



## Exhibit A

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### Chapter 1.3 – Definitions

**Cultivation area:** the area within which plants are grown. All parts of a plant grown within a cultivation area shall be contained within the perimeter of the cultivation area. No part of a plant, except for rhizomal matter, roots, etc., grown within a cultivation area shall grow past the perimeter of the cultivation area.

**Resident grower:** an individual engaged in the cultivation of cannabis for personal consumption, whether for medical or non-medical purposes, and whose primary residence is the site at which cultivation occurs.

**Urban agriculture, urban agricultural land use:** the cultivation of plants and raising of animals at a scale sufficient to enable the distribution of goods produced by these activities, whether in their raw form or as processed finished goods, to the general public, food processing operations, and other commercial and industrial enterprises. Confined animal feedlots, or CAFOs, and animal breeding operations are not considered to be urban agricultural land uses.

#### 2.2.9--Special Standards for Certain Uses

**N. Cannabis Cultivation.** The purpose of this section is to regulate the cultivation of cannabis within Residential Land Use Map districts in a manner that protects the health, safety and welfare of the community, while avoiding undue interference with an individual's right to cultivate cannabis as allowed by the laws of the State of Oregon.

1. Applicability. All cultivation of cannabis, whether it is intended for immediate use by the grower or for distribution to and consumption by individuals other than the grower, shall meet the special use requirements established by this section.
2. Standards for the cultivation of cannabis by a resident grower who is a registered OMMP patient or care provider for consumption by a resident OMMP registered patient shall be as follows:
  - a. The total area permitted to be used for cannabis cultivation, including indoor and outdoor cultivation areas, shall not exceed one hundred (100) square feet upon the site;
  - b. An outdoor cultivation area shall not exceed thirty-five (35) square feet and not exceed ten (10) feet in height from the top of average surrounding grade and shall be surrounded by a fence that is six (6) feet in height. Any access points to the cultivation area must be secured at all times to prevent unauthorized access;
  - c. Any and all points along the perimeter of an outdoor cultivation area shall not be located closer than ten (10) feet to any property line and shall not be located closer than thirty (30) feet to the closest edge of any other dwelling on any contiguous property;



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- d. An indoor cultivation area shall not exceed one hundred (100) square feet and not exceed ten (10) feet in height per residence and shall meet the following performance standards:
  - i. Lighting used for indoor cultivation shall not exceed 1200 watts for every fifty (50) square feet of cultivation area;
  - ii. The use of explosive or flammable gas products for cannabis cultivation or processing is prohibited;
- e. The OMMP registered patient for whom cannabis is cultivated shall reside at the site where cultivation occurs.
3. Standards for the cultivation of cannabis for the consumption by individuals other than resident OMMP registered individuals are as follows:
  - a. The total area permitted to be used for cannabis cultivation shall not exceed one hundred (100) square feet upon the property;
  - b. Outdoor cultivation areas are not permitted. All cultivation shall be conducted within an enclosed, secured building such as a part of a dwelling, a garage, out building, or greenhouse;
  - c. An indoor cultivation area shall not exceed one hundred (100) square feet per residence and shall meet the following performance standards:
    - i. Lighting used for indoor cultivation shall not exceed 1200 watts for every fifty (50) square feet of cultivation area;
    - ii. The use of explosive or flammable gas products for cannabis cultivation or processing is prohibited.
4. Cannabis cultivation and distribution are prohibited as a Home Occupation in all Residential Land Use Districts. Cannabis cultivated in a Residential Land Use District is explicitly intended to allow a resident grower to cultivate cannabis for onsite consumption by an individual who is legally entitled to do so. This cannabis shall not be sold for offsite distribution or consumption by an individual or body corporate.
5. Cannabis cultivation and distribution is not considered an accessory use in Residential Land Use Map Districts.
6. There shall be no visual evidence of the presence of cannabis cultivation at the property line of the site upon which cultivation is conducted;
7. The residence shall maintain a functional kitchen, bathroom, and at least one legally occupiable bedroom.
8. The cannabis cultivation area shall be in compliance with the current, adopted edition of the Oregon Specialty Structural Code and other applicable building and fire safety codes.
9. The cultivation area shall not adversely affect the health or safety of nearby residents by creating dust, glare, heat, noise, noxious gasses, smoke, traffic, vibration, or other impacts, or be hazardous due to use or storage of materials, processes, products or wastes.



