

COMMONWEALTH OF KENTUCKY
OLDHAM COUNTY
ORDINANCE NO. KOC 24-920-074

AN ORDINANCE REPEALING AND REPLACING CERTAIN SECTIONS OF THE EXISTING OLDHAM COUNTY COMPREHENSIVE ZONING ORDINANCE.

WHEREAS, the Oldham County Fiscal Court has the authority pursuant to the provisions of KRS Chapters 67, 100, and other applicable law to adopt and amend ordinances; and,

WHEREAS, Oldham County Joint Planning and Zoning Commission did conduct an advertised public hearing on September 24, 2024 on the issue of amending certain sections of the Oldham County Comprehensive Zoning Ordinance to include the attached creation of a new section, and at the conclusion of said hearing, did recommend to the Oldham County Fiscal Court that certain sections of the Oldham County Comprehensive Zoning Ordinance be amended to include the revision; and,

WHEREAS, Oldham County Fiscal Court did advertise and conduct a public hearing on the recommended Oldham County Comprehensive Zoning Ordinance changes attached hereto, and the said Fiscal Court having voted to adopt said revisions to sections at its regular meeting conducted November 19, 2024:

“Added” are the Affected Sections:

Section 250-065 Medical Cannabis Facilities

NOW, THEREFORE, BE IT ORDAINED BY THE FISCAL COURT OF THE COUNTY OF OLDHAM, COMMONWEALTH OF KENTUCKY, THAT:

1) The attached language is to replace, amend or add the Sections and Divisions described above of the Oldham County Zoning Ordinance and Subdivision Regulations adopted by ordinance KOC 06-920-473, passed 12-19-2006; Ord. KOC 08-920-787, passed 10-21-2008; Ord. KOC 10-920-900, passed - -2010; Ord. KOC 10-920-873, passed 6-1-2010; Ord. KOC 11-920-054, passed 5-17-2011; Ord. KOC-16-920-345, passed 09-06-2016; Ord KOC-18-920-447, passed 03-20-2018; Ord. KOC-19-920-11, passed 09-17-2019; Ord. KOC-23-920-343, passed 06-20-2023; Ord. KOC 23-920-391, passed 10-03-2023).

This ordinance shall become effective upon its passage and advertisement according to law.

Dated this 19 day of November, 2024.



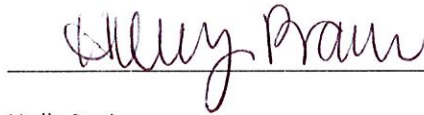
DAVID VOEGELE

Oldham County Judge/Executive

First Reading: 11/6/24

Second Reading: 11/19/24

ATTEST:



Holly Prain

Oldham County Fiscal Court Clerk

SECTION 250-065 MEDICAL CANNABIS FACILITIES

INTENT

The regulations established herein are intended to ensure that the adverse effects created by medical cannabis facilities are minimized and controlled so as not to cause or contribute to crime, increasing blight, or downgrading of adjacent property and the surrounding neighborhood by restricting their proximity to other types of land uses.

DEFINITIONS

The definition of medical cannabis facilities and provisions of this Section shall apply to the opening or commencement of a new business, the conversion of an existing business to any cannabis facility, the addition to, or expansion of, an existing cannabis facility or relocation of any cannabis facility as defined by *Kentucky Revised Statute 218B.010* and any revisions or amendments thereto.

APPLICABILITY

Uses regulated by the provisions of this Section shall hereinafter be designated as medical cannabis facilities and shall be further defined as follows:

1. A medical cannabis facility shall be defined as any commercial establishment open to medical cannabis card holders or their caretaker which displays, distributes, issues, gives, provides, lends, transfers, transmits, circulates, disseminates, presents, exhibits, advertises, sells, rents or leases a substantial or significant portion of its stock in trade, or is characterized by the depiction of cannabis or as such are herein defined.
2. Any medical cannabis facility open to the general public which involves employees or customers who engage in conduct which is distinguished or characterized by cannabis or as such are herein defined.

