

ORDINANCE NO. 20310

AN ORDINANCE OF THE CITY OF DANVILLE, KENTUCKY, AMENDING ARTICLE 5 OF THE "ZONING ORDINANCE, BOYLE COUNTY, THE CITIES OF DANVILLE, JUNCTION CITY AND PERRYVILLE", IN ORDER TO INCORPORATE RULES AND REGULATIONS PERTAINING MEDICAL CANNABIS.

WHEREAS, the City of Danville has previously enacted a joint planning and zoning ordinance with the County of Boyle and the Cities of Junction City and Perryville, which ordinance is formally referred to as the "Zoning Ordinance, Boyle County, and The Cities of Danville, and Perryville, Kentucky" and sometimes referred to as the "zoning ordinance", which ordinance is adopted by reference in Chapter 19 of the Code of Ordinances of the City of Danville; and

WHEREAS, the Danville/Boyle County Planning and Zoning Commission made certain recommendations as of July 24, 2024, concerning the amendment of Article 5 of the Zoning Ordinance to incorporate rules, regulations and guidelines pertaining to medical cannabis, and the Board of Commissioners desire to approved and adopt the recommended text amendments;

Now, therefore, in consideration of the foregoing, BE IT ORDAINED by the Board of Commissioners of the City of Danville, Kentucky, as follows:

SECTION ONE: Article 5 (Use Regulations) of the Zoning Ordinance is hereby amended with the following language by adding subsection G (Medical Cannabis Facilities) which is as follows:

**G. Medicinal Cannabis Facilities**

1. Characteristics: Medicinal Cannabis Facility: (a) Means marijuana as defined in KRS 218B.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.
2. Accessory Uses: Medicinal Cannabis accessories or accessory use means any equipment, product, or material of any kind which is used, intended for use, or designed for use in the

preparing, storing, using, or consuming medicinal cannabis in accordance with KRS 218B;

**3. Definitions: KRS 218B.010 - For the purposes of this Section, unless the context otherwise requires:**

- a. Cannabis Business - Means an entity licensed under this chapter as a cultivator, dispensary, processor, producer, or safety compliance facility.
- b. Cultivator - means a business that is licensed to grow medicinal cannabis in compliance with KRS 218B, more specifically to:
  - i. Acquire, possess, plant, cultivate, raise, harvest, trim, or store cannabis seeds, seedlings, plants, or raw plant material;
  - ii. Deliver, transport, transfer, supply, or sell raw plant material or related supplies to other licensed cannabis businesses in this state; or
  - iii. Sell cannabis seeds or seedlings to similar entities that are licensed to cultivate cannabis in this state or in any other jurisdiction.

Medicinal cannabis cultivators are regulated in four tiers by KRS 218B, as follows:

  - (1) A Tier I cultivator shall not exceed an indoor growth area of two thousand five hundred (2,500) square feet.
  - (2) A Tier II cultivator shall not exceed an indoor growth area of ten thousand (10,000) square feet.
  - (3) A Tier III cultivator shall not exceed an indoor growth area of twenty-five thousand (25,000) square feet.
  - (4) A Tier IV cultivator shall not exceed an indoor growth area of fifty thousand (50,000) square feet.
- c. Dispensary - Means an entity licensed as such under KRS 218B.080, 218B.085, and 218B.090 to:
  - i. Acquire or possess medicinal cannabis from a cultivator, processor, or producer in this state
  - ii. Acquire or possess medicinal cannabis accessories or educational material
  - iii. Supply, sell, dispense, distribute, or deliver medicinal cannabis, medicinal cannabis accessories, and educational material to cardholders or other dispensaries
  - iv. Sell cannabis seeds to similar entities that are licensed to cultivate cannabis in this state or in any other jurisdiction
  - v. Acquire, accept, or receive medicinal cannabis products from a cardholder pursuant to 218B.110
- d. Medicinal Cannabis Product - (a) Means any compound, manufacture, salt, derivative, mixture, or preparation of any part of the plant Cannabis sp., its seeds or its resin; or any compound, mixture, or preparation which contains any quantity of these substances when cultivated, harvested, processed, produced, transported, dispensed, distributed, sold, possessed, or used in accordance with this chapter; and (b) Does not include industrial hemp products as defined in KRS 260.850.
- e. Processor - Means an entity licensed as such under KRS 218B.080, 218B.085, and 218B.090;

