

AMENDED DRAFT
ORDINANCE NO. 3416

AN ORDINANCE AMENDING THE CITY CODE OF THE CITY OF STILLWATER, OKLAHOMA, CHAPTER 23, TITLED "LAND DEVELOPMENT CODE"; BY AMENDING ARTICLE V, USE CATEGORIES AND LIMITATIONS, DIVISION 1, GENERALLY, SECTION 23-96, DEFINITIONS BY ADDING THE TERMS "MEDICAL MARIJUANA COMMERCIAL GROWER," "MEDICAL MARIJUANA DISPENSARY," AND "MEDICAL MARIJUANA PROCESSING,"; AMENDING DIVISION 3. USE LIMITATIONS, BY ADDING NEW SECTION 23.115, MEDICAL MARIJUANA; AMENDING ARTICLE VI, LAND USE CLASSIFICATIONS, DIVISION 4, COMMERCIAL DISTRICTS, SECTION 23-151, CS COMMERCIAL SHOPPING DISTRICT; SECTION 23-152, CB COMMERCIAL BUSINESS DISTRICT; AND SECTION 23-153, CG COMMERCIAL GENERAL DISTRICT BY PROVIDING FOR SPECIFIC USE; AMENDING ARTICLE VI, LAND USE CLASSIFICATIONS, DIVISION 5, INDUSTRIAL DISTRICTS, SECTION 23-160, IL LIGHT INDUSTRIAL DISTRICT AND 23-161, IG GENERAL INDUSTRIAL DISTRICT BY PROVIDING FOR SPECIFIC USE; AMENDING ARTICLE VI, LAND USE CLASSIFICATIONS, DIVISION 6. AGRICULTURE DISTRICT, PUBLIC DISTRICT AND UNIVERSITY DISTRICT, SECTION 23-170, A AGRICULTURE DISTRICT BY PROVIDING FOR SPECIFIC USE; AMENDING APPENDIX 1 FORM BASED CODES, ARTICLE IV, GENERAL PROVISIONS SECTION 4.10, ARCHITECTURAL PROVISIONS, TABLE 17, SPECIFIC FUNCTION AND USE; AND PROVIDING FOR SEVERABILITY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STILLWATER, OKLAHOMA:

Section 1. That Stillwater City Code, Chapter 23, titled "Land Development Code", Article V "Use Categories and Limitations," Division 1, Section 23-96, titled "Definitions", be and the same is now amended by adding terms for "MEDICAL MARIJUANA COMMERCIAL GROWER," "MEDICAL MARIJUANA DISPENSARY," AND "MEDICAL MARIJUANA PROCESSING," to read as follows:

ARTICLE V. - USE CATEGORIES AND LIMITATIONS

DIVISION 1. – GENERALLY

Sec. 23-96. - Definitions.

Individual uses are defined as follows:

Accommodation means establishments that provide customers with lodging on a transient basis, including hotels, motels, bed and breakfasts and shelters.

Adult business means a specific range of establishments that provide customers with products, services, materials, entertainment venues, or activities as set forth in [section 23-245\(a\)](#).

Agriculture, forestry, fishing and hunting means establishments primarily engaged in growing crops, raising animals, harvesting timber, and harvesting fish and other animals from a farm, ranch, or their natural habitats. These establishments are often described as farms, ranches, dairies, greenhouses, nurseries, orchards, or hatcheries.

Animal and pet keeping services means establishments that operate facilities to meet the needs of animals and pet keeping, such as animal clinics, vet hospitals, kennels, and stables.

Arts and entertainment means a wide range of establishments that operate facilities or provide services to meet varied cultural and entertainment interests of their patrons; this category is comprised of establishments that are involved in producing, promoting, or participating in live

performances, events or exhibits intended for public viewing and those establishments that preserve and exhibit objects and sites of historical, cultural, or educational interest.

Beverage services means establishments that provide customers with beverages for immediate consumption; the primary revenue of such establishments is derived from the sale of beverages.

Boardinghouse/roominghouse means a building where, for compensation and by prearrangement for definite periods, sleeping and living quarters, and/or meals (but not individual cooking facilities) are provided to three or more, but not exceeding 40 persons.

Chemical manufacturing means establishments engaged in the transformation of organic and inorganic raw materials by a chemical process and the formulation of products.

Child and adult care services means licensed establishments engaged in providing day services and/or treatment for adults or children, but not residential service. These are more specifically identified as family child care home, large child care home, and child care centers.

Churches and religious institutions means establishments engaged in providing church and religious services and activities.

Computer and electronic product manufacturing and electrical equipment, appliance, and component manufacturing means establishments engaged in the manufacture of computers, computer peripherals, communications equipment, and similar electronic products and components for such similar electronic products, or the manufacture of products that generate, distribute and use electrical power.

