

**ORDINANCE NO. 2024-08-8821**

**AN ORDINANCE OF THE CITY OF PADUCAH, KENTUCKY AMENDING SECTION 126 OF THE PLANNING AND/OR ZONING ORDINANCE RELATING TO MEDICAL CANNABIS.**

**WHEREAS**, the 2023 Kentucky General Assembly passed Senate Bill 47 (2023 Ky. Acts Ch. 146) legalizing the use of medical cannabis and establishing a framework for state licensure of cannabis businesses such as dispensaries, cultivators, processors, producers and safety compliance facilities in the Commonwealth effective Jan. 1, 2025.; and

**WHEREAS**, on the final day of the 2024 session, the legislature passed House Bill 829 amending the medical cannabis law to expedite the process of licensing cannabis businesses. This change allows the Cabinet for Health and Family Services (Cabinet) Medical Cannabis Program to begin issuing licenses to those businesses July 1, 2024 rather than waiting until January so that operations and products can be developed. Cannabis dispensaries will still not be allowed to open to the public or dispense cannabis until Jan. 1, 2025.; and

**WHEREAS**, the City of Paducah desires to allow the operation of medical cannabis businesses within its limits; and

**WHEREAS**, the City believes it is necessary to place reasonable limitations on geographic locations and advertisements of cannabis businesses to protect children; and

**WHEREAS**, it is necessary to establish general provisions and determine zoning requirements of cannabis businesses by June 30, 2024, prior to the Cabinet issuing any cannabis business license; and

**WHEREAS**, the Paducah Planning Commission held a public hearing on Monday, August 5, 2024, pursuant to KRS 100.211(2) and forwarded a favorable recommendation to the Board of Commissioners recommending amending Section 126 of the Paducah Code of Ordinances.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF PADUCAH AS FOLLOWS:**

**SECTION A.** Section 126 of the Code of Ordinances shall be amended as follows:

**Sec. 126-3. Definitions.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

*Accessory building* means a subordinate building located on the same lot as a principal building, or a subordinate use of land, either of which is customarily incidental to the principal building or to the principal use of the land. Where part of the wall of an accessory building is a part of the wall of the principal building in a substantial manner as by a roof, such accessory building shall be considered as part of the principal building. Local public utility, communication, electric distribution, secondary power lines, gas lines, water lines, sewer lines, guy-wires, small transformers, wires, cables and incidental equipment are considered accessory buildings or structures.

*Alley* means a permanent public service way providing a secondary means of access to abutting lands.

*Arterial highway strip commercial* means commercial uses which front on the designated U.S. highways in either the B-1 or the HBZ classifications.

*Automobile service station* means an establishment with the primary business function of the retail sale of gasoline for passenger vehicle use and the minor service and repair work incidental to the operation of passenger automobiles.

*Bed and breakfast* means an owner-managed and owner-occupied residential structure used as a lodging establishment where a room or rooms are rented on a nightly basis and in which only breakfast is included as part of the basic compensation.

*Berth* means the off-street area required for the receipt of, or distribution by vehicles of, material or merchandise with a fourteen (14) foot height clearance, paved with a suitable dust preventative or hard surface.

*Block frontage* means all the property fronting on one (1) side of a street between intersecting streets, or between a street and the terminus of a dead-end street or the City boundary, measured along the street line.

*Board* means the City of Paducah Board of Adjustment.

*Building* means any structure having enclosed space and a roof for the housing or enclosure of persons, animals or chattels.

*Building area* means the maximum horizontal projected area of a principal or accessory building, excluding open steps, terraces, unenclosed porches not exceeding one (1) story in height or architectural appurtenances projecting not more than two (2) feet.

*Building, detached*, means a building having no party wall in common or structural connection with another building.

*Building, front line of*, means the line of the face of the building nearest the front lot line.

*Building, height of*, means the vertical distance from the average contact ground level at the front wall of a building to the highest point of the coping of a flat roof, to the deck line of a mansard roof or to the mean height level between eaves and ridges for gable & hip or gambrel roofs.

*Building line* means the line nearest the front and across a lot establishing the minimum open space to be provided between the front line of a building or structure and the front lot line.

*Building, nonconforming*, means a legally existing building which fails to comply with the regulations set forth in this chapter applicable to the zone in which the building is located.

*Building, principal*, means a building in which is conducted the main or principal use of the lot on which said building is situated.

