

ORDINANCE NO. 2842

AN ORDINANCE OF THE CITY OF SAPULPA, OKLAHOMA, AMENDING THE ZONING CODE TO THE SAPULPA CITY CODE, APPENDIX H, CHAPTER 18, SECTION 1802.A, SPECIFIC USE PERMIT LIST, BY PROVIDING FOR USES IN APPROVED PLANNED UNIT DEVELOPMENTS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND PROVIDING THAT IF ANY PART OR PARTS OF CONFLICTS ARE HELD INVALID OR INEFFECTIVE, THE REMAINING PORTIONS SHALL NOT BE AFFECTED; AND DECLARING AN EMERGENCY.

BE IT ORDAINED by the City Council of the City of Sapulpa,

Section 1. The Sapulpa City Code, Appendix H, Chapter 18, Section 1802, is hereby amended to read as follows:

"SECTION 1802 SPECIFIC USE PERMIT LIST.

- A. Specific uses – Unless otherwise approved as part of an approved Planned Unit Development, the following uses are only allowed in a zoning district by and through a Specific Use Permit approved by the City Council approved by the City Council.

Accessory Dwelling Units-ADU (guest cottages, in-law quarters)
Airport
Automobile Sales-New of Used
Automobile Salvage Yard
Bars, Taverns, Night Clubs
Bed and Breakfast Inn - including Air BNB (Short term rental) *
Bus Station
Cemetery
Churches
College or University
Commercial Theme Parks
Convalescent Homes
Convict Pre-Release Center
Commercial Resort Facilities (Minimum acreage requirement of 40 acres)
Crematory
Cultural or Heritage Centers, Public or Private Attractions
Day Care Center
Detention Center Juvenile-Adult
Electric Generation Plant and/or substation
Fire Protection Facility
Fire Station
Flea Market (indoor or outdoor)

Golf Course
 Golf Driving Range
 Governmental Services
 Gun Club
 Halfway House
 Heliport
 Hospital
 Industrial Uses: Use Units 24, 25, 26 (minimum requirement 40 acres)
 Juvenile Delinquency Center
 Kennel
 Library
 Mausoleum
 Marijuana Commercial Growth Facility **
 Marijuana Processor/Packager/Storage Facility **
 Marijuana Retail Dispensary/Establishment **
 Mini-Storage
 Museum
 Nursing Homes
 Offices: Use Unit 11 when located on a 40-acre or greater tract
 Other Residential Uses:
 Tiny Home (structure less than nine hundred (900) square feet)
 Transitional Living Center
 Homeless Shelter
 Multi-Family in Multi-Story Structure
 Post Office
 Private Schools, with comprehensive education curriculum
 Public Schools
 Recreational Vehicle Park
 Recycling Center
 Refuse Transfer Station
 Retail Nursery
 Rifle and Skeet Range
 Sanitary Landfill
 Sewer Disposal Facility
 Sexually Oriented Businesses
 Sober Living Facility
 Trade Schools
 Transmitting Tower (excluding amateur radio tower)
 Water Treatment Facility and/or Water Storage Facility
 Use Unit 20 (Outdoor Recreational Facilities)
 Use Unit 23 (Mining and Mineral Processing)

* Short term rental (STR) uses:

1. Two types of short-term rentals.
 Type 1: owner occupied (single family residence or duplex)

Type 2: not owner occupied (single family residence or duplex)

2. STR can only be rented for a period of less than thirty (30) consecutive days.
3. Only one (1) rental contract at a time is allowed. Maximum of two (2) guests per bedroom; no more than eight (8) guests at one time. Hosts required to leave a welcome packet for guests that includes appropriate contact information and instructions on City services.
4. STR locations cannot be used for special events, parties, or receptions.
5. Property owner must obtain a City Business License in addition to obtaining an STR License.
6. An application fee will be assessed annually in accordance with the Master Fee Schedule and shall expire on April 30 of each year. Renewals shall be reviewed every year.
7. STR licensees will be required to pay a fee of five and one-half percent (5.5%) of the listing price, including any fees for reservations, and any other applicable fees associated with their STR.
8. There is not a requirement of an in-person inspection but the licensee must certify that under penalty of perjury that their STR has a fire extinguisher, CO detector, smoke alarm, and liability insurance to cover bodily and property damage.
9. License number is required to be placed in advertisements.
10. STR must have public access to the location, adequate off-street parking, and be in compliance with all City Codes.
11. An Accessory Dwelling Unit may be used for STR by a property owner who is living in the primary structure on the property. Only one (1) STR license will be allowed per property.

