

July 15, 2024

CITY OF ERLANGER  
ATTN: MAYOR FETTE  
505 COMMONWEALTH AVENUE  
ERLANGER KY 41018

Dear Mayor Fette,

NUMBER: PC-24-0014-TX

Attached please find a copy of this Commission's action from its special meeting on **July 10, 2024**, regarding a request for a text amendment. Copies of this action have been sent to those persons or agencies which may be affected by this matter.

Please notify Andy Videkovich, Planning Manager, of the meeting time and date when this item is placed on your agenda. Once your legislative body acts on this text amendment, please provide our staff at PDS with a copy of your executed ordinance. For questions regarding our action or to request PDS staff representation at your meeting, please contact Andy Videkovich, AICP, Planning Manager at PDS 859.331.8980 or [avidekovich@pdskc.org](mailto:avidekovich@pdskc.org).

Thank you.



Brian Dunham,  
Chair

attachment

**KENTON COUNTY PLANNING COMMISSION**  
STATEMENT OF ACTION AND RECOMMENDATION

NUMBER: PC-24-0014-TX

**WHEREAS**

The City of Erlanger per Mark Collier, Director of Economic Development and Assistant City Administrator, HAS SUBMITTED AN APPLICATION REQUESTING THE KENTON COUNTY PLANNING COMMISSION TO REVIEW AND MAKE RECOMMENDATIONS ON: Proposed text amendments to the Erlanger Zoning Ordinance for medical cannabis uses: (1) to allow medical cannabis cultivation, processing, producing, and safety compliance facilities as permitted uses within the BP (Business Park), FI (Flex Industrial), and GI (General Industrial) Zones; (2) to allow medical cannabis dispensaries as a permitted use within the ROC (Residential Office Conversion), NC (Neighborhood Commercial), CC (Community Commercial), HC (Highway Commercial) and MU (Mixed-Use) Zones; and (3) establishing use specific standards, required off-street parking standards, and defining medical cannabis uses and related terms; AND

**WHEREAS**

A PUBLIC HEARING WAS HELD ON THIS APPLICATION ON WEDNESDAY, JULY 10, 2024, AT 6:15 P.M. IN THE KENTON CHAMBERS; LOCATED AT 1840 SIMON KENTON WAY, COVINGTON, KENTUCKY; AND A RECORD OF THAT HEARING IS ON FILE AT THE OFFICES OF THE KENTON COUNTY PLANNING COMMISSION, 1840 SIMON KENTON WAY, COVINGTON, KENTUCKY.

**NOW, THEREFORE,**

THE KENTON COUNTY PLANNING COMMISSION SUBMITS THE FOLLOWING RECOMMENDATIONS, ALONG WITH SUPPORTING INFORMATION AND COMPREHENSIVE PLAN DOCUMENTATION:

**KCPC RECOMMENDATION – ERLANGER ZONING ORDINANCE:**

Favorable recommendation on the proposed text amendments to the Erlanger Zoning Ordinance (1) allowing medical cannabis cultivation, processing, producing, and safety compliance facilities as permitted uses within the BP, FI, and GI Zones; (2) allowing medical cannabis dispensaries as a permitted use within the ROC, NC, CC, HC, and MU Zones; and (3) establishing use specific standards, required off-street parking standards, and defining medical cannabis uses and related terms.

**SUPPORTING INFORMATION/BASES FOR KCPC RECOMMENDATION:**

1. The proposed text amendments are authorized to be included within the text of the zoning ordinance per KRS 100.203 (see Attachment A).
2. The proposed text amendments are appropriate and reasonable.
  - a. The state has instituted buffer requirements to provide appropriate distances from community institutions.
  - b. The use standards reflect the state legislation requirements.
  - c. The zones in which these uses would be permitted were selected based on similar permitted uses as were off-street parking requirements.
  - d. The included definitions refer to KRS 218B so potential changes in state legislation will not require updates to the ordinance.
  - e. Allowing medical cannabis facilities as a permitted use within the selected zones will provide an atmosphere that could foster growth from existing businesses as well as attracting new businesses as well as creating new jobs.
3. Based on testimony provided during the public hearing held on July 10, 2024.

A handwritten signature in blue ink, appearing to read "B Dunham".