*Building, semidetached*, means a building having one (1) party wall in common with an adjacent building.

*Business* means the engaging in the purchase, sale, barter or exchange of goods, wares, merchandise or service; the maintenance or operation of offices, or recreational and amusement enterprises.

*Carport* means a structure consisting of a roof and either walls or columns for the purpose of housing automotive vehicles and other chattels. Said structure shall be considered a building.

*Cemetery* means land used for the burial of the dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums and mortuaries when operated in conjunction with and within the boundary of such cemetery.

*City* means the City of Paducah, Kentucky.

*Clinic or medical center* means an establishment where patients are admitted for special study and treatment by two (2) or more licensed physicians and/or dentists and their professional associates, as distinguished from a professional office for general consultation purposes.

*Commission* means the City of Paducah Planning Commission.

*Conditional use* means a use which would not impair the public health, safety or welfare in one (1) or more zones, but which would impair the integrity and character of the zone in

which it is located or in adjoining zones unless restrictions on location, size, extent and character of performance are imposed in addition to those imposed in the zoning regulations.

*Conditional use permit* means legal authorization to undertake a conditional use issued by the administrative official pursuant to authorization by the Board of Adjustment consisting of two (2) parts:

A statement of the factual determination by the Board of Adjustment which justifies the issuance of the permit.

A statement of the specific conditions which must be met in order for the use to be permitted.

*Cottage home* means a structure of not less than one hundred forty (140) square feet nor more than four hundred (400) square feet intended for use as a permanent, single-family residence. A manufactured home, mobile home, camper or recreational vehicle shall not be considered a cottage home. A single cottage home may only be placed on lots smaller than eight thousand (8,000) square feet.

*County* means McCracken County, Kentucky.

*Courtyard* means an open unoccupied space on the same lot with a building or group of buildings and bounded on three (3) or more sides by such buildings.

*Development plan* means written and graphic material for the provision of a development plan, including any or all of the following: location and bulk of buildings and other structures, intensity of use, density of development, streets, ways, parking facilities, signs, drainage of surface water, access points, a plan for screening or buffering, utilities, existing manmade and natural conditions, and all other conditions agreed to by the applicant.

*Dwelling* means a building, or portion thereof, used primarily for residential occupancy, including single-family, two-family and multi-family occupancy, but not including hotels, motels, short-term rentals (includes special event short-term rentals) or bed and breakfasts.

*Dwelling, assisted care*, means a building, or portion thereof, consisting of five (5) or more bedrooms, used for residential occupancy by a group. The dwelling is characterized by renters with separate bedrooms for sleeping and shared common areas for reception, recreation, living, cooking, laundry and the like. The dwelling is further signified by the presence of an employee(s) that provides various services such as housekeeping, maintenance, cooking, security, personal care and transportation. This definition is distinguished from, and is intended not to conflict with, KRS 100.982 and 100.984.

*Dwelling, multi-family*, means a building, or portion thereof, used for occupancy by three (3) or more families living independently of each other.

*Dwelling, single-family*, means a building used for residential occupancy by one (1) family. A single-family dwelling shall be stick-built, a modular home, a qualified manufactured home or a mobile home located within a mobile home park. Structures or vehicles such as, but not limited to; storage buildings, campers, recreational vehicles, garages, barns and shipping containers shall not be utilized as a single-family dwelling.

*Dwelling, two-family*, means a building, or portion thereof, used for occupancy by two (2) families living independently of each other. A two-family dwelling shall be stick-built, manufactured or modular. Structures or vehicles such as, but not limited to; storage buildings, campers, recreational vehicles, garages, barns and shipping containers shall not be utilized as a two-family dwelling.

*Dwelling unit* means a dwelling, or portion of a dwelling, used by one (1) family for cooking, living and sleeping purposes.

*Educational institution* means a public, parochial or private preprimary, primary, or grammar school; a high school, preparatory school or academy, that is public or founded, owned or conducted by or under the sponsorship of a religious or charitable organization; a private preparatory school or academy furnishing courses of instruction substantially equivalent to the courses offered by public high schools for preparation of admission to colleges or universities which award BA or BS degrees; a junior college or university, that is public or founded or conducted by or under the sponsorship of a religious or charitable organization

or a private school when not conducted as a commercial enterprise for the profit of individual owners or stockholders. This definition shall not be deemed to include trade or business schools as defined in this section.

