

**ORDINANCE NO. 2024-O-13**

**AN ORDINANCE TO ALLOW MEDICAL CANNABIS CULTIVATION, PROCESSING, PRODUCING, AND SAFETY COMPLIANCE FACILITIES AS PERMITTED USES WITHIN THE SI (SUBURBAN INDUSTRIAL) ZONE; (2) TO ALLOW MEDICAL CANNABIS DISPENSARIES AS A PERMITTED USE WITHIN THE RC (RURAL COMMERCIAL), NC (NEIGHBORHOOD COMMERCIAL), CC (COMMUNITY COMMERCIAL), AND SI (SUBURBAN INDUSTRIAL) ZONES; AND (3) ESTABLISHING USE SPECIFIC STANDARDS, REQUIRED OFF-STREET PARKING STANDARDS, REQUIRED SPACING BETWEEN MEDICAL CANNABIS FACILITIES, AND DEFINING MEDICAL CANNABIS USES AND RELATED TERMS**

**WHEREAS**, the Kenton County Fiscal Court banned medical cannabis pursuant to KRS 2188.130, however KRS 218B.130(3)(a) allows a city to approve cannabis business operations within the limits of the city through the passage of an ordinance; and

**WHEREAS**, the Independence City Council voted to send the matter to the voters of Kenton County to make the determination of whether medical cannabis should be allowed in the City of Independence

**WHEREAS** it is the desire of the City of Independence to allow for medical cannabis operations in certain zones; and

**WHEREAS**, a request for a text amendment to the Independence Zoning Ordinance was submitted to the Kenton County Planning Commission by Chris Moriconi, City Administrator to allow medical cannabis cultivation, processing, producing, and safety compliance facilities as permitted uses within the SI (Suburban Industrial) Zone; {2} to allow medical cannabis dispensaries as a permitted use within the RC (Rural Commercial), NC (Neighborhood Commercial), CC (Community Commercial), and SI (Suburban Industrial) zones; and {3} establishing use specific standards, required off-street parking standards, required spacing between medical cannabis facilities, and defining medical cannabis uses and related terms; and

**WHEREAS** the PDS staff reviewed the application and recommended that the proposed text amendment be approved; and

**WHEREAS**, the Kenton County Planning Commission, upon reviewing the PDS staff recommendations and after holding a public hearing on August 1, 2024, voted to approve the text amendment, on the basis that the text amendment is allowed to be included within the text of the zoning ordinance, as authorized by Kentucky Revised Statute (KRS) 100.203(1); and

**NOW THEREFORE, BE IT ORDAINED BY THE CITY OF INDEPENDENCE, COUNTY OF KENTON, COMMONWEALTH OF KENTUCKY:**

**SECTION I**

Pursuant to KRS 218B.130(3)(a){2} the City of Independence enacted a resolution directing that the question of allowing cannabis businesses to operate within the limits of the city be submitted to the voters who are eligible to vote in that city's elections at the next regular election pursuant to paragraph (b) of this subsection. The voters have voted to allow medical

cannabis within the City of Independence limits. As such, the City of Independence wishes to modify the Independence Zoning Code, and those modifications are attached as Attachment "A", which is incorporated herein.

**SUPPORTING INFORMATION/BASES FOR TEXT AMENDMENT**

The proposed text amendments are appropriate and reasonable.

The state has instituted buffer requirements to provide appropriate distances from community institutions.

The use standards reflect the state legislation requirements.

The zones in which these uses would be permitted were selected based on similar permitted uses as were off-street parking requirements.

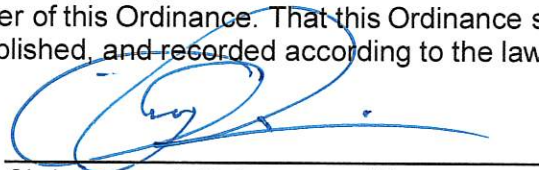
The included definitions refer to KRS 2188 so potential changes in state legislation will not require updates to the ordinance.

Allowing medical cannabis facilities as a permitted use within the selected zones will provide an atmosphere that could foster growth from existing businesses as well as attracting new businesses as well as creating new jobs.

Based on testimony provided during the public hearing held on August 1, 2024


**SECTION II**

Should any section or part of any section or any provision of this Ordinance be declared invalid by a Court of competent jurisdiction, for any reason, such declaration shall not invalidate, or adversely affect, the remainder of this Ordinance. That this Ordinance shall take effect and be in full force when passed, published, and recorded according to the law.



Christopher J. Reinersman, Mayor

ATTEST:

  
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Gina Rawe, City Clerk

First Reading: October 7, 2024

Second Reading: November 11, 2024

Ayes: 5

Nays: 0

Publication Date: 11/19/2024