

Ordinance No. O-1920-4

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 13-108, IN ARTICLE I OF CHAPTER 13 (LICENSES AND OCCUPATIONS); AMENDING ARTICLE XXXIV, SECTIONS 13-3401 THROUGH 13-3407, IN CHAPTER 13 (LICENSES AND OCCUPATIONS); AMENDING SECTIONS 420.1 (A-1, GENERAL AGRICULTURAL DISTRICT), 420.2 (A-2, RURAL AGRICULTURAL DISTRICT), 422.7 (RO, RESIDENCE-OFFICE DISTRICT), 422.9 (O-1, OFFICE INSTITUTIONAL DISTRICT), 423.1 (CO, SUBURBAN OFFICE COMMERCIAL DISTRICT), 423.2 (C-1, LOCAL COMMERCIAL DISTRICT), 424.1 (C-2, GENERAL COMMERCIAL DISTRICT), 424.2 (TC, TOURIST COMMERCIAL DISTRICT), 424.3 (CR, RURAL COMMERCIAL DISTRICT), 425.1 (C-3, INTENSIVE COMMERCIAL DISTRICT), 426.1 (I-1, LIGHT INDUSTRIAL DISTRICT), 428.1 (M-1, RESTRICTED INDUSTRIAL DISTRICT), 429 (MUD, MIXED USE DEVELOPMENT DISTRICT), ALL IN ARTICLE XI OF CHAPTER 22 (ZONING ORDINANCE); AND AMENDING SECTION 450 (DEFINITIONS), IN ARTICLE XIV OF CHAPTER 22 (ZONING ORDINANCE); ALL IN ORDER TO UPDATE LICENSING FOR MEDICAL MARIJUANA ESTABLISHMENTS AS ALLOWED BY STATE LAW, TO ADD AND UPDATE PERMITTED AND SPECIAL USES TO THE ZONING ORDINANCE TO ALLOW FOR THE LOCATION OF MEDICAL MARIJUANA ESTABLISHMENTS AND USES IN CONFORMANCE WITH STATE LAW, AND TO ADD DEFINITIONS AND OTHER RELATED PROVISIONS; DECLARING AN EMERGENCY AS PROVIDED BY ARTICLE XII, SECTION 5 OF THE CHARTER OF THE CITY OF NORMAN; AND PROVIDING FOR THE SEVERABILITY THEREOF.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA:

§ 1. That Section 13-108 of Chapter 13 shall be amended to read as follows:

SEC. 13-108 – Fee schedules for licenses and permits and occupational taxes.

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- (s) Manufactured fertilizer 25.00
- (t) Marijuana Establishment
 - (1) Medical Marijuana Dispensary 850.00 (initial and renewal)
 - (2) Medical Marijuana Processor 850.00 (initial and renewal)
 - (3) Medical Marijuana Commercial Grower 850.00 (initial and renewal)
 - (4) Medical Marijuana Testing Laboratory 850.00 (initial and renewal)

- (5) Medical Marijuana Research Facility 250.00 (initial and renewal)
- (6) Medical Marijuana Education Facility 250.00 (initial and renewal)
- (7) Medical Marijuana Storage Facility (only required for locations where no other Marijuana Establishment license is obtained)850.00 (initial and renewal)

§ 2. That Article XXXIV – MARIJUANA ESTABLISHMENT LICENSES within Chapter 13 (“Licenses and Occupations”) shall be amended as follows:

ARTICLE XXXIV. MARIJUANA ESTABLISHMENT LICENSES

SEC. 13-3401 – Definitions.

Those definitions set forth in the Oklahoma Medical Marijuana and Patient Protection Act, and found at 63 Okla. Stat. §§ 420 *et seq.*, shall be incorporated and applicable within this Article. Additionally, the following words, terms and phrases, when used in this article, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

Marijuana Establishment: means those establishments listed in Section 13-108(t) herein, and including Medical Marijuana Businesses, as defined by applicable state law and regulation.

Medical Marijuana Storage Facility: means a facility where medical marijuana is being stored only, as permitted by applicable state law and regulation, and which facility is at a location for which any other Marijuana Establishment license has not already been obtained, and is not open to the general public.

SEC. 13-3402 – License required, non-transferable.