Construction means establishments engaged in the residential and nonresidential construction of buildings, in heavy and civil engineering, and in specialty trade contracting such as building equipment contractors.

Conventional single-family, detached or zero lot-line means one dwelling unit, freestanding and structurally separated building, located on a lot or building site that is unoccupied by any other dwelling unit or principal structure.

Educational services, establishments, educational institutions and educational facilities mean establishments that provide instruction and training in a wide variety of subjects and by specialized establishments such as schools, colleges, universities, and training centers which may be privately owned and operated for profit or not for profit, or they may be publicly owned and operated.

Financial institutions and services means establishments engaged in financial transactions (transactions involving the creation, liquidation, or change in ownership of financial assets) and/or in facilitating financial transactions.

Food, beverage and tobacco product manufacturing means establishments that transform livestock and agricultural products into products for intermediate or final consumption and are distinguished by the raw materials processed into food products; manufacturing of beverages and tobacco products in the following establishments:

- (1) Those that manufacture nonalcoholic beverages;
- (2) Those that manufacture alcoholic beverages through the fermentation process;
- (3) Those that produce distilled alcoholic beverages;
- (4) Those engaged in redrying and stemming tobacco; and
- (5) Those that manufacture tobacco products such as cigarettes and cigars.

Food services means establishments that provide customers with meals or snacks for immediate consumption; the primary revenue of such establishments is derived from the sale of food.

Freestanding self-service facilities means any self-service use including, but not limited to, automatic bank teller machines, postal vending and depository facilities, or newspaper vending machines, which are located in freestanding structures devoted solely to such use either on a separate lot or as an accessory use within a complex of buildings.

Furniture and related product manufacturing means establishments that make furniture and related articles such as mattresses, window blinds, cabinets, and fixtures using processes such as cutting, bending, molding, laminating, and assembly of such materials as wood, metal, glass, plastics, and rattan.

Health care and social assistance means establishments providing health care and social assistance for individuals on a continuum starting with those establishments providing medical care exclusively, continuing with those providing health care and social assistance, and finally with those providing only social assistance; this category includes nursing and residential care facilities, ambulatory surgical care facilities, and hospitals.

Information means establishments engaged in printing and publishing industries and in telecommunications.

Leather and allied product manufacturing means establishments that transform hides into leather by tanning or curing and fabricating the leather into products for final consumption.

Machinery part manufacturing means establishments that create end products that apply mechanical force, such as the application of gears and levers, to perform work. Although processes are similar to fabricated metal products manufacturing, this machinery manufacturing typically employs multiple metal forming processes.

Manufactured home means that term as defined in [section 23-7](#).

Medical Marijuana Commercial Grower means a grower as defined in Title 63 Oklahoma Statutes and applicable Oklahoma Department of Health or other regulatory agency rules and regulations. **Commercial grower operations can be either indoor or outdoor.**

Medical Marijuana Dispensary means a retailer as defined in Title 63 Oklahoma Statutes and applicable Oklahoma Department of Health or other regulatory agency rules and regulations.

Medical Marijuana Processing means a process or processor as defined in Title 63 Oklahoma Statutes and applicable Oklahoma Department of Health or other regulatory agency rules and regulations.

Mining establishments means establishments that extract naturally occurring mineral solids, including but not limited to coal and ores; liquid minerals, including but not limited to crude petroleum; and gases, including but not limited to natural gas. The term "mining establishments" includes quarrying, well operations, beneficiating (e.g., crushing, screening, washing, and flotation), and other preparation customarily performed at the mine site, or as a part of mining activity.

Miscellaneous manufacturing means businesses that make a wide range of products not otherwise classified.

Mixed use means one or more dwelling units located, in the rear or second floor, in a building in which the first floor is utilized primarily by a commercial use at the building front or storefront, and where such commercial use is permitted in the zoning district.

Modular home means that term as defined in [section 23-7](#).

Mobile home means that term as defined in [section 23-7](#).

Multifamily means three or more dwelling units contained within one building that is freestanding and structurally separated from any other building or group of dwelling units but are located on the same lot.

Nonmetallic mineral product manufacturing means establishments that transform mined or quarried nonmetallic minerals, such as sand, gravel, stone, clay, and refractory materials, into products for intermediate or final consumption. Processes used include grinding, mixing, cutting, shaping, and honing; heat is often used in the process and chemicals are frequently mixed to change the composition, purity, and chemical properties for the intended product.

Oil and gas industry services means businesses which provide support to the oil and gas industry operations including offices, storage and repair of equipment and vehicles, parking of vehicles or equipment. Such uses shall not include drilling, refining and storage, transloading or transportation of petroleum or gas products, bi-products or waste.

