



ORDINANCE 2025-01

AN ORDINANCE OF THE CITY OF ALEXANDRIA, IN CAMPBELL COUNTY, KENTUCKY, APPROVING A RECOMMENDATION OF THE ALEXANDRIA PLANNING COMMISSION, IN ORDER TO ADOPT TEXT AMENDMENTS TO THE ALEXANDRIA ZONING ORDINANCE IN ORDER TO PROVIDE TIME, PLACE AND MANNER REGULATIONS FOR THE LOCATION AND OPERATION OF MEDICAL CANNABIS BUSINESSES IN THE CITY.

WHEREAS, the Kentucky General Assembly enacted KRS 218B.010-.155 relating to the production, delivery and use of medical cannabis by cardholders; and specifically KRS 218B.130 to permit facilities for the cultivation, processing, production, and dispensing of medical cannabis in cities and counties; and

WHEREAS, part of that law, KRS 218B.130, allows local governments, including the City of Alexandria, Kentucky, to enact regulations and ordinances relating to the time, place, and manner of cannabis business operations; and

WHEREAS, pursuant to KRS 100.211 & .212 and KRS 218B.130, the Alexandria Planning Commission to held a public hearing on December 17, 2024 to recommend to City Council to adopt zoning and other land use regulations for the time, place and manner location and operation of medical cannabis business operations in the City of Alexandria, all as required by the laws of the Commonwealth of Kentucky and the Ordinances of the City of Alexandria; and

WHEREAS, the City now wishes to accept the recommendation of the Planning Commission and adopt this Ordinance in order to regulate the time, place and manner for the location and operation of medical cannabis businesses in the City.

NOW, THEREFORE, IN CONSIDERATION OF THE FOREGOING, BE IT ORDAINED BY THE CITY OF ALEXANDRIA, CAMPBELL COUNTY, KENTUCKY, AS FOLLOWS:

SECTION 1: The City of Alexandria Zoning Ordinance is hereby amended by adopting zoning text amendments to the following sections of the Alexandria Zoning Ordinance:

- Article 2, Section 2.0 – Definitions;
- Article 4, Section 4.18 (HC) Highway Commercial Zone; and

- Article 4, Section 4.19 (IP) Industrial Park Zone.

... all as set forth in Exhibit 'A', which is attached hereto and incorporated herein by reference.

ORIGINAL

SECTION 2. The record of the Planning Commission proceedings in File Number PZ-24-050 is incorporated herein by reference as if fully rewritten herein including without limitation the Staff Report dated December 11, 2024 (Exhibit 'B'), and the December 17, 2024 Minutes of the Planning Commission (Exhibit 'C'); and the Planning Commission's Recommendation To City Council (Exhibit 'D').

SECTION 3. This Ordinance shall be effective on January 1, 2025; this Ordinance may be published by Summary.

SECTION 4. Should any section, clause, line, paragraph, or part of this Ordinance be held unconstitutional or invalid for any reason, the same shall not affect the remainder of this Ordinance.

SECTION 5. All Ordinances or parts of any Ordinances in conflict therewith, to the extent of such conflict, if any, are hereby repealed.

SECTION 6. The foregoing ordinance was introduced by Council Member Robert Strong, was read, passed and adopted by Council of the City of Alexandria, Kentucky, meeting in **regular sessions on the 16th day of January, 2025, and on the 6th day of February, 2025, with 5 Yes votes, 0 No votes, and 0 Abstentions**, and was thereafter approved by the Mayor and ordered published in Summary according to law.

APPROVED:



MAYOR ANDY SCHABELL

ATTEST:



STEPHANIE TARTER CITY CLERK

Published: 2/10/2025

Text amendment additions and renumbering in blue underline and deletions in ~~red strike-out~~.

ARTICLE 2 - DEFINITIONS

SECTION 2.0 - WORDS AND PHRASES:

CANNABIS: See MARIJUANA

CANNABIS CULTIVATOR: An entity licensed as such under KRS Chapter 218B

CANNABIS PROCESSOR: An entity licensed as such under KRS Chapter 218B

CANNABIS PRODUCER: An entity licensed as such under KRS Chapter 218B

MARIJUANA: All parts of the plant Cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin or any compound, mixture, or preparation that contains any quantity of these substances. The term "marijuana" does not include:

1. Industrial hemp that is in the possession, custody, or control of a person who holds a license issued by the Department of Agriculture permitting that person to cultivate, handle, or process industrial hemp;
2. Industrial hemp products that do not include any living plants, viable seeds, leaf materials, or floral materials;
3. The substance cannabidiol, when transferred, dispensed, or administered pursuant to the written order of a physician practicing at a hospital or associated clinic affiliated with a Kentucky public university having a college or school of medicine;
4. For persons participating in a clinical trial or in an expanded access program, a drug or substance approved for the use of those participants by the United States Food and Drug Administration;
5. A cannabidiol product derived from industrial hemp, as defined in KRS 260.850; or
6. A cannabidiol product approved as a prescription medication by the United States Food and Drug Administration.