*Effective date hereof* means October 26, 1976.

*Enforcement officer* means the Chief Building Official of the City or designee.

*Family* means one (1) or more persons living as a single housekeeping unit, as distinguished from a group occupying a hotel, club, fraternity or sorority house. A family shall be deemed to include servants.

*Fence* means a structure consisting of wood, metal, wire, mesh, masonry or other manufactured material.

*Floor area ratio (FAR)* means the floor area of the building divided by the area of the lot.

*Garage, private*, means a detached accessory building or portion of a principal building, used for the storage of self-propelled vehicles, in which the capacity does not exceed three (3) vehicles per family housed in the building to which such garage is accessory and not more than one-third (1/3) of the total number of vehicles stored in such garage shall be commercial vehicles. Storage space for not more than three (3) vehicles may be utilized for vehicles of other than occupants of the building to which such garage is accessory.

*Garage, public*, means any building, except those defined as a private garage, used for the storage or care of motor vehicles, or where such vehicles are equipped for operation, repaired or kept for remuneration, hire or sale.

*Ground floor area* means the square foot area of a building within its largest outside dimensions computed on a horizontal plane at the ground floor level, exclusive of open porches, breezeways, terraces, garages, exterior stairways and secondary stairways.

*Ground level* means for buildings having walls adjoining only one (1) street, the elevation at the front lot line at the center of the wall adjoining the street; for buildings having walls adjoining more than one street, the average elevation of the front lot line at the center of all walls adjoining the streets; for buildings having no wall adjoining the street, the average level of the ground adjacent to the exterior walls of the building. Any wall approximately parallel to and not more than five (5) feet from a street is to be considered as adjoining the street.

*Heliport* means a facility for helicopters to take off and land.

*Home occupation* means any use conducted entirely within a residential dwelling and carried on solely by the occupants thereof, which use is clearly incidental and secondary to the use of the dwelling purposes and does not change the character thereof, and in connection with which there is no display, no stock in trade or outside storage of equipment nor commodity sold upon the premises and not more than two (2) persons are to engage in such occupation. In no event shall a barbershop, beauty shop, tearoom, bed and breakfast or animal hospital be construed to be a home occupation.

*Hospital* means a sanitarium, preventorium or clinic, provided such institution is operated by, or treatment given under, the direct supervision of a physician licensed to practice by the State of Kentucky.

*Hotel or motel* means a building, or portion thereof, or group of buildings in which lodging is provided and offered to the public for compensation and which is open to transient guests, in contradistinction to a lodging house.

*Industrial, heavy*, means those industries whose processing of products result in the emission of any atmospheric pollutant, light flashes, glare, odor, noise or vibration which may be heard and/or felt off the premises, and those industries which constitute a fire or explosion hazard.

*Industry, light*, means those industries whose processing of products results in none of the conditions described for heavy industry.

*Ingress/ egress easement* means an open, unoccupied, officially designated space other than a street or alley, permanently reserved for use as a means of access to abutting property.

*Junkyard* means any place at which personal property is, or may be salvaged, for reuse, resale, reduction or similar disposition and is owned, possessed, collected, accumulated, dismantled or sorted, including, but not limited to; use of salvaged base metal or metals, their compounds or combinations; or used or salvaged rope, bags, paper, rags, glass, rubber, lumber, millwork, brick and similar property which are used, owned or possessed for the purpose of wrecking or salvaging parts therefrom.

*Kennel* means any lot or premises on which dogs or small animals are kept for commercial or sale purposes. A non-commercial kennel at, in or adjoining a private residence where hunting or other dogs are kept for the hobby of the householder (i.e., hunting, tracking or exhibiting) or for guarding or protecting the householder's property is permitted in residential zones, provided that such dogs or small animals do not constitute a nuisance to the neighborhood.

*Lodging house* means a building with more than two (2) but not more than five (5) guest rooms where lodging with or without meals is provided for compensation for a period of time not to exceed six (6) months for each guest.

*Lot* means a piece, parcel, plot, tract or area of land occupied or capable of being occupied by one (1) principal building and the accessory buildings or uses customarily incidental to it, and including the open spaces required under this chapter, and having its principal frontage on a street or ingress/egress easement.

*Lot, corner*, means a lot at a junction of, and fronting on, two (2) or more intersecting streets.

*Lot coverage* means the percentage of the lot area covered by the building area.

