

**ORDINANCE NO. 24-14**

**AN ORDINANCE OF THE CITY OF RICHMOND KENTUCKY ASSIGNING ZONING CLASSIFICATIONS TO THE STATE REGULATED MEDICAL CANNABIS LICENSING FRAMEWORK**

**WHEREAS**, the Commonwealth of Kentucky has legalized and created a regulatory framework for Medical Cannabis; and

**WHEREAS**, the Richmond City Commission has carefully considered the Kentucky Legislature's actions and now defines and assigns zoning classification to medical cannabis-based businesses under the Development Ordinance; and

**NOW, THEREFORE, BE IT ORDAINED BY THE RICHMOND CITY COMMISSION:**

The City of Richmond Development Ordinance is amended to create definitions and assign zoning classifications to the use of state issued medical cannabis business licenses to read as follows:

**Definitions.**

***Cannabis business*** means an entity licensed under KRS 218B as a cultivator, dispensary, processor, producer, or safety compliance facility. Such licensed cannabis businesses shall not be located within one thousand (1,000) feet of an existing elementary or secondary school or a daycare center.

***Cardholder*** means a registered qualified patient, designated caregiver, or visiting qualified patient who has applied for, obtained, and possesses a valid registry identification card issued by the Kentucky Cabinet for Health and Family Services for medicinal cannabis in compliance with KRS 218B; or a visiting qualified patient who has obtained and possesses (1) a valid out-of-state registry identification card, and (2) documentation of having been diagnosed with a qualifying medical condition.

***Commercial greenhouse*** means an establishment primarily engaged in propagating and growing plants in containers, in soil or in other growing medium for the purpose of being sold and transplanted. The term "commercial greenhouse" shall include sale of the following items: plants grown on the premises or tended in a controlled environment of the greenhouse or plant nursery; sale of fungicides, insecticides, chemicals, peat moss, humus, mulches, and fertilizer, all to be used in the soil or upon the live plant to preserve the life and health of the plants sold; landscape counseling, site planning and contracting services when not the primary activity and when using plants grown or tended on the premises of the greenhouse or plant nursery.

Note: The term "commercial greenhouse" applies only to land use as provided for in the zoning ordinance and subdivision regulations and is not intended to affect the status of any business with regard to any federal or state tax laws or similar statutes. A medicinal cannabis cultivator, producer, and processor are more specifically defined and regulated, and are not a "commercial greenhouse."

***Medicinal cannabis*** means marijuana as defined in KRS 218A.010 when cultivated, harvested, processed, produced, transported, dispensed, distributed, sold, possessed, or used in accordance with KRS 218B. This definition includes medicinal cannabis products and raw plant material; but does not include industrial hemp or industrial hemp products as defined in KRS 260.850.

***Medicinal cannabis cultivator*** means a business that is licensed to grow medicinal cannabis in compliance with KRS 218B, more specifically to:

- Acquire, possess, plant, cultivate, raise, harvest, trim, or store cannabis seeds, seedlings, plants, or raw plant material;
- Deliver, transport, transfer, supply, or sell raw plant material or related supplies to other licensed cannabis businesses in this state; or
- Sell cannabis seeds or seedlings to similar entities that are licensed to cultivate cannabis in this state or in any other jurisdiction.

Medicinal cannabis cultivators are regulated in four tiers by KRS 218B, as follows:

A Tier I cultivator shall not exceed an indoor growth area of two thousand five hundred (2,500) square feet.

A Tier II cultivator shall not exceed an indoor growth area of ten thousand (10,000) square feet.

A Tier III cultivator shall not exceed an indoor growth area of twenty-five thousand (25,000) square feet.

A Tier IV cultivator shall not exceed an indoor growth area of fifty thousand (50,000) square feet.

***Medicinal cannabis dispensary*** means an establishment that is licensed in compliance with KRS 218B to:

- Acquire or possess medicinal cannabis from a cultivator, processor, or producer in this state;
- Acquire or possess medicinal cannabis accessories or educational material; (c) Supply, sell, dispense, distribute, or deliver medicinal cannabis, medicinal cannabis accessories, and educational material to cardholders or other dispensaries;
- Sell cannabis seeds to similar entities that are licensed to cultivate cannabis in this state or in any other jurisdiction; or
- Acquire, accept, or receive medicinal cannabis products from a cardholder pursuant to KRS 218B.110.