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10. Any proposed cannabis cultivation by an individual qualified patient or primary caregiver that cannot meet the cultivation area standards of Section 2.2.9.N.2.a or 2.2.9.N.2.c may request a Code Interpretation of the need for additional cultivation area or reduction in the minimum spatial separation requirements defined by 2.2.9.N.2.c. Documentation, such as a physician's recommendation or verification of more than one qualified patient living in the residence, shall be submitted with the request showing why the cultivation area standard is not feasible. The Request for Interpretation shall include written permission from the property owner. The Planning Director or planning department staff assigned by the Planning Director shall review the submitted information and make an interpretation in accordance with PLDC Chapter 4.8. The City Building Official may require additional specific standards to meet applicable building and fire safety codes, including but not limited to installation of fire suppression sprinklers. Approved cultivation for personal use that exceeds one hundred (100) square feet shall conform to the following standards:
  - a. Shall be in compliance with all other applicable standards in sections 2.2.9.N.1-9 above;
  - b. The cannabis cultivation area shall not exceed an additional fifty (50) square feet for a total of 150 square feet, not exceeding ten (10) feet in height;
  - c. At a minimum, the cannabis cultivation area shall be constructed with a 1-hour firewall;
  - d. Any additional cannabis cultivation area approved through this process shall be conducted exclusively indoors, limited to a garage or other accessory building that is secured, locked, and fully enclosed.
11. An individual cultivating cannabis or wishing to cultivate cannabis within a Residential Land Use District shall obtain a Type I Zoning Clearance from the Planning Department prior to commencement of cultivation (typically prior to planting of immature plants or seeds). The applicant shall submit information as is necessary for department staff to determine that the cultivation area will meet the requirements established herein.



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**2.3.2 – Permitted Use**

**Table 2.3.2.A - Land Uses and Building**

<p>1. Residential*:</p> <ul style="list-style-type: none"> <li>a. Single-family attached townhouses</li> <li>b. Three-Family housing (triplex)</li> <li>c. Multi-family housing</li> <li>d. Residential care homes and facilities</li> <li>e. Family daycare (12 or fewer children)</li> <li>g. Mixed-use development (housing &amp; other permitted use)*</li> </ul> <p><b>2. Bed &amp; Breakfast Inn's</b></p>	<p>3. Public and Institutional*:</p> <ul style="list-style-type: none"> <li>a. Churches and places of worship</li> <li>b. Clubs, lodges, similar uses</li> <li>c. Government offices and facilities (administration, public safety, transportation, utilities, and similar uses)</li> <li>d. Libraries, museums, community centers, concert halls and similar uses</li> <li>e. Public parking lots and garages</li> <li>f. Private utilities</li> <li>g. Public parks and recreational facilities</li> <li>h. Schools (public and private)</li> <li>i. Special district facilities</li> <li>j. Uses similar to those listed above [subject to CUP requirements, as applicable]</li> </ul> <p>4. Accessory Uses and Structures*</p> <p>5. Cottage Industrial*:        "Light manufacture" (e.g., small-scale crafts, electronic equipment, bakery, furniture, similar goods when in conjunction with retail)</p>	<p>6. Commercial:</p> <ul style="list-style-type: none"> <li>a. Retail trade and services, except auto-oriented uses</li> <li>b. Entertainment (e.g., theaters, clubs, amusement uses)</li> <li>c. Hotels/motels</li> <li>d. Medical and dental offices, clinics and laboratories</li> <li>e. Mixed-use development (housing &amp; other permitted use)*</li> <li>f. Office uses</li> <li>g. Personal and professional services (e.g., child care center, catering/food services, restaurants, Laundromats and drycleaners, barber shops and salons, banks and financial institutions, and similar uses)</li> <li>h. Repair services must be enclosed within a building [subject to CUP requirements, as applicable]</li> <li>j. Uses similar to those listed above [may be subject to CUP requirements, as applicable]</li> </ul>
<p>Uses marked with an asterisk (*) are subject to the standards in Chapter 2.3.10 – Special Standards for Certain Uses. <u>Uses with a double asterisk (**) require a Conditional Use Permit.</u></p>		

