

ORDINANCE NO. 113, 2024

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AMENDING ORDINANCE NO. 101, SERIES OF 1986, AS PREVIOUSLY AMENDED, BY AMENDING ARTICLE XVI. DEFINITIONS TO INCORPORATE THE DEFINITIONS AND LAND USE REGULATIONS RELATED TO MEDICINAL CANNABIS BUSINESSES AND AMENDING THE TABLE OF PERMITTED AND CONDITIONAL USES.

BE IT ORDAINED BY THE CITY OF ASHLAND, KENTUCKY:

SECTION 1. That Ordinance No. 101, Series of 1986, as previously amended, commonly known and referred to as the Zoning Ordinance, is hereby amended by amending Article XVI. Definitions to incorporate definitions and land use regulations related to medicinal cannabis businesses and amending the Table of Permitted and Conditional Uses. A true copy of said amended Article XVI. Definitions and the amended Table of Permitted and Conditional Uses is attached hereto and made a part hereof by reference as if set out in full.

SECTION 2. All ordinances and parts of ordinances in conflict herewith, to the extent of such conflict only, are hereby repealed.

SECTION 3. This ordinance shall be in full force and effect from and after its adoption, readoption and publication, as required by law.

SECTION 4. It is hereby authorized that publication of this ordinance be in summary form.


MAYOR

ATTEST:


CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS: JUN 27 2024
READOPTED BY THE BOARD OF COMMISSIONERS: JUN 28 2024
PUBLISHED: _____

REQUESTED/SPONSORED BY: CHRIS PULLEM, DIRECTOR
COMMUNITY & ECONOMIC DEVELOPMENT

| PERMITTED USES | ZONING DISTRICTS | | | | | | | | | | |
|--|------------------|------|------|------|------|------|------|------|------|------|------|
| | R-E | R-12 | R-6 | R-5 | R-4 | B-1 | B-2 | B-3 | I-1 | I-2 | P-H |
| Leather products manufacture, tanning & finishing | | | | | | | | | * | P | |
| Locksmith, gunsmith | | | | | | P | P | P | | | |
| Lounge, tavern | | | | | | P | P | P | | | |
| Lumber yard | | | | | | | | | P | P | |
| Medical office | | | | | | P | P | P | | | P |
| <i>Medicinal cannabis cultivator</i> | | | | | | | | | P | P | |
| <i>Medicinal cannabis dispensary</i> | | | | | | | P | | P | | |
| <i>Medicinal cannabis processor</i> | | | | | | | | | P | P | |
| <i>Medicinal cannabis producer</i> | | | | | | | | | P | P | |
| <i>Medicinal cannabis safety compliance facility</i> | | | | | | | P | P | P | P | P |
| Metal manufacture, steel | | | | | | | | | | P | |
| Metal products manufacture | | | | | | | | | P | P | |
| Meat products processing | | | | | | | | | | P | |
| Mobile home, for temporary non-residential use | | P | P | P | P | P | P | P | P | P | P |
| Mobile home park, excluding sales | | C-83 | C-83 | C-83 | C-83 | | | | | | |
| Mobile home sales, excluding residential occupancy | | | | | | | P | | | | |
| Modular home | P | P | P | P | P | P | P | P | P | P | P |
| Monument sales and works | | | | | | | P | | P | P | |
| Motorcycle sales & service | | | | | | | P | P | P | | |
| Musical instruments, toys and sports goods manufacturing | | | | | | | | | P | P | |
| Natural resources extraction | C-85 | C-85 | C-85 | C-85 | C-85 | C-85 | C-85 | C-85 | C-85 | C-85 | C-85 |
| News stand sales | | | | | | P | P | P | P | P | P |
| Nursing home | | | | C-86 | C-86 | C-86 | | C-86 | | | P |
| Office: business, professional, not otherwise listed | | | | | | P | P | P | | | |
| Office equipment & supplies manufacture | | | | | | | | | P | P | |
| Optician service | | | | | | P | P | P | | | P |
| Outdoor advertising structure | | | | | | | P | | P | P | |
| Paint manufacture | | | | | | | | | * | P | |
| Pawn shop | | | | | | P | P | P | | | |
| Personal Service operation not otherwise listed | | | | | | P | P | P | | | |
| Pet sales & grooming, excluding outdoor storage | | | | | | P | P | P | | | |
| Photographic processing | | | | | | P | P | P | P | P | |

C- # Indicates Conditional Use

Block. A piece of land usually bounded on all sides by streets or other transportation routes such as railroad lines, or by physical barriers such as water bodies or public open spaces, and not traversed by a through street.

Block Face. A street segment, and the properties on both sides of the street segment, between two intersecting streets.

Board of Zoning Adjustment. A local body, created by ordinance, whose responsibility is to hear appeals from decisions of the zoning administrator, and to consider requests for variances and conditional use permits permissible under terms of the Zoning Ordinance.

Boarding House, Rooming House. A Dwelling (single family or multiple) or rooming house, where rooms are rented and meals are served for compensation to not less than three (3) and not more than nine (9) individuals.

Buildable Area. The space remaining on a zoning lot after the minimum open-space requirements (yard, setback) have been met.

Building. Any structure enclosed and isolated by exterior walls constructed or used for residence, business, industry, or other public or private purpose, or accessory thereto, and including trailers or mobile homes, and attached carports consisting of a roof and supporting members, and similar structures whether stationary or movable.