*Lot, interior*, means a lot other than a corner or through lot.

*Lot line, front*, means, in the case of an interior lot; a line separating the lot from the street or ingress/ egress easement and, in the case of a corner lot; the line designated by deed, plat or subdivision requirements.

*Lot line, rear*, means a lot line which is opposite and most distant from the front lot line and, in the case of an irregular or triangular shaped lot; a line ten (10) feet in length within the lot, parallel to and at the maximum distance from the front lot line.

*Lot line, side*, means any lot boundary line not a front lot line or a rear lot line.

*Lot, through*, means a lot having frontage on two (2) parallel or approximately parallel streets.

*Lot width* means the dimension of a lot at the building setback line.

*Manufactured home* means a single-family dwelling unit constructed in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended, and manufactured after June 15, 1976, which is designed to be transported across streets and highways to a point of use, and is equipped with the necessary service connections, and includes the plumbing, heating, air conditioning and electrical systems contained therein, and made so as to be readily movable as a unit.

*Medical cannabis cultivator*. An entity licensed by the Commonwealth of Kentucky to plant, grow, cultivate, raise, harvest, trim, store, test, package, label, transfer, transport or sell medical cannabis seed, seedlings, medical plant, medical cannabis or medical cannabis product to other licensed cannabis business in the state.

*Medical cannabis dispensary*. An entity licensed by the Commonwealth of Kentucky to perform retail sales of medical cannabis to registered qualified patients or visiting qualified patients. All medical cannabis dispensaries must meet all of the following conditions:

- a. Shall not be located within one thousand (1,000) feet of existing elementary schools, secondary schools or daycares;
- b. Shall not be located within one (1) mile of another medical cannabis dispensary as measured from the nearest property line;

c. Shall not be located next to any residential structure or mixed-use structure with a residential component;

d. Exterior signage may only, at most, include text that is the licensee's (1) business or trade name; (2) location & contact information and (3) business type. Exterior signage cannot include a licensee's logo, symbol, branded colors or any images, including; but not limited to, depicting cannabis/cannabis products or the imagery or action of smoking/vaping. Exterior signs also cannot include mottos, selling messages or any other non-essential text. Exterior signs must be on the same parcel as the store and may be freestanding or wall signs. Exterior signage cannot be larger than necessary to reasonably display the information to individuals within or near the licensed premises and cannot be illuminated by neon lights.

Medical cannabis processor. An entity licensed by the State of Kentucky to process and/or package raw medical cannabis plant material or plants into approved forms of medical cannabis under Kentucky Revised Statutes and regulations.

Medical cannabis producer. An entity licensed by the State of Kentucky which operates as both a cannabis cultivator and processor.

Medical cannabis safety compliance facility. An entity licensed by the State of Kentucky in which testing for cannabinoid content, pesticides, mold, contamination, vitamin E acetate and other prohibited additives is conducted.

Mobile home means any vehicle, including the equipment sold as a part of a vehicle, which is so constructed as to permit its being used as a conveyance upon public streets or highways by either self-propelled or non-self-propelled means, which is designed, constructed or reconstructed, or added to by means of an enclosed addition or room, in such a manner as will permit the occupancy thereof as a dwelling or sleeping place for one (1) or more persons, which is both used and occupied as a dwelling or sleeping place, having no foundation other than wheels, jacks, skirting or other temporary supports.

Mobile home park means an area of land upon which two (2) or more mobile homes are harbored for the purpose of being occupied either free of charge or for revenue purposes and shall include any building, structure, vehicle or enclosure used or intended for use as a part of the equipment of such mobile home park.

Nursing home means an establishment which provides full-time convalescent or chronic care, or both, for four (4) or more individuals who are not related by blood or marriage to the operator and who, by reason of chronic illness or infirmity, are unable to care for themselves. Neither care for the acutely ill nor surgical or obstetrical services shall be provided in such a home. A hospital or sanatorium shall not be construed to be included in this definition.

Parking area, public, means an open off-street area, designed for use or used for the temporary parking of motor vehicles when available for public use, whether free or for compensation or as an accommodation for clients or customers.

Parking space (off-street) means an off-street space accessible from a street, alley or ingress/egress easement with a minimum width of nine (9) or ten (10) feet, depending on land use. The minimum length of such space shall be contingent upon the degree or angle of the space and the maneuverability area required. As a guide to establishing a minimum length, the Commission shall refer to Illustration No. 1 in the appendix immediately following this chapter.