***Medicinal cannabis processor*** means a business that is licensed in compliance with KRS 218B to:

- Acquire or purchase raw plant material from a cultivator, processor, or producer in this state;
- Possess, process, prepare, manufacture, manipulate, blend, or package medicinal cannabis;
- Transfer, transport, supply, or sell medicinal cannabis and related supplies to other cannabis businesses in this state; or
- Sell cannabis seeds or seedlings to similar entities that are licensed to cultivate cannabis in this state or in any other jurisdiction.

***Medicinal cannabis producer*** means a business that is licensed in compliance with KRS 218B to:

Acquire, possess, plant, cultivate, raise, harvest, trim, or store cannabis seeds, seedlings, plants, or raw plant material;  
Deliver, transport, transfer, supply, or sell raw plant material, medicinal cannabis products, or related supplies to other licensed cannabis businesses in this state;  
Sell cannabis seeds or seedlings to similar entities that are licensed to cultivate cannabis in this state or in any other jurisdiction;  
Acquire or purchase raw plant material from a cultivator in this state; or (e) Possess, process, prepare, manufacture, manipulate, blend, or package medicinal cannabis.

***Medicinal cannabis product*** means any compound, manufacture, salt, derivative, mixture, or preparation of any part of the plant Cannabis sp., its seeds or its resin; or any compound, mixture, or preparation which contains any quantity of these substances when cultivated, harvested, processed, produced, transported, dispensed, distributed, sold, possessed, or used in accordance with KRS 218B. This definition does not include industrial hemp products as defined in KRS 260.850.

***Medicinal cannabis safety compliance facility*** means an establishment licensed in compliance with KRS 218B to:

Acquire or possess medicinal cannabis obtained from cardholders or cannabis businesses in this state;  
Return the medicinal cannabis to cardholders or cannabis businesses in this state;  
Transport medicinal cannabis that was produced by cannabis businesses in this state;  
Produce or sell approved educational materials related to the use of medicinal cannabis;  
Produce, sell, or transport of equipment or materials other than medicinal cannabis, including but not limited to lab equipment and packaging materials that are used by cannabis businesses and cardholders, to cardholders or cannabis businesses licensed under this chapter;  
Test medicinal cannabis produced in this state;  
Train cardholders and cannabis business agents;  
Receive compensation for actions allowed under this section; and  
Engage in any noncannabis-related business activities that are not otherwise prohibited or restricted by state law.

**Agriculture (AG) Zone.**

**Conditional Uses.** (Permitted only with Board of Adjustment approval.)

Tier I, tier II or tier III medicinal cannabis cultivators, but only when the following minimum lot size requirements are met:

The minimum lot size for a tier I medicinal cannabis cultivator shall be ten (10) acres.

The minimum lot size for a tier II medicinal cannabis cultivator shall be forty (40) acres.

The minimum lot size for a tier III medicinal cannabis cultivator shall be one hundred (100) acres.

**Prohibited Uses.** (All uses other than those listed as principal, accessory, or conditional uses or substantially similar to principal, accessory, or conditional uses shall be prohibited. The uses below

are provided for illustration purposes and for the purpose of limiting permitted uses, and are not intended to be a total listing of all the uses that are prohibited.)

Medicinal cannabis tier IV cultivators, dispensaries, producers, processors, and safety compliance facilities.

#### **Single-Family Residential (R-1A, B, C) Zone.**

**Prohibited Uses.** (All uses, other than those listed as principal, accessory, or conditional uses or substantially similar to principal, accessory, or conditional uses, shall be prohibited. The uses below are provided for illustration purposes and for the purpose of limiting permitted uses, and are not intended to be a total listing of all the uses that are prohibited.)

Medicinal cannabis businesses.

#### **Medium Density Residential (R-2) Zone.**

**Prohibited Uses.** (All uses other than those listed as principal, accessory, or conditional uses or substantially similar to principal, accessory, or conditional uses shall be prohibited. The uses below are provided for illustration purposes and for the purpose of limiting permitted uses, and are not intended to be a total listing of all the uses that are prohibited.)

Medicinal cannabis businesses.

#### **High Density Residential (R-3) Zone.**

**Prohibited Uses.** (All uses other than those listed as principal, accessory, or conditional uses or substantially similar to principal, accessory, or conditional uses shall be prohibited. The uses below are provided for illustration purposes and for the purpose of limiting permitted uses, and are not intended to be a total listing of all the uses that are prohibited.)

Medicinal cannabis businesses.