Paper manufacturing means establishments that make pulp, paper, or converted paper products including:

- (1) The separating of the cellulose fibers from other impurities in wood or used paper;
- (2) Matting these fibers into a sheet;
- (3) Cutting and shaping techniques that includes coating and laminating activities.

Parking lot/garage means an open, hard-surfaced area, other than a street or public way, to be used for the storage, for limited periods of time, of operable passenger automobiles and commercial vehicles, and available to the public, whether for compensation, free, or as an accommodation to clients or customers.

Personal and laundry services means establishments engaged in providing personal and laundry services such as health and beauty parlors, massage parlors, dry-cleaning, and pet grooming (not boarding and/or training).

Personal storage and warehousing means facilities providing indoor personal storage and warehousing and as an accessory to such use, outdoor storage of personal vehicles, recreational vehicles and watercraft displaying current and valid registration, provided, such outdoor storage does not occupy an area larger than 30 percent of the indoor floor area provided for the primary use.

Petroleum and coal products manufacturing means establishments that transform crude petroleum and coal into usable products with the dominant process being petroleum refining that involves the separation of crude petroleum into component products through such techniques as cracking and distillation.

Plastics and rubber products manufacturing means establishments that make goods by processing plastics materials and raw rubber. The core technology employed is that of plastics or rubber product production.

Primary metal manufacturing and fabricated metal products manufacturing means establishments engaged in the smelting and/or refining of ferrous and nonferrous metals from ore, pig or scrap, using electrometallurgical and other process metallurgical techniques; the manufacture of metal alloys and super alloys by introducing other chemical elements to pure metals; or transforming metal into intermediate or end products, other than machinery, computers and electronics, and metal furniture or treating metals and metal formed products fabricated elsewhere. Processes include forging, stamping, bending, forming, and machining used to shape individual pieces of metal; and welding and assembling used to join separate parts together.

Professional and administrative offices and services means establishments that specialize in providing professional, scientific, administrative, management, employment, real estate, or technical activities or services.

Public administration and service means federal, state and local government agencies that administer, oversee, and manage public programs and have executive, legislative, or judicial authority over other institutions within a given area. The term includes police and fire services.

Recreation means a wide range of establishments that operate facilities or provide services to meet varied recreational interests of their patrons and establishments that operate facilities or provide services that enable patrons to participate in recreational activities or pursue amusement, hobby, and leisure-time interests.

Research and development means establishments engaged in the research or research and development of innovative ideas in technology-intensive fields. The term includes research and development of computer software, information systems, communications systems, transportation, geographic information systems, multi-media and video technology. Development and construction of prototypes may be associated with this use.

Residential design manufactured home means that term as defined in [section 23-7](#).

Retail trade means establishments engaged in retailing merchandise, generally without transformation, and rendering services incidental to the sale of merchandise. Retailers are organized to sell merchandise in small quantities to the general public with extensive displays of merchandise and utilizing mass-media advertising to attract customers.

Telecommunications tower means any freestanding structure used to collect or radiate electromagnetic waves, including antennas and other equipment to be used in connection with mobile cellular telephones, mobile radio systems, facilities and commercial mobile services.

Textile mills, textile product mills, and apparel manufacturing means establishments that transform a basic fiber (natural or synthetic) into a product, such as yarn or fabric, that is further manufactured into usable items, such as apparel, sheets, towels, and textile bags for individual or industrial consumption. Main processes include preparation and spinning of fiber, knitting or weaving of fabric, and the finishing of the textile. The term includes establishments that make textile products (except apparel) by generally cutting and sewing (e.g., purchasing fabric and cutting and sewing to make nonapparel textile products such as sheets and towels). Processes include cutting and sewing and the manufacture of garments in establishments that first knot fabric and then cutting and sewing the fabric into a garment.

Townhome means a row or group of independent single-family units, located on individual lots or on a common building site. Each unit has independent access to the outside, is not located over another unit, and is separated from any other unit by one or more common fire walls along the common property boundary or unit boundary.

Transportation activities means establishments providing transportation of passengers and cargo, scenic and sightseeing transportation and support activities related to modes of transportation, whether by air, rail, water, road, or pipeline.

Transportation and equipment manufacturing means establishments that produce equipment for transporting people and goods.

Two-family means a building (duplex) located on a lot or building site that is unoccupied by any other principal structure, and which provides independent living facilities for occupancy by two families such that the two dwelling units are placed adjacent to one another with structural parts touching.

Unit (condominium) ownership means ownership of an individual unit located within a multiunit building or multibuilding development pursuant to the Unit Ownership Estate Act, 60 O.S. § 501 et seq.

