

ORDINANCE NO. 21-_____

AN ORDINANCE PERTAINING TO PLANNING AND ZONING AMENDING SECTIONS 18-1-1-106, 18-5-1-503, 18-5-8-580, 18-5-8-581, 18-5-9-591, 18-5-9-592, 18-6-10-602, 18-6-11-612, 18-6-12-623, 18-6-12-624, 18-6-13-635, 18-6-13-636, 18-6-14-646, 18-6-15-658, 18-6-16-671, AND 18-6-18-692, CHAPTER 18, LAWTON CITY CODE, 2015, BY ADDING DEFINITIONS AND ESTABLISH ZONING REQUIREMENTS FOR MEDICAL MARIJUANA GROWING, PROCESSING, AND DISPENSARY FACILITIES, PROVIDING FOR SEVERABILITY AND ALLOWING FLOOR AMENDMENTS.

BE IT ORDAINED by the Council of the City of Lawton, Oklahoma, that:

SECTION 1. Section 18-1-1-106 is hereby amended to read as follows:

18-1-1-106 Definitions.

- A. As used in this chapter, unless otherwise specified, the following terms shall have the meanings respectively ascribed to them in this section:

* * *

58. “Medical marijuana processor” means a business licensed by the State of Oklahoma to purchase marijuana from a licensed commercial grower to subsequently prepare, manufacture, package, sell and deliver medical marijuana products to a licensed dispensary or other licensed processor; and who may also process marijuana received from a qualified patient into a medical marijuana concentrate, for a fee; nothing in this code alters state license category requirements for medical marijuana establishments. Applicants may be required to seek multiple state licenses in order to comply with state law.

- (a) Tier I 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 in compliance with state law) by mechanical means of “prerolled” marijuana cigarettes, “joints” or “blunts” and the use of medical marijuana concentrate(s) (produced off-site in compliance with state law) or medical marijuana plant pieces (produced in compliance with state law) as an additive to products by means that do not include cooking and/or baking. Tier I medical marijuana processor does not include extraction processes of any kind.
- (b) Tier II Processor: means a facility defined and regulated by Oklahoma state law as a medical marijuana processor, and which includes processing activities described in Tier I medical marijuana processor and/or: the use of medical marijuana concentrate(s) (created off-site in compliance with state law), as an additive to product by means of cooking and/or baking. Tier II medical marijuana processor does not include extraction processes of any kind.
- (c) Tier III Processor: means a facility defined and regulated by Oklahoma state law as a medical marijuana processor, and which includes processing

activities described in Tier II and Tier I medical marijuana processor and/or: medical marijuana concentrate extraction processes that use only non-flammable substances.

- (d) Tier IV Processor: means a facility defined and regulated by Oklahoma state law as a medical marijuana processor, and which engages in the following activities: any type(s) of medical marijuana processing, consisting of all extraction processes including flammable chemicals such as butane, alcohol, propane, and ethanol.

* * *

SECTION 2. Section 18-5-1-503 is hereby amended to read as follows:

18-5-1-503 Uses permitted on review.

- A. The following uses may be permitted on review in accordance with Section 18-113 of this code: ~~sale of fireworks.~~

* * *

1. Medical marijuana growing facility within an enclosed building when located within one thousand (1,000) feet from any non-agriculturally zoned property;

* * *

2. Medical marijuana Tier III processor when associated with a growing facility within the same property;

* * *

SECTION 3. Section 18-5-8-580 is hereby amended to read as follows:

18-5-8-580 Uses permitted.

- A. The following uses shall be permitted in C-1 (Local Commercial District):

* * *

19. Medical marijuana -Tier I processor, when associated with a dispensary located within the same building and all processed materials are sold on site;

* * *

SECTION 4. Section 18-5-8-581 is hereby amended to read as follows:

18-5-8-581 Uses permitted on review.

- A. The following uses may be permitted on review in a C-1 district in accordance with provisions of Section 18-113 of this code:

* * *

6. Medical marijuana -Tier 2 processor, when associated with a dispensary located within the same building, and all processed materials are sold on site;

* * *

SECTION 5. Section 18-5-9-591 is hereby amended to read as follows:

18-5-9-591 Uses permitted.

- A. The following uses shall be permitted in C-2 Planned Neighborhood Shopping Center District:

* * *

25. Medical marijuana -Tier I processor, when associated with a dispensary located within the same building and all processed materials are sold on site;

* * *

SECTION 6. Section 18-5-9-592 is hereby amended to read as follows:

18-5-9-592 Uses permitted on review.

- A. The following uses shall be permitted on review in C-2 Planned Neighborhood Shopping Center District:

* * *

8. Medical marijuana -Tier II processor, when associated with a dispensary located within the same building, and all processed materials are sold on site;

* * *

SECTION 7. Section 18-6-10-602 is hereby amended to read as follows:

18-6-10-602 Uses permitted on review.