ZONING DISTRICT AND LOCATION

Permitted Zoning Districts: A medical cannabis facility located within the Oldham County limits shall only be allowed in **C-1, C-2, C-3, C-4, I-1, I-2, IPD Zoning Districts**, subject to the following:

Medical Cannabis Facilities specifically identified and regulated by the provisions of this Section shall be allowed in the following zoning districts with the approval of a Conditional Use Permit from the appropriate Board of Adjustments.

Cultivator Facility	AG-2 I-1, I-2 or IPD
Processor Facility	I-1, I-2 or IPD
Production Facility	I-1, I-2 or IPD
Safety Compliance Facility	C-1, C-2, C-3, C-4, I-1, I-2, IPD
Dispensary	C-1, C-2, C-3, C-4

1. A medical cannabis facility shall not be permitted or enlarged, except by a governmental agency within:

1. One thousand (1,000) feet of a preexisting cannabis facility; establishment;
2. One thousand (1,000) feet of a preexisting religious institution;
3. One thousand (1,000) feet of a preexisting educational institution property;
4. One thousand (1,000) feet of a preexisting library property;
5. One thousand (1,000) feet of a preexisting park property; or

2. The distance shall be measured by drawing a straight line between the closest property lines of the proposed cannabis facility and the closest property line of the existing listed (#1 above) property distance setback.

3. The medical cannabis facility shall be a stand-alone business.

DEVELOPMENT PLAN REQUIREMENTS

1. A development plan must be submitted and shall include, but not be limited to: access, parking, signage, landscaping, dumpster location, and confirmation that the medical cannabis facility use is not located within the distance setbacks.

2. The development plan shall be submitted to the Oldham County Planning and Zoning Office for review. Staff will review and approve, approve with exceptions noted, or deny the development plan within sixty (60) calendar days.

3. The staff shall not be required to approve a development plan if the staff has reason to question its accuracy or its compliance with this medical cannabis regulation, to zoning regulation(s) or any other regulation(s). Staff shall refer any such issues to the full Planning Commission. Reasons for denial of the development plan shall be stated in writing.

4. Parking Standards: The minimum and maximum number of parking spaces required/allowed existing parking standards in Division 280-050-080:

5. Landscaping Standards: Landscaping shall be provided on the premises of any cannabis facility to screen and buffer the adjoining uses.

6. Signage Standards: Exterior signs located on the building of a cannabis facility shall conform to the requirements of Division 290 of the Oldham County Comprehensive Zoning Ordinance, otherwise known as the Sign Regulation. Such exterior signs shall not advertise, either graphically or verbally, either by explicit or literal expression, connotation, or implied reference any 'specified cannabis activity' as herein defined. There shall be no electronic reader boards or changing message center signs. No display of goods, product, or services shall be visible from outside the building. All signage shall be generic in nature and non-descriptive to cannabis, marijuana, weed, pot or any other descriptive language that would insinuate cannabis.

HOURS OF OPERATION

A cannabis facility shall not be permitted to allow such establishment to remain open for business or to permit any worker to engage in use of, solicitation of, make a sale, solicit a sale, provide a service, or solicit a service between the hours of eight o'clock (8:00) P.M. and six o'clock (6:00) A.M. of any particular day.

An employee or volunteer of a medical cannabis facility shall not be permitted to engage in use of, solicitation of, make a sale, solicit a sale, provide a service, or solicit a service between the hours of eight o'clock (8:00) P.M. and six o'clock (6:00) A.M. of any particular day.

CONDITIONS AND STANDARDS

A medical cannabis facility shall not sell, distribute, donate or hold in their facility any paraphernalia or product relating to the smoking, distilling, inhaling or otherwise consuming cannabis products, which include but not limited to bongos, pipes, bowls, papers or syringes, other than products used solely for the manner of measuring quantity of product for which a medical cannabis cardholder has been prescribed to consume.

LICENSE REQUIREMENTS

A medical cannabis facility shall obtain any license which may be required by the applicable government agency after adoption of this regulation.