Utilities means establishments engaged in the provision of the following utility services: electric power, natural gas, steam supply, water supply, and sewage removal. Specific activities associated with the utility services provided vary by utility:

- (1) Electric power includes generation, transmission, and distribution;
- (2) Natural gas includes distribution;
- (3) Steam supply includes provision and/or distribution;
- (4) Water supply includes treatment and distribution; and
- (5) Sewage removal includes collection, treatment, and disposal of waste through sewer systems and sewage treatment facilities.

Vehicle/equipment sales, rental, and service means establishments primarily engaged in the sale or rental of personal or commercial vehicles and equipment and which includes incidental maintenance and repair facilities; and establishments that sell, install, and service vehicle equipment and parts, including body repairs and painting.

Warehousing and storage means establishments engaged in operating warehousing and storage facilities for general merchandise, refrigerated goods, and other warehouse products. These industries do not sell the goods they handle but can provide logistical services related to the distribution of goods.

Waste management and remediation services means establishments engaged in the collection, treatment, and disposal of waste materials, including the local hauling of waste materials; operating materials recovery facilities; providing remediation services; and providing septic pumping and other miscellaneous waste management services.

Wholesale trade means establishments engaged in wholesaling merchandise, generally without transformation, and rendering services incidental to the sale of merchandise. Wholesalers are organized to sell or arrange the purchase or sale of:

- (1) Goods for resale;
- (2) Capital or durable nonconsumer goods;
- (3) Raw and intermediate materials and supplies used in production.

Wood product manufacturing means establishments that manufacture wood products such as lumber, plywood, veneers, wood containers, wood flooring, wood trusses, manufactured homes, and prefabricated wood buildings. The term includes sawing, planing, shaping, laminating, and assembling of wood products starting from logs that are cut into bolts, or lumber that then may be further cut, or shaped by lathes or other shaping tools.

Section 2. That Stillwater City Code, Chapter 23, titled "Land Development Code", Article V "Use Categories and Limitations," Division 3, "Use Limitations," be and the same is now amended by adding new Section 23-115, Medical Marijuana, to read as follows:

ARTICLE V. - USE CATEGORIES AND LIMITATIONS

DIVISION 3. - USE LIMITATIONS

New Section 23-115 – Medical Marijuana

Medical Marijuana Commercial Grower (Cultivation) additional conditions and limitations:

1. **Indoor Commercial Grower and Outdoor Commercial Grower** allowed only in the "A" Agriculture with a Specific Use Permit (SUP);
2. **Indoor Commercial Grower** allowed only in the "IL" Industrial Light or the "IG" Industrial General with a Specific Use Permit (SUP);
3. **Not allowed on City of Stillwater owned property;**
4. **Shall comply with applicable zoning, parking, landscaping and building codes of the City;**

5. Shall comply with Title 63 Oklahoma Statutes applicable Oklahoma Department of Health or other regulatory agency rules and regulations;
6. Must possess a current valid Medical Marijuana Commercial Grower license issued by the Oklahoma State Department of Health.

Medical Marijuana Dispensary (Retail) additional conditions and limitations:

1. Allowed only in the "CS" Commercial Shopping, "CB" Commercial Business, "CG" Commercial General, FBC T5, and FBC T6 zoning districts with a Specific Use Permit (SUP) or Warrant, as applicable;
2. Not allowed on City of Stillwater owned property;
3. Shall comply with applicable zoning, parking, landscaping and building codes of the City;
4. Shall comply with Title 63 Oklahoma Statutes applicable Oklahoma Department of Health or other regulatory agency rules and regulations;
5. Must possess a current valid Medical Marijuana Dispensary License issued by the Oklahoma State Department of Health.

Medical Marijuana Processing (Manufacturing) additional conditions and limitations:

1. Allowed only in the "IL" Industrial Light or the "IG" Industrial General zoning districts with a Specific Use Permit (SUP)
2. Allowed only in the FBC T5 and FBC T6 with a Warrant. (This is a correction only.)
3. Not allowed on City of Stillwater owned property;
4. Shall comply with applicable zoning, parking, landscaping and building codes of the City;
5. Shall comply with Title 63 Oklahoma Statutes applicable Oklahoma Department of Health or other regulatory agency rules and regulations;
6. Must possess a current valid Medical Marijuana Processing License issued by the Oklahoma State Department of Health.

Section 3. That Stillwater City Code, Chapter 23, titled "Land Development Code", Article VI "Land Use Classifications," Division 4, "Commercial Districts," Division 5, "Industrial Districts," Division 6, "Agriculture District, Public District and University District," and "Appendix 1, Form Based Codes, Article IV, General Provisions, Section 4.10, Architectural Provisions, Table 17, Specific Function and Use," be and the same are now amended by adding new specific use categories, to read as follows:

**ARTICLE VI – LAND USE CLASSIFICATIONS
DIVISION 4. – COMMERCIAL DISTRICTS**

Section 23-151. – CS Commercial Shopping District

- (a) *Permitted by right.* The following uses will be permitted by right in the CS Commercial Shopping District:
- (1) Bed and breakfast, hotel, motel.
 - (2) Beverage services.
 - (3) Educational services.
 - (4) Financial institutions and services.
 - (5) Food services.
 - (6) Free-standing self service facilities.
 - (7) Information.
 - (8) Mixed use.
 - (9) Personal and laundry services.
 - (10) Personal storage and warehousing.