(a) No person or entity shall operate a Marijuana Establishment without having previously obtained a license as provided in this chapter. A license shall be required for each separate location or premises.

(b) Any license issued pursuant to this article is non-transferable to another person, entity, location or premise, or Marijuana Establishment, unless the applicant can establish transfer of its state license to the same person or entity to which the applicant requests the City of Norman allow transfer. Where transfers are permitted pursuant to this section, the fee set forth in Section 13-119 of the City Code shall be applicable.

SEC. 13-3403 – License restrictions.

No license shall be allowed pursuant to this article to any Marijuana Establishment that does not also obtain a license from the applicable state department or authority in accordance with state law. Any license issued pursuant to this article shall be deemed immediately revoked upon

revocation or withdrawal of a license issued by the applicable state department or authority. Licenses shall be issued to an applicant for each type of state license received by applicant for each location. The license fee set forth in Section 13-108 shall be remitted for each such license received.

SEC. 13-3404 – No Immunity.

Issuance of a license pursuant to this article does not create an exception, defense, or immunity to any person or entity in regard to any potential criminal liability the person or entity may have relating to the production, distribution, or possession of marijuana in violation of municipal, state or federal law.

SEC. 13-3405 – Inspections.

All Marijuana Establishments shall permit City of Norman permitting staff or authorities, or anyone authorized, to inspect the premises of the Marijuana Establishment pursuant to the provisions of the Norman City Code, and/or as required by state law or regulation.

SEC. 13-3406 – Reasonable Security Measures.

All applicants for a Marijuana Establishment license shall implement and maintain appropriate security measures in order to deter and prevent unauthorized access to or entrance into areas or spaces containing marijuana by persons or entities not licensed to possess or distribute marijuana under state law or regulation, and to prevent the theft or diversion of marijuana.

SEC. 13-3407 – Marijuana Establishment Application Requirements.

All applicants for a Marijuana Establishment license pursuant to this article shall complete and provide all information required by ~~a~~ forms provided by the City Clerk. Information included with or following the submittal of, the application shall include, but not be limited to:

- (1) All information required by the City to complete any Certificates of Compliance or other submittals to applicable state departments or authorities for each location;
- (2) A copy of all information submitted to the applicable state department or authority by the applicant regarding each type of state licensure sought for each location; and
- (3) A copy of any license issued to the applicant by the applicable state department or authority for each location.

All information so received by the City shall be treated in accordance with the Oklahoma Medical Marijuana and Patient Protection Act, and found at Okla. Stat. tit. 63, §§ 420 *et seq.*

§ 3. That Section 420.1 of Chapter 22 shall be amended to read as follows:

SEC. 420.1 – A-1, GENERAL AGRICULTURAL DISTRICT

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2. Uses Permitted. Property and buildings in an A-1, General Agricultural District shall be used only for the following purposes:

- (h) Accessory buildings including barns, sheds, and other farm buildings which are not part of the main building. One guest house may be utilized provided (a) it is clearly secondary to the larger main dwelling; (b) the structure is not rented or leased, nor used as a permanent dwelling; and (c) is not a mobile home.
- (i) Medical Marijuana Commercial Grower, as allowed by state law.
- (j) Medical Marijuana Education Facility (cultivation activities only), as allowed by state law.

§ 4. That Section 420.2 of Chapter 22 shall be amended to read as follows:

SEC. 420.2 – A-2, RURAL AGRICULTURAL DISTRICT

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2. Uses Permitted. Property and buildings in an A-2, Rural Agricultural District shall be used only for the following purposes:

- (h) Type 2 mobile home.
- (i) Medical Marijuana Commercial Grower, as allowed by state law.
- (j) Medical Marijuana Education Facility (cultivation activities only), as allowed by state law.

