

**CITY OF NORMAN
ORDINANCE O-2425-10**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, ADDING SECTION 36-567.1 (“RESTRICTIONS ON TOBACCO AND E-CIGARETTE RETAILERS”) TO CHAPTER 36 (“ZONING ORDINANCE”); AND AMENDING SECTIONS 36-521 (“RO, RESIDENCE-OFFICE DISTRICT”), 36-524 (“C-1, LOCAL COMMERCIAL DISTRICT”), 36-526 (“TC, TOURIST COMMERCIAL DISTRICT”), 36-527 (“CR, RURAL COMMERCIAL DISTRICT”), AND 36-560 (“SPECIAL USES”) TO CHAPTER 36 (“ZONING ORDINANCE”) OF THE CODE OF THE CITY OF NORMAN TO ESTABLISH RESTRICTIONS ON TOBACCO AND E-CIGARETTE RETAILERS; AND PROVIDING FOR THE SEVERABILITY THEREOF.

WHEREAS, WHEREAS, in an effort to protect our youth from the negative health effects of tobacco, nicotine or vapor products, the State of Oklahoma has prohibited the sale, distribution or possession of tobacco, nicotine or vapor products for anyone under the age of twenty-one (21) years of age; and

WHEREAS, WHEREAS, the City of Norman, pursuant to 63 O.S. § 1-229.18, is authorized to enact laws prohibiting the distribution of tobacco, nicotine, and vapor products and product samples within three hundred (300) feet of any playground, school, or other facility when it is being used primarily by persons under twenty-one (21); and

WHEREAS, WHEREAS, the City of Norman desires to support and enforce the State of Oklahoma’s regulations promulgated to control youth access to tobacco by adopting Ordinance O-2425-10.

NOW THEREFORE, be it ordained by the City Council of the City of Norman, in the State of Oklahoma, as follows:

SECTION 1: **AMENDMENT** “36-521 RO, Residence-Office District” of the City of Norman Municipal Code is hereby *amended* as follows:

A M E N D M E N T

36-521 RO, Residence-Office District

- (a) *Purposes.* The RO district is designed to provide areas for high density residential development; limited offices, convenience goods stores, and personal service establishments in conjunction with residential uses; primarily in the vicinity of the campus business district.
- (b) *Uses permitted.* Property and buildings in the RO district shall be used only for the

following purposes:

- (1) Any uses permitted in the RM-6 district; provided, however, that the minimum yards established for certain uses in NCC 36-517(b)(2), shall be 20 feet.
- (2) Any use permitted in the R-3 district.
- (3) Artist and photographer studio, but not including the processing of film for others.
- (4) Medical or dental clinic or laboratory.
- (5) Office of non-profit association.
- (6) Office of such professional person as accountant, architect, attorney, business or management consultant, court reporter, dentist or dental surgeon, engineer, geologist or geophysicists, linguist, landscape architect, optometrist without sales, osteopathic physician, planning consultant, psychologist, physician or surgeon, or registered nurse.
- (7) Prescription pharmacy (only when provided in conjunction with subsection (b)(4) of this section).
- (8) Accessory buildings and uses customarily incidental to any of the above uses when located on the same lot.
- (9) Convenience goods and services as follows but only in conjunction with residential uses in a mixed building as qualified below:
 - a. Convenience goods stores, similar to the following uses:
 1. Drugstore or proprietary store;
 2. Florist;
 3. Food store, including bakery (retail only);
 4. Gift, novelty, or souvenir shop;
 5. Hardware store;
 6. Ice vending establishment;
 7. Limited price variety store;
 8. Newsstand;
 9. Paint, glass, or wallpaper store;
 10. Retail spirits store;
 11. Tobacco store.
 - b. Personal service establishments, similar to the following uses:
 1. Barber shop;
 2. Custom dressmaker, milliner, or tailor;
 3. Dry-cleaning pickup or self-service;
 4. Dry-cleaning plant limited to 7,000 square feet of floor area;
 5. Hat cleaning or repair shop;
 6. Laundry pickup or self-service;
 7. Optician or optometrist;
 8. Pressing, alteration, or garment repair;
 9. Shoeshine or repair shop.
 - c. In the case of a mixed building, the floor area devoted to nonresidential uses shall not exceed one-third of the floor area

devoted to residential uses; in calculating such ratio, common areas serving both residential and nonresidential areas shall be excluded.