- (11) Professional and administrative offices and services.
- (12) Retail trade.
- (b) *Specific use permit.* The following uses are permitted by specific use permit in the CS district:
 - (1) Child and adult care services.
 - (2) Construction.
 - (3) Health care and social assistance.
 - (4) Medical Marijuana Dispensary
 - ~~(4)~~ (5) Multi-family.
 - ~~(5)~~ (6) Public administration and service.
 - ~~(6)~~ (7) Telecommunications tower.
 - ~~(7)~~ (8) Transportation activities.
 - ~~(8)~~ (9) Vehicle and equipment sales and service.
- (c) *Bulk regulations.* Bulk regulation requirements in the CS district are as follows:
 - (1) The maximum structure height as measured from the finished floor elevation of the first floor to the highest point of the roof: No maximum limit.
 - (2) Setbacks. The following are minimum required setbacks:
 - a. Minimum front yard:
 - 1. 20 feet from all property boundaries abutting a right-of-way or road/access easement.
 - 2. 10 feet from all property boundaries abutting an alley.
 - b. Minimum side yard: 15 feet.
 - c. Minimum rear yard: 25 feet.
 - (3) Maximum lot coverage: 40 percent
- (d) *Exceptions.* The following are the exceptions in the CS district:
 - (1) Whenever a structure exceeding one story in height abuts a residential district, a six-foot high landscape buffer shall also be required.
 - (2) The rear yard setback of a lot containing a commercial building serviced from the rear shall be no less than 30 feet, said additional footage being necessary to accommodate a 20-foot wide service drive.
 - (3) For development on property that abuts any local street that currently has 100 feet of continuous right-of-way for the entire block, the front yard setbacks may be reduced by up to 50 percent.
 - (4) Any number of structures or uses may be constructed or established on a single lot, but no single lot shall be smaller than the minimum lot area required to accommodate the principal use/structure and all accessory uses/structures.

Section 23-152. – CB Commercial Business District

- (a) *Permitted by right.* The following uses will be permitted by right in the CB Commercial Business District:
 - (1) Arts and entertainment.
 - (2) Bed and breakfast, hotel, motel.
 - (3) Beverage services.
 - (4) Boardinghouses/roominghouses.
 - (5) Educational services.
 - (6) Financial institutions and services.
 - (7) Food services.

- (8) Freestanding self-service facilities.
 - (9) Multifamily.
 - (10) Mixed use.
 - (11) Parking lots/garages.
 - (12) Personal and laundry service.
 - (13) Professional and administrative office and services.
 - (14) Public administration and service.
 - (15) Recreation.
 - (16) Retail trade.
 - (17) Townhome.
 - (18) Unit (condominium) ownership.
- (b) *Specific use permit.* The following uses are permitted by specific use permit in the CB district:
- (1) Information.
 - (2) Medical Marijuana Dispensary
- (c) *Bulk regulations.* Bulk regulation requirements in the CB district are as follows:
- (1) The maximum structure height as measured from the finished floor elevation of the first floor to the highest point of the roof: No maximum limit.
 - (2) Setbacks. The following are the minimum required setbacks in the CB district:
 - a. *Minimum front yard.* No setback is required from any property boundary abutting a right-of-way or road/access easement.
 - b. *Minimum side yard.* When a side yard has a common boundary with property in any residential district, the minimum setback is 20 feet. When a side yard has a common boundary with property in any district except for a residential district, there shall be no required minimum setback.
 - c. *Minimum rear yard.* When a rear yard has a common boundary with property in any residential district, the minimum setback is 25 feet. When a rear yard has a common boundary with property in any district except for a residential district, there shall be no required minimum setback.
 - (3) Maximum lot coverage: 100 percent.
- (d) *Exceptions.* The following exceptions are set forth in the CB district:
- (1) The rear yard shall be not less than 30 feet in width to accommodate a 20-foot wide alley for the placement of dumpsters, for the loading and unloading of merchandise or materials, and for utility service equipment.
 - (2) For development on property that abuts any local street that currently has 100 feet of continuous right-of-way for the entire block, the front yard setbacks may be reduced by up to 50 percent.
 - (3) Townhomes are exempt from the lot size and lot coverage requirements.
 - (4) Any number of structures or uses may be constructed or established on a single lot, but no single lot shall be smaller than the minimum lot area required to accommodate the principal use/structure and all accessory uses/structures.

