

**COMMONWEALTH OF KENTUCKY  
COUNTY OF KENTON  
CITY OF ERLANGER  
ORDINANCE NO. 2576**

**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**

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**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 3<sup>rd</sup> day of September, 2024.

1<sup>st</sup> Reading - August 6, 2024

2<sup>nd</sup> Reading - September 3, 2024

Vote: 5, Yes, 3, No

City of Erlanger,  
Kenton County, Kentucky

By: 

Jessica Fette  
Mayor

Attest:

  
Sherry Hoffman  
City Clerk

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@pdkc.org](mailto:avidekovich@pdkc.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 black ink, appearing to read "B Dunham". The signature is written in a cursive, slightly slanted style.

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**

<b>TABLE 4.1 PERMITTED AND CONDITIONAL USES</b>																	
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>																	
<b>Cultivation</b>	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	4.05, L.
<b>Processing</b>	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	4.05, L.
<b>Producing</b>	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	4.05, L.
<b>Dispensary</b>	-	-	-	-	-	-	P	P	P	P	-	-	-	P	-	-	4.05, L.
<b>Safety Compliance Facility</b>	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	4.05, L.

- 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**

<b>TABLE 10.1 - REQUIRED OFF-STREET PARKING</b>	
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