- (10) Certain requirements for Tobacco and E-Cigarette Retailers. Any use under this Subsection which involves a tobacco or e-cigarette store shall comply with the requirements described under NCC § 36-567.1 “Restrictions on Tobacco and E-cigarette Retailers.
- (c) *Special use*. The following uses may be permitted, after review, in accordance with NCC 36-560:
- (1) Direct mail business.
 - (2) Municipal use, public building and public utility.
 - (3) Public or private golf courses, including any country clubs, club houses, or any accessory commercial enterprises.
 - (4) Church, temple or other place of worship.
 - (5) School offering general educational courses the same as ordinarily given in public schools and having no rooms regularly used for housing and sleeping.
 - (6) Type I bed and breakfast establishment.
 - (7) Type II bed and breakfast establishment.
 - (8) Childcare center, as specified in NCC 36-566.
 - (9) Library/museum.
 - (10) Off-street parking lot to be used as open space for vehicular parking, provided that such parking lot is adjacent to the land on which the principal use is located or separated therefrom only by a street or alley if the principal use is in the CO, C-1, C-2, C-3, I-1, I-2, R-1, R-2, or R-3 districts.
 - (11) Fraternal service organization not conducted for profit.
 - (12) Funeral parlor and mortuary.
 - (13) Pre-packaged food store and toiletries within apartment buildings or complexes wherein there are a minimum of 150 dwelling units, provided that:
 - a. Such store is limited to the main floor or below of the building in which it is located;
 - b. There is no direct entrance thereto from any public street, sidewalk or other public way;
 - c. No part of such store, or its entrance, is visible from any public way, street or sidewalk;
 - d. That such store shall not be advertised in any manner;
 - e. 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:
 1. 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;
 2. Service entrances for delivery vehicles and adequate space for the parking of customers;

3. 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.
- f. 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 to the Commission may seem proper.
- (14) 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).
- (d) *Area regulations.* Property and buildings in the RO district shall be subject to the following area regulations:
 - (1) *Front yard.* The minimum front yard shall be ten feet.
 - (2) *Side yards.* The minimum width of the side yard shall be five feet, except as required for tall buildings by the provisions of subsection (e) of this section.
 - (3) *Rear yard.* There shall be a rear yard of not less than ten feet; one-story unattached buildings of accessory use shall be set back one foot from the utility easement or alley line, and garage apartments shall be set back ten feet from the rear lot line.
 - (4) *Lot width.* There shall be a minimum lot width of 50 feet at the building line for a single-family dwelling or for a two-family dwelling, and ten feet additional width for each additional family occupying the lot. Such lot shall abut on a street not less than 35 feet.
 - (5) *Intensity of residential use; options.*
 - a. *Large lots.* In the case of a lot which is either at least 40,000 square feet in area or bounded on all sides by streets, alleys, railroads, public lands, or physical barriers, the provisions of either subsection (d)(6) or (7) of this section shall apply, at the option of the applicant for a building permit.
 - b. *Small lots.* In the case of all other lots, the provisions of subsection (d)(6) of this section shall apply.
 - (6) *Intensity of residential use; general option.*
 - a. *Minimum lot area.* The minimum area of a lot for residential use shall be 6,000 square feet, subject to the provisions of NCC 36-544(g).
 - b. *Floor area ratio.* The ratio of floor area to lot area shall not exceed six-tenths (0.6).
 - c. *Accessory buildings* shall not cover more than 30 percent of the rear yard.
 - (7) *Intensity of residential use; large lot option.*
 - a. The ratio of floor area to the land area of the site shall not exceed

- eight-tenths (0.8).
 - b. The ratio of open space to floor area shall be at least 85 hundredths (0.85).
 - c. The ratio of livability space to floor area shall be at least four-tenths (0.4).
 - d. The ratio of recreation space to floor area shall be at least 95 thousandths (0.095).
 - e. Accessory buildings shall not cover more than 30 percent of the rear yard.
- (8) *Intensity of mixed-uses.* The residential portion of a mixed building shall be subject to the intensity provisions of residential buildings. The ratio of the floor area of a mixed building to the area of the lot or the land area shall not exceed the following limits:
- a. General option: 0.80.
 - b. Large lot option: 1.00.
- (9) *Intensity of nonresidential uses.*
- a. *Floor area ratio.* The ratio of the floor area of a nonresidential building to the area of the lot or the land areas shall not exceed the following limits:
 - 1. General option: 1.00.
 - 2. Large lot option: 1.25.
- (10) *Impervious area.* The total amount of impervious area, including all buildings and permanently paved areas shall not cover more than 65 percent of a lot. Paving for parking as required in NCC 36-548, including other impervious surfaces, shall not cover more than 50 percent of the required ten-foot front yard, and comply with NCC 36-550(a)(3). Total impervious area of the front yard can be increased to 70 percent when one or more of the following circumstances occur:
- a. The driveway is needed to access a garage for three or more cars;
 - b. The driveway is part of a circular driveway that includes a landscaped separation from the sidewalk; or
 - c. The driveway is located on a cul-de-sac lot with lot frontage of less than 40 feet.
- (11) *Duplexes.* Within the Central Core Area of the City (see map exhibit to NCC 36-550), any two-family (duplex) structure with four or more bedrooms per unit is required to be sprinkled per the requirement in section P2904 of the International Residential Code (IRC) or NFPA 13D, or as these documents are amended.
- (e) *Height regulations.*
- (1) In the RO district there shall be no limit on height of structures, provided that any portion of a structure exceeding 35 feet in height is set back from side and rear lot lines abutting other property in residential districts at least one-third foot for each additional foot of height.