- A. The following uses shall be permitted on review in C-3 Planned Community Shopping Center District:

* * *

4. Medical marijuana -Tier II processor, when associated with a dispensary located within the same building, and all processed materials are sold on site;

* * *

SECTION 8. Section 18-6-11-612 is hereby amended to read as follows:

18-6-11-612 Uses permitted on review.

- A. The following uses shall be permitted on review in C-4 Tourist Commercial District:

* * *

4. Medical marijuana -Tier II processor, when associated with a dispensary located within the same building, and all processed materials are sold on site;

* * *

SECTION 9. Section 18-6-12-623 is hereby amended as follows:

18-6-12-623 Uses permitted.

- A. Property and buildings in a C-5 General Commercial District shall be used only for the following purposes:

* * *

29. Medical marijuana processing-Tier II processor, when associated with a dispensary located within the same building, and all processed materials are sold on site;

* * *

SECTION 10. Section 18-6-12-624 is hereby amended as follows:

18-6-12-624 Uses permitted on review.

- A. The following uses may be permitted on review in accordance with the provisions of Section 18-113:

* * *

10. Medical marijuana growing ~~and/or processing facility~~ associated with a medical marijuana dispensary when located within the same enclosed building.

* * *

11. Medical marijuana -Tier III processor, when associated with a dispensary located within the same building;

* * *

SECTION 11. Section 18-6-13-635 is hereby amended to read as follows:

18-6-13-635 Uses permitted.

- A. Property and buildings in the CBD may be used for any of the following uses:

* * *

7. Medical marijuana -Tier I processor, when associated with a dispensary located within the same building, and all processed materials are sold on site;

* * *

SECTION 12. Section 18-6-13-636 is hereby amended to read as follows:

18-6-13-636 Uses permitted on review.

- A. The following uses may be permitted on review in accordance with provisions contained in Section 18-113 of this code:

* * *

6. Medical marijuana -Tier II processor, when associated with a dispensary located within the same building, and all processed materials are sold on site;

* * *

SECTION 13. Section 18-6-14-646 is hereby amended to read as follows:

18-6-14-646 Uses permitted.

- A. Property and buildings in an I-1 district shall be used only for the following purposes:

* * *

19. Medical marijuana -Tier III processor;

* * *

SECTION 14. Section 18-6-15-658 is hereby amended to read as follows:

18-6-15-658 Uses permitted.

A. The following uses are permitted in the I-2 Industrial Park District:

* * *

3. Medical marijuana processing facility- Tier IV processor;

* * *

SECTION 15. Section 18-6-16-671 is hereby amended to read as follows:

18-6-16-671 Uses permitted.

A. Property and buildings in an I-3 Light Industrial District shall be used only for the following purposes:

* * *

3. The following uses when conducted within a completely enclosed building:

* * *

a. Medical marijuana processing facility- Tier IV processor;

* * *

SECTION 16. Section 18-6-18-692 is hereby amended to read as follows:

18-6-18-692 Uses permitted.

A. Property and buildings in the F Floodplain District shall be used only for the following purposes:

* * *

7. All agricultural land uses listed in Section 18-5-1-502, excluding residential uses
~~buildings and activities~~;

SECTION 16. Renumbering. The provisions of Sections 18-5-1-503, 18-5-8-580, 18-5-8-581, 18-5-9-591, 18-5-9-592, 18-6-10-602, 18-6-11-612, 18-6-12-623, 18-6-13-635 and 18-6-14-646, Chapter 18, Lawton City Code, 2015, shall be renumbered consecutively to reflect the new numbering of paragraphs of said sections as amended by this ordinance as to avoid duplication or omission of numbers and/or letters in said sections.

SECTION 17. 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, said portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this ordinance.

ADOPTED and APPROVED by the Council of the City of Lawton, Oklahoma, this 28th day of September, 2021.

STAN BOOKER, MAYOR

ATTEST:

TRACI HUSHBECK, CITY CLERK

APPROVED as to form and legality this _____ day of _____, 2021.

JOHN RATLIFF, CITY ATTORNEY

ORDINANCE NO. 21-____

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Brief Gist

This ordinance defines four levels of medical marijuana processing facilities and establishes zoning districts in which the different levels of medical marijuana processing facilities may be located.

ADOPTED and APPROVED by the Council of the City of Lawton, Oklahoma, this 28th day of September, 2021.

STAN BOOKER, MAYOR

ATTEST:

TRACI HUSHBECK, CITY CLERK

(Published in *The Lawton Constitution* this ____ day of _____, 2021)