Section 23-153. – CG Commercial General District

- (a) *Permitted by right.* The following uses will be permitted by right in the CG Commercial General District.
- (1) Arts and entertainment.
 - (2) Bed and breakfast, hotel, motel.
 - (3) Beverage services.

- (4) Churches and religious institutions.
- (5) Financial institutions and services.
- (6) Food services.
- (7) Free-standing self service facilities.
- (8) Health care and social assistance.
- (9) Information.
- (10) Parking lots/garages.
- (11) Personal and laundry services.
- (12) Personal storage and warehousing.
- (13) Professional and administrative office and services.
- (14) Recreation.
- (15) Research and development.
- (16) Retail trade.
- (17) Transportation activities.
- (18) Utilities.
- (19) Vehicle and equipment sales and service.
- (20) Wholesale trade.

(b) *Specific use permit.* The following uses are permitted by specific use permit in the CG district:

- (1) Animal and pet keeping facility.
- (2) Child and adult care services.
- (3) Computer and electronic product and electrical equipment, appliance, and component manufacturing.
- (4) Construction.
- (5) Food, beverage and tobacco product manufacturing.
- (6) Medical Marijuana Dispensary

- ~~(6)~~ (7) Mixed use.
- ~~(7)~~ (8) Mobile home park.
- ~~(8)~~ (9) Paper manufacturing.
- ~~(9)~~ (10) Public administration and service.
- ~~(10)~~ (11) RV park.
- ~~(11)~~ (12) Telecommunications tower.

(c) *Bulk regulations.* Bulk regulation requirements are as follows in the CG district:

- (1) The maximum structure height as measured from the finished floor elevation of the first floor to the highest point of the roof: No maximum limit.
- (2) Setbacks. The following are the minimum required setbacks in the CG district:
 - a. Minimum front yard:
 1. 25 feet from all property boundaries abutting a right-of-way or road/access easement.
 2. 10 feet from all property boundaries abutting an alley.
 - b. Minimum side yard: When a side yard has a common boundary with property in any residential district, the minimum setback is 20 feet. When a side yard has a common boundary with property in any district except for a residential district, there shall be no required minimum setback.

- c. Minimum rear yard: When a rear yard has a common boundary with property in any residential district, the minimum setback is 20 feet. When a rear yard has a common boundary with property in any district except for a residential district, there shall be no required minimum setback.
- (3) Maximum lot coverage: 50 percent.
- (d) *Exceptions.* The following exceptions are set forth in the CG district:
 - (1) Parking may be shared with no less than 75 percent of the spaces required being provided on site or within the adjacent properties.
 - (2) Outside storage of materials, as an accessory use, is permitted with screening from view.
 - (3) Where a commercial building is to be serviced from the rear, there shall be provided an alleyway, service court, rear yard, or combination thereof not less than 20 feet of surface width.
 - (4) For development on property that abuts any local street that currently has 100 feet of continuous right-of-way for the entire block, the front yard setbacks may be reduced by up to 50 percent.
 - (5) Any number of structures or uses may be constructed or established on a single lot, but no single lot shall be smaller than the minimum lot area required to accommodate the principal use/structure and all accessory uses/structures.

DIVISION 5. – INDUSTRIAL DISTRICTS

Section 23-160. – IL Light Industrial District

- (a) *Permitted by right.* The following uses will be permitted by right in the IL Light Industrial District:
 - (1) Accommodation.
 - (2) Animal and pet keeping facility
 - (3) Beverage services.
 - (4) Computer and electronic product and electrical equipment, appliance, and component manufacturing.
 - (5) Construction.
 - (6) Food, beverage and tobacco product manufacturing.
 - (7) Food services.
 - (8) Freestanding self-service facilities.
 - (9) Information.
 - (10) Miscellaneous manufacturing
 - (11) Oil and gas industry services
 - (12) Parking lots/garages.
 - (13) Personal and laundry services
 - (14) Personal storage and warehousing.
 - (15) Professional and administrative offices and services
 - (16) Public administration and service.
 - (17) Research and development.
 - (18) Telecommunications tower
 - (19) Transportation activities.
 - (20) Utilities.
 - (21) Vehicle and equipment sales and service.
 - (22) Warehousing and storage.
 - (23) Wholesale and retail trade.

