

**ORDINANCE NO 2024-23
CITY OF OAK GROVE, KENTUCKY**

ZONING ORDINANCE AMENDMENT

AN ORDINANCE AMENDING ORDINANCE 2021-11 PROVIDING NEW ZONING REGULATIONS FOR CANNABIS BUSINESSES IN THE CITY OF OAK GROVE, KENTUCKY

WHEREAS, the City of Oak Grove enacted Ordinance 2021-11 to provide necessary updates to zoning regulations for the City of Oak Grove; and

WHEREAS, the Oak Grove City Council wishes to adopt the November 26, 2024 recommendations of the Community Development Services Board regarding zoning amendments for cannabis businesses;

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF OAK GROVE, KENTUCKY AS FOLLOWS:

SECTION I. AMENDMENT OF OAK GROVE ORDINANCE 2021-11

City of Oak Grove Ordinance 2021-11 is hereby amended as follows:

Article 2

Amend Article 2, Section 2.1 to add the following definitions:

CANNABIS BUSINESS - An entity licensed by the State of Kentucky pursuant to the Kentucky Revised Statutes as a cannabis cultivator, dispensary, processor, producer, or safety compliance facility.

CANNABIS CULTIVATOR - An entity licensed by the State of Kentucky pursuant to the Kentucky Revised Statutes and 915 KAR 1:030 to plant, grow, cultivate, raise, harvest, trim, store, test, package, label, transfer, transport, sell or offer to sell medicinal cannabis seeds, seedlings, tissue cultures, clones not taller than eight (8) inches, medical cannabis plants, medicinal cannabis, or medicinal cannabis product to another licensed cannabis business in the state.

CANNABIS DISPENSARY - An entity licensed by the State of Kentucky pursuant to the Kentucky Revised Statutes and 915 KAR 1:070 to perform retail sales of medicinal cannabis to a registered qualified patient or visiting qualified patient as defined and authorized by the Kentucky Revised Statutes and corresponding regulations.

CANNABIS PROCESSOR - An entity licensed by the State of Kentucky pursuant to the Kentucky Revised Statutes and 915 KAR 1:040 to process and/or package raw medicinal cannabis plant material or plants into approved forms of medical cannabis as authorized by the Kentucky Revised Statutes and accompanying regulations.

CANNABIS PRODUCER - An entity licensed by the State of Kentucky pursuant to the Kentucky Revised Statutes and 915 KAR 1:050 which operates as both a cannabis cultivator and processor.

CANNABIS SAFETY COMPLIANCE FACILITY - An entity licensed by the State of Kentucky pursuant to the Kentucky Revised Statutes and 915 KAR 1:060 to collect, handle, receive, or conduct tests on medical cannabis samples.

ALL OTHER PROVISIONS OF ARTICLE 2 ARE RETAINED AND ARE UNAFFECTED BY THIS AMENDMENT.

ARTICLE 5

Amend Article 5, Section 5.2, Table 5.2 Schedule of Uses to add:

Table 5.2 Schedule of Uses													
R = Permitted by Right		R*=Permitted by Right (Specific Standards)					C = Conditional Use			Blank Cell = Use Not Allowed			
Use Classifications	Districts									Use Specific Standards	Parking Code (See Section 6.30)		
	R-1	R-1A	R-2	R-3	RMH-1	RMH-2	B-1	B-2	I-1				
Commercial, Retail, and Personal Service Uses													
Cannabis Dispensaries										R*		§5.27.2	I

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R = Permitted by Right		R*=Permitted by Right (Specific Standards)					C = Conditional Use			Blank Cell = Use Not Allowed			
Use Classifications	Districts									Use Specific Standards	Parking Code (See Section 6.30)		
	R-1	R-1A	R-2	R-3	RMH-1	RMH-2	B-1	B-2	I-1				
Industrial, Public Facilities Services, and Utility Uses													
Cannabis Cultivators										R*		§5.27.2	Z
Cannabis Processors										R*		§5.27.2	Z
Cannabis Producers										R*		§5.27.2	Z
Cannabis Safety Compliance Facilities										R*		§5.27.2	Z

Amend Table 5.2 "Schedule of Uses" to renumber the Use Specific Standards references affected by this amendment.

