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Item

Consider ZCA-20, an amendment to Chapter 40, Section 40.225-E of the City of Tulsa Zoning Code, Title 42 Tulsa Revised Ordinances, to remove the prohibition of drive-through windows and drive-through lanes for Medical Marijuana Dispensaries.

Background

On June 26, 2018 Oklahoma voters passed State Question 788 which established law by which medical marijuana use is permitted in Oklahoma. As a follow up to approval of State Question 788, the Oklahoma State Department of Health developed rules to further govern medical marijuana. A working group, which comprised representatives from the Mayor's office, City Council, Tulsa Police Department, City Legal and INCOG, researched regulations from other jurisdictions and proposed a series of amendments to the Zoning Code. After public hearings and the incorporation of changes requested by the TMAPC and City Council, amendments to the Zoning Code establishing regulations for medical marijuana uses were adopted with emergency by the City Council on November 28, 2018 and became effective on December 9, 2018. Among those regulations was the prohibition of drive-through windows and drive-through lanes for all medical marijuana uses.

In early 2020 the United States began to identify its first cases of COVID-19, and Tulsa's first positive case was reported in March 2020. Many businesses have limited in-person services and offered curbside or drive-through options in response to COVID-19 concerns. Because of the nature of medical marijuana dispensaries as cash-only businesses distributing prescribed medication, some owners of dispensaries in Tulsa have expressed concern about the safety of their staff when conducting business curbside. On November 18, 2020 the Tulsa City Council voted to initiate a zoning code amendment to permit drive-through windows and drive-through lanes for Medical Marijuana Dispensaries. The attached draft amendment reflects this requested change.

The amendment proposed to Chapter 40, Section 40.225-E of the City of Tulsa Zoning Code, Title 42 Tulsa Revised Ordinances, is shown in ~~strike-through~~/underline in **Attachment I**.

Staff Recommendation

Approval of the proposed amendment to the City of Tulsa Zoning Code removing the prohibition of drive-through windows and drive-through lanes for Medical Marijuana Dispensaries

Attachment

- Proposed change to Section 40.225-E

Attachment I: ZCA-20 Proposed Changes

Chapter 40 Supplemental Use and Building Regulations

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Section 40.225 Medical Marijuana Uses

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40.225-E Drive-through windows and drive-through lanes are prohibited for medical marijuana grower operations, processing facilities, ~~dispensaries~~ and research facilities.