**2.3.10--Special Standards for Certain Uses**

**G. Cannabis Cultivation.** The purpose of this section is to regulate the cultivation of cannabis within the City Center Land Use Map district in a manner that protects the



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health, safety and welfare of the community, while avoiding undue interference with an individual's right to cultivate cannabis as allowed by the laws of the State of Oregon.

1. Applicability. All cultivation of cannabis, whether it is intended for immediate use by the grower or for distribution to and consumption by individuals other than the grower, shall meet the special use requirements established by this section.
2. Standards for the cultivation of cannabis by a resident grower who is a registered OMMP patient or care provider for consumption by a resident OMMP registered patient shall be as follows:
  - a. The total area permitted to be used for cannabis cultivation, including indoor and outdoor cultivation areas, shall not exceed one hundred (100) square feet upon the site;
  - b. An outdoor cultivation area shall not exceed thirty-five (35) square feet and not exceed ten (10) feet in height from the top average surrounding grade and shall be surrounded by a fence that is six (6) feet in height. Any access points to the cultivation area must be secured at all times to prevent unauthorized access;
  - c. Any and all points along the perimeter of an outdoor cultivation area shall not be located closer than ten (10) feet to any property line and shall not be located closer than thirty (30) feet to the closest edge of any other dwelling on any contiguous property;
  - d. An indoor cultivation area shall not exceed one hundred (100) square feet and not exceed ten (10) feet in height per residence and shall meet the following performance standards:
    - i. Lighting used for indoor cultivation shall not exceed 1200 watts for every fifty (50) square feet of cultivation area;
    - ii. The use of explosive or flammable gas products for cannabis cultivation or processing is prohibited;
  - e. The OMMP registered patient for whom cannabis is cultivated shall reside in a legal dwelling at the site where cultivation occurs. This dwelling shall be either conforming or legally nonconforming with the standards of the current Phoenix Land Development Code, Comprehensive Plan, and applicable building codes.
3. Standards for the cultivation of cannabis for the consumption by a resident grower other than a resident OMMP registered individuals are as follows:
  - a. The total area permitted to be used for cannabis cultivation shall not exceed one hundred (100) square feet;
  - b. Outdoor cultivation areas are not permitted. All cultivation shall be conducted within an enclosed, secured building such as a part of a dwelling, a garage, out building, or greenhouse;
  - c. An indoor cultivation area shall not exceed one hundred (100) square feet and not exceed ten feet (10') in height per residence and shall meet the following performance standards:



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- i. Lighting used for indoor cultivation shall not exceed 1200 watts for every fifty (50) square feet of cultivation area;
  - ii. The use of explosive or flammable gas products for cannabis cultivation or processing is prohibited.
  - iii. A resident grower shall reside at the site where cultivation occurs.
4. Cannabis cultivation and distribution are prohibited as a Home Occupation in the City Center Land Use District. Cannabis cultivated in the C-C Land Use District is explicitly intended to allow a resident grower to cultivate cannabis for personal consumption. This cannabis shall not be sold for offsite distribution or consumption by an individual or body corporate other than the resident grower.
5. Cannabis cultivation and distribution is not considered an accessory use in the City Center Land Use Map District.
6. There shall be no visual evidence of the presence of cannabis cultivation at the property line of the site upon which cultivation is conducted.
7. The residence shall maintain a functional kitchen, bathroom, and at least one legally occupiable bedroom.
8. The cannabis cultivation area shall be in compliance with the current, adopted edition of the Oregon Specialty Structural Code and other applicable building and fire safety codes.
9. The cultivation area shall not adversely affect the health or safety of nearby residents by creating dust, glare, heat, noise, noxious gasses, smoke, traffic, vibration, or other impacts, or be hazardous due to use or storage of materials, processes, products or wastes.
10. Any proposed cannabis cultivation by an individual qualified patient or primary caregiver that cannot meet the cultivation area standards of Section 2.3.10.G.2.a may request a Code Interpretation of the need for additional cultivation area or reduction in the minimum spatial separation requirements defined by 2.3.10.G.2.c. Documentation, such as a physician's recommendation or verification of more than one qualified patient living in the residence, shall be submitted with the request showing why the cultivation area standard is not feasible. The request for Interpretation shall include written permission from the property owner. The Planning Director or planning department staff assigned by the Planning Director shall review the submitted information and make an interpretation in accordance with PLDC Chapter 4.8. The City Building Official may require additional specific standards to meet applicable building and fire safety codes, including but not limited to installation of fire suppression sprinklers. Approved cultivation for personal use that exceeds one hundred (100) square feet shall conform to the following standards:
  - a. Shall be in compliance with all other applicable standards in sections 2.3.10.G.1-9 above;
  - b. The cannabis cultivation area shall not exceed an additional fifty (50) square feet for a total of 150 square feet, not exceeding ten (10) feet in height;



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- c. At a minimum, the cannabis cultivation area shall be constructed with a 1-hour firewall;
  - d. Any additional cannabis cultivation area approved through this process shall be conducted exclusively indoors, limited to a garage or other accessory building that is secured, locked, and fully enclosed.
11. An individual cultivating cannabis or wishing to cultivate cannabis within the City Center Land Use District under the provisions of Chapter 2.3.10.2 or 3 shall obtain a Type I Zoning Clearance from the Planning Department prior to commencement of cultivation (typically prior to planting of immature plants or seeds). The applicant shall submit information as is necessary for department staff to determine that the cultivation area will meet the requirements established herein.
  12. The commercial cultivation of cannabis, that being the cultivation of cannabis for the purpose of distribution to wholesale or retail customers, whether for medical or non-medical purposes, is expressly prohibited within the City Center Land Use District. Cannabis cultivated in a City Center Land Use District is explicitly intended to allow a resident grower to cultivate cannabis for personal use as allowed by state law. Cannabis cultivated in the City Center Land Use District shall not be sold for offsite distribution or consumption by an individual or body corporate.



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<b>Commercial</b>	
Retail Sales and Service, indoor only:	
▪ less than 30,000 square feet GLA*	P
▪ 30,000 to 50,000 square feet GLA	C
▪ greater than 50,000 square feet GLA	C, I-5
Nurseries and Landscape Supplies	C
<u>Urban Agriculture &lt; 2,000 GLA (indoor and outdoor)</u>	P
<u>Urban Agriculture &gt; 2,000 GLA (indoor and outdoor)</u>	C
Restaurants	
▪ with drive-through	C
▪ without drive-through	P
Drive-up, drive-in, and drive-through facilities	C
Office, Banks, Research Facilities, and Clinics	P
Vet Hospitals (entirely enclosed in building)	C
Truck Stops, Truck Sales, and Heavy Equipment Sales	C, I-5
Auto Repair	P
Service Stations	C
Distribution Facilities	C
Lodging and RV Parks	P
Vehicle Sales and Service, RV and Boat Sales, Manufactured Home Sales, and Fuel Sales	C
Commercial and Public Parking	P
Commercial Storage	
▪ enclosed in building and on an upper story	P
▪ not enclosed in building	C
Entertainment and Gyms	
▪ enclosed in building (e.g., theater, museums, bowling alleys)	P
▪ not enclosed (e.g., amusement parks)	C
Wholesale	
▪ 20,000 square feet GLA and greater	C
▪ less than 20,000 square feet GLA	P
Assisted Living Facilities	C
Mixed-use (residential with commercial/civic/industrial)	N
<b>Civic</b>	
<b>Government</b> –offices, public library	P
<b>Government</b> –public works yards	C
Parks and Open Space	P
Schools	
▪ pre-school, daycare, and primary	P
▪ secondary, colleges, and vocational	P
Clubs and Religious Institutions	C
<b>Light Industrial</b>	
Manufacturing and Production	
▪ 5,000 sq. ft. and larger	C
▪ less than 5,000 sq. ft. with retail outlet	P
Warehouse	C