- (2) Any accessory building shall not exceed a wall height of ten feet unless the required side and rear yard setbacks are increased by one foot for each additional foot of wall height above ten feet; provided, however, that no accessory building shall exceed the height of the principal building to which it is accessory.

- (f) *Plot plans required.* A plot plan shall be submitted with each application of rezoning of land to the RO district. Such plot plans shall reflect as a minimum the information set forth in NCC 36-571(e).

(Ord. No. 2244, 1-27-1970; Ord. No. O-7778-60, 5-2-1978; Ord. No. O-7778-68, 10-3-1978; Ord. No. O-8182-41, 2-9-1982; Ord. No. O-1961; Ord. No. O-8485-22, 10-23-1984; Ord. No. O-8990-42; Ord. No. O-9293-38; Ord. No. O-9596-19, 12-12-1995; Ord. No. O-9697-6, 8-27-1996; Ord. No. O-0708-36, 4-22-2008; Ord. No. O-1718-47, 7-26-2018; Ord. No. O-1718-51, 8-23-2018; Ord. No. O-1819-17, 12-11-2018; Ord. No. O-1920-4, 8-29-2019; Ord. No. O-1920-39, 4-23-2020)

SECTION 2: **AMENDMENT** “36-524 C-1, Local Commercial District” of the City of Norman Municipal Code is hereby *amended* as follows:

AMENDMENT

36-524 C-1, Local Commercial District

- (a) *General description.* This commercial district is intended for the conduct of retail trade and to provide personal services to meet the regular needs and for the convenience of the people of adjacent residential areas. It is anticipated that this district will be the predominately used commercial district in the community. Because these shops and stores may be an integral part of the neighborhood closely associated with residential, religious, recreational, and educational elements, more restrictive requirements for light, air, open space, and off-street parking are made than are provided in other commercial districts.
- (b) *Uses permitted.* Property and buildings in a C-1, Local Commercial District shall be used only for the following purposes:
 - (1) Any use permitted in CO, except for medical marijuana testing laboratories, as set forth in NCC 36-523(a)(4).
 - (2) The following uses shall be permitted, provided that no individual use shall exceed a gross floor area of 35,000 square feet and that no outdoor storage or display of materials or goods is permitted:
 - a. Antique shop.
 - b. Appliance store.
 - c. Artist materials supply, or studio.
 - d. Automobile parking lots.

- e. Automobile supply store.
- f. Baby shop.
- g. Bakery goods store.
- h. Bank.
- i. Barber shop, or beauty parlor.
- j. Book or stationery store.
- k. Camera shop.
- l. Candy store.
- m. Catering establishment.
- n. Childcare establishment.
- o. Clothing or apparel store.
- p. Dairy products or ice cream store.
- q. Delicatessen store.
- r. Dress shop.
- s. Drug store or fountain.
- t. Dry-cleaning and laundry plant with no more than three dry-cleaning machines and/or laundry pick-up station.
- u. Dry goods store.
- v. Fabric or notion store.
- w. Florist.
- x. Furniture store.
- y. Gift shop.
- z. Grocery or supermarket.
- aa. Hardware store.
- ab. Hotel or motel.
- ac. Interior decorating store.
- ad. Jewelry shop.
- ae. Key shop.
- af. Leathergoods shop.
- ag. Medical marijuana dispensary, as allowed by State law.
- ah. Messenger or telegraph service.
- ai. Office business.
- aj. Outdoor or indoor courts for handball, racquet ball, tennis, or sports activity of a similar nature (lighted outdoor courts shall not to be operated later in the evening than 10:00 p.m. and lighting must be arranged to direct light away from any adjoining property in a residential district).
- ak. Painting and decorating shop.
- al. Pet shop.
- am. Pharmacy.
- an. Photographer's studio.
- ao. Radio and television sales and service.
- ap. Restaurant. A restaurant may include live entertainment and/or a

dance floor, (all such activity fully within an enclosed building) provided the kitchen remains open with full food service whenever live entertainment is offered.

- aq. Retail spirits store.
- ar. Self-service laundry.
- as. Sewing machine sales.
- at. Sporting goods sales.
- au. Shoe store or repair shop.
- av. Tailor shop.
- aw. Theater (excluding drive-in theaters), including one that sells alcoholic beverages in compliance with State law.
- ax. Tier I medical marijuana processor, as allowed by State law.
- ay. Tier II medical marijuana processor, as allowed by State law.
- az. Toy store.

