

COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
ORDINANCE NO. 24-03

AN ORDINANCE ADOPTING AND AFFIRMING THE FINDINGS OF FACT, CONCLUSIONS OF LAW AND RECOMMENDATIONS OF THE MASON COUNTY JOINT PLANNING COMMISSION PERTAINING TO THE REGULATION AND ZONING OF MEDICAL CANNABIS BUSINESSES IN THE CITY OF MAYSVILLE, KENTUCKY

SUMMARY

This Ordinance adopts and affirms the Findings of Fact, Conclusions of Law and Recommendations of the Mason County Joint Planning Commission pertaining to the regulation and zoning of medical cannabis businesses in the City of Maysville. It creates an amendment to City of Maysville Ordinance Chapter 320 to create Section 320.416 regulating medical cannabis businesses. It creates a new land use chart entry for “Medical Cannabis Business”. It creates five subcategories entitled “Cultivator, Processor, Producer, Safety Compliance Facility, and Dispensary” with definitions for each. It limits cultivation to A-2 and I-1-3 zones. It permits dispensaries in Business and Community Zones. It permits processors and producers in I-1-3. It permits safety compliance facilities in P1 and I 1-3 Zones.

WHEREAS, the City of Maysville adopted a Land Use Management Ordinance, by virtue of its Ordinance Chapter 320, as subsequently amended, (hereinafter referred to as “the Ordinance”); and

WHEREAS, the Kentucky legislature passed legislation making medical cannabis legal as of January 1, 2025.

WHEREAS, the Mason County Joint Planning Commission (hereafter referred to as the “Planning Commission”) conducted a properly noticed public hearing on May 22, 2024 at 5:30 p.m. during which the Planning Commission heard testimony from members of the community; and

WHEREAS, the City of Maysville has carefully reviewed and considered the record of the Planning Commission’s proceedings.

NOW THEREFORE, THE CITY OF MAYSVILLE, KENTUCKY, does hereby **ENTER THE FOLLOWING FINDINGS OF FACT AND CONCLUSIONS OF LAW, AND ORDAINS** as follows:

FINDINGS OF FACT

1. Pursuant to *City of Louisville v. McDonald*, 470 S.W.2d 173 (Ky. 1971), the City of Maysville is entitled to and in this case declines to hold a separate evidentiary hearing and,

instead, has determined that the matter would be considered based upon the record of the Mason County Joint Planning Commission all of which is filed with the Mason County Clerk.

2. The Findings of Fact of the Planning Commission, and hereby adopts such Findings of Fact and incorporates same herein by reference as if set forth in full.

CONCLUSIONS OF LAW

1. The City of Maysville is authorized by KRS 65.083(k) and KRS Chapter 100 to adopt ordinances for land use management within the City of Maysville, including adoption of a zoning ordinance and land use classifications.

2. Pursuant to such authority, the City of Maysville adopted its Land Use Management Ordinance, codified as Ordinance Chapter 320, creating land use regulations and adopting a land use classification map, such ordinance and the maps or land use classification charts incorporated therein having been amended from time to time.

3. Enactment of zoning ordinances is part of the police power vested in the City of Maysville "for the protection of the health, morals, safety and general welfare of the people." *Selligman v. Von Allmen Bros., Ky.*, 179 S.W.2d 207, at 208 (1944).

4. That in accordance with *City of Louisville v. McDonald, supra*, it is appropriate and lawful for the City of Maysville to adopt the record of the Planning Commission without conducting separate public hearings.

5. That the Proposed Amendments are reasonable regulations pertaining to the use of real property in Maysville, Kentucky, and do not deprive any property owners of all economic, productive or beneficial use of their property. SEE *Lucas v. S.C. Coastal Council*, 505 U.S. 1003, at 1030 (1992).

6. That in addition to the Conclusions of Law above, the City of Maysville adopts the Planning Commission's Conclusions of Law and incorporates same herein by reference as if set forth in full.

ADOPTION OF THE PROPOSED AMENDMENTS

The City of Maysville does hereby adopt the following Proposed Amendments to its land use management ordinance, codified in City of Maysville Code of Ordinances Chapter 320 and creates new section 320.416.

320.416 Medical Cannabis Business


320.416.01 PURPOSE

Cultivator	X	X	X	X	X	X	X	X	X	X	X	X	P	P	P	X	X	X	X	P
Processor	X	X	X	X	X	X	X	X	X	X	X	X	X	P	P	X	X	X	X	P
Producer	X	X	X	X	X	X	X	X	X	X	X	X	X	P	P	X	X	X	X	P
Safety Compliance Facility	X	X	X	X	X	X	X	X	X	P	X	X	P	P	X	X	X	X	P	
Dispensary	X	X	X	X	X	P	P	P	P	X	X	X	X	X	X	P	X	X	X	

ADOPTED BY THE BOARD OF COMMISSIONERS OF THE CITY OF MAYSVILLE, KENTUCKY, this 26 June 2024.


 Debra L. Cotterill, Mayor

Passed on 1st reading 17 June 2024.
 Adopted on 2nd reading 26 June 2024.
 Recorded by Clerk 26 June 2024.
 Signed by Mayor 28 June 2024.
 Published by Summary 28 June 2024.

ATTEST:

 Lisa Dunbar, City Clerk

INDEX: Chapter 320

CERTIFICATE

I hereby certify that I am an attorney licensed to practice law in the Commonwealth of Kentucky, that I prepared the Summary above of the foregoing Ordinance of the City of Maysville, Kentucky, and that such Summary constitutes a general summary of the essential provisions of said Ordinance, reference to the full text of which Ordinance is hereby made for a complete statement of its provisions and terms.

W. Kelly Caudill

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