

**COMMONWEALTH OF KENTUCKY
COUNTY OF KENTON
CITY OF ERLANGER
ORDINANCE NO. _____**

AN ORDINANCE OVERTURNING THE CURRENT KENTON COUNTY BAN ON MEDICAL CANNABIS WITHIN THE CITY LIMITS OF ERLANGER AND AMENDING THE ERLANGER ZONING ORDINANCE 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; 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 ESTABLISHING USE SPECIFIC STANDARDS, REQUIRED OFF-STREET PARKING STANDARDS, AND DEFINING MEDICAL CANNABIS USES AND RELATED TERMS

WHEREAS, the Kenton County Fiscal Court banned medical cannabis pursuant to KRS 218B.130, however KRS 218B.130(3)(a) allows a City to approve cannabis business operations within the limits of the city through the passage of an ordinance; and

WHEREAS, it is the desire of the City of Erlanger to allow for medical cannabis operations in certain zones; and

WHEREAS, a request for a text amendment to the Erlanger Zoning Ordinance was submitted to the Kenton County Planning Commission by Mark Collier, Director of Economic Development 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, the PDS staff reviewed the application and recommended that the proposed text amendment be approved; and

WHEREAS, the Kenton County Planning Commission, upon reviewing the PDS staff recommendations and after holding a public hearing on July 10, 2024, voted to approve the text amendment, on the basis that the text amendment is allowed to be included within the text of the zoning ordinance, as authorized by Kentucky Revised Statute (KRS) 100.203(1); and

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF ERLANGER, COUNTY OF KENTON, COMMONWEALTH OF KENTUCKY:

Section I

Pursuant to KRS 218B.130(3) the City of Erlanger is overturning the current Kenton County ban within the incorporated City of Erlanger limits and is allowing cannabis business operations within the limits of the city pursuant to Attachment A, which is incorporated herein.

SUPPORTING INFORMATION/BASES FOR TEXT AMENDMENT

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.
- f. Based on testimony provided during the public hearing held on July 10, 2024

Section II

Should any section or part of any section or any provision of this Ordinance be declared invalid by a Court of competent jurisdiction, for any reason, such declaration shall not invalidate, or adversely affect, the remainder of this Ordinance. That this Ordinance shall take effect and be in full force when passed, published, and recorded according to the law.

Adopted this _____ day of _____, 2024.

1st Reading - _____, 2024

2nd Reading - _____, 2024

Vote: _____, Yes, _____, No

City of Erlanger,
Kenton County, Kentucky

By: _____

Jessica Fette
Mayor

Attest:

Sherry Hoffman
City Clerk