- (3) Any other retail store, shop or establishment serving the neighborhood in the manner Stated above which in the opinion of the Planning Commission is similar in character to those above-enumerated and is not more obnoxious or detrimental to the area in which it is located, by reason of noise, offensive odor, smoke, dust, vibration, traffic congestion or danger to life and property.
- (4) Name plate and sign relating only to the use of the store and premises or products sold on the premises.
- (5) Accessory buildings used primarily for any of the above-enumerated purposes may not have more than 40 percent of the floor area devoted to purposes incidental to such primary use.
- (6) Certain requirements for Tobacco and E-Cigarette Retailers. Any use under this Subsection which involves a tobacco or e-cigarette store shall comply with the requirements described under NCC § 36-567.1 “Restrictions on Tobacco and E-cigarette Retailers.

Note: The following uses are specifically prohibited: Laundry and dry-cleaning establishments where cleaning or laundering is done on premises, major auto repairs, and manufacturing.

(c) *Special use*. The following uses may be permitted, after review, in accordance with NCC 36-560:

- (1) Emergency medical transportation services.
- (2) Funeral parlor, mortuary, and crematorium so long as the crematorium is attached to the funeral parlor or mortuary and complies with the following conditions and requirements:
 - a. Any building which incorporates a crematorium use shall meet the setback requirements of the underlying zoning district.
 - b. Facilities shall meet all applicable State and federal requirements for incineration equipment and shall be licensed at all times.
 - c. All storage shall be inside.
 - d. Incinerator stacks shall not be located on the front side of the roof of

any structure facing the street.

- (3) Mixed building in which one or more dwelling units may be located on the second floor, provided that:
 - a. First floor use is a permitted use in the district;
 - b. Only two-story structures are involved;
 - c. The minimum area of a lot shall be 6,000 square feet;
 - d. The ratio of floor area to lot area shall not exceed six-tenths (0.6).
- (4) Automobile service station.
- (5) Any use listed in subsection (b)(2) of this section which exceeds a gross floor area of 35,000 square feet.
- (6) Liquefied petroleum gas sales and storage when such use is clearly subordinate and accessory to the primary usage of the property.
- (7) Municipal use, public buildings and public utility.
- (8) Medical marijuana education facility, as allowed by State law.
- (9) Medical marijuana research facility, as allowed by State law.
- (10) Medical marijuana testing laboratory, as allowed by State law.
- (11) Tier III medical marijuana processor, as allowed by State law.

(d) *Area requirements.*

- (1) *Front yard.* A 25-foot setback is required for all buildings. Across the entire front of all lots (and the street side of any corner lot) in plats filed after November 7, 2005, a minimum ten-foot landscape strip shall be installed, which may not be encroached upon by parking. One eight-foot-tall shade (canopy) tree per each 20 feet of lot frontage and one three-gallon shrub per five feet of building frontage shall be installed within this landscape strip. Clustering of these required plantings may be allowed, if approved by the City Forester or his designee. Such planting should be covered by the three-year maintenance bond required when new landscaping is installed with the parking lot on the same tract. All species are to be approved by the City Forester.
- (2) *Side yard.*
 - a. For uses other than dwelling, no side yard shall be required except on the side of a lot adjoining a dwelling district in which case there shall be a side yard of not less than five feet.
 - b. Whenever the rear lot line of a corner lot of a local business district abuts a dwelling district, the side yard setback adjacent to the street shall be 15 feet.
- (3) *Rear yard.* Rear yard shall not be required for retail establishments; except where a rear lot line abuts upon a dwelling district and the commercial building is designed to be serviced from the rear, there shall be provided a rear yard of not less than 30 feet for lots without alleys and 20 feet for lots with alleys; and further, provided that in no case where the rear lot lines abut a dwelling district shall the commercial building be erected closer than three feet

to the rear lot line.

- (e) *Height regulations.* Except, as provided in NCC 36-546, no building shall exceed 2 1/2 stories or 35 feet in height.

(Ord. No. O-8485-62, 2-5-1985; Ord. No. O-8485-89, 6-11-1985; Ord. No. O-9192-17, 11-12-1991; Ord. No. O-9192-18, 11-12-1991; Ord. No. O-9596-19, 12-12-1995; Ord. No. O-9697-51, 6-10-1997; Ord. No. O-0102-26, 3-12-2002; Ord. No. O-0102-51, 6-25-2002; Ord. No. O-0203-46, 5-27-2003; Ord. No. O-0304-29, 10-28-2003; Ord. No. O-0405-60, 9-27-2005; Ord. No. O-1314-13, 11-22-2013; Ord. No. O-1617-31, 5-23-2017; Ord. No. O-1718-51, 8-23-2018; Ord. No. O-1819-17, 12-11-2018; Ord. No. O-1920-4, 8-29-2019; Ord. No. O-1920-39, 4-23-2020; Ord. No. O-1920-45, 7-23-2020; Ord. No. O-1971)

SECTION 3: **AMENDMENT** “36-526 TC, Tourist Commercial District” of the City of Norman Municipal Code is hereby *amended* as follows:

