

ORDINANCE NO. 18:2024

AN ORDINANCE OF THE CITY OF MOREHEAD, KENTUCKY AMENDING THE OFFICIAL ZONING CODE, TITLE XV: LAND USAGE, CHAPTER 154 ZONING CODE OF THE CODE OF ORDINANCES OF THE CITY OF MOREHEAD, KENTUCKY TO ALLOW AND REGULATE THE OPERATION OF MEDICAL CANNABIS FACILITIES IN THE CITY AS PERMITTED BY KRS 218B.130.

WHEREAS, on the 5th day of June 2024, the Morehead-Rowan County-Lakeview Heights Joint Planning Commission did hold a public hearing on application by the City of Morehead through its City Planner and Building Inspector requesting a zoning code text amendment to allow and regulate medical cannabis operations (cultivation, processing, producing, and the dispensing of medical cannabis) in the City of Morehead;

WHEREAS, upon said application, the Morehead-Rowan County-Lakeview Heights Joint Planning Commission did make written Findings of Fact and Recommendations in support of the requested amendment, a copy of said Findings and Recommendations is attached hereto; and

WHEREAS, the Board of City Council of the City Morehead, Kentucky concurs with the attached Recommendations of the Morehead-Rowan County-Lakeview Heights Joint Planning Commission.

NOW, THEREFORE, BE IT ORDAINED by the Board of City Council of the City of Morehead, Kentucky:

SECTION ONE

Title XV: Land Usage, Chapter 154, Zoning Code, Section 154.148 Permitted Uses of the Code of Ordinances of the City of Morehead, Kentucky shall be amended to reflect the operation of medical cannabis facilities as follows:

§ 154.148 PERMITTED USES.

(A) General provisions. [Table 148-1](#) : Permitted Uses lists the uses allowed within the designated zoning districts.

(B) Permitted uses. A "P" in a cell indicates that a use is allowed by-right in the respective zoning district. Permitted uses are subject to all other applicable regulations of this code.

(C) Permitted uses with standards. A "PS" in a cell indicates that a use category is allowed by-right in the respective zoning district if it meets the additional standards set

forth in the numerically referenced sections. Permitted uses with standards are subject to all other applicable regulations of this code.

(D) Conditional uses. A "C" in a cell indicates that a use may be permitted if approved through conditional use permit review (see § 154.126 : Conditional Use Permit). Conditional uses may be subject to use specific standards as identified in the last column of [Table 148-1 : Permitted Uses](#). Conditional uses are subject to all other applicable regulations of this code.

(E) Prohibited uses. A blank and/or shaded cell indicates a use that is prohibited in the respective zoning district.

(F) Numerical reference. The numbers contained in the "Additional Standards" column are references to additional standards and requirements that apply to the use type listed. Standards referenced in the "Additional Standards" column apply in all zoning districts unless otherwise expressly stated.

(G) Permitted use table.

TABLE 148-1: PERMITTED USES											
P=Permitted, PS=Permitted with Standards, C=Conditional, Blank Cell=Prohibited											
<u>Use Type</u>	<u>AG</u>	<u>RS</u>	<u>R- 1</u>	<u>R- 2</u>	<u>R- 3</u>	<u>B- 1</u>	<u>B-2</u>	<u>B- 3</u>	<u>I- 1</u>	<u>P- 1</u>	<u>Additional Standards</u>
<u>Residential Uses</u>											
Boarding house				C	PS	PS	PS	PS			154.149 (A)
Dormitory				C	PS	PS	PS	PS			154.149 (B)
Fraternity and sorority houses				C	PS	PS	PS	PS			154.149 (C)
Group home	P	P	P	P	P	P	P	P			
Lodging house					P	P	P	P			
Manufactured homes	PS	PS									154.149 (D)
Manufactured homes, qualified			PS	PS	PS	PS	PS	PS			154.149 (D)
Manufactured home communities	C	C		C	C						154.149 (D)