§ 5. That Section 422.7 of Chapter 22 shall be amended to read as follows:

SEC. 422.7 – RO, RESIDENCE-OFFICE DISTRICT

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3. Special Use. The following uses may be permitted, after review, in accordance with Section 434.1:

(m) Pre-packaged food store and toiletries within apartment buildings or complexes wherein there are a minimum of 150 dwelling units, provided that:

- (1) Such store is limited to the main floor or below of the building in which it is located;
- (2) There is no direct entrance thereto from any public street, sidewalk or other public way;

- (3) No part of such store, or its entrance is visible from any public way, street or sidewalk;
- (4) That such store shall not be advertised in any manner;
- (5) In reviewing any application for permission to establish and operate any such store in any apartment building or complex, the following matters shall be considered:
 - [a] The proximity of other business or commercial districts, and whether or not the proposed store would constitute an independent commercial enterprise, as opposed to any “accessory” use to the tenants of the apartment complex;
 - [b] Service entrances for delivery vehicles and adequate space for the parking of customers;
 - [c] The size and character of the apartment building or complex, since the tenants thereof will be expected to furnish substantially all of the financial support of such store.
- (6) Any ordinance hereafter enacted granting permission for the establishment and operation of any pre-packaged food store after review, may set forth restrictions as to the space to be occupied, provisions for the automatic termination of permission for violations, and any other reasonable conditions which the Commission may seem proper.

(n) Medical Marijuana Dispensary, as allowed by state law (only when in conjunction with residential uses in a mixed building).

§ 6. That Section 422.9 of Chapter 22 shall be amended to read as follows:

SEC. 422.9 – O-1, OFFICE-INSTITUTIONAL DISTRICT

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3. Special Use. The following uses may be permitted, after review, in accordance with Section 434.1:

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- (h) Municipal use, public buildings and public utility.
- (i) Medical Marijuana Research Facility, as allowed by state law.
- (j) Medical Marijuana Testing Laboratory, as allowed by state law.

§ 7. That Section 423.1 of Chapter 22 shall be amended to read as follows:

SEC. 423.1 – CO, SUBURBAN OFFICE COMMERCIAL DISTRICT

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2. Uses Permitted. Property and buildings in a CO, Suburban Office Commercial District, shall be used only for the following purposes:

- (a) Any of the following uses:
 - (1) Apartment Hotel
 - (2) Art Gallery.
 - (3) Assembly Halls of non-profit corporations.
 - (4) Laboratories for research and testing where all work is housed in buildings and no smoke, noise, odor, dust or other element of operation is more intense outside the confines of the building than that which normally prevails in an R-3, Multi-family Dwelling District. For the purposes of this section, “Laboratories” includes Medical Marijuana Testing Laboratories, as allowed by state law, that fully comply with this provision.

3. Special Use. The following uses may be permitted, after review, in accordance with Section 434.1:

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- (g) Municipal use, public buildings and public utility.
- (h) Medical Marijuana Research-Facility, as allowed by state law.

§ 8. That Section 423.2 of Chapter 22 shall be amended to read as follows:

SEC. 423.2 – C-1, LOCAL COMMERCIAL DISTRICT

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2. Uses Permitted. Property and buildings in a C-1, Local Commercial District, shall be used only for the following purposes:

*

Leathergoods shop.
Medical Marijuana Dispensary, as allowed by state law.
Messenger or telegraph service.

*

3. Special Use. The following uses may be permitted, after review, in accordance with Section 434.1:

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- (g) Municipal use, public buildings and public utility.
- (h) Medical Marijuana Education Facility, as allowed by state law.
- (i) Medical Marijuana Processor, as allowed by state law.
- (j) Medical Marijuana Research Facility, as allowed by state law.
- (k) Medical Marijuana Testing Laboratory, as allowed by state law.

§ 9. That Section 424.1 of Chapter 22 shall be amended to read as follows:

SEC. 424.1 – C-2, GENERAL COMMERCIAL DISTRICT

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2. Uses Permitted. Property and buildings in a C-2, General Commercial District, shall be used only for the following purposes:

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- (e) Automobile, farm implement and machinery repair, sales and service, but not automobile wrecking yards or junk yards.

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Lumber and building materials sales yard.
Medical Marijuana Dispensary, as allowed by state law.
Music, radio or television shop.

*

3. Special Use. The following uses may be permitted, after review, in accordance with Section 434.1:

- (m) Municipal use, public buildings and public utility.
- (n) Medical Marijuana Education Facility, as allowed by state law.
- (o) Medical Marijuana Processor, as allowed by state law.
- (p) Medical Marijuana Research Facility, as allowed by state law.
- (q) Medical Marijuana Testing Laboratory, as allowed by state law.