- i. Acquire or purchase raw plant material from a cultivator, processor, or producer in this state
  - ii. Possess, process, prepare, manufacture, manipulate, blend, or package medicinal cannabis
  - iii. Transfer, transport, supply, or sell medicinal cannabis and related supplies to other cannabis businesses in this state
  - iv. Sell cannabis seeds or seedlings to similar entities that are licensed to cultivate cannabis in this state or any other jurisdiction
  
- f. Producer - Means an entity licensed as such under KRS 218B.080, 218B.085, and 218B.090 to:
  - i. Acquire, possess, plant, cultivate, raise, harvest, trim, or store cannabis seeds, seedlings, plants, or raw plant material
  - ii. Deliver, transport, transfer, supply, or sell raw plant material, medicinal cannabis products, or related supplies to other licensed cannabis businesses in this state
  - iii. Sell cannabis seeds or seedlings to similar entities that are licensed to cultivate cannabis in this state or in any other jurisdiction
  - iv. Acquire or purchase raw plant material from a cultivator in this state
  - v. Possess, process, prepare, manufacture, manipulate, blend, or package medical cannabis
  
- g. Raw Plant Material - (a) Means the trichome-covered part of the female plant Cannabis sp. or any mixture of shredded leaves, stems, seeds, and flowers of the Cannabis sp. plant; and (b) Does not include plant material obtained from industrial hemp as defined in KRS 260.850;
  
- h. Safety Compliance Facility - Means an entity licensed as such under KRS 218B.080, 218B.085, and 218B.090 to:
  - i. Acquire or possess medicinal cannabis obtained from cardholders or cannabis businesses in this state
  - ii. Return the medicinal cannabis to cardholders or cannabis businesses in this state
  - iii. Transport medicinal cannabis that was produced by cannabis businesses in this state
  - iv. Produce or sell approved educational materials related to the use of medicinal cannabis
  - v. Produce, sell, or transport of equipment or materials other than medicinal cannabis, including but not limited to lab equipment and packaging materials that are used by cannabis businesses and cardholders, to cardholders or cannabis businesses licensed under this chapter
  - vi. Test medicinal cannabis produced in this state
  - vii. Train cardholders and cannabis business agents
  - viii. Receive compensation for actions allowed under this section
  - ix. Engage in any noncannabis-related business activities that are not otherwise prohibited or restricted by state law

#### **4. Specific Use Standards**

Medicinal Cannabis Facilities in the incorporated area of Danville are subject to the following Specific Use Standards in all applicable zoning districts:

- a. Medicinal Cannabis Facilities shall be required to meet Fire and Building Codes, Medicinal Cannabis Facilities must adhere to all applicable local, state, and federal requirements and shall be in compliance with KRS 218B;
- b. Medicinal Cannabis Facilities shall not be located within a floodplain;
- c. A Site Plan Application and Approval is required for any proposed Medicinal Cannabis Facility. In addition to the Site Plan requirements, the Planning Commission shall consider the impact of the proposed facility upon surrounding properties and institute other site design measures so that the character of the area is protected and the application conforms with the Comprehensive Plan;
- d. Medicinal Cannabis Facilities must submit all applicable state, or federal construction-related permits to the Planning Commission prior to commencement of any project construction. Additionally, public water lines and hydrants shall be available to the project area sufficient to meet the fire protection standards in accordance with the Danville Fire Department;
- e. Medicinal Cannabis Facilities shall not be located nearer than 1,000 feet from any licensed day care center, public or private elementary, middle, or secondary school;
- f. Medicinal Cannabis Facilities shall comply with the landscape requirements set forth in Article 4.6.8.D.
- g. All Medicinal Cannabis Facilities loading and unloading areas shall be oriented away from public streets;

SECTION TWO: If any section, sentence, clause, or portion of this Ordinance is for any reason declared illegal, unconstitutional, or otherwise invalid, such declaration shall not affect the remaining portions thereof.

SECTION THREE: This Ordinance shall be effective upon its final passage and publication, and the City Clerk is hereby directed to publish this Ordinance in the Danville Advocate- Messenger of Danville, Kentucky.

GIVEN FIRST READING AND PASSED \_\_\_\_\_.

GIVEN SECOND READING AND PASSED \_\_\_\_\_.

DATE OF PUBLICATION \_\_\_\_\_.

APPROVED:

  
\_\_\_\_\_  
J. H. ATKINS, MAYOR  
CITY OF DANVILLE, KENTUCKY

ATTEST:

  
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ASHLEY PHILLIPS, CITY CLERK  
CITY OF DANVILLE, KENTUCKY

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