AMENDMENT

36-526 TC, Tourist Commercial District

- (a) *General description.* This district is intended to accommodate the grouping of those commercial activities necessary to supply the normal needs of tourists, and to protect these against other incompatible commercial uses. This district is intended to be located in defined areas and will be permitted at the intersection of primary arterials or highways and section line roads east of 72nd Avenue East which serve as the primary entrances of major public recreational areas. For the purpose of this chapter, only State Highway No. 9, Alameda Drive, and 120th Avenue North shall be designated as primary entrances to major public recreational areas.
- (b) *Uses permitted.*
- (1) Any of the following uses:
 - a. Amusement enterprises.
 - b. Boat and marine sales and service.
 - c. Cafeteria or restaurant.
 - d. Drive-in restaurant.
 - e. Dry dock boat storage.
 - f. Gift, novelty or souvenir store.
 - g. Hotel, motel, tourist court.
 - h. Ice dispensing machine (and other outdoor-type automatic vending machines).
 - i. Medical Marijuana Dispensary, as allowed by State law.
 - j. Miniature golf course.
 - k. Offices accessory to main use.

- l. Parks or playgrounds.
 - m. Parking lot or structure, non-commercial accessory to and within 200 feet.
 - n. Pre-packaged food store.
 - o. Service station.
 - p. Tier I medical marijuana processor, as allowed by State law.
 - q. Tier II medical marijuana processor, as allowed by State law.
 - r. Travel trailer court.
 - s. Sporting goods store, including sale of live bait.
 - t. Childcare center, as specified in NCC 36-566.
 - u. Short-term rentals.
- (2) Any use which, in the opinion of the Planning Commission, would be similar in character to those above-enumerated and is not more obnoxious or detrimental to the area in which it is located, by reason of noise, offensive odor, smoke, dust, vibration, traffic congestion or danger to life and property than those uses enumerated above.
- (3) Certain requirements for Tobacco and E-Cigarette Retailers. Any use under this Subsection which involves a tobacco or e-cigarette store shall comply with the requirements described under NCC § 36-567.1 “Restrictions on Tobacco and E-cigarette Retailers.
- (c) *Special use.* The following uses may be permitted, after review, in accordance with NCC 36-560:
- (1) Any permitted use in NCC 36-526(b) which exceeds 35 feet in height.
 - (2) Live entertainment venue.
 - (3) Laundry, self service, in conjunction with travel trailer court.
 - (4) Nightclub or tavern.
 - (5) Liquefied petroleum gas sales and storage when such use is clearly subordinate and accessory to the primary usage of the property.
 - (6) Municipal use, public buildings and public utility.
- (d) *Area regulations.*
- (1) *Front yard.* The minimum front yard shall be 50 feet or 100 feet from the center line of the public street or road, whichever distance shall be the greater.
 - (2) *Side yard.* The minimum side yard shall be 25 feet.
 - (3) *Rear yard.* The minimum rear yard shall be 50 feet.
 - (4) *Lot width.* The minimum lot width shall be 150 feet measured at the front building line.
- (e) *Height regulations.* Except, as provided in NCC 36-546, or 36-526(c), no building shall exceed 35 feet in height.
- (f) *Special provisions.*
- (1) There shall be no outdoor storage, display, or use within any required front, side or rear yard setback other than parking, loading and unloading, and landscaping.
 - (2) Off-street parking requirements shall be the standards prescribed in NCC 36-

548.

(Ord. No. O-9192-17, 11-12-1991; Ord. No. O-9596-19, 12-12-1995; Ord. No. O-1617-31, 5-23-2017; Ord. No. O-1819-17, 12-11-2018; Ord. No. O-1920-4, 8-29-2019; Ord. No. O-1920-39, 4-23-2020; Ord. No. O-1920-45, 7-23-2020; Ord. No. O-0102-51)

SECTION 4: **AMENDMENT** “36-527 CR, Rural Commercial District” of the City of Norman Municipal Code is hereby *amended* as follows:

AMENDMENT

36-527 CR, Rural Commercial District

- (a) *General description.* This commercial district is intended for the conduct of retail trade and to provide personal services to meet the regular needs and convenience of rural residents. It is anticipated that this district will be the predominately used commercial district in rural Norman. It is intended that this zoning district be located at the intersection of improved section line roads.
- (b) *Uses permitted.* Property and buildings in a CR, Rural Commercial District shall be used only for the following purposes:
- (1) No individual use shall exceed a gross floor area of 35,000 square feet:
 - a. Artist material supply, studio or hobby shop.
 - b. Automobile service station.
 - c. Bank.
 - d. Barber shop, or beauty parlor.
 - e. Childcare center.
 - f. Clothing and dry goods store.
 - g. Farm feed store.
 - h. Firewood sales.
 - i. Florist.
 - j. Grocery or supermarket.
 - k. Hardware store.
 - l. Key shop.
 - m. Medical marijuana dispensary, as allowed by State law.
 - n. Office building and offices for such professional services as accountant, architect, attorney, business or management consultant, court reporter, dentist or dental surgeon, engineer, geologist 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.