Amend Article 5, Section 5.27 Commercial, Retail, and Personal Services Uses, Subsection 5.27.2 as follows:

~~§5.27.2 [Fireworks Sales. [Reserved]]~~ Cannabis Businesses are permitted subject to the following standards:

- (a) *Purpose.* The purpose of this section is to facilitate the siting, development, establishment, and operation of cannabis businesses in the City of Oak Grove, Kentucky in a predictable manner that promotes and protects the public health, safety, and welfare of the community. The requirements of this section establish time, place, and manner restrictions for the siting, development, establishment, and operation of cannabis businesses as authorized by KRS 218B and accompanying regulations.
- (b) *Applicability.* This section applies to the siting, development, establishment, and operation of a cannabis business within the City of Oak Grove, Kentucky. No cannabis business shall be permitted within the City of Oak Grove, Kentucky except when in conformance with the requirements of this ordinance and the requirements imposed by the Kentucky Revised Statutes and accompanying regulations.
- (c) *Permit Required.* A building/zoning permit is required prior to the siting, development, establishment, or operation of a cannabis business in accordance with §3.20 et seq. of this ordinance. The application for a building/zoning permit shall be accompanied by a site plan as described by §3.22. The zoning permit application and accompanying site plan shall certify and clearly illustrate the applicant's conformance with this ordinance including the distancing requirements established by this section.
- (d) *Proof of Licensure and Conformance with Applicable Requirements.* The application for a building/zoning permit shall include:
 - (1) Proof of Licensure by the Commonwealth of Kentucky (or proof of licensure pending local permitting) authorizing the applicant to operate a cannabis business, type specified, at the location indicated on the building/zoning permit application; and
 - (2) Proof of a City of Oak Grove Occupational License (or proof of licensure pending approval of a building/zoning permit) authorizing the applicant to operate a cannabis business, type specified, at the location indicated on the building/zoning permit application.
 - (3) Licensure by the Commonwealth of Kentucky and the City of Oak Grove shall be continuously maintained. The revocation, suspension, or termination of a license by the issuing authority shall have the effect of voiding any building/zoning permit authorizing a cannabis business issued under this ordinance.
- (e) *Requirements Applicable to Cannabis Businesses.* A cannabis business, by specified type, shall be permitted or prohibited in the city's zoning districts in accordance with Appendix A of this ordinance. In addition to all other

requirements imposed by this ordinance, the following standards shall apply to the siting, development, establishment, and operation of a cannabis business:

- (1) Distancing restrictions.
 - a. No cannabis business shall be located within 1,000 feet of an existing elementary school, secondary school, or childcare center as defined by KRS 199.894(3);
 - b. No cannabis business shall be located within forty (40) feet of an existing R-1, R-1A, R-2, R-3, RMH-1, or RMH-2 zoned lot;
 - c. No cannabis business shall be located within forty (40) feet of a lot containing an existing single-family dwelling; and
 - d. For the purposes of parts (a), (b), and (c) above, the required minimum distance shall be measured in a straight-line from the nearest property line of the adjacent elementary school, secondary school, childcare center, single-family dwelling, or residentially zoned lot to the nearest property line of the proposed cannabis business.

- (2) Access restrictions. Except as provided in this part, vehicular ingress and egress to a site containing a cannabis dispensary shall be limited to an abutting principal arterial or minor arterial roadway as illustrated on the Kentucky Transportation Cabinet's Functional Classification Map. Vehicular ingress/egress to a collector or local street may be approved upon certification that:
 - a. No portion of the collector or local street abuts a residential district within 500 feet of the property containing a cannabis dispensary; and
 - b. The collector or local street provides direct access to a principal or minor arterial roadway.