§ 10. That Section 424.2 of Chapter 22 shall be amended to read as follows:

SEC. 424.2 – TC, TOURIST COMMERCIAL DISTRICT

*

2. Uses Permitted.

(a) Any of the following uses:

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- (8) Ice dispensing machine (and other outdoor-type automatic vending machines).
- (9) Medical Marijuana Dispensary, as allowed by state law.
- (10) Miniature golf course.
- (11) Offices accessory to main use.
- (12) Parks or playgrounds.
- (13) Parking lot or structure, non-commercial accessory to and within 200 feet.
- (14) Pre-packaged food store.
- (15) Service station.
- (16) Travel trailer store.
- (17) Sporting goods store, including sale of live bait. (O-9596-19)
- (18) Child Care Center, as specified in Section 438.3. (O-9596-19)

§ 11. That Section 424.3 of Chapter 22 shall be amended to read as follows:

SEC. 424.3 – CR, RURAL COMMERCIAL DISTRICT

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2. Uses Permitted. Property and buildings in CR, Rural Commercial District, shall be used only for the following purposes:

(a) No individual use shall exceed a Gross Floor Area of 35,000 square feet:

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- (12) Key shop.
- (13) Medical Marijuana Dispensary, as allowed by state law.
- (14) Office building and offices for such professional services as accountant, architect, attorney, business or management consultant, court reporter, dentist or dental surgeon, engineer, geologies or geophysicist, linguist, landscape architect, optometrist, optician, osteopathic physician, planning consultant, psychologist, physician or surgeon, or registered nurse. Funeral homes and mortuaries shall not be considered professional services permitted in this district.
- (15) Package liquor store.
- (16) Pharmacy.
- (17) Plant nursery.
- (18) News stand and tobacco store.
- (19) Restaurant.
- (20) Shoe store or repair shop.

3. Special Use. The following uses may be permitted, after review, in accordance with Section 434.1: (O-9596-19)

- (i) Municipal use, public buildings and public utility. (O-1617-31)
- (j) Medical Marijuana Commercial Grower, as allowed by state law.
- (k) Medical Marijuana Education Facility (cultivation activities only), as allowed by state law.

§ 12. That Section 425.1 of Chapter 22 shall be amended to read as follows:

SEC. 425.1 – C-3, Intensive Commercial District

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3. Special Use. The following uses may be permitted, after review, in accordance with Section 434.1: (O-9596-19; O-0304-29; O-1213-17; O-1314-13)

- (j) Municipal use, public buildings and public utility. (O-1617-31)
- (k) Medical Marijuana Education Facility, as allowed by state law.
- (l) Medical Marijuana Processor, as allowed by state law.
- (m) Medical Marijuana Research Facility, as allowed by state law.
- (n) Medical Marijuana Testing Laboratory, as allowed by state law.

§ 13. That Section 426.1 of Chapter 22 shall be amended to read as follows:

SEC. 426.1 – I-1, LIGHT INDUSTRIAL DISTRICT

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1. Uses Permitted. Property and buildings in an I-1, Light Industrial District, shall be used only for the following purposes:

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(b) The Following uses when conducted within a complete enclosed building:

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- (9) Laboratories: Experimental, phot or motion picture, film or testing. For the purposes of this section, “Laboratories” includes Medical Marijuana Testing Laboratories, as allowed by state law, that fully comply with this provision.
- (10) Poultry or rabbit killing incidental to a retail business on the same premises.
- (11) Foundry casting light weight non-ferrous metals.

- (12) Tire retreading and recapping when incidental to a retail business.
- (13) Pipe storage yard.
- (14) Machinery or equipment storage yard.
- (15) Medical Marijuana Commercial Grower, as allowed by state law.
- (16) Medical Marijuana Education Facility, as allowed by state law.
- (17) Medical Marijuana Processor, as allowed by state law.
- (18) Medical Marijuana Storage Facility.

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2. Special Use. The following uses may be permitted, after review, in accordance with Section 434.1: (O-9596-19)

- (e) Municipal use, public buildings and public utility.
- (f) Medical Marijuana Dispensary, as allowed by state law.
- (g) Medical Marijuana Research Facility, as allowed by state law.

