
ORDINANCE NO. O-1718-51

ITEM NO. 4

STAFF REPORT

ITEM: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTIONS 420, PUD, PLANNED UNIT DEVELOPMENT DISTRICT; 420.05, SPUD, SIMPLE PLANNED UNIT DEVELOPMENT DISTRICT; 423.2, C-1, LOCAL COMMERCIAL DISTRICT; 424.3, CR, RURAL COMMERCIAL DISTRICT; 429, MUD, MIXED USE DEVELOPMENT DISTRICT; AND 429.7, CCFBC, CENTER CITY FORM BASED CODE, ALL IN CHAPTER 22 (ZONING ORDINANCE) OF THE CODE OF THE CITY OF NORMAN TO ALLOW FOR THE SALE OF ALCOHOLIC BEVERAGES IN COMPLIANCE WITH STATE LAW IN THEATERS; AND AMENDING SECTIONS 422.7, RO, RESIDENCE-OFFICE DISTRICT; 423.2, C-1, LOCAL COMMERCIAL DISTRICT; 424.3, CR, RURAL COMMERCIAL DISTRICT; AND 429, MUD, MIXED USE DEVELOPMENT DISTRICT, TO CHANGE "LIQUOR STORE" OR "PACKAGE LIQUOR STORE" TO "RETAIL SPIRITS STORE"; AMENDING 423.2, C-1, LOCAL COMMERCIAL DISTRICT, TO DELETE "SHORT ORDER FOOD RESTAURANT"; AND AMENDING SECTION 450, DEFINITIONS, TO AMEND THE PERCENTAGE OF SALES REQUIRED TO QUALIFY AS A RESTAURANT, AND DELETING THE DEFINITION OF "RESTAURANT, SHORT ORDER FOOD"; AND PROVIDING FOR THE SEVERABILITY THEREOF.

BACKGROUND: Recent changes to Oklahoma liquor laws and licensing to serve and sell alcohol has prompted the City of Norman to amend and update some of its zoning language to stay consistent with current laws. This change along with many other recent State changes will be effective October 1, 2018. While reviewing the needed amendments staff is also moving forward with several amendments to clean-up any old language. These changes require a review and amending of the Zoning Ordinance to be consistent with new State laws.

DISCUSSION: On June 6, 2017 House Bill 2186 was signed by the Governor, allowing movie theatres to serve alcohol. With the approval of House Bill 2186 movie theaters will now be able to sell beer and mixed drinks without separating its customers into an adults-only section, such as with Warren Theater. House Bill 2186 allows movie theatres with mixed beverage licenses to sell alcoholic beverages for on premises consumption. To be served alcohol in such an establishment, HB requires that a person: (1) present identification exhibiting they are of the legal drinking age; and (2) wear a wrist bracelet or have their hand stamped.

Staff added the following language to "theatre" in the Zoning Ordinance so the sale of alcoholic beverages in theaters will not be in conflict to the existing code:

Theatre - including one that sells alcoholic beverages in compliance with state law

The sale of alcoholic beverage in theaters will be allowed in the following zoning districts:

- PUD, Planned Unit Development
- SPUD, Simple Planned Unit Development
- C-1, Local Commercial District
- C-2, General Commercial District
- C-3, Intensive Commercial District
- CR, Rural Commercial District with Special Use
- MUD, Mixed Use Development District with Special Use
- CCPUD, Center City Planned Unit Development

Another recent change at the State level is to allow retail spirits stores (formerly called “package stores”) as much as a 20% monthly revenue from the sale of items other than alcoholic beverages. Staff reviewed the Zoning Ordinance and found several places where “package liquor store” or “liquor store” were used and replaced those terms with “retail spirits store”, again for consistency with the State laws.

In an additional change at the State level, the State reduced the percentage of food sales required for a restaurant from 50% down to 35% so staff is updating the definition of a restaurant in the Zoning Ordinance. Staff also deleted the “low point beer” qualifier from the definition of restaurant.

Finally, in review of the Zoning Ordinance staff found that the definition of Short Order Food Restaurant is outdated language and not applicable, therefore deleted. The definition of Restaurant covers any inquiries for clarification of allowed uses.

STAFF RECOMMENDATION: Staff supports these amendments to the Zoning Ordinance and recommends approval of Ordinance No. O-1718-51.