

**CITY OF INDIAN HILLS
ORDINANCE NO. 5, SERIES 2024**

**AN ORDINANCE AMENDING ARTICLE 2 AND CREATING ARTICLE 15,
SECTION D. 42. CONDITIONAL USES, IN THE INDIAN HILLS LAND
DEVELOPMENT CODE (“LDC”) CONCERNING MEDICAL (MEDICINAL)
CANNABIS (MARIJUANA) RELATED USES WITHIN THE CORPORATE
BOUNDARIES OF THE CITY OF INDIAN HILLS
(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 Indian Hills 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 Indian Hills to approve and accept the following recommendations, as amended, now therefore:

BE IT ORDAINED BY THE CITY OF INDIAN HILLS AS FOLLOWS:

SECTION 1. The City Council of the City of Indian Hills does hereby adopt the following 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 Indian Hills 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:

Article 2 of the LDC, LANGUAGE AND 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.

Article 15 of the LDC, Conditional Uses, is hereby amended to add the following new section:

Section D. 42. 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.

- 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.
- 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.

SECTION 4. While the City of Indian Hills welcomes the regulated operation of Medical Cannabis Businesses, Medical Cannabis Cultivators, Processors and Producers are only appropriate in industrial zoning districts, which districts are not present on the city's current zoning district map.

SECTION 5. 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 6. This ordinance shall take effect upon its adoption by the Indian Hills City Council and publication as required by law.

First reading: November 20, 2024

Second reading: December 19, 2024.

Passed and approved: December 19, 2024.

Introduced by: Councilor Laura Dunbar

/S/

Chip Hancock, Mayor

Attest: /S/

Donna M. Sinkhorn, City Clerk

<u>Council</u>	<u>Yea</u>	<u>Nay</u>
Mr. Astorino	<u>_x_</u>	<u>___</u>
Ms. Dreisbach	<u>_x_</u>	<u>___</u>
Ms. Dunbar	<u>_x_</u>	<u>___</u>
Mr. Ferguson	<u>_x_</u>	<u>___</u>
Mr. Garlove	<u>_x_</u>	<u>___</u>
Mr. Harralson	<u>_x_</u>	<u>___</u>
Mr. Hayward	<u>_x_</u>	<u>___</u>
Mr. Maddox	<u>_x_</u>	<u>___</u>
Ms. Matton	<u>_x_</u>	<u>___</u>