- (b) *Specific use permit.* The following uses are permitted by specific use permit in the IL district:
- (1) Child and adult care services.
 - (2) Furniture and related product manufacturing.
 - (3) Medical Marijuana Commercial Grower, Indoor only
 - (4) Medical Marijuana Processing
 - ~~(3)~~ (5) Textile mills, textile product mills and apparel manufacturing.
 - ~~(4)~~ (6) Wood product manufacturing.
- (c) *Lot size requirements.* No minimum lot size requirements are established in the IL district.
- (d) *Bulk regulations.* Bulk regulation requirements in the IL district are as follows:
- (1) *[Maximum structure height.]* The maximum structure height as measured from the finished floor elevation of the first floor to the highest point of the roof: No maximum limit.
 - (2) *Setbacks.* The following are the minimum required setbacks:
 - a. *Minimum front yard:* 25 feet on all property boundaries abutting a right-of-way or road/access easement.
 - b. *Minimum side yard:* When a side yard has a common boundary with property in a:
 1. *Residential district.* The minimum setback is 30 feet.
 2. *Commercial district.* The minimum setback is 15 feet.
 3. *Industrial district.* The minimum setback is five feet.
 - c. *Minimum rear yard:*
 1. When a rear yard has a common boundary with property in any residential district, the minimum setback is 50 feet.
 2. When a rear yard has a common boundary with property in any district except for a residential district, the minimum setback is 25 feet.
 - (3) *Maximum lot coverage.* No maximum limit to lot coverage is established in the IL district.
- (e) *Exceptions.* The following exceptions are set forth in the IL district:
- (1) When an IL lot abuts a residential district, there shall be, within the required setback, a minimum six-foot high landscape/screening buffer as set forth in article IX of this chapter, landscaping, screening and environmental standards. Security fences in excess of four feet in height are permitted within the front yard setback, but shall not obstruct the sightline or sight triangle.
 - (2) For development on property that abuts any local street that currently has 100 feet of continuous right-of-way for the entire block, the front yard setbacks may be reduced by up to 50 percent.
 - (3) Any number of structures or uses may be constructed or established on a single lot, but no single lot shall be smaller than the minimum lot area required to accommodate the principal use/structure and all accessory uses/structures.

Section 23-161. – IG General Industrial District

- (a) *Permitted by right.* The following uses will be permitted by right in the IG General Industrial District:
- (1) Construction.
 - (2) Food, beverage and tobacco product manufacturing.
 - (3) Leather and allied products manufacturing.
 - (4) Machinery part manufacturing.
 - (5) Miscellaneous manufacturing.
 - (6) Nonmetallic mineral product manufacturing.
 - (7) Oil and gas industry services.

- (8) Paper manufacturing.
 - (9) Parking lots/garages.
 - (10) Plastics and rubber products manufacturing.
 - (11) Public administration and service.
 - (12) Research and development.
 - (13) Telecommunications tower.
 - (14) Transportation activities.
 - (15) Transportation and equipment manufacturing.
 - (16) Utilities.
 - (17) Warehousing and storage.
 - (18) Waste management and remediation services.
 - (19) Wood product manufacturing.
- (b) *Specific use permit.* The following uses are permitted by specific use permit in the IG district:
- (1) Chemical manufacturing.
 - (2) **Medical Marijuana Commercial Grower, Indoor only**
 - (3) Medical Marijuana Processing
 - ~~(2)~~ (4) Mining.
 - ~~(3)~~ (5) Petroleum and coal products manufacturing.
 - ~~(4)~~ (6) Primary metal and fabricated metal products manufacturing.
 - ~~(5)~~ (7) Textile mills, textile product mills and apparel manufacturing.
- (c) *Lot size requirements.* No minimum lot size requirements are established in the IG district.
- (d) *Bulk regulations.* Bulk regulation requirements in the IG district are as follows:
- (1) The maximum structure height as measured from the finished floor elevation of the first floor to the highest point of the roof: No maximum limit.
 - (2) Setbacks. The following are the minimum required setbacks in the IG district.
 - a. *Minimum front yard:* 75 feet on all property boundaries abutting a right-of-way or road/access easement.
 - b. *Minimum side yard:* When a side yard has a common boundary with property in any:
 - 1. Residential district, the minimum setback is 75 feet
 - 2. All other districts, the minimum setback is 40 feet.
 - c. *Minimum rear yard:* When a rear yard has a common boundary with property in any:
 - 1. Residential district, the minimum setback is 75 feet;
 - 2. All other districts, the minimum setback is 40 feet.
 - (3) Maximum lot coverage: No maximum limit to lot coverage is established in the IG district.
- (e) *Exceptions.* Any number of structures or uses may be constructed or established on a single lot, but no single lot shall be smaller than the minimum lot area required to accommodate the principal use/structure and all accessory uses/structures.

DIVISION 6. – AGRICULTURE DISTRICT, PUBLIC DISTRICT AND UNIVERSITY DISTRICT
Section 23-170. – A Agriculture District

- (a) *Permitted uses.* The following uses will be permitted in the A district:
- (1) Agriculture, forestry, fishing, hunting.
 - (2) Animal and pet keeping facility.

