

**MADISON COUNTY FISCAL COURT
MADISON COUNTY, KY
ORDINANCE 2024-15
AMENDMENT TO ORDINANCE #2023-13**

**AN ORDINANCE OF THE MADISON COUNTY FISCAL COURT, KENTUCKY,
AMENDING ORDINANCE #2023-13, THE MADISON COUNTY LAND
DEVELOPMENT AND SUBDIVISION REGULATIONS REGARDING ALLOWED
USES**

WHEREAS, the Commonwealth of Kentucky passed legislation in 2023 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; and

WHEREAS, the City of Richmond and the City of Berea have passed similar ordinances to regulate the above-mentioned types of businesses; and

WHEREAS, Madison County wishes to be consistent with other governmental entities within the County, and does believe the need exists for the Madison County Land Development and Subdivision Regulations to address these types of businesses with the County; and

WHEREAS, the Madison County Planning Commission has adopted the following definitions for various Cannabis Businesses as provided by the Cabinet for Health and Family Services, Office of Medical Cannabis, and consistent with applicable Kentucky Revised Statutes and Kentucky Administrative Regulations promulgated thereunder:

- a. Cannabis Cultivator – A business that is licensed in compliance with KRS 218B to engage in planting, raising, harvesting, trimming and curing raw plant material in an indoor facility.
- b. Cannabis Processor – A business that is licensed in compliance with KRS 218B to engage in processing and packaging raw plant material into usable product formats. Current state law does not allow these products to be smokable.
- c. Cannabis Producer – A business that is licensed in compliance with KRS 218B to engage in growing and processing raw plant material.
- d. Cannabis Safety Compliance Facility – A business that is licensed in compliance with KRS 218B to engage in contamination and purity testing.
- e. Cannabis Dispensary – A business that is licensed in compliance with KRS 218B to engage in purchasing and selling finished products to medical cannabis cardholders.

WHEREAS, the Madison County Planning Commission held a public hearing on Tuesday, August 20, 2024 to consider said amendment to the Regulations; after discussion of same, the Commission found that making Cannabis Businesses (as defined herein) a conditional use in

certain appropriate zones and a permitted use in certain appropriate zones when developed with a proper site development plan; and

WHEREAS, the Commission voted to recommend to the Madison County Fiscal Court that the text of **Article 3: Zoning Districts & Use Regulations, Section 3.06 Allowed Uses** of the Madison County Land Development and Subdivision Regulations be amended to make the various herein defined Cannabis Businesses a **Conditional** use in the following sub-districts and zones:

1. **Cannabis Cultivator**
 - UC-7
 - UC-4
2. **Cannabis Processor**
 - UC-7
 - UC-4
3. **Cannabis Producer**
 - UC-7
 - UC-4
4. **Cannabis Safety Compliance Facility**
 - UC-4
5. **Cannabis Dispensary**
 - UC-4

WHEREAS, the Commission voted to recommend to the Madison County Fiscal Court that the text of **Article 3: Zoning Districts & Use Regulations, Section 3.06 Allowed Uses** of the Madison County Land Development and Subdivision Regulations be amended to make the various herein defined Cannabis Businesses a **Permitted** use in the following sub-districts and zones:

1. **Cannabis Cultivator**
 - UC-5
2. **Cannabis Processor**
 - UC-5
3. **Cannabis Producer**
 - UC-5

NOW, THEREFORE BE IT ORDAINED AND ENACTED BY THE FISCAL COURT OF THE COUNTY OF MADISON, COMMONWEALTH OF KENTUCKY, that the findings of Madison County Planning Commission are hereby adopted and that the text of **Article 3: Zoning Districts & Use Regulations, Section 3.06 Allowed Uses** of the Madison County Land Development and Subdivision Regulations be changed to make the various herein defined Cannabis Businesses a **Conditional** use in the following sub-districts and zones:

1. **Cannabis Cultivator**
 - UC-7
 - UC-4
2. **Cannabis Processor**

- UC-7
- UC-4
- 3. **Cannabis Producer**
 - UC-7
 - UC-4
- 4. **Cannabis Safety Compliance Facility**
 - UC-4
- 5. **Cannabis Dispensary**
 - UC-4

WHEREAS, the Commission voted to recommend to the Madison County Fiscal Court that the text of **Article 3: Zoning Districts & Use Regulations, Section 3.06 Allowed Uses** of the Madison County Land Development and Subdivision Regulations be changed to make the various herein defined Cannabis Businesses a **Permitted** use in the following sub-districts and zones:

1. **Cannabis Cultivator**
 - UC-5
2. **Cannabis Processor**
 - UC-5
3. **Cannabis Producer**
 - UC-5

Further, the text of the Madison County Land Development & Subdivision Regulations, **Article 7 Section 7.02: Definitions** shall be amended to add definitions:

- a. **Cannabis Cultivator** – A business that is licensed in compliance with KRS 218B to engage in planting, raising, harvesting, trimming and curing raw plant material in an indoor facility.
- b. **Cannabis Processor** – A business that is licensed in compliance with KRS 218B to engage in processing and packaging raw plant material into usable product formats. Current state law does not allow these products to be smokable.
- c. **Cannabis Producer** – A business that is licensed in compliance with KRS 218B to engage in growing and processing raw plant material.
- d. **Cannabis Safety Compliance Facility** – A business that is licensed in compliance with KRS 218B to engage in contamination and purity testing.
- e. **Cannabis Dispensary** – A business that is licensed in compliance with KRS 218B to engage in purchasing and selling finished products to medical cannabis cardholders.

Section I

The Madison County Office of Planning and Development shall make the appropriate textual changes to the Madison County Land Development & Subdivision Regulations to effect this change.

Section II

That the County Clerk cause this Ordinance to be published in accordance with the Kentucky Revised Statutes.

THIS ORDINANCE SHALL BECOME EFFECTIVE ON THE DATE OF THE SECOND READING AND ADOPTION.

DATE OF FIRST READING: Lochmueller 9-10-24

MOTION BY: Lochmueller

SECONDED BY: Bathi

VOTE:	YES	NO
Magistrate James Brian Combs	<u>✓</u>	<u>✓</u>
Magistrate Stephen Lochmueller	<u>✓</u>	<u> </u>
Magistrate Billy Ray Hughes	<u> </u>	<u>✓</u>
Magistrate Tom Botkin	<u> </u>	<u> </u> <i>Abstain</i>
Judge Executive Reagan Taylor	<u>✓</u>	<u> </u>

DATE OF SECOND READING: _____

MOTION BY: _____

SECONDED BY: _____

VOTE:	YES	NO
Magistrate James Brian Combs	<u> </u>	<u> </u>
Magistrate Stephen Lochmueller	<u> </u>	<u> </u>
Magistrate Billy Ray Hughes	<u> </u>	<u> </u>
Magistrate Tom Botkin	<u> </u>	<u> </u>
Judge Executive Reagan Taylor	<u> </u>	<u> </u>

Signed: _____
Madison County Judge Executive

Attested: _____
Madison County Clerk, Kenny Barger

TO: MADISON COUNTY FISCAL COURT
FR: MADISON COUNTY PLANNING COMMISSION
RE: AMENDMENT TO ORDINANCE #2023-13 REGARDING MEDICAL CANNABIS
BUSINESSES
DA: August 20, 2024

SUMMARY:

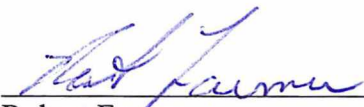
This matter came before the Madison County Planning Commission for a hearing on August 20, 2024 on a proposal to amend the Madison County Land Development and Subdivision Regulations, put forward by the Madison County Office of Planning and Development, upon an identified need to make provision for Medical Cannabis Businesses in the Madison County Land Development and Subdivision Regulations.

It was presented that the current regulations do not allow for Medical Cannabis Businesses specifically in any zone. Discussion was had that such facilities could be of benefit to the County but that they were most likely to be placed in zones conducive to their particular activities and resource requirements in the County and that such facilities were desirable under the properly vetted conditions and in the proper locations.

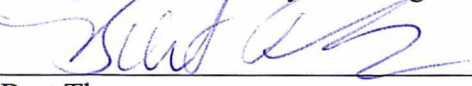
Upon proper notice being given and after discussion on the matter and upon Motion made and vote taken on August 20, 2024, the Madison County Planning Commission did vote, unanimously, to make a recommendation to amend the Madison County Land Development and Subdivision Regulations as described in the proposed Ordinance.

RECOMMENDATION:

It is the RECOMMENDATION of the Madison County Planning Commission that the proposed changes to the Madison County Land Development and Subdivision Regulations as shown in the proposed ordinance be enacted by the Madison County Fiscal Court.



Robert Farmer
Chair, Madison County Planning Commission



Bert Thomas
Director, Madison County Planning & Development