- (3) Special Signage Restrictions. Notwithstanding the provisions of Article 7 of this ordinance, no sign erected to identify a cannabis business shall exceed fifty (50) square feet in area. No more than one (1) free-standing sign and one (1) wall sign shall be permitted on any lot containing a cannabis business. No sign shall depict the imagery or action of smoking or any other action, imagery, or activity prohibited by state law.

- (f) Variance Eligibility. A variance from the requirements of this subsection may be granted by the Board of Zoning Adjustment pursuant to §3.50 et seq. or, in the case of zoning map amendment, by the Planning Commission pursuant to §9.5 of the City of Oak Grove, Kentucky Zoning Ordinance, as amended; provided, no variance shall be granted in conflict with the minimum standards established by state law.

Amend Article 5 to renumber sections as follows:

~~§5.27.2~~ **§5.27.3** Fireworks sales. [Reserved]

~~§5.27.3~~ **§5.27.4** Flea markets. [Reserved]

~~§5.27.4~~ **§5.27.5** Manufactured or modular home sales may be permitted provided all manufactured or modular homes (displays) are setback no less than forty (40)

feet from any public right-of-way and no less than twenty (20) feet from any side and rear property line.

~~§5.27.5~~ §5.27.6 Retail stores. [Reserved]

~~§5.27.6~~ §5.27.7 Wholesale stores are permitted provided the site has direct access to an arterial street.

~~§5.27.7~~ §5.27.8 Other commercial, retail, or personal service uses (limited) are subject to the following standards:

- (a) The use is contained entirely within an enclosed building;
- (b) The gross floor area of the use shall not exceed 2,500 square feet;
- (c) The maximum occupancy of the building shall not exceed 25; and
- (d) The use shall not constitute a use that is otherwise listed in Table 5.2 or any use which is expressly prohibited within the B-2 District.

ALL OTHER PROVISIONS OF ARTICLE 5 ARE RETAINED AND ARE UNAFFECTED BY THIS AMENDMENT.

TABLE OF CONTENTS

Amend the Zoning Ordinance's Table of Contents and corresponding pages to adjust page numbers resulting from the above amendment.

All remaining provisions of City of Oak Grove Ordinance 2021-01 shall remain in full force and effect.

SECTION II. SEVERABILITY

It is the legislative body's intent that the provisions of this ordinance are to be severable and that if a part of this ordinance is to be invalid, the findings do not necessarily invalidate the entire ordinance.

SECTION III. UNCONSTITUTIONALITY

Should any part of this ordinance be void or unconstitutional, the remaining ordinance shall remain in full force and effect.

SECTION IV. EFFECTIVE DATE

This ordinance shall take effect after its passage and publication according to law.

Date of First Reading of Ordinance: December 3, 2024

Date of Second Reading of Ordinance: December 17, 2024

Date of Publication of Ordinance: December 26, 2024

Ordinance published in: The Kentucky New Era

Jacqueline Oliver
Jacqueline Oliver, Mayor

ATTEST:

[Signature]

Lorelynn Fisher, City Clerk

This advertisement was paid for by the City of Oak Grove using taxpayers' dollars in the amount of \$139.15 - Summary

Certification

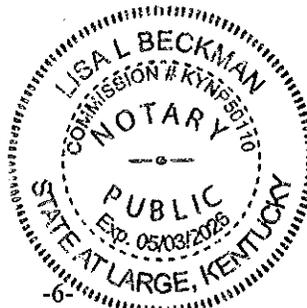
I, Lorelynn Fisher, do hereby certify that I am the duly appointed city clerk of the City of Oak Grove, Kentucky, that the foregoing Ordinance is a true and correct copy of an ordinance duly adopted at a meeting of the City Council on December 17, 2024, that the Ordinance referred to therein is in the form presented to said meeting and in the form executed, and the said ordinance appears as a matter of public record in the Official City Ordinance Book and is in full force and effect.

IN TESTIMONY WHEREOF, witness my signature on this 18 day of Dec. 2024.