BRIAN DUNHAM, CHAIR  
KENTON COUNTY PLANNING COMMISSION

**General Attachment Notice:**

*For ease of viewing, only those portions of the Zoning Ordinance pertaining to the requests within the submitted application have been included within these attachments. The complete zoning code can be viewed online at: [www.pdskc.org](http://www.pdskc.org)*

**ATTACHMENT A**

Proposed Text Amendments to the Erlanger Zoning Ordinance  
Words to be **deleted** are ~~lined through~~ - Words to be **added** are underlined.

**Table of Contents**

- Article 4 Use Regulations & Standards
  - 4.01 Establishment of a Table of Uses
  - 4.02 Determination of Use Category
  - 4.03 Multiple Principal Uses Permitted
  - 4.04 Table of Uses
  - 4.05 Use-Specific Standards
    - 4.05, A. Agriculture
    - 4.05, B. Residential, Except Accessory Dwellings
    - 4.05, C. Commercial
    - 4.05, D. Institutional
    - 4.05, E. Industrial
    - 4.05, F. Lodging
    - 4.05, G. Recreation
    - 4.05, H. Transportation
    - 4.05, I. Utility
    - 4.05, J. Accessory Uses and Buildings
    - 4.05, K. Temporary Uses
    - 4.05, L. Medical Cannabis

## ARTICLE 4 USE REGULATIONS AND STANDARDS

### 4.04 Table of Uses

TABLE 4.1 PERMITTED AND CONDITIONAL USES																	
Use							Commercial				Employment			Other			Use Specific Standards
	R-LLS	R-CVS	R-CPS	R-M	R-MF	MHP	ROC	NC	CC	HC	BP	FI	GI	MU	CO	INST	
<b>MEDICAL CANNABIS</b>																	
<u>Cultivation</u>	=	=	=	=	=	=	=	=	=	=	P	P	P	=	=	=	<a href="#">4.05.L.</a>
<u>Processing</u>	=	=	=	=	=	=	=	=	=	=	P	P	P	=	=	=	<a href="#">4.05.L.</a>
<u>Producing</u>	=	=	=	=	=	=	=	=	=	=	P	P	P	=	=	=	<a href="#">4.05.L.</a>
<u>Dispensary</u>	=	=	=	=	=	=	P	P	P	P	=	=	=	P	=	=	<a href="#">4.05.L.</a>
<u>Safety Compliance Facility</u>	=	=	=	=	=	=	=	=	=	=	P	P	P	=	=	=	<a href="#">4.05.L.</a>

- KRS 218B and associated administrative regulations established by the Cabinet for Health and Family Services regulate these uses

#### 4.05. A. Use Specific Standards

##### L. Medical Cannabis

1. Cultivator, Dispensary, Processor, Producer, and Safety compliance facility
  - a. These facilities must adhere to the regulations in KRS Chapter 218B;
  - b. Uses shall maintain all applicable local and state permits and licenses.

## ARTICLE 10 PARKING AND LOADING STANDARDS

TABLE 10.1 - REQUIRED OFF-STREET PARKING	
USE	PARKING REQUIREMENT
<b>MEDICAL CANNABIS</b>	
<u>Cultivation</u>	<u>1 per employee on shift of largest employment</u>
<u>Processing</u>	<u>1 per employee on shift of largest employment</u>
<u>Producing</u>	<u>1 per employee on shift of largest employment</u>
<u>Dispensary</u>	<u>1 per 300 sf</u>
<u>Safety Compliance Facility</u>	<u>1 per 1,000 sf</u>

## ARTICLE 14 DEFINITIONS

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**Cabinet** – Cabinet for Health and Family Services

**Cannabis business** – An entity licensed under KRS Chapter 218B as a cultivator, dispensary, processor, producer, or safety compliance facility.

**Cultivator** – An entity licensed as such under KRS Chapter 218B

**Dispensary** – An entity licensed as such under KRS Chapter 218B

**Enclosed locked facility** – An indoor growing space such as a room, greenhouse, building, or other indoor enclosed area that is maintained and operated by a cultivator or a 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 the cabinet.

**Processor** – An entity licensed as such under KRS Chapter 218B

**Producer** – An entity licensed as such under KRS Chapter 218B

**Safety compliance facility** – An entity licensed as such under KRS Chapter 218B