



ORDINANCE NO. 2019 - 18

AN ORDINANCE AMENDING SUBSECTION C OF SECTION 1513 OF CHAPTER 15 OF THE CITY OF CLAREMORE-ROGERS COUNTY METROPOLITAN ZONING ORDINANCE REGARDING MEDICAL MARIJUANA DISPENSARY USE CONDITIONS

WHEREAS, the City of Claremore, pursuant to the powers delegated to it by the Oklahoma Constitution, the Oklahoma Statutes and as a Charter City, has the authority to enact the following amendments to Subsection C of Section 1513 of Chapter 15 of the City of Claremore-Rogers County Metropolitan Zoning Ordinance; and

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

Section No. 1: Amendment. Subsection C of Section 1513 (Use Unit 13. Convenience Goods and Services) of Chapter 15 of the City of Claremore-Rogers County Metropolitan Zoning Ordinance is hereby amended as follows (*all deletions are struck through and all insertions are underlined*):

C. Use Conditions

1. The uses included in Use Unit 13 shall take place within a completely enclosed building, except that accessory outdoor customer seating and accessory outdoor display of merchandise is permitted, whether uncovered or covered by a tent or canopy, provided:
 - a. The outdoor customer seating area shall abut the building wall of the business, but extend no closer to the street than the building setback requirements;
 - b. The outdoor display area shall extend no closer to the street than the building setback requirement;
 - c. The outdoor display area or outdoor customer seating area shall not occupy or use required parking spaces or access aisles;
 - d. That outdoor display area shall be considered floor area for the purposes of determining off-street parking and loading requirements as set forth herein;
 - e. The outdoor customer seating area exceeding 10% of the indoor building floor area of the principal use shall be considered floor area for purposes of determining off-street parking and loading requirements as set forth herein;
 - f. In the CS District there shall be no open air storage or display of merchandise offered for sale within 300 feet of an abutting R District.
2. The uses included in Use Unit 13, when located within a district other than an R District and located on a lot which is abutting an R district, shall be screened from the abutting R District by the erection and maintenance of a screening wall or fence along the lot line or lines in common with the R District.
3. Medical marijuana dispensaries shall be located a minimum of 300 feet from established medical marijuana dispensaries.
 - a. Distance Measurement

The distance required must be measured in a straight line between the nearest perimeter walls of the building (or portion of the building, in the case of a multiple-tenant building) occupied by the dispensaries.

b. Established Medical Marijuana Establishment Defined

An established medical marijuana dispensary is defined as a dispensary for which:

- (1) A City of Claremore Certificate of Occupancy application was submitted¹ and
- (2) A Certificate of Compliance for OMMA Businesses application fee was paid to the City of Claremore and the proposed dispensary location satisfies the applicable zoning classifications and ordinances or a license was issued by the Oklahoma Medical Marijuana Authority.

¹Dispensary must be issued a Certificate of Occupancy within 180 calendar days from the date of Certificate of Occupancy application submittal to remain an established medical marijuana dispensary.

c. Applicability

The separation required shall not be applied to limit the location of a medical marijuana dispensary for which a Certificate of Occupancy was issued by the City of Claremore prior to November 19, 2019.

Section No. 2: **The City Clerk is hereby ordered and directed to cause this Ordinance to be published as required by law.**

Section No. 3: **Emergency Clause.** An emergency is hereby declared to exist whereby it is necessary for the preservation of the public health, safety and welfare of the inhabitants of the City of Claremore, Oklahoma, that this Ordinance shall be in full force and effect immediately from and after its passage, approval and adoption.

PASSED AND APPROVED by the Mayor and Council of the City of Claremore, Oklahoma, this 18th day of November, 2019, by vote on Section Nos. 1, 2 and then by separate vote on Section No. 3 (Emergency Clause).

ATTEST:

Sarah Sharp
City Clerk

Bill Haragan Mayor
Mayor

