

**Hardin County Fiscal Court
Ordinance No. 269-4, Series 2024
Amendment #4 to Ordinance No. 269, Series 2009**

An Ordinance Approving a Text Amendment to the Development Guidance System, Zoning Ordinance, 2009 to Accommodate Potential Medical Cannabis Businesses in Unincorporated Hardin County

- WHEREAS** Hardin County Fiscal Court has adopted a Comprehensive Plan, Land Use Regulations, and Subdivision Regulations;
- WHEREAS** the above-mentioned regulations are designed to protect the public health, safety and welfare of the citizens of Hardin County;
- WHEREAS** the Hardin County Planning and Development Commission adopted a new Comprehensive Plan entitled *Comprehensive Development Guide, 2024* on March 5, 2024 and the Hardin County Fiscal Court adopted the Goals and Objectives contained therein on March 12, 2024;
- WHEREAS** the 2023 Kentucky General Assembly passed Senate Bill 47 legalizing the use of medical cannabis and establishing a framework for state licensure of cannabis businesses such as cultivators, dispensaries, processors, producers and safety compliance facilities in the Commonwealth effective January 1, 2025;
- WHEREAS** the Kentucky Cabinet for Health and Family Services Medical Cannabis Program filed Administrative Regulations (915 KAR) establishing procedures for the issuance, renewal, suspension and revocation of cannabis business licenses;
- WHEREAS** KRS 218B.130(2)(b) authorizes local governments to enact ordinances that are no less restrictive than the Kentucky Revised Statutes or Administrative Regulations;
- WHEREAS** it is necessary to establish the zoning requirements of cannabis businesses prior to January 1, 2025, prior to the Cabinet issuing any cannabis business license;
- WHEREAS** the proposed amendment to Table 1: Land Use Table will allow for Medical Cannabis businesses (cultivator, dispensary, processor, producer, safety compliance facility) as a permitted use within the I-1 (Light Industrial) and I-2 (Heavy Industrial) zones in unincorporated Hardin County, KY;
- WHEREAS** a public hearing was held by the Hardin County Planning Commission on September 3, 2024, after which the Commission adopted Resolution 2024-18 recommending changes to Hardin County Fiscal Court to accommodate any future potential medical cannabis businesses.

NOW, THEREFORE, BE IT ORDAINED upon recommendation of the Hardin County Planning Commission, that the text of the Development Guidance System, Zoning Ordinance, 2009 (Hardin Fiscal Court Ordinance No. 269, Series 2009) be amended to add medical cannabis as Item 48 to the Land Use Table, Table 1, beginning on page 56 and continuing onto page 57 of the Zoning Ordinance as follows (gray highlighted addition):