MEDICINAL MARIJUANA DISPENSARY: An entity licensed as such under KRS Chapter 218B

SAFETY COMPLIANCE FACILITY: An entity licensed as such under KRS Chapter 218B

ARTICLE 4 – ESTABLISHMENT OF ZONES & ZONE REGULATIONS

SECTION 4.18 (HC) HIGHWAY COMMERCIAL ZONE

D. CONDITIONAL USES:

...

5. Medicinal marijuana dispensary with the following condition.
 - a. Shall not be located within one thousand (1000) feet of an existing dispensary.
 - b. Shall not be located within five hundred (500) feet from a public park or playground.
 - c. Shall not be located within five hundred (500) feet from a religious assembly facility.
 - d. Shall not be located within five hundred (500) feet from a sexually oriented business

SECTION 4.19 (IP) INDUSTRIAL PARK ZONE

D. CONDITIONAL USES:

1. Medicinal cannabis cultivators, processors, producers, and safety compliance facilities.

ED. AREA AND HEIGHT REGULATIONS:

...

FE. OTHER DEVELOPMENT CONTROLS:

...

Included to show
renumbering



December 11, 2024

City of Alexandria Planning and Zoning Commission
8236 W. Main St.
Alexandria, KY 41001

The Alexandria Planning and Zoning Commission will hold a Public Hearing on Tuesday December 17, 2024 at 7:00 PM for the following case:

- Case: PZ-24-050
- Applicant: City of Alexandria
- Request: Zoning text amendments to the Alexandria Code of Ordinances related to cannabis sales.

This public hearing was advertised in the December 4, 2024 edition of the NKY LINK Reader (linknky.com).

See Appendix for proposed text amendments

File Number PZ-24-050: The City is requesting approval of zoning text amendments to the following sections of the Alexandria Zoning Ordinance:

- Article 2, Section 2.0 - Definitions
- Article 4, Section 4.18 (HC) Highway Commercial Zone
- Article 4, Section 4.19 (IP) Industrial Park Zone

Staff Comment

In preparing the proposed text amendments, Campbell County Planning and Zoning Staff has reviewed best practices from other municipalities in Kentucky as well as carefully examining the new State statutes. You will notice that some of the language proposed only defers to [KRS 218B](#). The State statutes cover a lot of ground (*64 pages long and 30 chapters*) on cannabis businesses. This allows cities and counties to focus primarily on zoning language: Where or where not should this type of business locate?

Prior to preparing these recommendations for Alexandria, we have worked with several other cities on their respective cannabis zoning regulations. The recommended language has been received positively by those cities and been approved either verbatim or with minor changes. While we believe that consistency among municipalities is important, we also understand that each city has its own unique characteristics and priorities that need to be considered. The recommended zoning language in the appendix is similar to approved language found elsewhere in the area, however we have added several options and alternatives based on conversations with the City Administrator that you should consider.

A Note on Distance Requirements.

Kentucky's medical cannabis laws provide that a cannabis business shall not be located within one thousand (1,000) feet of an existing elementary, secondary school, or daycare center. It does not specify any distance requirements from other land uses.

State law allows local governments to impose additional zoning limitations for cannabis businesses and some are adding additional distance requirements to their cannabis business zoning regulations. For example: The City of Florence, KY has added distance requirements between existing dispensaries, public parks or playgrounds, religious assembly facilities and sexually oriented businesses. We have included model zoning language in the appendix should the planning commission see fit to include those additional land use buffers.

Further reading:

<https://kymedcan.ky.gov/>

<https://apps.legislature.ky.gov/law/statutes/chapter.aspx?id=53446>

Staff Recommendation:

To approve the text amendments to Articles 2 and 4 of the Official Zoning Ordinance, and forward the recommendation to City Council for adoption.

