



Coweta Metropolitan Area Planning Commission

Date: APRIL 27, 2020

Time: 6:30PM

Location: TELECONFERENCE, <https://us02web.zoom.us/j/82516699490>; ID: 825-1669-9490

STAFF REPORT: ZONING CODE AMENDMENT

CURRENT CODE:

<https://www.ok.gov/wagonercounty/documents/2018%20CMAPC%20ZONING%20CODES,%20accessible.pdf>

PROPOSED CODE: AMENDMENTS ARE IDENTIFIED BY RED LETTERING

SUMMARY: Following the passage of State Question 788, the addition of the Medical Marijuana Industry caused an influx of businesses into Wagoner County. These businesses were identified by the Oklahoma Medical Marijuana Authority (OMMA) as:

- Commercial Grower
- Transportation
- Processor
- Dispensary

In October 2018, the Planning Commission voted for the following classifications which were then approved by resolution by the Board of County Commissioners:

- Commercial Grower: LIGHT INDUSTRIAL
- Transportation: NOT A LAND USE CLASSIFICATION
- Processor: MEDIUM TO HEAVY INDUSTRIAL
- Dispensary: COMMERCIAL

Due to lack of local government involvement with the issuance of licenses by OMMA, business owners and newly licensed operators either by ignorance, non-compliance, or lack of understanding, begin operating their businesses without proper land use authority. This is widespread across the county, though not all operators fall into this category.

August 30, 2019, brought about a new OMMA requirement for license issue and renewal, the creation of the Certificate of Compliance (CoC). This document was required by all operators to obtain their license and required local government to confirm their compliance with multiple codes to include zoning. With this addition, it came to light that many operators were not compliant and were seeking re-zoning which they were not afforded/approved. The primary operator, the COMMERCIAL GROWER, petitions the Board of County Commissioners to amend the zoning code in order to remove barriers to operations that existed in the strict application of industrial zoning districts.

January 6, 2020, the BOCC directed the Planning Commission to review the zoning code and make recommendations for amendment that would provide flexibility to growers while still seeking the spirit of the zoning code and its application in unincorporated Wagoner County. In



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the meantime, the BOCC approved the development of a “non-enforcement” letter to be sent to OMMA to allow operators to work in a “non-conforming” manner until August 30, 2020 to allow for time to become compliant and to review code amendments as they are presented.

A notice of hearing was published April 8, 2020, for amendment to the Coweta Metropolitan Area Planning Commission Zoning Code to take place April 27th, 2020 at the April Regular Meeting. The following chapters have been amended for review and recommendation by the Planning Commission:

- *CHAPTER 3 (NO CHANGES)*
- CHAPTER 12
- CHAPTER 13
- *CHAPTER 14 (NO CHANGES)*
- *CHAPTER 18 (NO CHANGES)*
- APPENDIX A

AMENDMENTS: The following amendments are proposed for your review and approval by the planning commission staff. Some amendments are recommended due to inconsistencies found in the code which are timely in the event of code revision.

LIGHT INDUSTRIAL SECTION 1200 GENERAL DESCRIPTION

Industrial Light is designed primarily to provide an environment conducive to the development and protection of animal health, horticulture, dairies, industrial crops, parishes, farm product warehousing and storage and other light wholesaling enterprises, which uses are ordinarily free from objectionable influence on most other uses. Certain related structures and uses required to serve the needs of such uses are permitted outright or are permissible as special exceptions subject to restrictions and requirements intended to best fulfill the intent of this ordinance. This district does not allow any industry or use which creates corrosive, toxic or noisome fumes, gas, smoke or odor or obnoxious dust, vapor or offensive noise or vibration.

SECTION 1210 PRINCIPAL PERMITTED USES

- Apiary farms – commercial in nature
- Industrial greenhouses
- Commercial Medical Marijuana growing as defined by the Oklahoma Medical Marijuana Authority
- Kennels
- Forestry activities
- Fishing activities and services
- Dairy
- Cultural activities
- Parish houses
- Farm product warehousing and storage
- Lumber and construction material – wholesale
- Tobacco and tobacco product – wholesale
- Drugs, chemicals, and allied products – wholesale
- Wholesaling, warehousing, storage, supply, and distribution
- Outdoor storage lots and yards, except automobile junk yards, scrap yards, salvage yards, or yards used in whole or in part for scrap or salvage operations or for processing, storage, display or sales of junk, scrap, or



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- salvaged materials
- Veterinary establishments
- Commercial printing and job printing
- Business schools and vocational schools not involving uses of an industrial nature which would not otherwise be permitted in this district
- Clubs, lodges, civic and fraternal organizations
- Parks, playgrounds, and playfields
- Utilities substations
- Churches and other places of worship, including educational buildings related thereto
- Community service structures and use such as community service centers, libraries, fire stations, civic, cultural or recreational uses
- Cemeteries.
- Signs subject to the provisions of Chapter 17.