#### **Professional Office (P-1) Zone.**

**Principal Uses.** (Other uses substantially similar to those listed herein shall also be deemed permitted.)

Medicinal cannabis safety compliance facilities.

**Prohibited Uses.** (All uses other than those listed as principal, accessory, or conditional uses or substantially similar to principal, accessory, or conditional uses shall be prohibited. The uses below are provided for illustration purposes and for the purpose of limiting permitted uses, and are not intended to be a total listing of all the uses that are prohibited.)

Medicinal cannabis cultivators, dispensaries, producers and processors.

**Neighborhood Business (B-1) Zone.**

**Principal Uses.** (Other uses substantially similar to those listed herein shall also be deemed permitted.)

Medicinal cannabis dispensaries.

**Prohibited Uses.** (All uses other than those listed as principal, accessory, or conditional uses shall be prohibited. The uses below are provided for illustration purposes and for the purpose of limiting permitted uses, and are not intended to be a total listing of all the uses that are prohibited.)

Medicinal cannabis cultivators, processors, producers, and safety compliance facilities.

**Downtown Business (B-2) Zone.**

**Principal Uses.** (Other uses substantially similar to those listed herein shall also be deemed permitted.)

Medicinal cannabis dispensaries.

**Prohibited Uses.** (All uses other than those listed as principal, accessory, or conditional uses or substantially similar to principal, accessory, or conditional uses shall be prohibited. The uses below are provided for illustration purposes and for the purpose of limiting permitted uses, and are not intended to be a total listing of all the uses that are prohibited.)

Medicinal cannabis cultivators, processors, producers and safety compliance facilities.

**Highway Service Business (B-3) Zone.**

**Principal Uses.** (Other uses substantially similar to those listed herein shall also be deemed permitted.)

Medicinal cannabis dispensaries and safety compliance facilities.

**Prohibited Uses.** (All uses other than those listed as principal, accessory, or conditional uses or substantially similar to principal, accessory, or conditional uses shall be prohibited. The uses below are provided for illustration purposes and for the purpose of limiting permitted uses, and are not intended to be a total listing of all the uses that are prohibited.)

Medicinal cannabis cultivators, processors, and producers.

**Planned Shopping Center District (B-4) Zone.**

**Principal Uses.** (Other uses substantially similar to those listed herein shall also be deemed permitted.)

Medicinal cannabis safety compliance facilities.

**Prohibited Uses.** (All uses other than those listed as principal, accessory, or conditional uses or substantially similar to principal, accessory, or conditional uses shall be prohibited. The uses below are provided for illustration purposes and for the purpose of limiting permitted uses, and are not intended to be a total listing of all the uses that are prohibited.)

Medicinal cannabis cultivators, dispensaries, processors, and producers.

**Light Industrial (I-1) Zone.**

**Principal Uses.** (Other uses substantially similar to those listed herein shall also be deemed permitted.)

Medicinal cannabis cultivators, processors, producers, and safety compliance facilities.

**Prohibited Uses.** (All uses other than those listed as principal, accessory, or conditional uses or substantially similar to principal, accessory or conditional uses shall be prohibited. The uses below are provided for illustration purposes and for the purpose of limiting permitted uses, and are not intended to be a total listing of all the uses that are prohibited.)

Medicinal cannabis dispensaries.

**Heavy Industrial (I-2) Zone.**

**Prohibited Uses.** (All uses other than those listed as principal, accessory, or conditional uses or substantially similar to principal, accessory, or conditional uses shall be prohibited. The uses below are provided for illustration purposes and for the purpose of limiting permitted uses, and are not intended to be a total listing of all the uses that are prohibited.)

Medicinal cannabis cultivators, dispensaries, processors, and producers.

This Ordinance shall be in full force and effect immediately upon passage after second reading and publication in accordance with the requirements of applicable Kentucky law.

**DATE OF FIRST READING:** July 09, 2024  
**MOTION BY:** Commissioner Newby  
**SECONDED BY:** Commissioner Brewer

**DATE OF SECOND READING:** July 23, 2024  
**MOTION BY:** Commissioner Cole  
**SECONDED BY:** Commissioner Goble

**VOTE**

Commissioner Brewer  
Commissioner Cole  
Commissioner Goble  
Commissioner Newby  
Mayor Blythe

**YES**

x  
x  
x  
x  
x


**NO**

ATTEST:

  
\_\_\_\_\_  
City Clerk

  
\_\_\_\_\_  
MAYOR

Approved as to form:

  
\_\_\_\_\_  
City Attorney, Tyler Frazier