P = Permitted Use C = Conditional Use A = Accessory Use .. = Not Permitted

LISTED USES

	A-1	R-1	R-2	R-3	R-4	R-5	C-0	C-1	C-2	B-1	B-2	I-1	I-2	I-H	PD-1
68 Medical Cannabis - Cultivator, Dispensary Processor, Producer, Safety Compliance Facility	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-
69 Meat Packing Plant	-	-	-	-	-	-	-	-	-	-	-	C	C	-	-
70 Medical Office	-	C	C	C	-	-	P	P	P	-	P	C	C	-	P
71 Mobile Home Park	-	-	-	-	-	P	-	-	-	-	-	-	-	-	-
72 Mobile Home	-	C	C	C	-	-	-	C	C	-	-	C	C	-	-
73 Multi-Family Housing	-	-	-	-	P	-	-	-	-	-	-	-	-	-	P
74 Non-Commercial Saw Mill	P	-	P	P	-	-	-	-	-	-	-	-	-	-	-
75 Non-Residential	-	C	C	-	-	-	-	P	P	-	-	-	-	-	P
76 Hotel, Motel and/or Department Store	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-
77 Owner Operated Specialty Skilled Shop for Agricultural Related Use	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-
78 Parking Lot	C	C	C	C	-	-	P	P	P	P	P	-	-	-	P
79 Petroleum Production, Refining and/or Storage	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-
80 Plumbing & Electrical Supply	-	-	-	-	-	-	-	P	P	P	-	P	P	-	-
81 Printing, Publishing & Engraving	-	-	-	-	-	-	-	P	P	-	-	P	P	-	-
82 Private Club	C	C	C	C	-	-	-	P	P	-	-	C	C	-	P
83 Private School	P	P	P	P	-	-	-	P	P	-	-	-	-	-	P
84 Professional Office	-	C	C	C	-	-	-	P	P	-	-	P	P	-	P
85 Rail Road Siding Operation	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-
86 Ready Mix and/or Concrete Plant	-	-	-	-	-	-	-	-	-	-	-	C	C	-	-
87 Recreational Enterprises (Indoor)	C	C	C	C	-	-	C	P	P	-	-	-	-	-	-
88 Recycling Center	-	-	-	-	-	-	-	C	C	C	-	C	C	-	-
89 Repair of Household Appliances	-	C	C	C	-	-	-	P	P	P	-	-	-	-	-
90 Restaurants	C	C	C	C	-	-	-	P	P	P	P	A	A	-	P
91 Research Laboratory	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-
92 Retail Food Store	-	-	-	-	-	-	-	P	P	P	-	-	-	-	P
93 Retail Neighborhood Use	-	C	C	C	C	C	C	P	P	-	-	-	-	-	P
94 Retail Sales of Merchandise	-	C	C	C	C	C	C	P	P	P	-	A	A	-	P
95 Saw Mills	C	-	-	-	-	-	-	C	C	C	-	C	C	-	-
96 Scrap Metal	-	-	-	-	-	-	-	-	C	-	-	C	C	-	-
97 Self-Mini Storage Units	-	C	C	C	C	C	C	P	P	P	-	-	-	-	P
98 Self-Serve Laundry	-	C	C	C	C	C	C	P	P	P	-	-	-	-	P
99 Sexually Oriented Business	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-
80 Shoe Repair	-	C	C	C	C	-	-	P	P	-	-	-	-	-	P
81 Signage (On and Off-Site)	PIC	PIC	PIC	PIC	PIC	PIC	PIC	PIC	PIC	PIC	PIC	PIC	PIC	PIC	PIC
82 Slaughter House	C	-	-	-	-	-	-	-	-	-	-	C	C	-	-
83 Tailors Shop	-	C	C	C	-	-	-	P	P	-	-	-	-	-	P
84 Temporary Real Estate Sale Office	-	C	C	C	C	C	C	-	-	-	-	-	-	-	P
85 Temporary Uses - See Definition	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
86 Theater	-	-	-	-	-	-	-	P	P	P	P	-	-	-	-
87 Tractor Trailers/Parking & Storage	P	C	C	C	-	-	C	P	P	P	C	P	P	C	C
88 Truck or Freight Terminal	-	-	-	-	-	-	-	-	-	C	-	C	C	-	-
89 Veterinary Clinics	C	C	C	C	-	-	C	P	P	-	-	-	-	-	-
90 Warehousing	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-
91 Welding Shop	C	C	C	C	-	-	C	P	P	-	-	P	P	-	-
92 Wholesaling	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-

FIRST READING on this the 24th day of September, 2024.

SECOND READING on this the 22nd day of October, 2024.

EFFECTIVE upon passage this the 22 day of October 2024.