- o. Pharmacy.
 - p. Plant nursery.
 - q. News stand and tobacco store.
 - r. Restaurant.
 - s. Retail spirits store.
 - t. Shoe store or repair shop.
 - u. Tier I medical marijuana processor, as allowed by State law.
 - v. Tier II medical marijuana processor, as allowed by State law.
- (2) Any uses which, in the opinion of the Planning Commission, would be similar in character to those above-enumerated and is not more obnoxious or detrimental to the area in which it is located, by reason of noise, offensive odor, smoke, dust, vibration, traffic congestion, or danger to life and property than those uses enumerated above.
- (3) Certain requirements for Tobacco and E-Cigarette Retailers. Any use under this Subsection which involves a tobacco or e-cigarette store shall comply with the requirements described under NCC § 36-567.1 “Restrictions on Tobacco and E-cigarette Retailers.
- (c) *Special use.* The following uses may be permitted, after review, in accordance with NCC 36-560:
- (1) Any use listed in NCC 36-527(b)(1) which exceeds a gross floor area of 35,000 square feet.
 - (2) Any use listed in NCC 36-527(b)(1) which exceeds 35 feet in height.
 - (3) Automobile sales and service.
 - (4) Boat sales and services.
 - (5) Farm implement sales and service.
 - (6) Theater, indoor, including one that sells alcoholic beverages in compliance with State law.
 - (7) Veterinary hospital.
 - (8) Liquified petroleum gas sales and storage when such use is clearly subordinate and accessory to the primary usage of the property.
 - (9) Municipal use, public buildings and public utility.
 - (10) Medical marijuana commercial grower, as allowed by State law.
 - (11) Medical marijuana education facility (cultivation activities only), as allowed by State law.
- (d) *Area regulations.*
- (1) *Front yard.* The minimum front yard shall be 50 feet or 100 feet from the center line of the public street or road, whichever distance shall be the greater.
 - (2) *Side yard.* The minimum side yard shall be 25 feet.
 - (3) *Rear yard.* The minimum rear yard shall be 50 feet.
 - (4) *Lot width.* The minimum lot width shall be 150 feet measured at the front building line.
- (e) *Height regulations.* Except, as provided in NCC 36-546 or 36-527(c), no building shall exceed 35 feet in height.

(Ord. No. O-8485-32; Ord. No. O-9192-17, 11-12-1991; Ord. No. O-9596-19, 12-12-1995; Ord. No. O-1617-31, 5-23-2017; Ord. No. O-1718-51, 8-23-2018; Ord. No. O-1819-17, 12-11-2018; Ord. No. O-1920-4, 8-29-2019; Ord. No. O-1920-39, 4-23-2020)

SECTION 5: **AMENDMENT** “36-560 Special Uses” of the City of Norman Municipal Code is hereby *amended* as follows:

AMENDMENT

36-560 Special Uses

Any use designated as a special use under any zoning district is not appropriate for each and every parcel of land which is included in the pertinent zoning district. However, upon review, the City Council may determine that one or more special uses should be approved for a specific parcel of land. Such approval, by ordinance duly adopted by the City Council, may come after a public notice and a hearing by the Planning Commission. Any such approval may be made conditional on the subject parcel of land meeting and maintaining specific requirements and/or conditions.

- (a) *Application and fee.* Application for a special use shall be filed with the Director of Planning and Community Development Department. The application shall include the following:
- (1) Name and address of the owner, and also applicant if different from the owner. (The City may initiate the application.)
 - (2) Address and legal description of the property.
 - (3) If the applicant is not the legal owner of the property, a statement that the applicant is either the authorized agent for the owner of the property or has a lawful right to acquire use and possession of the property.
 - (4) A statement describing the nature and operating characteristics of the proposed special uses. For uses potentially generating high volumes of vehicular traffic, the Director may require specific information relative to the anticipated peak loads and peak use periods, the ability of the use to meet performance standards, or substantiating the adequacy of proposed parking, loading, and circulation facilities.
 - (5) A site plan, drawn to scale, showing the location and dimensions of boundary lines, with distances and bearings, easements, required yards and setbacks, and all existing and proposed buildings, parking and loading areas, ingress and egress, the location of existing and proposed landscaped areas, utility or service areas, fencing and screening, signs and lighting.
 - (6) Application for a special use and for rezoning for the same property may be made concurrently, subject to the fees applicable to both a special use and rezoning. The Planning Commission shall hold the public hearing on the

rezoning and the special uses at the same meeting and may combine the two hearings. If the City Council modifies a recommendation of the Commission on a concurrent zoning reclassification, the special uses application may, if the City Council deems it necessary, be referred back to the Planning Commission in the same manner as a new application; provided, however, that no additional fee shall be required.