Mixed-use residential					P	PS	PS	PS			154.149 (E)
Multifamily dwellings, 3-5 dwelling units				PS	PS	PS	PS	PS			154.149(F)
Multifamily dwellings, 6-15 dwelling units					PS	PS	PS	PS			154.149(F)
Multifamily dwellings, 16-30 units						PS	PS	PS			154.149 (F)
Multifamily dwellings, 30+ units						C	C	C			154.149(F)
Residential care facility, small	P	P	P	P	P	P	P	P			
Residential care facility, large					P	P	P	P			
Single-family dwellings	PS	PS	PS	PS	PS	PS	PS	PS			154.149 (G)
Single-family dwellings, attached (townhomes)				PS	PS	PS	PS	PS			154.149 (H)
Two-family dwellings (duplexes)				PS	PS	PS	PS	PS			154.149(H)
<u>Public Uses</u>											
Cemeteries, crematories, and public mausoleums	C	C	C							PS	154.150 (A)
Government buildings and facilities						P	P	P	P	P	

Open space and forest service land	P	P	P	P	P	P	P	P	P	P	
Places of worship	P	P	P	P	P	P	P	P	P	P	
Public parks	P	P	P	P	P					P	
Schools, public and private, elementary through high school			P	P	P	P	P	P	P	P	
<u>Commercial Uses</u>											
Agricultural and horticulture uses	P										
Animal hospital and veterinarian offices						PS	PS		PS		154.151 (A)
Animal training, boarding, and pet day care						PS	PS		PS		154.151 (B)
Assisted living, skilled nursing care, and similar senior living facilities					P	P	P	P			
Auditoriums, theaters, stadiums, assembly halls, and similar places of assembly						P	P	P			
Automotive fueling stations						P	P	C			

Automotive repair facilities						P	P		P		
Automotive sales or leasing						P	P				
Bakery						P	P	P	P		
Banks, financial institutions, and freestanding ATMs						P	P	P			
Bars and taverns						P	P	P			
Bed and breakfast						P	P	P			
Brewery, macro						P	P		P		
Brewery, micro and nano						P	P	P	P		
Brewpub						P	P	P			
<u>Cannabis Cultivator</u>	<u>P</u>								<u>P</u>		
<u>Cannabis Dispensary</u>						<u>P</u>	<u>P</u>	<u>P</u>			
<u>Cannabis Processor</u>	<u>P</u>								<u>P</u>		
<u>Cannabis Producer</u>	<u>P</u>								<u>P</u>		
<u>Cannabis Safety Compliance Facility</u>						<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>		
Child-care center and preschools						P	P	C	P		
Commercial greenhouses	P					P	P		P		

Community social service facilities						P	P	P		P	
Construction and large equipment rental, sales, and service									PS		154.151 (C)
Distillery, macro						P	P		P		
Distillery, micro						P	P	P	P		
Farmers markets	P				P	P	P	P	P	P	
Hospital							P			P	
Hotels and motels						P	P	P			
Indoor recreation facilities						P	P		P	PS	
Industrial facilities, including manufacturing, warehousing, storage, distribution, research and development, laboratories, and production									PS		154.151 (D)
Medical office and clinic						P	P	P	P		
Mixed-use buildings comprised of uses permitted in such district					C	P	P	P			
Mortuaries and funeral home						P	P	P			
Office						P	P	P	P		

similar outdoor recreation												
<u>Temporary Uses</u>												
Mobile food unit	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	154.153 (A)
Outdoor sales												154.153 (B)

SECTION TWO

The provisions of this ordinance are severable; and the invalidity of any provision of this ordinance shall not affect the validity of any other provision thereof; and such other provisions shall remain in full force and effect as long as they remain valid in the absence of those provisions determined to be invalid.

This Ordinance shall take effect and shall be in full force after its enactment and publication as required by law.

All ordinances or parts of any ordinances in conflict herewith, to the extent of the conflict, if any, are hereby repealed.

INTRODUCED, SECONDED AND GIVEN FIRST READING at a duly convened meeting of the Board of City Council of the City of Morehead, Kentucky held on this 10th day of June, 2024.

INTRODUCED, SECONDED AND GIVEN SECOND READING at a duly convened special meeting of the Board of City Council of the City of Morehead, Kentucky held on this 27th day of June, 2024.

APPROVED:



 LAURA WHITE-BROWN, MAYOR

7/28/24

 DATE

ATTESTED:



 HELEN SMITH, CITY CLERK