§ 14. That Section 427.1 of Chapter 22 shall be amended to read as follows:

SEC. 428.1 – M-1, RESTRICTED INDUSTRIAL USE

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2. Uses Permitted. The uses listed below shall be permitted subject to Use Conditions referenced in this section and as they may be regulated by other sections of the Norman City Ordinances.

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- (c) Laboratories: experimental, photo or motion picture, film, or testing. For the purposes of this section, “Laboratories” includes Medical Marijuana Testing Laboratories, as allowed by state law, that fully comply with this provision.
- (d) Mail order house
- (e) Medical Marijuana Commercial Grower, as allowed by state law
- (f) Medical Marijuana Education Facility, as allowed by state law.
- (g) Medical Marijuana Processor, as allowed by state law.
- (h) Medical Marijuana Storage Facility.
- (i) Market research
- (j) Office buildings
- (k) Systems development
- (l) Trade Schools and schools for vocational training.

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4. Special Use. The following uses may be permitted, after review, in accordance with Section 434.1: (O-9596-19)

- (g) Municipal use, public buildings and public utility.
- (h) Medical Marijuana Dispensary, as allowed by state law.
- (i) Medical Marijuana Research Facility, as allowed by state law.

§ 15. That Section 429 of Chapter 22 shall be amended to read as follows:

SEC. 429 – MUD, MIXED USE DEVELOPMENT DISTRICT

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2. Uses Permitted.

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- (c) General neighborhood oriented retail uses, including but not limited to the following:

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- (16) Key shop
- (17) Medical Marijuana Dispensary, as allowed by state law
- (18) Office use (including medical offices)
- (19) Personal services
- (20) Pet store
- (21) Repair shop
- (22) Shoe shop (including repair)
- (23) Small electric equipment (including sales and repair)
- (24) Toy store

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4. Special Use. City Council may approve the following Special Uses after review and in accordance with Section 434.1:

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- (g) Municipal use, public buildings and public utility. (O-1617-31)
- (h) Medical Marijuana Processor, as allowed by state law.
- (i) Medical Marijuana Education Facility, as allowed by state law.

§ 16. That Section 450 of Chapter 22 shall be amended to read as follows:

SEC. 450 – DEFINITIONS

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(80.4) LUMINOUS TUBE. A glass tube filled with a gas or gas mixture (including neon, argon, mercury or other gasses), usually of small diameter (10-15 millimeter), caused to emit light by the passage of an electric current, and commonly bend into various forms for use as a decoration or signs. A luminous tub does not include common fluorescent tubes or compact fluorescent lamps.

(80.5) MARIJUANA DEFINITIONS.

Those definitions set forth in the Oklahoma Medical Marijuana and Patient Protection Act, and found at 63 Okla. Stat. §§ 420 *et seq.*, shall be incorporated and applicable within the Zoning Ordinance. Additionally, the following words, terms and phrases, when used in this article, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

Marijuana Establishment: means those establishments listed in Section 13-108(t) herein, and including Medical Marijuana Businesses, as defined by applicable state law and regulation.

Medical Marijuana Storage Facility: means a facility where medical marijuana is being stored only, as permitted by applicable state law and regulation, and is not open to the general public.

(80.6) MAXIMUM EXTENT PRACTICABLE. Under the circumstances, reasonable efforts have been undertaken to comply with the regulations or requirement, the costs of compliance clearly outweigh the potential benefits to the public or would unreasonably burden the proposed project or development, and reasonable steps have been undertaken to minimize any potential harm or adverse impact resulting from noncompliance.

§ 17. EMERGENCY SECTION (requiring 2/3 majority for passage to be voted on separately). That in the judgment of the Council of the City of Norman, it is necessary for the immediate preservation of the peace, health, safety of the citizens of Norman that this Ordinance become effective prior to the time an ordinary ordinance will become effective, thereby declaring an emergency so that this Ordinance will become effective August 29, 2019.

§ 18. Severability. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

ADOPTED this _____ day
of _____, 2019.

(Mayor)

ATTEST:

(City Clerk)

NOT ADOPTED this _____ day
of _____, 2019.

(Mayor)