Person means and includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.

Personal and convenience services means a business offering services such as barbershops, beauty shops, laundromats, laundry and dry-cleaning pickup and delivery stations (but excluding actual laundry operations) and similar uses.

Planting screen or landscape screen means a completely planted visual barrier composed of evergreen plants and trees arranged to form both a low-level and a high-level screen. The high-level screen shall consist of evergreen trees or shrubs planted with specimens having an initial height above ground when planted of not less than five (5) feet and planted at intervals of not more than eight (8) feet on-center. The low-level screen shall consist of

evergreen shrubs having an initial height above ground when planted of not less than two (2) feet and spaced at intervals of not more than four (4) feet on-center. The low-level screen shall be planted in alternating rows to produce a more effective barrier.

*Professional office* means offices of members of recognized professions such as physicians, surgeons, lawyers, engineers, dentists and architects.

*Retaining wall* means a physical barrier necessary to prevent the erosion and/or deterioration of an established elevation.

*Short-term rental* means a dwelling or room that is rented, leased or assigned for a tenancy for less than thirty (30) consecutive days in duration and where no meals are served or provided by the host to any guest. A short-term rental may be owner occupied or non-owner occupied.

*Short-term rental, special event*, means a dwelling or room that is rented, leased or assigned for a tenancy for less than seven (7) days a year and where no meals are served or provided by the host to any guest. A special event short-term rental may be owner occupied or non-owner occupied. There shall be a maximum of two (2) permits issued a year.

*Sight triangle* means a triangular space at the street corner of a corner lot, free from any kind of obstruction to vision between the heights of two and one-half (2 ½) and twelve (12) feet above established grade, determined by a diagonal line connecting two (2) points measured fifteen (15) feet equidistant from the street right-of-way corner along each property line.

*Street* means a right-of-way, other than an alley or ingress/ egress easement, dedicated or otherwise legally established for public use, usually affording the principal means of access to abutting property.

*Structural alteration* means any change in the supporting members of a building, such as bearing walls, partitions, columns, beams or girders; or any substantial change in the exterior walls or the roof.

*Structure* means anything constructed or made, the use of which requires permanent location in or on the ground or attachment to something having a permanent location in or on the ground including, buildings and signs.

*Towing or wrecker service* means a person engaged in the business, or offering the services of, a vehicle towing or wrecker service, whereby motor vehicles are towed or otherwise removed from the place where they are parked or disabled by use of a truck, automobile or other vehicle so adapted to that purpose, or in the business of storing operable or disabled motor vehicles.

*Trade or business school* means a secretarial school or college; or business school or college, that is not public and not owned or conducted by or under the sponsorship of a religious or charitable organization; or a school conducted as a commercial enterprise for teaching instrumental music, dancing, barbering or hairdressing, or for teaching industrial skills in which machinery is employed as a means of instruction. This definition shall not be deemed to include an educational institution as defined in this section.

*Use* means the employment or occupation of a building, structure or land for a person's service, benefit or enjoyment.

*Use, nonconforming*, means an existing use of land or building which was legal prior to the effective date hereof, but which fails to comply with the requirements set forth in this chapter applicable to the zone in which such use is located.

*Use, open*, means the use of a lot without a building or including a building incidental to the open use with a ground floor area equal to five (5) percent or less of the area of the lot.

*Variance, dimensional*, means departure from the terms of the zoning regulations pertaining to height or width of structures and size of yard and open spaces where such departure will not be contrary to the public interest, and where, owing to conditions peculiar to the property because of its size, shape or topography, and not as a result of the action of the applicant, the literal enforcement of the zoning regulations would result in unnecessary and undue hardship.

*Yard* means a space on the same lot with a principal building that is open and unoccupied other than by steps, walks, terraces, driveways, lampposts and similar appurtenances, and unobstructed by structures, except as otherwise provided in this chapter.

*Yard, front*, means a yard extending across the full width of the lot, between two (2) side lot lines, the depth of which is the least distance between the street right-of-way and the building line.

*Yard, rear*, means a yard extending across the full width of the lot between the two (2) side lot lines and between the rear line and a line parallel to, and coexisting with, the rear of the principal building.

*Yard, side*, means a yard bounded by the rear yard, the front yard, the side lot line and the principal building.