SECTION 1220 PERMITTED ACCESSORY USES AND STRUCTURES

- Dwelling units in connection with permitted or permissible uses or structures, located on the same premises therewith, provided that such dwelling units shall be occupied only by owners or employees of such uses.
- Signs subject to the provisions of Chapter 17.
- Other structures and uses which:
 - Are customarily accessory and clearly incidental and subordinate to permitted principal uses and structures
 - Are located wholly on the same lot as the permitted principal use or structures, or on a contiguous lot in the same ownership.
 - Do not involve operations not in keeping with the character of the area, or of a nature prohibited under "Prohibited Uses and Structures" for this district
 - Day nursery

SECTION 1230 USES PERMITTED BY SPECIAL EXCEPTION

The following uses may be permitted as special exceptions by the Board of Adjustment in accordance with the provisions contained in Chapter 20.

- **Borrow Pits, Surfacing Mining only to include the removal of materials in support of highway or street construction**

SECTION 1240 MINIMUM YARD REQUIREMENTS

- **Front yard** – The depth of the required front yard shall be determined in the following manner. Measured from the centerline of the abutting street, add ½ of the right-of-way designated on the Coweta Metropolitan Area Major Street and Highway Plan or twenty-five (25) feet on non-arterial streets. When a lot has double frontage, the front yard requirements shall be provided on both streets.
 - **Seventy-five (75) feet**
- **Side yard**: **Side yard requirements only apply when abutting all districts except other Industrial Districts and Commercial Districts. When abutting other Industrial or Commercial Districts, side yard requirement is zero. For uses including animal, to include apiaries, distance between neighboring properties should be a minimum of 100 feet.**
 - On the side of an interior lot or the interior side of a corner lot which abut a residential district, a side yard of not less than **sixty (60) feet** shall be provided
 - On any corner lot, the depth of the required exterior side yard shall be determined in the following manner. Measured from the centerline of the abutting street, add ½ of the right-of- way designated in the Coweta



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Metropolitan Area Major Street and Highway Plan, or twenty- five (25) feet if not designated on the Street Plan, to a setback distance of **sixty (60) feet**.

- **Rear yard** – Sixty (60) feet.
- **Screening** – The required screening shall be of solid fence of the stockade type or a masonry wall not less than six (6) feet in height. The fence or wall shall be so constructed that all bracing, supports, or posts, except those provided expressly for aesthetic purposes, shall be on the same side of the fence or wall as the use is to be screened. The fence, wall, or hedge shall be designed and constructed in such a way as to:
 - Facilitate maintenance and
 - Not modify natural drainage in such a way as to endanger property other than on which such use is located
 - For uses including animals, to include apiaries, the screening can be replaced with a five (5) foot tall fence of substantial construction such as chain-link, steel corral, or wood stockade.

SECTION 1250 MINIMUM LOT AREA

Ten (10) acres

SECTION 1260 MINIMUM LOT WIDTH

Three hundred (300') feet

SECTION 1270 MAXIMUM INTENSITY OF USE

- Floor Area Ratio (FAR) = 0.1
- FAR is the ratio of building/structure/facility square footage to lot area. The FAR may be calculated with multiple buildings

SECTION 1280 MAXIMUM HEIGHT OF STRUCTURES

No building shall exceed forty (40) feet in height

MODERATE INDUSTRIAL

SECTION 1310 PRINCIPAL PERMITTED USES

(a) Those uses permitted in the Light Industrial District.

(b) Uses permitted in Appendix A, EXCEPT the following:

- Acetylene Gas Manufacturing
- Acid Manufacture for Wholesale Auto Salvage
- Blast Furnace
- Brick Manufacturing, Tile Manufacturing
- Cement, Lime, Gypsum, Plaster of Paris or Asphalt Manufacturing
- Chlorine or Hydrochloric, Nitric, Picric, Sulphurous, Sulphuric Acid or Ammonia Manufacture Coke Manufacturing
- Creosote Manufacturing, or Treatment Disinfectant or Insecticide Manufacturing Distillation of Bones
- Explosive Manufacture or Storage Fat Rendering
- Fertilizer Manufacture from Mineral or Organic Materials Garbage, Offal or Dead Animal



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- Reduction or Dumping Glue Manufacture
- Insecticide Manufacturing Junk Yard
- Paint, Oil, Varnish, Turpentine Manufacturing Paper or Pulp Manufacturing by Sulphide Process Petroleum Refining
- Refuse Dump Salvage Yards, NEC
- Slaughtering of Animals Smelting
- Solid or Liquid Waste Disposal or Storage Soap Manufacturing
- Soda Ash, Caustic Soda and Washing Compound Manufacturing Stockyard
- Storage of Dismantled Automobiles or any form of Junk or Salvage Material Tar Distillation or Manufacturing
- Trades, Industries, or uses that have heavily objectionable environmental influences by reason of the emission of odor, heat, smoke, noise, or vibration
- Turpentine Manufacturing Varnish Manufacturing



