



# MEMORANDUM

Council Agenda  
Item No. XI.C  
12/22/2020

## The City of OKLAHOMA CITY

TO: Mayor and City Council

FROM: Councilperson Greiner

Ordinance be referred to the Planning Commission, relating to Zoning and Planning Code, amending Chapter 59, of the Oklahoma City Municipal Code, 2020 Article VI, Section 6100.1 (Table), adding a Conditional Use Agricultural Processing: Medical Marijuana Growing; Section 6200.1 (Table), adding Conditional Uses Agriculture Processing: Medical Marijuana Growing, Medical Marijuana processing: Restricted, Personal Services: Medical Marijuana Education Facility, research services: Medical Marijuana research and testing, Retail sales and services: Medical Marijuana Dispensary, and Wholesaling, Storage and Distribution: Medical Marijuana; Section 6250.1 (Table) adding Conditional Uses Agricultural processing: Medical Marijuana Growing, Medical Marijuana Processing: General, Medical Marijuana Processing: Restricted, Personal Services: Medical Marijuana Education Facility. Research Services: Medical Marijuana Research & Testing, Retail Sales & Services: Medical Marijuana Dispensary, and Wholesaling, Storage and Distribution: Medical Marijuana; Article VII, Sections 7150.2 (Table), 7200.1 (Table), 7300.1 (Table), and 7350.1 (Table), adding Conditional Uses and Special Permit Uses in Certain Zoning Districts For Retail sales and services: Medical Marijuana Dispensary, Medical Marijuana Processing: General and Medical Marijuana Processing: Restricted, Personal Services: Medical Marijuana Education Facility, Research Services: Medical Marijuana Research and Testing and Wholesaling, Storage and Distribution: Medical Marijuana; Article VIII, Section 8150 adding A New Use Unit Agricultural Processing: Medical Marijuana Growing, Section 8300 adding New Use Units Personal Services: Medical Marijuana Education Facility, Research Services: Medical Marijuana Research and Testing and Retail Sales and Services: Medical Marijuana Dispensary, Section 8350 adding New Use Units Medical Marijuana processing: General, Medical Marijuana Processing: Restricted and Wholesaling, Storage and Distribution: Medical Marijuana; Article IX, Section 9350 adding Use Standards For New Specific Uses Agricultural processing: Medical Marijuana Growing, Medical Marijuana processing: General, Medical Marijuana processing: Restricted Personal Services: Medical Marijuana Education Facility, Research Services: Medical Marijuana Research and Testing, Retail Sales and Services: Medical Marijuana Dispensary, and Wholesaling, Storage and Distribution: Medical Marijuana; Article X, Section 10600.1 (Table) adding Parking Requirements For New Specific Uses Agricultural Processing: Medical Marijuana Growing, Personal Services: Medical Marijuana Education Facility, Research Services: Medical Marijuana Research and Testing, Retail Sales and Services: Medical Marijuana Dispensary, Medical Marijuana Processing: General, Medical Marijuana Processing: Restricted and Wholesaling, Storage and Distribution: Medical Marijuana; Article XIII, Section 13700.1 (Table) adding Prohibited Uses for Agricultural Processing: Medical Marijuana and Wholesaling, Storage and Distribution: Medical Marijuana.

Councilperson Greiner

**Purpose:**

Since Medical Marijuana was legalized in 2018, the City has been applying existing Zoning Code provisions to Medical Marijuana related uses. The proposed ordinance amendment is to update the Zoning Code to establish specific use unit classifications for Medical Marijuana establishments and to specify the zoning districts where such establishments are allowed to locate as well as provide for a more transparent zoning process. The proposed ordinance establishes standards for Medical Marijuana establishments in order to enhance compatibility between land uses and mitigate any potential adverse effects on surrounding uses

The proposed standards to address Medical Marijuana establishments include:

- a requirement that all Medical Marijuana uses occur entirely within enclosed buildings;
- a requirement that all Medical Marijuana related uses have security systems and surveillance cameras;
- a requirement that all Medical Marijuana related uses have ventilation systems;
- a prohibition on drive-through windows and drive-through lanes for all Medical Marijuana related uses;
- a requirement that there be 1,000 foot separation between dispensaries;
- a requirement that all growing operations be setback at least 1,000 feet from a neighboring residential district property line.

**Background:**

Under state law, municipalities may follow their standard planning and zoning procedures to determine if certain zoning districts would be appropriate for locating Medical Marijuana-licensed businesses and where Medical Marijuana may be cultivated, grown, processed stored or manufactured within their jurisdictional limits. However, municipalities may not ban retail dispensaries or unduly change or restrict zoning laws to prevent the opening of dispensaries.

City Council and Planning Commission have reviewed several applications requesting rezoning to allow medical marijuana dispensaries or growing operations within Oklahoma City. Several of these requests were met with opposition from surrounding property owners, citing concerns about increased traffic, crime and noise, odors, decreases in property values, and other land use incompatibility issues. Council members requested that staff explore options to address these issues, and whether other cities, such as Tulsa, had different provisions that could be considered appropriate to apply in Oklahoma City.

**Review:**

Development Services Department

**Recommendation:** Ordinance be referred to Planning Commission