*Zoning map* means the official zoning map of the City.

**Sec. 126-109. General Business Zone, B-3.**

The purpose of this zone is to provide an area for high intensity commercial activity of a wholesale nature and to ensure easy highway access for such uses.

(1) *Principal permitted uses.*

- a. Any use permitted in the B-2 Zone;
- b. Wholesale establishments;
- c. Automotive equipment sales and repair;
- d. Laundry and dry-cleaning establishments;
- e. Seasonal fireworks tents;
- f. Medical cannabis dispensaries;
- g. Light industrial operations (as approved by the Planning Commission according to degree of objectionable smoke, noise, odor, glare, vibration and heavy freight traffic generation).
- (2) *Minimum yard requirements.* None.
- (3) *Minimum area requirements.* None.
- (4) *Maximum building height.* None.

**Sec. 126-110. Light Industrial Zone, M-1.**

The following provisions shall apply in the M-1 Zone unless otherwise provided herein:

(1) *Principal permitted uses.*

- a. Any use permitted in the B-3 Zone;
- b. Any industrial, manufacturing, fabrication or processing use which does not emit objectionable noise, smoke, odor or dust beyond the confines of its property;
- c. Warehouses and storage buildings;
- d. Public and commercial sewage disposal plant;
- e. Towing or wrecker service;
- f. Medical cannabis cultivators, processors, producers and safety compliance facilities;
- g. Any other use which, in the Commissioner's opinion, would be compatible in the B-3 Zone.

(2) *Conditionally permitted uses.*

- a. Any other industrial use determined to be of the same general character as the above permitted uses.
- b. Animal hospital or kennel, located not closer than three hundred (300) feet to [an R-Zone] a residential zone.
- c. Heliport.

(3) *Minimum yard requirements.*

- a. Permitted uses having a total [~~plan floor area of them~~] floor plan of ten thousand (10,000) square feet or less:
  - 1. Front yard: Twenty-five (25) feet, except for highway strip uses for which a fifty (50) foot front yard is required.
  - 2. Side yard: Ten (10) feet.
  - 3. Rear yard: None, except where abutted by a residential zone, in which case a rear yard of twenty-five (25) feet applies.



4. No storage of materials or equipment shall be allowed in the minimum front yard.
  - b. Permitted uses with a total [~~plan-floor-area~~] floor plan of more than ten thousand (10,000) square feet:
    1. Front yard: Fifty (50) feet.
    2. Side yard: Twenty-five (25) feet.
    3. Rear yard: None, except where abutted by a residential zone, in which case a rear yard of twenty-five (25) feet applies.
- (4) *Minimum area requirements.*
- a. Permitted uses having a total [~~plan-floor-area~~] floor plan of four thousand (4,000) square feet or less:
    1. Minimum lot area: Seven thousand[~~5~~] five hundred (7,500) square feet.
    2. Minimum lot width: Sixty (60) feet.
  - b. Permitted uses with a total [~~plan-floor-area~~] floor plan of more than four thousand (4,000) square feet:
    1. Minimum lot area: Fifteen thousand (15,000) square feet.
    2. Minimum lot width: Seventy-five (75) feet.
- (5) *Maximum building height.* None.
- (6) *Maximum lot coverage.*
- a. Principal structures: Fifty (50) percent of gross lot area.
  - b. Total coverage by principal structures, accessory structures and outside storage: Seventy (70) percent of gross lot area.

**Sec. 126-117. Planned Office Park, POP.**

The purpose of this zone is to provide adequate space for permitted uses in a park setting, designed to attract tenants who may require access to high-capacity information sharing appurtenances, transmitting and receiving facilities and sufficient utilities. Furthermore, the zone is intended[~~-to~~] to provide sufficient space in appropriate locations for attractive, landscaped offices[~~-and-to~~] and to ensure compatibility of uses and operations within the Planned Office Park Zone.