Bases for Staff Recommendation:

1. Per Kentucky Revised Statutes KRS 100.207 and KRS 100.211, the Planning Commission has the authority to recommend the adoption of text changes to the City.
2. Proper notice of the public hearing has been given in accordance with KRS 424 and Article XVII Amendment Procedure.

Respectfully submitted,
Campbell County Planning, Zoning and Building Department



Kirk Hunter, AICP
Principal Planner

APPENDIX

Text amendment additions and renumbering in blue underline and deletions in ~~red strike-out~~.

ARTICLE 2 - DEFINITIONS

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1. Industrial hemp that is in the possession, custody, or control of a person who holds a license issued by the Department of Agriculture permitting that person to cultivate, handle, or process industrial hemp;
2. Industrial hemp products that do not include any living plants, viable seeds, leaf materials, or floral materials;
3. The substance cannabidiol, when transferred, dispensed, or administered pursuant to the written order of a physician practicing at a hospital or associated clinic affiliated with a Kentucky public university having a college or school of medicine;
4. For persons participating in a clinical trial or in an expanded access program, a drug or substance approved for the use of those participants by the United States Food and Drug Administration;
5. A cannabidiol product derived from industrial hemp, as defined in KRS 260.850;
or
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ARTICLE 4 – ESTABLISHMENT OF ZONES & ZONE REGULATIONS

SECTION 4.18 (HC) HIGHWAY COMMERCIAL ZONE

Option 1 as a permitted use by right:

C. PERMITTED USES:

...

59. Medicinal marijuana dispensary.

a. Shall not be located within one thousand (1,000) feet of an existing dispensary

Option 2 as a conditional use:

D. CONDITIONAL USES:

...

5. Medicinal marijuana dispensary with the following condition.

a. Shall not be located within one thousand (1000) feet of an existing dispensary.

Optional additional zoning limitations:

b. Shall not be located within five hundred (500) feet from a public park or playground.

c. Shall not be located within five hundred (500) feet from a religious assembly facility.

d. Shall not be located within five hundred (500) feet from a sexually oriented business

SECTION 4.19 (IP) INDUSTRIAL PARK ZONE

Option 1 as a permitted use by right:

B. PERMITTED USES: The following uses are permitted providing all uses are in compliance with the performance standards as set forth in Article XV of this ordinance.

...

16. Medicinal cannabis cultivators, processors, producers, and safety compliance facilities.

Option 2 as a conditional use:

D. CONDITIONAL USES:

1. Medicinal cannabis cultivators, processors, producers, and safety compliance facilities.

ED. AREA AND HEIGHT REGULATIONS:

...

FE. OTHER DEVELOPMENT CONTROLS:

...

Included to show
renumbering



PLANNING & ZONING MEETING Minutes of December 17, 2024

Chairperson Nick Reitman opened the regular meeting at 7:00 p.m. on the above date, with the Pledge of Allegiance and the following members answering roll call:

Present: Michael McGrath Nick Reitman Sonny Markus
Randy Nehus Michele Nelson Sam Ruebusch

Absent: Adam Lisowsky

Also Present: Megan Snyder, Administrative Clerk Andy Schabell, Mayor
David Plummer, City Administrator Mike Duncan, City Attorney
Kirk Hunter, CC Planning & Zoning

NEW BUSINESS –

Public Hearing:

To hear and gather evidence and public comment regarding a zoning text amendment related to cannabis sales.

Nick Reitman opened the public hearing at 7:01pm.

Kirk Hunter presented the staff report, prepared by Campbell County Planning & Zoning, see attached.

Mr. Reitman stated he would like it treated like alcohol stores, like the distances. There was a question about recreational use, they were advised that would have different regulations. They are good with the recommended distances with a conditional use to have control over it. There is only one site currently for dispensary that won the lottery. We currently do not have any industrial zones for cultivators or producers. There was a question on if the dispensary has a time frame, Mr. Plummer advised the information he has received it will likely be March, April or May timeline for the individual that's won the lottery for here in Alexandria.

Brief conversation regarding hours of operation if that is something they need to decide on right now, they were advised they have time to do a study. Would like their hours of operations to be 8am – 10pm if it is needed.

MOTION: Sam Ruebusch made a motion to approve the text change in the highway commercial zone to make medicinal marijuana dispensaries a conditional use with the four distance conditions, and then made a second motion to make the cannabis cultivators, producers fall into the industrial zone as a conditional use, they are accepting the staff recommendations with the definitions. Seconded by Sonny Markus. All in favor, the motion passed 6-0-0.

Nick Reitman closed the public hearing at 7:26pm.