[Signature]

Lorelynn Fisher, City Clerk

State of Kentucky
County of Christian
The foregoing instrument was acknowledged before me 18 day of December, 2024.
Lisa L. Beckman
Your Name Here, Notary Public
My Commission Expires May 3, 2026



AFFP
NO 2024-23

Affidavit of Publication

STATE OF KY)
COUNTY OF CHRISTIAN) SS

Melanie Miller, being duly sworn, says:

That she is Accounting Clerk of the Kentucky New Era, a newspaper of general circulation, printed and published in Hopkinsville, Christian County, KY; that the publication, a copy of which is attached hereto, was published in the said newspaper on the following dates:

December 26, 2024

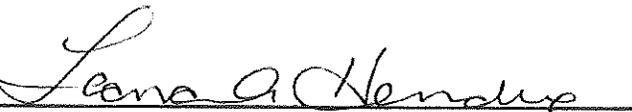
Publisher's Fee: \$ 139.15

That said newspaper was regularly issued and circulated on those dates.

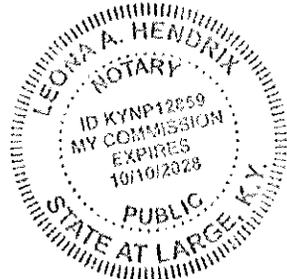
SIGNED:



Subscribed to and sworn to me this 26th day of December 2024.



00007747 71129654



LORELYNN FISHER
City of Oak Grove
8505 Pembroke Oak Grove Rd
Oak Grove, KY 42262

ORDINANCE NO 2024-23
CITY OF OAK GROVE, KENTUCKY
PUBLICATION SUMMARY
ZONING ORDINANCE AMENDMENT
AN ORDINANCE AMENDING ORDINANCE 2021-11 PROVIDING NEW ZONING REGULATIONS FOR CANNABIS BUSINESSES IN THE CITY OF OAK GROVE, KENTUCKY
WHEREAS, the City of Oak Grove enacted Ordinance 2021-11 to provide necessary updates to zoning regulations for the City of Oak Grove; and
WHEREAS, the Oak Grove City Council wishes to adopt the November 26, 2024 recommendations of the Community Development Services Board regarding zoning amendments for cannabis businesses;
NOW THEREFORE, BE IT ORDAINED BY THE CITY OF OAK GROVE, KENTUCKY AS FOLLOWS:
SECTION I. AMENDMENT OF OAK GROVE ORDINANCE 2021-11
City of Oak Grove Ordinance 2021-11 is hereby amended as follows:
ARTICLE 2
Amend Article 2, Section 2.1 to add the following definitions for the following: Cannabis Business, Cannabis Cultivator, Cannabis Dispensary, Cannabis Processor, Cannabis Producer, Cannabis Safety Compliance Facility.
ARTICLE 5
Amend Article 5, Section 5.2, Table 5.2 Schedule of Uses to add use classifications for: Cannabis Dispensaries, Cannabis Cultivators, Cannabis Processors, Cannabis Producers and Cannabis Safety Compliance Facilities.
Amend Article 5, Section 5.27 Commercial, Retail, and Personal Services Uses, Subsection 5.27.2 to provide operational requirements for Cannabis related businesses.
SECTION II. SEVERABILITY
It is the legislative body's intent that the provisions of this ordinance are to be severable and that if a part of this ordinance is to be invalid, the findings do not necessarily invalidate the entire ordinance.
SECTION III. UNCONSTITUTIONALITY
Should any part of this ordinance be void or unconstitutional, the remaining ordinance shall remain in full force and effect.
SECTION IV. EFFECTIVE DATE
This ordinance shall take effect after its passage and publication according to law. The undersigned City Attorney certifies he is licensed to practice law in the Commonwealth of Kentucky, and the foregoing summary of Ordinance 2024-23 was prepared in accordance with the provisions of KRS §83A.060(9).
/s/ Lee F. Wilson
A complete copy of this Ordinance is available at Oak Grove City Hall, (270) 439-4646, during normal business hours.