1. *Principal permitted uses.*

- a. Offices for business, professional, governmental, political and charitable organizations.
- b. [~~Banks, credit agencies, security and commodity brokers, credit institutions, savings and loan companies, and holding and investment companies.~~] Financial institutions including holding and investment companies.
- c. Computer and data processing centers.
- [d.] ~~Telephone exchanges.~~
- d.[e.] Radio and television studios.
- e.[f.] Cable television signal distribution centers and studios.
- f.[g.] [~~Ticket and travel~~] Travel agencies.
- g.[h.] [~~Kindergarten, nurseries and day-care facilities~~] Daycare.
- h.[i.] [~~Business colleges, technical and trade schools, educational institutions.~~] High schools, colleges, universities, technical schools and trade schools.
- i.[j.] Hospitals.
- j.[k.] Parks [~~(public and private)~~].
- k.[l.] Research, testing and development laboratories or centers.
- l.[m.] [~~Production facilities (high degree of scientific input, tech).~~] Technological or scientific production facilities.
- m.[n.] Educational, scientific and research organizations.
- n.[o.] Library.
- o.[p.] Nursing or assisted living homes.
- p.[q.] [~~Special event short-term rentals.~~] Short-term rentals (includes special event short-term rentals).

- g.[f:] Medical cannabis safety compliance facilities.
  - l.[s:] Any other similar use which, in the Planning Commission's opinion, would not impair the character of the POP Zone.
2. *Accessory uses.* Accessory uses [are these permitted uses] that are clearly incidental and subordinate to the permitted use.
    - a. Spaces for the limited display of merchandise.
    - b. Personal service centers, including food service, only for employees, residents[.] or visitors to any permitted use. These centers shall have [and having] no direct access to the exterior of the building and shall not have [having no] display space, drive-through areas[.] or [any] signs visible from [the] outside the building.
    - c. Residential dwellings.
  3. *Conditionally permitted uses.* [As determined by the Board of Adjustment, these uses cannot emit onto adjacent properties an objectionable amount of hazardous and/or obnoxious emissions. These may be, but not be limited to, smoke, odor, noise, glare, vibrations, etc.] Any of the following uses which do not emit objectionable noise, smoke, odor or dust beyond the confines of its property.
    - a. [Facilities] Technological or scientific facilities in connection with bona fide agricultural operations.
    - b. Clubs [public and private].
    - c. Satellite dish antennas.
    - d. Airports and heliports.
    - e. Hotels[, motels or lodges with facilities specifically intended to serve the needs of the park tenants.
    - f. Drive-through facilities for the sale of goods or services otherwise permitted.
    - g. Light manufacturing and assembly operations.
    - h. [Warehousing operation utilized in conjunction with a permitted use.
    - i. [Sit-down restaurants (drive through not permitted).
    - k. [Short-term rentals.]
  4. *Minimum yard requirements.*
    - a. Front yard: Fifty (50) feet.
    - b. Side yard: Thirty (30) feet.
    - c. Street side yard: Fifty (50) feet.
    - d. Rear yard: Fifty (50) feet
    - e. Maximum coverage: Fifty (50) percent (building only, surface parking excluded).
    - f. Minimum yard standards are increased by five (5) feet for each story over five (5) stories.
  5. *Minimum area requirements.*
    - a. Minimum lot area: One (1) acre.
    - b. Minimum lot width: One hundred (100) feet.
- [6-~~Maximum building height.~~ Five (5) stories, except that minimum yard standards are increased by five (5) feet for each story over three (3) stories or thirty-five (35).]
6. ~~7.]~~ *Open space.* At least twenty-five (25) percent of contiguous Planned Office Park zoned areas must be allotted to open space.
7. ~~8.]~~ *Landscaping.*
    - a. Generally. A minimum of ten (10) percent of the entire lot shall be devoted to landscaping. Up to fifty (50) percent of this requirement may be credited toward preservation of substantial naturally occurring trees, shrubbery, wildflowers, water

- b. courses and rock formations. Areas of preservation should be inventoried and indicated on site plans.
  - b. Parking lot landscaping requirements. For each [~~one-hundred~~] one hundred (100) square feet, or fraction thereof, of vehicular use area, a minimum of five (5) square feet of landscaped area shall be provided.~~[; this]~~ This may [~~be included inside of~~] include islands, peninsulas and other geometric devices used to encourage vehicle circulation.
  - c. Screening. Screening per section 126-83 shall be provided in the rear [~~yards~~] yard of those lots which abut [~~adjacent~~] properties outside the POP Zone.
8. ~~[9-]~~ *Amendments.* Amendments to the zone map for POP Zones shall be:
- a. Freestanding zones: Forty (40) acres.
  - b. Expansion of existing: No minimum.