**** Marijuana facilities:**

1. Each Commercial Medical Marijuana Facility shall be operated from the permitted premises on the permitted property. No Commercial Medical Marijuana Facility shall be permitted to operate from a moveable, mobile, or transitory location, except for a permitted and

licensed secure transporter when engaged in the lawful transport of Marijuana.

2. Commercial operators will need to submit their security plan with their application for a Specific Use Permit, and shall include the following:
 - a. Security surveillance cameras installed to monitor all entrances, along with the interior and exterior of the permitted premises;
 - b. Alarm systems which are professionally monitored and operated twenty-four (24) hours a day, seven (7) days a week;
 - c. A locking safe permanently affixed to the permitted premises that shall store all Marijuana and cash remaining in the facility overnight;
 - d. All marijuana in whatever form stored at the permitted premises shall be kept in a secure manner and shall not be visible from outside the permitted premises, nor shall it be grown, processed, exchanged, displayed, or dispensed outside of the permitted premises; and
 - e. All the security recordings shall be preserved for at least seven (7) days by the permit holder and made available to any law enforcement upon request for inspection.
3. Operating hours. No retail dispensary/establishment shall operate between the hours of 8:00 pm and 8:00 am.
4. No Commercial Medical Marijuana Facility shall be located within one thousand (1,000) feet of another Medical Marijuana Facility; unless and except the Medical Marijuana Facility is located within the Central Business District then no Commercial Medical Marijuana Facility shall be located within three hundred feet (300) of another Commercial Medical Marijuana Facility.
5. Sign Restrictions. No pictures, photographs, drawings, or other depictions of Marijuana or Marijuana paraphernalia shall appear on the outside of any permitted premises nor be visible outside of the permitted premises on the permitted property. The words "Marijuana", "cannabis", and any other words used or intended to convey the presence or availability of Marijuana shall not appear on

the outside of the permitted premises nor be visible outside of the permitted premises on the permitted property.

6. All activities of Commercial Medical Marijuana Facilities, including without limitation, distribution, growth, cultivation, or the sale of Marijuana, and all other related activity under the permit holder's license or permit must occur indoors. The facility's operation and design shall minimize any impact to adjacent uses, including the control of any odor by maintaining and operating an air filtration system so that no odor is detectable outside the permitted premises.
7. A patient may not grow his or her own Marijuana at a Commercial Medical Marijuana Facility.
8. All necessary building, electrical, plumbing, and mechanical permits must be obtained for any part of the permitted premises.
9. The permit holder, owner and operator of the facility shall use lawful methods in controlling waste or by-products from any activities allowed under the license or permit.
10. The City Council may impose such reasonable terms and conditions on a Commercial Medical Marijuana Facility Specific Use Permit as may be necessary to protect the public health, safety, and welfare, and to obtain compliance with the requirements of applicable law."

Section 2. That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 3. Should any section, subsection sentence, provision, clause or phrase hereof be held invalid, void or unconstitutional for any reason, such holding shall not render invalid, void or unconstitutional any other section, subsection, sentence, provision, clause or phrase of this ordinance, and the same are deemed severable for this purposes.

Section 4. EMERGENCY. This ordinance being designated to protect the public health, safety, and welfare of the inhabitants of the City of Sapulpa, Oklahoma, and its passage being immediately necessary, an emergency is hereby deemed to exist and by reason whereof this ordinance shall take effect immediately upon its passage, approval, and publication as provided by law.

PASSED AND APPROVED in regular session this 20th day of July 2020,
with emergency clause separately voted upon.

Craig P. Henderson
Craig Henderson, Mayor

ATTEST:

Shirley Burzio
Shirley Burzio, City Clerk

APPROVED AS TO FORM:

David Widdoes, City Attorney

