

**ORDINANCE NO. 2024-007**

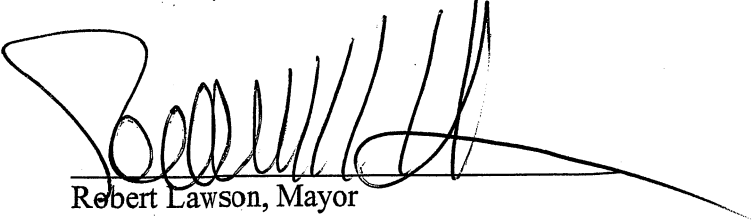
**AN ORDINANCE RELATING TO THE CITY OF BURNSIDE, KENTUCKY, AMENDING THE TEXT OF ORDINANCE NO. 2022-010 BASED ON THE RECOMMENDATIONS MADE BY THE PLANNING AND ZONING BOARD, AND BASED ON SAID BOARD'S RECOMMENDATION OF A ZONE ORDINANCE TEXT CHANGE TO ADDRESS CANNABIS BUSINESSES LICENSED UNDER 23 REGULAR SESSION SENATE BILL 47, KRS 218B.080, 218B.085, and 218B.090 AND SUBSEQUENT CANNABIS REGULATION;**

**THEREFORE**, be it ordained by the Common Council of the City of Burnside:

Burnside's Zoning Ordinance's Text shall be amended to include the following provisions at a relevant place:

- 1) Zoning for any Cannabis "Dispensary" as licensed under KRS 218B.080, 218B.085, and 218B.090, or any subsequent law, and any other cannabis business allowed in Senate Bill 47 where any cannabis product is sold, dispensed, retailed, or otherwise traded to the public at large shall be limited to Zones C-1 and C-2.
- 2) Any "Cultivation", "Production", "Storage", "Safer Compliance Facility" or "Wholesaling" of cannabis pursuant to Senate Bill 47, KRS 218B.080, 218B.085, and 218B.090 or subsequent law shall be limited to Industrial Zones and any Special Agricultural Zones (if the Agricultural Zone Designation is applicable.)
- 3) Burnside recognizes the law of the Commonwealth of Kentucky: A cannabis business shall not be located within one thousand (1,000) feet of an existing elementary or secondary school or a daycare center. The Program defines "Daycare center" as any "child-care center" as defined by KRS 199.894(3), any "family child-care home" as defined by KRS 199.894(5), and any registered childcare providers in the Child Care Assistance Program as regulated by 922 KAR 2:180. The measurement shall be one thousand (1,000) feet as a straight line from the nearest property line of an existing elementary school, secondary school, or daycare center to the nearest property line of the proposed place of business.
- 4) In addition to the State Law above, the City of Burnside requires.
  - a. A cannabis business shall not be located within one thousand (1,000) feet of a recreational facility or property (playground, park, pool or water attraction) used by youth.
  - b. A cannabis business shall not be located within one thousand (1,000) feet of a Church or house of Worship.
  - c. A cannabis business shall not be located within five hundred (500) feet of a residential zone.
- 5) If any of this Ordinance is deemed by a court of competent jurisdiction to be unenforceable or unconstitutional, the remaining provisions of this Ordinance shall continue in full force and effect.

- 6) Any Ordinance in conflict with this Ordinance or any policies in conflict with the ones enacted herein are hereby repealed in so far as the same are in conflict herewith.
- 7) This ordinance shall be in full force and effect immediately following its passage, approval, and publication, as provided by law.



Robert Lawson, Mayor

ATTEST:

Cree Reppond  
Cree Reppond  
City Clerk/Treasurer

First Reading 6-3-2024  
Second Reading 6-17-2024  
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