**Sec. 126-119. Hospital Medical Zone, HM.**

The purpose of this zone is to provide a more flexible and customized approach for the development, parking and circulation needs of medical centers and complexes. Uses not specifically allowed by this section are expressly excluded [~~except as provided herein~~].

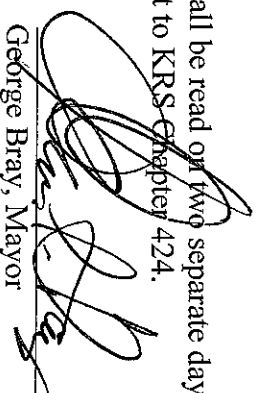
1. *Principal permitted uses.* All uses are to be conducted wholly within a building [~~except for off-street loading/unloading and surface parking~~].
  - a. General medical hospitals with in-patient and out-patient services.
  - b. Offices and clinics of health care practitioners including physicians, surgeons, osteopaths, psychologists, psychiatrists, chiropractors, nurses, rehabilitation therapists [~~(physical, occupational, respiratory & recreational)~~], medical and psychiatric social workers, dentists, nutritionists, dietitians, opticians, optometrists~~;~~] and other similar medical uses licensed and certified by the State of Kentucky as health care specialists or practitioners.
  - c. Medical technology and testing laboratories.
  - d. Medical and dental related health care educational facilities and schools.
  - e. Medical cannabis dispensaries and safety compliance facilities.
  - f. Other closely related uses, as approved by the Planning Commission following a public hearing. [~~Inclusion of such uses may be included in an approved development plan;~~]
2. *Accessory uses.* Accessory uses [~~are these permitted uses that~~] are allowed only when they are clearly incidental, subordinate and in the presence of [~~the~~] permitted uses in the HM Zone. They may be included in the principal building, an accessory building or on a separate lot. All uses are to be conducted wholly within a building [~~except for off-street loading/unloading and surface parking~~].
  - a. Administrative offices (hospital/medical).
  - b. Ambulance service.
  - c. Chapels.
  - d. Daycare [~~(nursery, child, pre-school, and adult)~~].
  - e. Food service.
  - f. Gift and flower shops.
  - g. Heliports.
  - h. Hospice.
  - i. Linen/laundry service.
  - j. Lodging, visitor.
  - k. Medical insurance service.
  - l. Medical, dental and other health care professional organization offices.
  - m. Mobile diagnostic and treatment trailers.
  - n. Nursing, transitional care and assisted care homes.
  - o. Parking garages.
  - p. Pharmacies with retail sales of general merchandise.
  - q. Retail sales of medical and dental supplies and services including prosthetics, optical, and other similar medical and/or dental goods and services.
  - r. Temporary buildings.
  - s. Uniform shops.
  - t. Short-term rentals (includes special event short-term rentals).
3. *Minimum yard requirements.*

- a. Front yard: Fifty (50) feet, seventy-five (75) feet on arterials.
  - b. Side yard: Twenty-five (25) feet.
  - c. Rear yard: Twenty-five (25) feet.
4. *Minimum area requirements.*
- a. Minimum lot area: Five thousand (5,000) square feet.
  - b. Minimum lot width: Fifty (50) feet.
5. *Landscape requirements.* Ten (10) percent of the entire site shall be landscaped. [Detailed landscape plans shall be submitted with a development plan.]
6. *Density.* The floor area ratio (FAR) shall not exceed two (2) to one (1).

**SECTION B. Compliance with Open Meetings Laws.** The City Commission hereby finds and determines that all formal actions relative to the adoption of this Ordinance were taken in an open meeting of this City Commission, and that all deliberations of this City Commission and its committees, if any, which resulted in formal action, were in meetings open to the public, in full compliance with applicable legal requirements.

**SECTION C. Conflicts.** All ordinances, resolutions, orders or parts thereof in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed and the provisions of this Ordinance shall prevail and be given effect.

**SECTION D. Effective Date.** This Ordinance shall be read on two separate days and will become effective upon summary publication pursuant to KRS Chapter 424.

  
George Bray, Mayor

ATTEST:



Claudia S. Meeks, Assistant City Clerk

Introduced to the Board of Commissioners, August 13, 2024

Adopted by the Board of Commissioners, August 27, 2024

Recorded by Claudia S. Meeks, Assistant City Clerk, August 27, 2024

Published by The Paducah Sun, August 30, 2024

Ord/Planning/126 - Medical Cannabis Land Use