

**CITY OF SHIVELY
ORDINANCE NO. 8, SERIES 2024
CERTIFIED SUMMARY**

AN ORDINANCE AMENDING SECTION 1.2.2 AND CREATING SECTIONS 4.2.53, 4.3.10 AND 4.3.11 OF THE SHIVELY LAND DEVELOPMENT CODE (“LDC”) CONCERNING MEDICAL (MEDICINAL) CANNABIS (MARIJUANA) RELATED USES WITHIN THE CITY OF SHIVELY (AMENDMENT BY SUBSTITUTION)

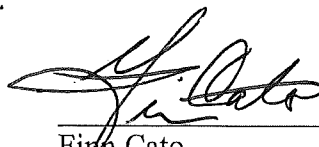
I hereby certify that the foregoing amended ordinance concerning medical cannabis related uses within the City of Shively adopts certain amendments to the Shively Land Development Code (“LDC”) by the Louisville Metro Planning Commission which include the addition of definitions related to Medical Cannabis and Medical Cannabis businesses in Chapter 1, Section 1.2.2 of the LDC.

Chapter 4, Section 4.2.53 is created in the LDC to require a conditional use permit for medical cannabis safety compliance facilities and medical cannabis dispensaries which may be allowed in a C-2 or C-3 zoning District and shall not be located within 1,000 feet of a facility used for educational purposes or a childcare center, must be indoors with hours of operation between 8:00 a.m. and 8:00 p.m., not located at the same site used for growing, cultivating or processing medical cannabis or same office space as a medical cannabis practitioner or physician, with three off-street parking spaces per 1,000 square feet of retail floor area and parking provided for an office and in order to operate must have a licensed issued by the Commonwealth of Kentucky.

Chapter 4, Section 4.3.10 is created in the LDC to allow with special standards medical cannabis safety compliance facilities and medical cannabis dispensaries in the C-M, EZ-1, PEC, M-1, M-2 and M-3 zoning districts. The special standards provide that the medical cannabis safety compliance facilities and medical cannabis dispensaries within these zoning districts shall not be located within 1,000 feet of a facility used for educational purposes or a childcare center, must be indoors with hours of operation between 8:00 a.m. and 8:00 p.m., not located at the same site used for growing, cultivating or processing medical cannabis or same office space as a medical cannabis practitioner or physician, with three off-street parking spaces per 1,000 square feet of retail floor area and parking provided for an office and in order to operate must have a licensed issued by the Commonwealth of Kentucky.

Chapter 4, Section 4.3.11 is created in the LDC to allow with special standards medical cannabis cultivators, processors or producers in the C-M, EZ-1, PEC, M-1 and M-3 zoning districts. The special standards provide that the medical cannabis cultivators, processors or producers within these zoning districts shall not be located within 1,000 feet of a facility used for educational purposes or a childcare center, must be in an enclosed locked facility with parking provided, with cultivation not being permitted as part of any agricultural use allowed in the LDC and shall not operate until a license has been issued from the Commonwealth of Kentucky.

The complete text of said ordinance may be read at the office of the Shively City Clerk, Shively City Hall, 3920 Dixie Highway, Shively, Kentucky 40216.



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Shively City Attorney

**CITY OF SHIVELY
ORDINANCE NO. 8, SERIES 2024**

**AN ORDINANCE AMENDING SECTION 1.2.2 AND CREATING SECTIONS
4.2.53, 4.3.10 AND 4.3.11 OF THE SHIVELY LAND DEVELOPMENT CODE
("LDC") CONCERNING MEDICAL (MEDICINAL) CANNABIS (MARIJUANA)
RELATED USES WITHIN THE CITY OF SHIVELY
(AMENDMENT BY SUBSTITUTION)**

WHEREAS on March 31, 2023, Governor Beshear signed Senate Bill 47 into law, codified in Kentucky Revised Statutes ("KRS") 218B, legalizing medical cannabis in the Commonwealth of Kentucky beginning January 1, 2024, and

WHEREAS in Case No. 24-LDC-0007, the Louisville Metro Planning and Design Office of Planning staff made recommendations to the Louisville Metro Planning Commission ("Planning Commission") to develop an amendment to the Land Development Code ("LDC") of Louisville Metro/Jefferson County concerning Medical Cannabis Related Uses, and the Planning Commission held a public hearing on those amendments on May 30, 2024, and

WHEREAS on May 30, 2024, the Planning Commission considered the record and testimony relative to those amendments and recommended the approval of such amendments to the Louisville Metro Council and legislative bodies of cities with zoning authority; and

WHEREAS the City Council of the City of Shively has considered the amendments to the LDC recommended by the Planning Commission as set forth in the minutes of the Planning Commission in Case No. 24-LDC-0007, and believes it is in the best interest of the City of Shively to approve and accept the recommendations, as amended, now therefore:

BE IT ORDAINED BY THE CITY OF SHIVELY AS FOLLOWS:

SECTION 1. The City Council of the City of Shively does hereby adopt the amendments to the Land Development Code of the Planning Commission as set forth in the minutes of the Planning Commission in Case No. 24-LDC-0007 for medical cannabis related uses, as amended.