Building Height. The vertical distance measured from the average elevation of the finished lot grade at the front building line to the highest point of the roof beams adjacent to the front of the wall in the case of a flat roof, to the deck line in the case of a mansard roof, or to the average height of the gables.

Building Setback Line. A line establishing the minimum allowable distance between the nearest portion of any building, and the nearest property line when measured perpendicularly thereto.

Buffer. A strip of land, identified in the Zoning Ordinance, established to protect and separate one type of land use from another.

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

Canopy, Marquee or Awning. Any roof-like structure extending from a building façade.

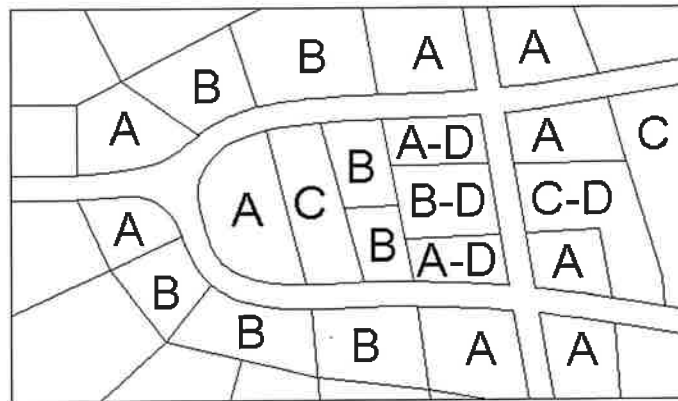
Certificate of Occupancy. Official certification that a premise conforms to provisions of the Zoning Ordinance and Building Code, and may be used or occupied. Such a certificate is granted for new construction or for alteration or additions to existing structures, or when the nature of a land use changes. Unless such a certificate is validated, a structure cannot be occupied or used.

on which the frontage is at right angles or approximately right angles (interior angles less than one hundred and thirty-five (135) degrees to the general pattern in the area.

A reversed frontage lot may also be a corner lot (A-D in the diagram), and interior lot (B-D) or a through lot (C-D).

This illustrates the basic types of lots:

A=Corner Lot, B=Interior Lot, C=Through (or double frontage) Lot, D=Reversed Frontage Lot



Lot Width. The distance between the side lot lines of a lot measured at right angles to the depth and at the required front yard setback line.

Medicinal cannabis. 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. A business that is licensed in compliance with KRS 218B to:

- a. Acquire, possess, plant, cultivate, raise, harvest, trim, or store cannabis seeds, seedlings, plants, or raw plant material;
- b. Deliver, transport, transfer, supply, or sell raw plant material or related supplies to other licensed cannabis business in this state;
- c. 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 by KRS 218B in four tiers, as follows:

1. A Tier I cultivator shall not exceed an indoor growth area of two thousand five hundred (2,500) square feet.
2. A Tier II cultivator shall not exceed an indoor growth area of ten thousand (10,000) square feet.

3. A Tier III cultivator shall not exceed an indoor growth area of twenty-five thousand (25,000) square feet.
4. A Tier IV cultivator shall not exceed an indoor growth area of fifty thousand (50,000) square feet.

Medicinal cannabis dispensary. A business that is licensed in compliance with KRS 218B to:

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

Medicinal cannabis processor. A business that is licensed in compliance with KRS 218B to:

- a. Acquire or purchase raw plant material from a cultivator, processor, or producer in this state;
- b. Possess, process, prepare, manufacture, manipulate, blend, or package medicinal cannabis;
- c. Transfer, transport, supply, or sell medicinal cannabis and related supplies to other cannabis businesses in this state; or
- d. 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. A business that is licensed in compliance with KRS 218B to:

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

- d. 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 safety compliance facility. A business that is licensed in compliance with KRS 218B to:

- a. Acquire or possess medicinal cannabis obtained from cardholders or cannabis business in this state;
- b. Return the medicinal cannabis to cardholders or cannabis business in this state;
- c. Transport medicinal cannabis that was produced by cannabis businesses in this state;
- d. Produce or sell approved educational materials related to the use of medicinal cannabis;
- e. Produce, sell, or transport 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 in compliance with KRS 218B;
- f. Test medicinal cannabis produced in this state, including testing for cannabinoid content, pesticides, mold, contamination, vitamin E acetate, and other prohibited additives;
- g. Train cardholders and cannabis business agents;
- h. Receive compensation for actions allowed under KRS 218B.125;
- i. Engage in any noncannabis-related business activities that are not otherwise prohibited or restricted by state law.

Metes and Bounds. A system of describing and identifying land by measures (metes) and direction (bounds) from an identifiable point of reference such as a monument or other marker.

Mobile Home, Manufactured Housing Unit. A movable or portable dwelling over thirty-two (32) feet in length and over eight (8) feet wide, constructed to be transported on its own chassis and designed without a permanent foundation, whether or not a permanent foundation is subsequently provided, which may include one or more components that can be retracted for transporting purposes and subsequently expanded for additional capacity, or two (2) or more units separately transportable but designed to be joined into one integral unit.

Mobile Home Park. A parcel or tract of land under single ownership which has been planned and improved for the placement of mobile homes for dwelling purposes.