APPROVAL OF MINUTES – October 1, 2024

MOTION: Michele Nelson made a motion to approve the minutes of August 20, 2024, meeting, Randy Nehus seconded by. All in favor, the motion passed 6-0-0.

VISITORS AND GUESTS – None

UNFINISHED BUSINESS –

There was a question if they are still looking into big box stores and gathering ideas. Mr. Plummer advised they need to be looking into the provisions in the zoning code.

P&Z Permit Report: A Planning & Zoning permit report issued by Campbell County Planning & Zoning for the City of Alexandria was provided for the month of October & November.

City Council Report: Mayor Andy Schabell gave a reminder that cannabis was on the ballot in November for Alexandria, and it passed, in fact it was on 53 counties and 53 cities in the state of Kentucky and everyone one of them passed. Also advised they are busy with the appointments to the boards; the Planning and Zoning Commission are losing 2 individuals. Adam Lisowsky is resigning, and Michael McGrath is going to the City Council, leaving 2 openings. Mr. Reitman and Mayor Schabell have two interviews tomorrow to fill the spots. He is happy with everyone that we have, and he appreciates all the work that they do. Gave a quick update on the City Building, stating that we should start seeing some equipment there maybe this week, or next week, and moving dirt sometime in January.

Correspondence: Stated Kubota Dealership moving along nicely. Question on when Wawa will start moving dirt, have noticed there are flags up for the utility lines. There was a question about updates on the old roller rink building and the conversion of that. They were advised that the gulf simulator Birdie Bound is having their ribbon cutting this Friday at 3pm, and batting cages have been open, but they are only open by appointments.

ADJOURNMENT

MOTION: Michael McGrath made a motion to adjourn, seconded by Randy Nehus. All in favor, the motion passed 6-0-0. Meeting adjourned at 7:36p.m.

Attested to and submitted by:

Stephanie Tarter, City Clerk

Nick Reitman, Chair

Dated _____

Dated _____

**CITY OF ALEXANDRIA PLANNING COMMISSION
RECOMMENDATION TO CITY COUNCIL**

The City of Alexandria Planning Commission held a Public Hearing on Tuesday, December 17, 2024, for the purpose of hearing and collecting evidence, and of reviewing and receiving public comment regarding the following request:

LEGAL NOTICE

The Alexandria Planning & Zoning Commission will hold a public hearing on Tuesday, December 17, 2024 at 7:00 PM at 8236 W. Main St. Alexandria, KY for the purpose of hearing testimony for the following cases:

File Number: PZ-24-050

Applicant: CITY OF ALEXANDRIA PLANNING COMMISSION

Request: Zoning text amendments related to cannabis sales.

Persons interested in these cases are invited to be present. Interested persons may attend the meeting, and/or submit their comments in advance by emailing pzadmin@campbellcountyky.gov or calling 859-292-3880 no later than noon (EST) December 16, 2024. For record keeping purposes, comments should also include the name and address of the person(s) commenting. Comments regarding this case will be taken by email, phone and in-person.

The public hearing was conducted according to Kentucky State Law and Alexandria City Ordinances. All interested persons were welcomed to attend and give verbal comments and/or written comments prior to or at the public hearing.

At the hearing, Kirk Hunter, Principal Planner with the Campbell County Planning, Zoning and Building Department presented the Staff Report dated December 1, 2024, which is attached hereto and incorporated herein by reference as Exhibit 'B'. Mr. Hunter discussed the issues and options contained in the Staff Report.

At the hearing, the City Administrator and the City Attorney provided information regarding the background and legal issues involved with this Application.

No members of the public appeared at the meeting to speak in favor or opposition to the proposed text amendments.

Upon conclusion of all of the testimony and evidence, the public hearing was closed and the Planning Commission deliberated. After discussing the issues involved, a motion

was made, seconded and passed unanimously to recommend to City Council to adopt the text amendments to the following sections of the Alexandria Zoning Ordinance:

- Article 2, Section 2.0 – Definitions;
- Article 4, Section 4.18 (HC) Highway Commercial Zone; and
- Article 4, Section 4.19 (IP) Industrial Park Zone.

... all as set forth in Exhibit 'A', which is attached hereto and incorporated herein by reference.

This recommendation of the Planning Commission shall be forwarded to Alexandria City Council for further consideration and adoption according to law.

Respectfully submitted,

/SS/ **Nick Reitman**

Nick Reitman, Chairman

Alexandria Planning Commission