SECTION 2. Notwithstanding the foregoing, the City Council of the City of Shively reserves all powers assigned to it by Kentucky Revised Statutes including, but not limited to KRS 100, review and final approval of recommended zoning changes, review and approval of development plans in conjunction with form district and zoning map amendments.

SECTION 3. Notwithstanding the foregoing, the following amendments to the Land Development Code are hereby adopted, as amended:

Chapter 1 of the LDC Section 1.2.2, Definitions is hereby amended to add the following definitions:

Medical or Medicinal Cannabis – As defined in KRS 218B.010: (a) means marijuana as defined in KRS 218A.010 when cultivated, harvested, processed, produced, transported, dispensed, distributed, sold, possessed, or used in accordance with KRS 218B; (b) includes medicinal cannabis products and raw plant material; and (c) does not include industrial hemp or industrial hemp products as defined in KRS 260.850.

Medicinal Cannabis Business – As defined in KRS 218B.010, an entity licensed under KRS 218B as a cultivator, dispensary, processor, producer, or safety compliance facility.

Medicinal Cannabis Cultivator – A Medicinal Cannabis Business that plants, raises, harvests, trims, and/or cures raw plant material in an indoor facility, licensed as such under KRS 218B.080, 218B.085, and 218B.090.

Medicinal Cannabis Dispensary – A Medicinal Cannabis Business that purchases and sells finished products to medical cannabis cardholders, licensed as such under KRS 218B.080, 218B.085, and 218B.090.

Medicinal Cannabis Practitioner – As defined in KRS 218B.010, a physician or an advanced practice registered nurse who is authorized to prescribe controlled substances under KRS 314.042, who is authorized by his or her state licensing board to provide written certifications pursuant to KRS 218B.050.

Medicinal Cannabis Processor – A Medicinal Cannabis Business that processes and packages raw plant material into usable product formats, licensed as such under KRS 218B.080, 218B.085, and 218B.090.

Medicinal Cannabis Producer – A Medicinal Cannabis Business that acts as both a Medicinal Cannabis Cultivator and a Medicinal Cannabis Processor, licensed as such under KRS 218B.080, 218B.085, and 218B.090.

Medicinal Cannabis Safety Compliance Facility – A Medicinal Cannabis Business involved in contamination and purity testing of raw plant material and medical cannabis products, licensed as such under KRS 218B.080, 218B.085, and 218B.090.

Chapter 4 of the LDC, Part 2, Conditional Uses, is hereby amended to add the following new section:

4.2.53 Medicinal Cannabis Safety Compliance Facility or Medicinal Cannabis Dispensary in a C-2 or C-3 district

A Medicinal Cannabis Safety Compliance Facility or Medicinal Cannabis Dispensary may be allowed in a C-2 or C-3 district upon the granting of a Conditional Use Permit and compliance with the following requirements. This section does not apply to any Safety Compliance Facility or Dispensary that may be permitted with special standards pursuant to Section 4.3.10 of this Land Development Code.

- A. A Safety Compliance Facility or Dispensary shall be not located within 1,000 feet of the boundary of any parcel occupied by any of the following uses (as measured in a straight line from parcel boundary to parcel boundary):
1. A facility used for education or instruction in any branch of knowledge, and including the following: elementary, middle, or high schools, whether public or private
 2. Child Care Center
- This separation is required by KRS and is not subject to relief.
- B. All business activity must occur indoors within a secure building, excluding any activity at a permitted loading area, drive-through window, or curbside pickup space. The building or secure structure shall meet all applicable state and local building codes. Such use is not permitted in a mobile or temporary building/structure.
- C. The hours of operation for a Dispensary shall be no earlier than eight (8) A.M. and no later than eight (8) P.M.
- D. A Dispensary shall not be located at the same site and location used for growing, cultivating, or processing medicinal cannabis or in the same office space as a Medicinal Cannabis Practitioner or other physician.
- E. For a Dispensary, there shall be at least three off-street parking spaces per 1,000 square feet of retail floor area. A Dispensary shall have a secure area for the loading and unloading of medicinal cannabis into and from a transport vehicle.
- F. For a Safety Compliance Facility, parking shall be provided for an office pursuant to Chapter 9 of this Land Development Code.
- G. A Safety Compliance Facility or Dispensary shall not operate until it has been issued a license from the Commonwealth of Kentucky pursuant to KRS.

Editor's Note: See KRS 218B.140 and 915 KAR 1:070 for more information.

In the event any regulation in this section is in conflict with state law (KRS) or state regulations (KAR), the more restrictive provision shall apply.

