



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 02/11/2025

REQUESTER: Jason Olsen, Director of Parks and Recreation

PRESENTER: AshLynn Wilkerson, Assistant City Attorney

ITEM TITLE: CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT AND/OR POSTPONEMENT OF ORDINANCE O-2425-10 UPON SECOND AND FINAL READING: 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.

BACKGROUND:

The City of Norman Parks and Recreation Department is actively seeking grant funding opportunities through TSET (Tobacco Settlement Endowment Trust). The grant funding would go to support the construction of the Miracle Field—a custom, adaptive, ADA compliant baseball field to remove barriers and provide opportunities for youth with disabilities to participate in outdoor sports and recreation activities.

In order to achieve these objectives, the City needs to: 1) update two existing ordinances, 16-V Tobacco and 24-311 Prevention of Youth Access to Tobacco And Vapor Products to include updates to State law as well as regulate and prohibit smoking and use of tobacco and vapor products and the smoking or vaping of marijuana on all municipal property; and 2) pass a zoning ordinance imposing certain restrictions on tobacco and e-cigarette retailers to protect youth from the negative health effects of tobacco, nicotine, or vapor products.

All three ordinances must be approved as they are presented in order to achieve the desired level of grant funding (TSET representatives have approved all three ordinances as compliant with the requirements for the highest level of grant funding).

On November 14, 2024, the City of Norman Planning Commission reviewed the proposed zoning ordinance and voted to send it forward for Council consideration.

City staff are scheduled to discuss all the proposed ordinance changes with Council at the February 18, 2025 Study Session prior to the second and final reading of the ordinances.

DISCUSSION:

The restrictions in this Ordinance O-2425-10 come directly from 63 O.S. § 1-229.18 and only regulates the distance (within 300 feet) tobacco and e-cigarette retailers can be located near a school, playground, or other facility when primarily used by persons under twenty-one. This ordinance would not apply retroactively—meaning current tobacco or e-cigarette retailers located within this prohibited distance would be allowed to continue operations and only new retailers would be subject to the distance requirements.

This ordinance proposes to add a new section (36-567.1) to Division 36-V-3 “Additional District Provisions” of Article 36-V “Zoning,” to establish the above referenced restriction: “[t]he 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.” This section also establishes the permitted legal non-conforming use for those tobacco and e-cigarette retailers that currently exist within the prohibited distance to the protected areas.

The ordinance then establishes internal references to this new section (36-567.1) in the permitted uses subsections of the applicable zoning districts within Division 36-V-2 “Specific District Regulations” of Article 36. Such zoning districts are RO, C-1—which thereby implicates C-2 and C-3—TC, and CR. The ordinance also establishes the same internal reference to the new section 36-567.1 in section 36-560 “Special Uses” within Division 36-V-3.

RECOMMENDATION:

Staff forwards Ordinance O-2425-10 to Council for consideration.