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Transportation, Freight and Distribution, Taxi Cab Dispatch, Emergency Vehicle Dispatch	C, I-5
<b>Industrial Service</b> (e.g., cleaning, repair)	C, I-5
Processing of Raw Materials	N

**2.4.5—Special Standards for Certain Uses**

**K. Cannabis Cultivation.** The purpose of this section is to regulate the cultivation of cannabis within Commercial Highway Land Use Map districts in a manner that protects the health, safety and welfare of the community, allows for commercial cultivation of cannabis, and avoids undue interference with an individual’s right to cultivate cannabis as allowed by the laws of the State of Oregon. Cultivation of cannabis shall also be considered an “Urban Agriculture” use, and shall be subject to any additional requirements that are applicable to such uses.

1. Applicability. All cultivation of cannabis, whether it is intended for immediate use by the grower or for distribution to and consumption by individuals other than the grower, shall meet the special use requirements established by this section.
2. Standards for the cultivation of cannabis by a resident grower who is a registered OMMP patient or care provider for consumption by a resident OMMP registered patient shall be as follows:
  - a. The total area permitted to be used for cannabis cultivation, including indoor and outdoor cultivation areas, shall not exceed one hundred (100) square feet upon the site;
  - b. An outdoor cultivation area shall not exceed thirty-five (35) square feet and not exceed ten (10) feet in height from the top average surrounding grade and shall be surrounded by a fence that is six (6) feet in height. Any access points to the cultivation area must be secured at all times to prevent unauthorized access;
  - c. Any and all points along the perimeter of an outdoor cultivation area shall not be located closer than ten (10) feet to any property line and shall not be located closer than thirty (30) feet to the closest edge of any other dwelling on any contiguous property;
  - d. An indoor cultivation area shall not exceed one hundred (100) square feet and not exceed ten (10) feet in height per residence and shall meet the following performance standards:
    - i. Lighting used for indoor cultivation shall not exceed 1200 watts for every fifty (50) square feet of cultivation area;
    - ii. The use of explosive or flammable gas products for cannabis cultivation or processing is prohibited;