Chapter 4 of the LDC, Part 3, Permitted Uses with Special Standards, is hereby amended to include the following two new sections:

4.3.10 Medicinal Cannabis Safety Compliance Facility or Medicinal Cannabis Dispensary

In the C-M, EZ-1, PEC, M-1, M-2, and M-3 zoning districts, Medicinal Cannabis Safety Compliance Facilities and Medicinal Cannabis Dispensaries may be permitted in accordance with the following special standards:

- A. A Safety Compliance Facility or Dispensary shall be not located within 1,000 feet of the boundary of any parcel occupied by any of the following uses (as measured in a straight line from parcel boundary to parcel boundary):
1. A facility used for education or instruction in any branch of knowledge, and including the following: elementary, middle, or high schools, whether public or private
 2. Child Care Center
- This separation is required by KRS and is not subject to relief. As this land use is permitted with special standards, an advanced approval is not formally required by this Land Development Code. The burden is on the property owner/dispensary agent to determine compliance with these separation requirements prior to investment in the site and/or operation.
- B. All business activity must occur indoors within a secure building, excluding any activity at a permitted loading area, drive-through window, or curbside pickup space. The building or secure structure shall meet all applicable state and local building codes. Such use is not permitted in a mobile or temporary building/structure.
- E. The hours of operation for a Dispensary shall be no earlier than eight (8) A.M. and no later than eight (8) P.M.
- F. A Dispensary shall not be located at the same site and location used for growing, cultivating, or processing medicinal cannabis or in the same office space as a Medicinal Cannabis Practitioner or other physician.
- G. For a Dispensary, there shall be at least three off-street parking spaces per 1,000 square feet of retail floor area. A Dispensary shall have a secure area for the loading and unloading of medicinal cannabis into and from a transport vehicle.
- H. For a Safety Compliance Facility, parking shall be provided for an office pursuant to Chapter 9 of this Land Development Code.
- I. A Safety Compliance Facility or Dispensary shall not operate until it has been issued a license from the Commonwealth of Kentucky pursuant to KRS.

Editor's Note: See KRS 218B.140 and 915 KAR 1:070 for more information.

In the event any regulation in this section is in conflict with state law (KRS) or state regulations (KAR), the more restrictive provision shall apply.

4.3.11 Medicinal Cannabis Cultivator, Processor, or Producer:

In the C-M, EZ-1, PEC, M-1, M-2, and M-3 zoning districts, Medicinal Cannabis Cultivators, Processors, and Producers may be permitted in accordance with the following special standards:

- A. A Medicinal Cannabis Cultivator, Processor, or Producer shall be not located within 1,000 feet of the boundary of any parcel occupied by any of the following uses (as measured in a straight line from parcel boundary to parcel boundary):
1. A facility used for education or instruction in any branch of knowledge, and including the following: elementary, middle, or high schools, whether public or private
 2. Child Care Center
This separation is required by KRS and is not subject to relief. As this land use is permitted with special standards, an advanced approval is not formally required by this Land Development Code. The burden is on the property owner/dispensary agent to determine compliance with these separation requirements prior to investment in the site and/or operation.
- B. All use must occur in an enclosed, locked facility. Enclosed, locked facility means an indoor growing space such as a room, greenhouse, building, or other indoor enclosed area that is maintained and operated by a cultivator or producer and is equipped with locks and other security devices that permit access only by authorized agents of the cultivator or producer, as required by KRS or KAR.
- C. Parking shall be provided pursuant to Chapter 9 of this Land Development Code.
- D. The cultivation of medicinal cannabis is not permitted as part of any agriculture use allowed in this Land Development Code unless otherwise exempted from local regulation by state law.
- E. A Medicinal Cannabis Cultivator, Processor, or Producer shall not operate until it has been issued a license from the Commonwealth of Kentucky pursuant to KRS.

Editor's Note: See KRS 218B.140 and 915 KAR 1:070 for more information.

In the event any regulation in this section is in conflict with state law (KRS) or state regulations (KAR), the more restrictive provision shall apply.

SECTION 4. Severability. If any provision of this chapter as now or later amended or its application to any person or circumstance is held invalid, the invalidity does not affect the other provisions that can be given effect without the invalid provision or application.

SECTION 5. This ordinance shall take effect upon its adoption by the Shively City Council and publication as required by law.

First reading: November 20, 2024

Second reading: December 2, 2024.

Passed and approved: DECEMBER 2, 2024.

Introduced by: MR. Vincent

Maria Johnson
Maria Johnson, Mayor

Attest: *Mitzi R. Kasitz*
Mitzi R. Kasitz, City Clerk

Council	Yea	Nay
Ms. Bizzle	✓	—
Ms. Burton-McBroom	✓	—
Mr. Gibson	✓	—
Ms. Thompson	✓	—
Mr. Vincent	✓	—
Ms. Wakaba	ABSENT	—