

**CITY OF DAYTON, KENTUCKY  
ORDINANCE 2024#19**

AN ORDINANCE AMENDING SECTIONS 7.0, 10.15, 10.16, 10.17  
AND 10.18 OF CHAPTER 154 OF THE CITY OF DAYTON,  
KENTUCKY, ZONING CODE TO REGULATE THE  
OPERATION OF LIQUOR STORES, VAPE STORES, AND  
MEDICAL CANNABIS OPERATIONS IN THE CITY.

**WHEREAS**, the City of Dayton has adopted a Zoning Ordinance (“Zoning Code”), Zoning Map, Subdivision Regulations, and Appendixes (collectively, “Zoning Regulations”) within the City of Dayton, Kentucky (“City”); and

**WHEREAS**, the Dayton Planning & Zoning Commission (“P&Z Commission”) serves as the planning unit related to Zoning Regulations in the City and makes recommendations to the Dayton City Council (“City Council”) regarding these regulations; and

**WHEREAS**, the City Council requested that P&Z Commission review and act upon a request to amend the Zoning Regulations to add regulate liquor store, vape stores, and medical cannabis operations in the Zoning Regulations; and

**WHEREAS**, the Dayton Planning & Zoning Commission held a public hearing, pursuant to advertised legal notice in accordance with KRS Chapters 100 and 424, on September 19, 2024, in Dayton, Kentucky, to review and recommend modifications to the Zoning Regulations; and

**WHEREAS**, at this public hearing and after due consideration of the evidence and testimony presented there, the Planning & Zoning Commission voted to recommend approval of text amendments to the Zoning Regulations as set forth below; and

**WHEREAS**, the Dayton City Council, having reviewed the proposed text amendments to the Zoning Regulations, hereby concurs with the recommendation of the Dayton Planning & Zoning Commission to approve this text amendment;

**NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE DAYTON CITY COUNCIL AS FOLLOWS:**

That the City of Dayton Zoning Code is hereby amended as follows, with words being deleted being ~~lined through~~ and words being added underlined.

**Chapter 154, Zoning, Article VII, Section 7.0, is hereby amended as follows:**

**ARTICLE VII, DEFINITIONS, SECTION 7.0, 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

ELECTRONIC SMOKING DEVICE: Any device that can be used to deliver aerosolized or vaporized nicotine to the person inhaling from the device, including, but not limited to, an e-cigarette, e-cigar, e-pipe, vape pen or e-hookah. "Electronic smoking device" includes any component, part, or accessory of such a device, whether or not sold separately, and includes any substance intended to be aerosolized or vaporized during the use of the device. "Electronic smoking device" does not include drugs, devices, or combination products authorized for sale by the U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug and Cosmetic Act.

ELECTRONIC SMOKING RETAIL STORE. A business operation with at least 85% of sales dedicated to the sale of electronic smoking devices, accessories, and/or products.

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

PACKAGE LIQUOR SALES: Any establishment primarily engaged in the sale of alcoholic beverages for off-site consumption.

TOBACCO PRODUCT PARAPHERNALIA: Any product that is used to assist in chewing, smoking, absorbing, dissolving, inhaling, or any other consumption of tobacco to include, but not limited to pipes and rolling papers.

TOBACCO RETAILER: Any individual, firm, partnership, joint venture, association, joint stock company, corporation, unincorporated business entity, or any other group or combination acting

as a unit that owns or operates any manufacturer, producer, distributor, supplier, vending machine, wholesaler or retailer of tobacco products. Tobacco retailer shall not mean the employees of an owner or operator of any manufacturer, producer, distributor, supplier, vending machine company, wholesaler or retailer of tobacco products.

TOBACCO PRODUCT: Any product that is made from or derived from tobacco and is intended for human consumption or is likely to be consumed, whether smoked, heated, chewed, absorbed, dissolved, inhaled or ingested by any other means, including, but not limited to, a cigarette, a cigar, pipe tobacco, chewing tobacco, snuff, or snus. The term also includes electronic smoking devices and tobacco product paraphernalia, whether or not they contain nicotine. "Tobacco product" does not include drugs, devices, or combination products authorized for sale by the U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug and Cosmetic Act.

VAPE SHOP: See Electronic Smoking Retail Store.

## ARTICLE X, ZONE REGULATIONS

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### SECTION 10.15, CENTRAL BUSINESS DISTRICT (CBD) ZONE

\* \* \*

C. PERMITTED USES: These are the uses which are permitted on property zoned CBD as outlined on the official zoning map providing that they are in general conformance with the CBD plan:

1. Retail sales and service businesses as listed below:

\* \* \*

~~qq. Package liquor and alcoholic beverage store~~

rrqq. Paint and wallpaper store

ssrr. Pet shops, excluding boarding and outside runs

ttss. Plant shop

uuuu. Printing shop

vvuu. Radio and television stores, including repair

wwvv. Service station, including auto repair facilities

xxww. Shoe store and repair

yyxx. Sporting goods

zzyy. Studios for professional work on teaching of any form of fine arts, photography, music, drama or dance

aaaaz. Tailor shop

bbbbaa. Toy store

cccbbb. Travel bureau

dddccc. Variety store, including notations and five and ten stores

eee. Medicinal marijuana dispensary

## **SECTION 10.16, INDUSTRIAL ONE (I-1) ZONE**

A. 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.

\* \* \*

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

## **SECTION 10.17, NEIGHBORHOOD COMMERCIAL DISTRICT (NCD) ZONE**

\* \* \*

C. PERMITTED USES:

\* \* \*

ccc. Medicinal marijuana dispensary.

E. CONDITIONAL USES:

\* \* \*

2. Tobacco Retailer or Electronic Smoking Retail Store with the following conditions

a. Shall not be located within one thousand (1,000) feet of any school or daycare center.

b. Shall not be located within six hundred (600) feet of another tobacco retailer.

c. Shall not allow any minors in the building.

d. Shall not sell alcoholic beverages.

e. Shall not be licensed as a Food Service Establishment.

f. Shall not have an entrance that opens to a common area with other retail establishments.

## **SECTION 10.18 INDUSTRIAL TWO (I-2) ZONE:**

A. PERMITTED USES: The following uses are permitted, except that the retail sale of firearms shall not be permitted within this zone, providing all uses are in compliance with the performance standards set forth in Article XV of this ordinance.

\* \* \*

15. Medicinal cannabis cultivators, processors, producers, and safety-compliance facilities.

**PASSED** by City Council of the City of Dayton, Campbell County, Kentucky assembled in regular session.

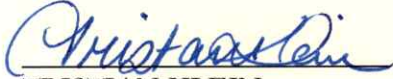
First Reading: October 8, 2024

Second Reading: November 12, 2024



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MAYOR BEN BAKER

ATTEST:



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TRISTIAN KLEIN  
CITY CLERK/TREASURER