(7) A filing fee of \$400.00, plus \$10.00 per acre.

(8) In order to properly evaluate the proposed special uses, the Planning Director may require the following additional information:

- a. Preliminary building elevations for all new or renovated structures, indicating height, bulk, and general appearance.
- b. Preliminary improvement plans for any alteration of existing watercourses or drainage features, proposed streets and alleys, and the location of the 100-year floodplain.
- c. The relationship of the site and the proposed use to surrounding uses, including pedestrian and vehicular circulation, current use of nearby parcels, and any proposed off-site improvements to be made.

(b) *Review and evaluation criteria.* The Planning Commission shall review and evaluate any special use proposal and recommend to the City Council using the following criteria:

- (1) Conformance with applicable regulations and standards established by this article.
- (2) Compatibility with existing or permitted uses on abutting sites, in terms of building height, bulk and scale, setbacks and open spaces, landscaping and site development, and access and circulation features.
- (3) Potentially unfavorable effects or impacts on other existing or permitted uses on abutting sites, to the extent such impacts exceed those which reasonably may result from use of the site by a permitted use. (Note: Throughout this section, the term "permitted use" means any use authorized as a matter of right under the applicable zoning district.)
- (4) Modifications to the site plan which would result in increased compatibility, or would mitigate potentially unfavorable impacts, or would be necessary to conform to applicable regulations and standards and to protect the public health, safety, morals, and general welfare.
- (5) Safety and convenience of vehicular and pedestrian circulation in the vicinity, including traffic reasonably expected to be generated by the proposed special use and other uses authorized and anticipated in the area, considering existing zoning and land uses in the area.
- (6) That any conditions applicable to approval are the minimum necessary to minimize potentially unfavorable impacts on nearby uses and to ensure compatibility of the proposed special use with existing or permitted uses in the surrounding area.

(c) *Planning commission hearing and recommendation.* The Planning Commission shall

hold a public hearing on each application for a special use. Public notification requirements shall be the same as a rezoning procedure. At the public hearing, the Commission shall review the application and shall receive public comments concerning the proposed use and the proposed conditions under which it would be operated or maintained. The Planning Commission may recommend that the City Council establish conditions of approval. Conditions may include, but shall not be limited to, requirements for special yards, open spaces, buffers, fences, walls, and screening; requirements for installation and maintenance of landscaping and erosion control measures; requirements for street improvements and dedications, regulation of vehicular ingress and egress, and traffic circulation, regulation of signs; regulation of hours or other characteristics of operation; and such other conditions as the Commission may deem necessary to ensure compatibility with surrounding uses, and to preserve the public health, safety, and welfare.

- (d) *City Council approval.* Granting a special use shall be considered a privilege bestowed by the City Council for a specific use at a specific location. Special uses may be granted by the City Council with such requirements and/or conditions, as the Council deems appropriate. Such requirements and/or conditions shall be continually complied with by the applicant and his successors and assigns. At the time of issuance of a certificate of occupancy for the initial operation of a special use, the City shall cause the property legal description and conditions of approval established by the City Council to be filed in the Tract Index of the County Clerk's office. Prior to such filing, the applicant shall be afforded an opportunity to review the instrument to be filed, for correctness.
- (e) *Violations.* For any reason, if any requirement or condition specified in the authorizing special use ordinance is violated, said violation constitutes a violation of this chapter and subjects the violator to the fines and penalties contained herein. Further, such a violation constitutes grounds for the City Council to remove or amend, by ordinance, the previously authorized special use and any concurrent rezoning.
- (1) If it is determined by the Planning Director or the City Manager that there is a violation of any applicable provision of this section, or a failure to comply with conditions imposed by any special use ordinance on the property, then the Planning Director or the City Manager may initiate any or all of the following actions to remedy the situation, including:
 - a. Specify the nature and extent of any such violations and specify reasonable time to correct such violations;
 - b. Report such violations to the Code Enforcement Official and initiate action in the same manner as any other violation of this chapter;
 - c. Schedule a public hearing before the City Council to review such matter and consider revocation, by ordinance, of the granting of a special use for said property.
 - (2) Whenever any one or more of the foregoing actions is initiated, notice shall be given to the property owner of record by any means then authorized by the

State Pleading Code for service of summons in a civil action. Further, if the property is occupied, such notice shall also be given, by first-class mail or hand-delivery, addressed to "Tenant, Owner, or Manager" at the property address.

(f) *Expiration for non-use.*

- (1) The authority to issue initial construction or initial occupancy permits pursuant to the granting of a special use shall expire two years after the City Council approves the special use, unless the City Council includes a different time limit as a specific condition of approval. This time period to initially establish a special use may be extended for a maximum of an additional two years by action of the City Council, upon receipt of a timely request from the owner of said property, when it determines that conditions have not substantially changed since the time of original approval.
- (2) In any case where the special use is not activated in accordance with the times specified in the preceding section, or where the special use has been discontinued for two continuous years, then authority for such a special use ceases to exist and the owner must reapply in order to establish or re-establish said special use.

