

Ordinance No. O-1920-39

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, SECTION 13-3401, IN CHAPTER 13 (LICENSES AND OCCUPATIONS); 422.7 (RO, RESIDENCE-OFFICE DISTRICT), 422.9 (O-1, OFFICE INSTITUTIONAL 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 CITY CODE LICENSING PROVISIONS AND THE ZONING ORDINANCE TO ALLOW FOR THREE TIERS OF MEDICAL MARIJUANA PROCESSORS AS ALLOWED BY STATE LAW, AND TO ADD DEFINITIONS AND OTHER RELATED PROVISIONS; 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 600.00 initial/450.00 renewal
 - (2) Medical Marijuana Processor ~~900.00 (initial and renewal)~~ (A Tier I or II Medical Marijuana Processor that also obtains a Medical Marijuana Dispensary license for the location shall be issued a separate Processor license, but shall not be required to pay duplicative initial or renewal fees)
 - (i) Tier 1 and/or II Medical Marijuana Processor 600 initial/450 renewal
 - (ii) Tier III Processor 900.00 (initial and renewal)
 - (3) Medical Marijuana Commercial Grower 900.00 (initial and renewal)
 - (4) Medical Marijuana Testing Laboratory 900.00 (initial and renewal)

- (5) Medical Marijuana Research Facility 500.00 (initial and renewal)
- (6) Medical Marijuana Education Facility 500.00 (initial and renewal)
- (7) Medical Marijuana Storage Facility (only required for locations where no other Marijuana Establishment license is obtained)600.00 initial/450.00 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 Concentrate: subject to state law definitions, also generally means a product created by the extraction of constituent parts, including cannabinoids, terpenes and other biomolecules, from marijuana plant(s), and may include but is not limited to kief, hash, rosin, tinctures, oils, shatter, pull and snap, wax, budder/badder, crumble, distillate, and crystalline, and may result from extraction processes.

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.

Tier I Medical Marijuana Processor: means a facility defined and regulated by Oklahoma state law as a Medical Marijuana Processor, and which engages in only the following activity(ies): the preparation (from medical marijuana grown off-site), including necessary grinding, of “pre-rolled” marijuana cigarettes, “joints” or “blunts” for sale on-site. Nothing in this code affects state law license categories for Medical Marijuana Establishments. Local zoning and licensing applicants may be required to seek multiple state licenses in order to comply with state law.

Tier II Medical Marijuana Processor: means a facility defined and regulated by Oklahoma state law as a Medical Marijuana Processor, and which engages in Tier I Medical Marijuana Processor activities and/or the following activities: the use of Marijuana Concentrate(s) (created off-site in compliance with state law), to make derivative infused products for sale on-site. Tier II Medical Marijuana Processing does not include extraction processes of any kind. Examples of Tier II

Medical Marijuana Processing are the cooking, baking or preparation of Medical Marijuana edible products, or the addition of Marijuana Concentrate to products pre-manufactured off-site, such as lotions or soaps. Nothing in this code affects state law license categories for Medical Marijuana Establishments. Local zoning and licensing applicants may be required to seek multiple state licenses in order to comply with state law.

Tier III Medical Marijuana Processor: means a facility defined and regulated by Oklahoma state law as a Medical Marijuana Processor, and which engages in any type(s) of Medical Marijuana Processing, including all allowed extraction processes, except that on-site sales are not permitted. Nothing in this code affects state law license categories for Medical Marijuana Establishments.

§ 3. 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, Tier I Medical Marijuana Processor, or Tier II Medical Marijuana Processor, as allowed by state law (only when in conjunction with residential uses in a mixed building).

§ 4. 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:

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Leathergoods shop.

Medical Marijuana Dispensary, as allowed by state law.

Messenger or telegraph service.

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Theatre (excluding drive-in theaters), including one that sells alcoholic beverages in compliance with state law (O-1718-51)

Tier I Medical Marijuana Processor, as allowed by state law.

Tier II Medical Marijuana Processor, as allowed by state law.

Toy store.

*

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.

(l) Tier III Medical Marijuana Processor, as allowed by state law.

§ 5. 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.

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Storage Warehouse.
Tier I Medical Marijuana Processor, as allowed by state law.
Tier II Medical Marijuana Processor, as allowed by state law.
Trailer camp.

*

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.~~
- (r) Tier III Medical Marijuana Processor, as allowed by state law.

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

SEC. 424.2 – TC, TOURIST COMMERCIAL DISTRICT

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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. (O-1920-4)
- (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) Tier I Medical Marijuana Processor.
- (17) Tier II Medical Marijuana Processor.
- (168) Travel trailer store.
- (179) Sporting goods store, including sale of live bait. (O-9596-19)
- (1820) Child Care Center, as specified in Section 438.3. (O-9596-19)

§ 7. 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. (O-1920-4)
- (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.
- (21) Tier I Medical Marijuana Processor, as allowed by state law.
- (22) Tier II Medical Marijuana Processor, as allowed by state law.

§ 8. 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.
- (n) Tier III Medical Marijuana Processor, as allowed by state law.

§ 9. 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, 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.
- (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 (any Tier, except that Tier I and Tier II will not be allowed to have on-site sales), 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.
- (h) Tier I Medical Marijuana Processor with on-site sales, as allowed by state law.
- (i) Tier II Medical Marijuana Processor with on-site sales, as allowed by state law.

§ 10. 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 (any Tier, except that Tier I and Tier II will not be allowed to have on-site sales), 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.
- (j) Tier I Medical Marijuana Processor with on-site sales, as allowed by state law.
- (k) Tier II Medical Marijuana Processor with on-site sales, as allowed by state law.

§ 11. 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) Tier I Medical Marijuana Processor, as allowed by state law
- (25) Tier II Medical Marijuana Processor, as allowed by state law
- (246) 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.~~
- ~~(h)~~ (i) Medical Marijuana Education Facility, as allowed by state law.
- (i) Tier III Medical Marijuana Processor, as allowed by state law.

§ 12. 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 Concentrate: subject to state law definitions, also generally means a product created by the extraction of constituent parts, including cannabinoids, terpenes and other biomolecules, from marijuana plant(s), and may include but is not limited to kief, hash, rosin, tinctures, oils, shatter, pull and snap, wax, budder/badder, crumble, distillate, and crystalline, and may result from extraction processes.

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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.

Tier I Medical Marijuana Processor: means a facility defined and regulated by Oklahoma state law as a Medical Marijuana Processor, and which engages in only the following activity(ies): the preparation (from medical marijuana grown off-site), including necessary grinding, of “pre-rolled” marijuana cigarettes, “joints” or “blunts” for sale on-site. Nothing in this code affects state law license categories for Medical Marijuana Establishments. Local zoning and licensing applicants may be required to seek multiple state licenses in order to comply with state law.

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Tier III Medical Marijuana Processor: means a facility defined and regulated by Oklahoma state law as a Medical Marijuana Processor, and which engages in any type(s) of Medical Marijuana Processing, including all allowed extraction processes, except that on-site sales are not permitted. Nothing in this code affects state law license categories for Medical Marijuana Establishments.

(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.

§ 13. 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 _____, 2020.

NOT ADOPTED this _____ day
of _____, 2020.

(Mayor)

(Mayor)

ATTEST:

(City Clerk)