- (3) Conventional single-family, as accessory to the principal use.
 - (4) Manufactured home, as accessory to the principal use.
 - (5) Mobile home, as accessory to the principal use.
 - (6) Mobile home parks.
 - (7) Residential design manufactured home, as accessory to the principal use.
 - (8) Telecommunications tower.
 - (9) Utilities.
- (b) *Specific use permit.* The following uses are permitted by specific use permit in the A district:
- (1) Educational services.
 - (2) Medical Marijuana Commercial Grower
 - ~~(2)~~(3) Mining.
 - ~~(3)~~(4) Public administration and service.
 - ~~(4)~~(5) Recreation.
 - ~~(5)~~ (6) Warehousing and storage.
- (c) *Lot size requirements.* Lot size requirements in the A district are as follows:
- (1) Minimum lot area: five acres.
 - (2) Minimum lot width: 200 feet.
 - (3) Minimum lot depth: 300 feet.
- (d) *Bulk regulations.* Bulk regulation requirements in the A district are as follows:
- (1) The maximum structure height as measured from the finished floor elevation of the first floor to the highest point of the roof: no maximum limit.
 - (2) Setbacks. The following are the minimum required setbacks:
 - a. *Minimum front yard:* 50 feet on all property boundaries abutting a right-of-way or road/access easement.
 - b. *Minimum side yard:* 30 feet.
 - c. *Minimum rear yard:* 50 feet.
 - (3) Maximum lot coverage: 40 percent.
- (e) *Exceptions.* Agricultural structures accessory to the principal agriculture uses of the property are exempt from this section.

APPENDIX 1. – FORM BASED CODES, ARTICLE IV. – GENERAL PROVISIONS
Section 4.10. – Architectural provisions, Table 17. Specific Function and Use

	T4	T5	T6
a. RESIDENTIAL			
Apartment Building	■ 1	■	■
Live/Work Unit	■ 1	■	■
Row House	■ 1	■	
Duplex House	■ 1	■	
Courtyard House	■ 1	■	
Sideyard House	■ 1	■	
Cottage	■ 1		
House	■ 1		
Accessory Unit	■ 1	■	
b. LODGING			
Hotel (no room limit)		■ 3	■ 3
Inn (up to 12 rooms)		■ 3	■ 3
Bed & Breakfast (up to 5 rooms)	■ 2	■ 2	■ 2
c. OFFICE			
Office Building	■ 4	■	■
Live/Work Unit	■ 4	■	■
Medical Clinic/Office	□	■	■
d. RETAIL			
Open-Market Building		■	■
Retail Building	■ 5	■	■
Display Gallery		■	■
Restaurant	■ 5	■	■
Kiosk		■	■
Bar/Tavern/Nightclub		□	□
Shopping Center			□
Shopping Mall			□
Gasoline		□	□
<u>Medical Marijuana Dispensary</u>		□	□
e. CIVIC			
Convention Center			□
Library	■	■	■
Religious Assembly	■	■	■
Fire Station	■	■	■
Police Station	■	■	■
Trade School		□	□
Elementary School	■	■	■

	T4	T5	T6
f. SERVICE			
Automobile Service		□	
Drive-Through Facility		□	□
Funeral Home		■	■
Other - Childcare Center	■	■	■
g. INDUSTRIAL			
Light Industrial Facility			□
Laboratory Facility			□
Wireless Transmitter			□
<u>Medical Marijuana Processing</u>		□	□
h. ENTERTAINMENT			
Movie Theater		■	■
Museum		□	■
Outdoor Auditorium		■	■
i. OTHER			
Parking Structure		■	■
Mixed Use		■	■
Surface Parking Lot	□	□	□

- 1 Both the Principal Building and the Accessory Unit shall be under single ownership and the habitable area of the Accessory Unit shall not exceed 440 square feet.
- 2 The Lodging must be owner occupied and the maximum length of stay shall not exceed ten days.
- 3 The parking spaces for the area allocated for food service shall be calculated according to the Retail function.
- 4 Office use is restricted to the first story of the principal or the accessory building.
- 5 Retail use shall be restricted to one corner location per block at the first story and shall be limited to neighborhood store, or food service seating no more than 20.

■ by right
□ by warrant

Section 4. SEVERABILITY CLAUSE. If any section, sentence, clause or phrase of this ordinance or any part of it is for any reason found to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remainder of this ordinance or any part of it.

PASSED, APPROVED, AND ADOPTED THIS 10 DAY OF SEPTEMBER 2018.

WILLIAM H. JOYCE, MAYOR

(SEAL)
ATTEST:

ELIZABETH CHRZ, CITY CLERK

APPROVED AS TO FORM AND LEGALITY THIS 10 DAY OF SEPTEMBER 2018.

JOHN E. DORMAN, CITY ATTORNEY

First Reading: 08-20-18
Second Reading: 09-10-18