(g) *Change of ownership.* A special use may be transferred to a new owner provided:

- (1) Written notification is sent to the Planning Director indicating date of transfer, name and address of new owner, and a statement acknowledging any conditions attached to the special use and the intent to continuously comply;
- (2) A transfer fee is paid; and
- (3) An inspection of the property reveals continued compliance with all original conditions.

(h) *Special uses which were formerly described as uses permitted on review or conditional use permits.*

- (1) A use legally established pursuant to a conditional use permit or permissive use rezoning prior to the date of adoption of these zoning regulations shall be deemed pre-existing and, shall be permitted to continue, provided that it is operated and maintained in accordance with any conditions prescribed at the time of its establishment. If such a structure is destroyed by fire, explosions, or act of God, it may be rebuilt, if compliance with all conditions stipulated in its enabling ordinance are complied with.
- (2) Expansion of a pre-existing permissive use or conditional use permit shall be permitted only upon the granting of a special use as prescribed in these regulations.

(i) Certain requirements for Tobacco and E-Cigarette Retailers. Any use under this Section which involves a tobacco or e-cigarette store shall comply with the requirements described under NCC § 36-567.1 "Restrictions on Tobacco and E-cigarette Retailers.

(Ord. No. O-9596-11, 10-24-1995)

SECTION 6: ADOPTION “36-567.1 Restrictions On Tobacco And E-Cigarette Retailers” of the City of Norman Municipal Code is hereby *added* as follows:

ADOPTION

36-567.1 Restrictions On Tobacco And E-Cigarette Retailers(*Added*)

- (a) Definitions. For the purposes of this Subsection only, the following meanings shall apply:
- (1) School means any property, building, permanent structure, facility, auditorium, stadium, arena or recreational facility owned, leased or under the control of a public school district or private school or any educational facility that is accredited by the state of Oklahoma.
 - a. School shall include all licensed childcare facilities, kindergartens, elementary schools, which may include either K-6 or K-8, and all secondary schools
 - b. School shall include any institution within the Oklahoma State System of Higher Education or any other public or private college or university that is accredited by a national accrediting body.
 - (2) Playgrounds means any area used for outdoor play or recreation, especially by children, and often containing recreational equipment such as slides and swings.
 - (3) Tobacco product means any product that is made from or derived from tobacco, or that contains nicotine, that is intended for human consumption or is likely to be consumed, whether smoked, heated, chewed, absorbed, dissolved, inhaled or ingested by any other means, including, but not limited to, a cigarette, a cigar, pipe tobacco, chewing tobacco, snuff, or snus. Tobacco product also means electronic smoking devices and any component or accessory used in the consumption of a tobacco product, such as filters, rolling papers, pipes, and liquids used in electronic smoking devices, whether or not they contain nicotine. Tobacco product does not include drugs, devices, or combination products authorized for sale by the U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug and Cosmetic Act.
 - (4) Electronic smoking device means any device that may be used to deliver any aerosolized or vaporized substance to the person inhaling from the device, including, but not limited to, an e-cigarette, e-cigar, e-pipe, vape pen, or e-hookah. Electronic smoking device includes any component, part, or accessory of the device, and also includes any substance that may be aerosolized or vaporized by such device, whether or not the substance contains nicotine. Electronic smoking device does not include drugs, devices,

or combination products authorized for sale by the U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug, and Cosmetic Act.

- (b) A business license issued by the City of Norman shall only be located or operated at locations permitted by the City’s zoning or planning laws. The location of a tobacco or e-cigarette store is specifically prohibited within three hundred feet (300’) of any playground, school, or other facility when the facility is being used primarily by persons under twenty-one (21) years of age. The distance shall be measured as the shortest straight line distance from the property line of the proposed tobacco or e-cigarette store to the property line of the entities listed below:
 - (1) Public or Private School
 - (2) Playgrounds
 - (3) Facility used primarily by persons under twenty-one (21) years of age
- (c) Legal Non-conforming Use. Current license tobacco or e-cigarette store(s) within three hundred feet (300’) of the above described locations are permitted to continue operations despite this amendment to the zoning ordinance. If a current license tobacco/ or e-cigarette store is sold, then the new owner would no longer be able to use the legal non-conforming use to obtain a license.

SECTION 7: SEVERABILITY CLAUSE Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 8: EFFECTIVE DATE This Ordinance shall be in full force and effect from _____ and after the required approval and publication according to law.

PASSED AND ADOPTED BY THE CITY OF NORMAN CITY COUNCIL

_____.

AYE

NAY

ABSENT

ABSTAIN

Presiding Officer

Attest

Larry Heikkila, Mayor, City of Norman

Brenda Hall, City Clerk, City of Norman