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APPENDIX A

COWETA METROPOLITAN AREA ZONING CASE

MEDIUM and HEAVY MANUFACTURING AND PROCESSING USES

- PERSONAL SERVICE ESTABLISHMENTS
- BUSINESS SERVICE ESTABLISHMENTS
- SERVICE AND REPAIR ESTABLISHMENTS INCLUDING AUTOMOBILE SERVICE STATIONS AND REPAIR GARAGES
- AMUSEMENT, RECREATIONAL AND ENTERTAINMENT ESTABLISHMENTS.
- LABORATORIES AND ESTABLISHMENTS FOR FITTING REPAIR OR PRODUCTION OF EYEGLASSES, HEARING AIDS or PROSTHETIC DEVICES
- RADIO AND TELEVISION STATION
- TRUCK TERMINALS, FREIGHT TERMINALS, AND PASSENGER TERMINALS
- **PROCESSING OF MEDICAL MARIJUANA AS DEFINED BY THE OKLAHOMA MEDICAL MARIJUANA AUTHORITY**
- ALUMINUM, BRASS, COPPER, IRON OR STEEL FOUNDRY WORKS
- ACETYLENE GAS MANUFACTURE IN EXCESS OF FIFTEEN (15) POUNDS PRESSURE PER SQUARE INCH
- ACID MANUFACTURE FOR WHOLESALE
- AMMONIA, BLEACHING POWDER OR CHLORINE MANUFACTURE
- ASPHALT MANUFACTURE OR REFINING
- AUTO SALVAGE YARDS
- BLAST FURNACE, EXCEPT AS A MINOR AND INCIDENTAL PART OF ANOTHER PERMITTED INDUSTRIAL USE
- BOILER WORKS OR FORGE WORKS
- BRICK, TILE OR TERRA COTTA MANUFACTURE
- CELLULOID MANUFACTURE
- COKE MANUFACTURE
- CONCRETE READ-MIX PLANT
- CREOSOTE MANUFACTURE OR TREATMENT
- DISINFECTANT OR INSECTICIDE MANUFACTURE
- DISTILLATION OF BONES, COAL TAR OR WOOD
- DYESTUFF MANUFACTURE
- FAT RENDERING
- FERTILIZER MANUFACTURE (ORGANIC)
- GAS (HEATING OR ILLUMINATING) MANUFACTURE OR STORAGE, EXCEPT WHERE SUCH GAS IS TO BE ENTIRELY CONSUMED ON THE SAME PREMISES
- GLUE, GELATIN OR SIZE MANUFACTURE
- INCINERATION OR REDUCTION OF DEAD ANIMALS, GARBAGE, OFFAL OR REFUSE OTHER THAN GARBAGE, OFFAL OR REFUSE ACCUMULATED AND CONSUMED WITHIN OR ON THE SAME PREMISES
- LAMP BLACK MANUFACTURE
- MATCH MANUFACTURE
- LIME, CEMENT OR PLASTER OF PARIS MANUFACTURE
- OILCLOTH OR LINOLEUM MANUFACTURE
- PICKLE, SAUSAGE, SAUERKRAUT OR VINEGAR MANUFACTURE
- PAINT, OIL, VARNISH OR TURPENTINE MANUFACTURE
- PAPER OR PULP MANUFACTURING BY SULPHIDE PROCESSES EMITTING NOXIOUS GASES OR ODORS
- PRINTING INK MANUFACTURE



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- RAYON OR CELLOPHANE MANUFACTURE
- REFINING OF PETROLEUM OR OTHER CRUDE MATERIALS
- ROLLING MILL
- RUBBER MANUFACTURE FROM CRUDE MATERIALS
- SHODDY MANUFACTURE
- SODA ASH, CAUSTIC SODA AND WASHING COMPOUND MANUFACTURE
- SOLID OR LIQUID WASTE DISPOSAL OR STORAGE
- SLAUGHTERING OF ANIMALS, EXCLUSIVE OF POULTRY AND RABBIT KILLING
- SMELTING
- SOAP MANUFACTURE
- STARCH, GLUCOSE, DEXTRIN MANUFACTURE
- STOCK YARDS
- STORAGE OF DISMANTLED AUTOMOBILES OR ANY FORM OF JUNK OR SALVAGE MATERIAL
- SUGAR REFINING
- TALLOW, GREASE OR LARD MANUFACTURE OR REFINING
- TANNING OR CURING OF LEATHER, RAW HIDES OR SKINS OR STORAGE OF RAW HIDES OR SKINS
- TAR DISTILLATION OR MANUFACTURE
- TAR ROOFING OR TAR WATER-PROOFING MANUFACTURE
- TRADES, INDUSTRIES, OR USES HAVING MODERATELY OBJECTIONABLE ENVIRONMENTAL INFLUENCES BY REASON OF THE EMISSION OF ODOR, HEAT, SMOKE, NOISE, OR VIBRATION
- WOOL SCOURING, HAIR MANUFACTURE
- YEAST MANUFACTURE FOR WHOLESALE