

COMMONWEALTH OF KENTUCKY
MASON FISCAL COURT
ORDINANCE NO. 24-04

**AN ORDINANCE AMENDING THE TEXT OF THE
LAND USE ORDINANCE TO CREATE A LAND USE CHART
FOR MEDICAL CANNABIS BUSINESSES**

WHEREAS, the Mason Fiscal Court adopted a Land Use Ordinance, by virtue of its Ordinance No. 02-07, such Ordinance, as amended from time to time, but such Ordinance does not address “medical cannabis businesses”, as created and recognized by KRS Chapter 218B; and

WHEREAS, the Mason County Joint Planning Commission held a duly noticed Public Hearing on May 22, 2024, to consider a proposed amendment to such Ordinance to recognize medical cannabis businesses, and to determine permissible land classifications for such uses; and

WHEREAS, the Mason County Joint Planning Commission adopted Findings of Fact recommending such amendments; and

WHEREAS, the Fiscal Court of Mason County, Kentucky, hereby unanimously approves an amendment to its Ordinance No. 02-07, such amendment affirming the Findings of Fact, Conclusions of Law, and Recommendation of the Mason County Joint Planning Commission.

NOW THEREFORE, THE FISCAL COURT OF MASON COUNTY, KENTUCKY, does hereby **ORDAIN** that the Findings of Fact, Conclusions of Law and Recommendations entered by the Mason County Joint Planning Commission on June 5, 2024, are hereby **ADOPTED**, and Mason Fiscal Court Ordinance No. 02-07 is hereby **AMENDED** as follows:

1. The definitions for any terms used herein are as follows:

A. Medical cannabis business. An entity licensed by the Commonwealth of Kentucky as a cultivator, processor, producer, safety compliance facility, or dispensary for the purpose of growing, processing, testing, and selling medical cannabis or medical cannabis products, which includes the following:

- a. Cultivator. A licensed medical cannabis business engaged in the planting, growing, raising, cultivating, harvesting, trimming, delivering, transporting, transferring, storing, supplying, or selling of raw plant material and other related supplies, which includes:
 - i. Processor. A licensed medical cannabis business engaged in the processing of raw plant material and medical cannabis into medical cannabis products, which includes the receiving, acquiring, purchasing,

possessing, handling, processing, preparing, extracting, refining, manufacturing, manipulating, blending, packaging, labeling, storing, transporting, transferring, supplying, or selling of medical cannabis or medical cannabis products; and

- ii. **Producer.** A licensed medical cannabis business engaged in a combination of cultivation and processing. For the purposes of this ordinance, a medical cannabis business will be considered a producer only if both cultivation and processing of medical cannabis occur at the same location.

- b. **Safety Compliance Facility.** A licensed medical cannabis business that provides testing services to other licensed medical cannabis businesses in the Commonwealth of Kentucky by collecting, handling, receiving, and conducting tests on medical cannabis samples.

- c. **Dispensary.** A licensed medical cannabis business engaged in the dispensing, selling, or delivering of medical cannabis to registered qualified patients, visiting qualified patients, or designated caregivers in the Commonwealth of Kentucky, which includes the acquiring, possessing, transporting, and transferring of medical cannabis or medical cannabis products.

B. Other definitions as set forth in KRS 218B.010 and 915 KAR 001 are incorporated herein by reference to the extent not in conflict with the definitions above.

2. The Mason Fiscal Court recognizes that medical cannabis businesses will be subject to extensive licensing and regulatory oversight as established by KRS Chapter 218A, and the regulations promulgated pursuant thereto. Based upon the extensive State regulation of medical cannabis business, the Mason Fiscal Court elects not to adopt its own regulatory scheme for such businesses, other than in this ordinance pertaining to permissible land use classifications for the operation of such businesses.

3. Regardless of whether a use in a particular land classification is permitted under this ordinance, no medical cannabis business shall be located anywhere in Mason County which is prohibited by State law. For instance, no medical cannabis business shall be located within 1000 feet of an elementary school, public school or daycare as prohibited by KRS 218B.095(2).

4. Additional entries in the land use chart section titled "Health Services" are created as follows:

- A. Medical cannabis cultivators are permitted in the agricultural (A-2) zones and the industrial (I-1, I-2 and I-3) zones only;

- B. Medical cannabis processors and medical process producers are permitted in the industrial (I-1, I-2 and I-3) zones only;
- C. Medical cannabis dispensaries are permitted in the business (B-1, B-2, B-3 and D1) zones and the community [C] zone only;
- D. Medical cannabis safety compliance facilities are permitted in professional office (P-1) zones and the industrial (I-1, I-2 and I-3) zones only; and
- E. All medical cannabis uses are prohibited in all other land classification areas except as specifically permitted herein.

5. These amendments and the land use chart below shall be incorporated into Ordinance No. 02-07 and republished:


	R-1	R-2	R-3	R-4	T-H-1	B-1	B-2	B-3	D-1	P-1	A-1	A-2	I-1	I-2	M-H	C	RR-1	RR-2	I-3
Health Services																			
Medical Cannabis Business																			
Cultivator	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	P	P	X	X	X	X	P
Producer	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

Given first reading this 11th day of June, 2024.

Thereafter, given second reading, and unanimously adopted, after publication in accordance with KRS Chapter 424 this 9th day of July, 2024.


 Hon. Owen J. McNeill
 Judge Executive

ATTESTED BY:


 Stephanie Schumacher
 Mason County Clerk