Legislation Details (With Text)

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File created:	9/7/2021	**In control:**	City Council
On agenda:	9/28/2021	**Final action:**	
Title:	Hold a public hearing and consider an ordinance to amend Chapter 18, Lawton City Code, 2015, that amends 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.		
Sponsors:			
Indexes:			
Code sections:			
Attachments:	1. Proposed MM Zoning w-Processing Tiers, 2. Ordinance		

Date	Ver.	Action By	Action	Result

ITEM TITLE:

Hold a public hearing and consider an ordinance to amend Chapter 18, Lawton City Code, 2015, that amends 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.

INITIATOR:

Richard Rogalski, Deputy City Manager

STAFF INFORMATION SOURCE:

Richard Rogalski, Deputy City Manager
Kameron Good, Planner I

BACKGROUND:

The current definition of a “Medical marijuana processor” in Chapter 18 of the Lawton City Code was approved in 2018 with Ordinance No. 18-30. The definition groups include all types of processing activities into one definition. Medical marijuana processing can be broken up into several different activities with varying degrees of impact on adjacent properties. When compared to other cities’ definitions such as Tulsa, Oklahoma City, and Norman our code has become outdated.

The attached ordinance proposes the definition of “Medical marijuana processor” be modified to break up processing into four different tiers.
-Tier I processing would allow processing by mechanical means, such as grinding to make “pre-rolled”

marijuana cigarettes, “joints” and “blunts.” Tier I medical marijuana processor does not include extraction processes of any kind.
-Tier II processing would allow all Tier I processing activities with the addition of cooking and baking. Tier II processing does not include extraction processes of any kind.
-Tier III processing would allow all Tier II and Tier I processing activities with the addition of medical marijuana concentrate extraction processes that use only non-flammable substances.
-Tier IV processing would allow any type(s) of medical marijuana processing, consisting of all extraction processes including flammable chemicals such as butane, alcohol, propane, and ethanol.

The matrix below helps illustrate when the different tiers of medical marijuana processing would be allowed in the zoning districts.

Table I - Proposed expansion of processing

Use	A-1	C-1	C-2	C-3	C-4	C-5	CBD	I-1	I-2	I-3	I-4
Dispensary		P[1]	P	P	P	P	P	P		P	P
Growing – Indoor	P[3],POR[4]					POR[2]		P	P	P	P
Growing - Outdoor	P[3]										POR
Research						P		P	P	P	P
Processing Tier 1 (Mechanical)	P[6]	P[2,5]	P[2,5]	P[2,5]	P[2,5]	P[2,5]	P[2,5]	P	P	P	P
Processing Tier 2 (Cooking/baking)	POR[6]	POR[2,5]	POR[2,5]	POR[2,5]	POR[2,5]	P[2,5]	POR[2,5]	P	P	P	P
Processing Tier 3 (Non-chemical)	POR[6]					POR[2]		P	P	P	P
Processing Tier 4 (Chemical)									P	P	P

P = Permitted
POR = Permitted on Review

[1] When located on a major street; otherwise a dispensary is a use permitted on review
[2] When associated with a dispensary located within the same building
[3] When located a minimum of 1,000 feet from any non-agriculturally zoned property
[4] When located within 1,000 feet of any non-agriculturally zoned property
[5] When all processed materials are sold on site
[6] When associated with a growing facility located on the same property

The A-1 zoning district would now permit Tier I processing when associated with a growing facility located on the same property. Tier II and Tier III processing would require a Use Permitted on Review when associated with a growing facility located on the same property. Indoor and Outdoor grow facilities are already permitted when located a minimum of 1,000 feet from any non-agriculturally zoned property. This change would allow for an indoor grow to be a Use Permitted on Review when located within 1,000 feet of any non-agriculturally zoned property.

The C-1, C-2, C-3, C-4 and CBD zoning district would permit Tier I processing when associated with a dispensary located within the same building and all processed materials are sold on site. Tier II processing would require a Use Permitted on Review when associated with a dispensary located within the same building

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and all processed materials are sold on site.

The C-5 zoning districts would permit Tier I and Tier II processing when associated with a dispensary located within the same building and all processed materials are sold on site. The C-5 zoning district will continue to allow Tier III processing as a Use Permitted on Review when associated with a dispensary located within the same building.

Tier III processing is a permitted use in all Industrial zones, but Tier IV processing is only a permitted use in I-2, I-3, and I-4 Industrial Zoning District.

This concept was brought to the City Planning Commission for discussion on August 26, 2021 and they like it. CPC will hold a public hearing on September 16, 2021. Notice of the public hearing was published in *The Lawton Constitution* on September 1, 2021.

EXHIBIT:
Ordinance No. 21_
Proposed Zoning Matrix

KEY ISSUES:
Our current Lawton City Code does not address the wide range of medical marijuana processing activities.

FUNDING SOURCE: :
N/A

STAFF RECOMMENDED COUNCIL ACTION:
Adopt Ordinance No. 21-___, waive the reading of the ordinance, read the title only.

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