizing medical cannabis beginning January 1, 2025 (see KRS Chapter 218B)
- The state program is administered by the Cabinet for Health and Family Services and further regulated by Kentucky Administrative Regulations (915 KAR)
- Prior to the passage of Senate Bill 47, Metro Council approved a resolution in 2018 supporting medical cannabis legalization in Kentucky



BACKGROUND

The following types of businesses will be licensed by the state:

- Cultivators: Businesses that plant, raise, harvest, trim, and cure raw plant material in an indoor facility
- Processors: Businesses that process and package raw plant material into usable product formats
- Producers: Businesses that act as both cultivators and processors
- Safety Compliance Facilities – Facilities involved in contamination and purity testing of raw plant material and medical cannabis products
- Dispensaries – Businesses that purchase and sell finished products to medical cannabis cardholders

Among the state requirements already in place is a 1,000' separation between a cannabis business and an existing school or daycare for children



CURRENT LOCAL GOVERNMENT OPTIONS

- Take no action (*a medical cannabis business would be allowed to operate as early as this year once it is licensed by the state*)
- Pass an ordinance to prohibit medical cannabis businesses
- Pass a resolution to put the matter of medical cannabis businesses to a public vote
- Place restrictions (i.e. zoning) and/or collect fees related to medical cannabis businesses operating within its jurisdiction



PROPOSED LDC AMENDMENTS

Medicinal Cannabis Practitioners:

- Staff is not recommending that a new use category be created for medicinal cannabis practitioners
- Only registered physicians, osteopaths, and advanced practice registered nurses who are first authorized by their respective licensing board are approved to certify patients to receive medical cannabis cards and prescriptions
- These practitioners may practice in any location in which the zoning currently allows medical care (i.e. medical office, medical clinic, hospital, etc.)



PROPOSED LDC AMENDMENTS

Cultivators, Processors, and Producers:

- Establish the definitions for each use
- Allow in C-M, EZ-1, PEC, M-1, M-2, and M-3 with special standards
- Reaffirm the KRS requirement for 1,000' separation from schools and daycares
- Reaffirm the KRS requirement that such activities occur only indoors
- Require a ventilation/air filtration system that prevents odor from being detectible at the boundaries of the parcel where it abuts residential, office, and/or commercial use



PROPOSED LDC AMENDMENTS

Safety Compliance Facilities:

- Establish the definition for such use
- Allow in C-2 and C-3 with a conditional use permit
- Allow in C-M, EZ-1, PEC, M-1, M-2, and M-3 with the special standards
- Reaffirm the KRS requirement for 1,000' separation from schools and daycares



PROPOSED LDC AMENDMENTS

Dispensaries:

- Establish a definition for such use
- Allow in C-2 and C-3 with a conditional use permit
- Allow in C-M, EZ-1, PEC, M-1, M-2, and M-3 upon adherence with the special standards
- Reaffirm the KRS requirement for 1,000' separation from schools and daycares
- Add a 1,000' separation requirement from existing parks, public playgrounds, outdoor recreation uses, and athletic facilities; community centers; libraries; religious buildings; and other dispensaries
- Allow relief to the separation requirements not required by state law case by case
- Place some responsibility on applicants to research and determine compliance with the separation requirements
- Affirm the state required hours of operation of between 8 A.M. and 8 P.M.
- Provide other standards, including but not limited to, building requirements, mobile or temporary facilities prohibitions, and security
- Require three spaces per 1,000 SF of retail floor area (KRS requires off-street parking)



PUBLIC MEETINGS

- Planning Commission's Planning Committee Meeting on February 23, 2024
- Planning Commission Public Hearing on May 30, 2024
 - Motion to recommend approval passed by a vote of 6-0