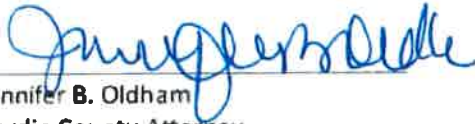
Keith L. Taul
Hardin County Judge/Executive

Attest:



Brian D. Smith
Hardin County Clerk

Prepared:



Jennifer B. Oldham
Hardin County Attorney

RESOLUTION 2024-018

RESOLUTION RECOMMENDING APPROVAL OF TEXT AMENDMENTS TO THE *DEVELOPMENT GUIDANCE SYSTEM, ZONING ORDINANCE 2009*

Table 1: Land Use Table - Medical Cannabis (Cultivator, Dispensary, Processor, Producer, Safety Compliance Facility)

- WHEREAS** the Hardin County Fiscal Court and the Hardin County Planning and Development Commission have adopted a Comprehensive Plan, Land Use Regulations, and Subdivision Regulations;
- WHEREAS** the above-mentioned regulations are designed to protect the public health, safety and welfare of the citizens of Hardin County;
- WHEREAS** the Hardin County Planning and Development Commission adopted a new Comprehensive Plan entitled *Comprehensive Development Guide, 2024* on March 5, 2024 and the Hardin County Fiscal Court adopted the Goals and Objectives contained therein on March 12, 2024;
- WHEREAS** the 2023 Kentucky General Assembly passed Senate Bill 47 (2023 KY. Acts Ch. 146) and on March 31, 2023 Governor Beshear signed Senate Bill 47 into law codified in Kentucky Revised Statutes ("[(RS)") 218B, legalizing the use of medical cannabis and establishing a framework for state licensure of cannabis businesses such as cultivators, dispensaries, processors, producers and safety compliance facilities in the Commonwealth effective January 1, 2025;
- WHEREAS** the Kentucky Cabinet for Health and Family Services (Cabinet) Medical Cannabis Program filed Administrative Regulations (915 KAR) establishing procedures for the issuance, renewal, suspension and revocation of cannabis business licenses;
- WHEREAS** Kentucky Revised Statute 218B.130(2)(b) authorizes local governments to enact ordinances that are no less restrictive than the Kentucky Revised Statutes or Administrative Regulations;
- WHEREAS** the Hardin County Planning and Development Commission believes it necessary to place reasonable limitations on the geographic locations of cannabis businesses to protect the public health, safety and welfare of the citizens of Hardin County, KY;
- WHEREAS** it is necessary to establish general provisions and determine zoning requirements of cannabis businesses by January 1, 2025 prior to the Cabinet issuing any cannabis business license;
- WHEREAS** the proposed amendment to Table 1: Land Use Table will allow for Medical Cannabis (cultivator, dispensary, processor, producer, safety compliance facility) as a permitted use within the 1-1 (Light Industrial) and 1-2 (Heavy Industrial) zones in unincorporated Hardin County, KY;

NOW THEREFORE, BE IT RESOLVED, that based upon the hearing record, including the staff recommendation and the testimony provided in the public hearing, the Hardin County Planning and Development Commission hereby recommends that the text amendment to Table 1: Land Use Table of the *DEVELOPMENT GUIDANCE SYSTEM, Zoning Ordinance 2009* be approved by Hardin County

Fiscal Court, which is attached hereto and incorporated herein. The proposed text amendment is in agreement with the following Goals, Objectives and Action Steps of the Comprehensive Plan:

GOAL 5 Create opportunities for commerce and industry that support a broad range of workforce opportunities, increase the quality of life, and capitalize on the region's lower cost of living.

Objective 5.4: Provide adequate space for the proper location of commercial and industrial land

GOAL 8: Proactively plan for quality development that is compatible with surrounding land uses and responds to market demands.

Objective 8.2: Define areas within the county for the highest and best use for residential, commercial, industrial, and agricultural that make effective use of existing and proposed services and facilities.

Objective 8.3: Evaluate and revise the Hardin County Zoning Ordinance and Subdivision Regulations to align with the goals, objectives, and policies of the Comprehensive Plan.

Objective 8.8: Encourage that all land uses are developed in a manner compatible with surrounding land uses.

Action Step 1: Complete a periodic review of the zoning ordinance and subdivision regulations to identify any amendments that are needed to align with future comprehensive plan updates, market trends, or other issues.

ADOPTED THIS THIRD DAY OF SEPTEMBER 2024.


Mark Hinton, Chairman


Adam C. King, AICP Director