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- e. The OMMP registered patient for whom cannabis is cultivated shall reside in a legal dwelling at the site where cultivation occurs. This dwelling shall be either conforming or legally nonconforming with the standards of the current Phoenix Land Development Code, Comprehensive Plan, and applicable building codes.
3. Standards for the cultivation of cannabis by a resident grower for the consumption by individuals other than resident OMMP registered individuals are as follows:
  - a. The total area permitted to be used for cannabis cultivation shall not exceed one hundred (100) square feet;
  - b. Outdoor cultivation areas are not permitted. All cultivation shall be conducted within an enclosed, secured building such as a part of a dwelling, a garage, out building, or greenhouse;
  - c. An indoor cultivation area shall not exceed one hundred (100) square feet and not exceed ten feet (10') in height per residence and shall meet the following performance standards:
    - i. Lighting used for indoor cultivation shall not exceed 1200 watts for every fifty (50) square feet of cultivation area;
    - ii. The use of explosive or flammable gas products for cannabis cultivation or processing is prohibited.
4. Cannabis cultivation and distribution are prohibited as a Home Occupation in the Commercial Highway Land Use District. Cannabis cultivated by a resident grower in the C-H Land Use District is explicitly intended to allow a resident grower to cultivate cannabis for personal consumption. This cannabis shall not be sold for offsite distribution or consumption by an individual or body corporate other than the resident grower.
5. Cannabis cultivation and distribution is not considered an accessory use in the Commercial Highway Land Use Map District.
6. There shall be no visual evidence of the presence of cannabis cultivation at the property line of the site upon which cultivation is conducted.
7. The residence shall maintain a functional kitchen, bathroom, and at least one legally occupiable bedroom.
8. The cannabis cultivation area shall be in compliance with the current, adopted edition of the Oregon Specialty Structural Code and other applicable building and fire safety codes.
9. The cultivation area shall not adversely affect the health or safety of nearby residents by creating dust, glare, heat, noise, noxious gasses, smoke, traffic, vibration, or other impacts, or be hazardous due to use or storage of materials, processes, products or wastes.
10. Any proposed cannabis cultivation by an individual qualified patient or primary caregiver that cannot meet the cultivation area standards of sections 2.4.5.K.2.a or 2.4.5.K.2.c may request a Code Interpretation of the need for additional cultivation area. Documentation, such as a physician's recommendation or verification of more than one qualified patient living in the residence, shall be submitted with the request



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showing why the cultivation area standard is not feasible. The request for Interpretation shall include written permission from the property owner. The Planning Director or planning department staff assigned by the Planning Director shall review the submitted information and make an interpretation in accordance with PLDC Chapter 4.8. The City Building Official may require additional specific standards to meet applicable building and fire safety codes, including but not limited to installation of fire suppression sprinklers. Approved cultivation for personal use that exceeds one hundred (100) square feet shall conform to the following standards:

- a. Shall be in compliance with all other applicable standards in sections 2.4.5.K.1-9 above;
  - b. The cannabis cultivation area shall not exceed an additional fifty (50) square feet for a total of 150 square feet, not exceeding ten (10) feet in height;
  - c. At a minimum, the cannabis cultivation area shall be constructed with a 1-hour firewall;
  - d. Any additional cannabis cultivation area approved through this process shall be conducted exclusively indoors, limited to a garage or other accessory building that is secured, locked, and fully enclosed.
11. Additional standards for the commercial cultivation cannabis, that being the cultivation of cannabis for the purpose of distribution to wholesale or retail customers, whether for medical or non-medical purposes, within the C-H Commercial Highway Land Use District shall be met:
- a. The total area permitted to be used for cannabis cultivation upon any single site shall not exceed five thousand (5,000) square feet GLA;
  - b. A maximum business frontage of no more than one hundred and fifty (150) feet;
  - c. A commercial cultivation operation shall obtain all licenses, certifications, permits, and other regulatory approvals prior to operation, and shall remain in good standing as required by the terms of those approvals;
  - d. Outdoor cultivation areas are not permitted. All cultivation shall be conducted within an enclosed, secured building such as a part of a dwelling, a garage, out building, or greenhouse;
  - e. An indoor cultivation area shall meet the following performance standards:
    - i. Lighting used for indoor cultivation shall not exceed 1200 watts for every fifty (50) square feet of cultivation area;
    - ii. At a minimum, the cannabis cultivation area shall be surrounded by a 1-hour firewall or shall utilize a sufficiently sized fire suppression system.
    - iii. Cannabis facilities shall provide for secure disposal of cannabis remnants, waste and byproducts; such materials and substances shall not be disposed of in unsecured refuse collection containers.
  - f. At a minimum, the cannabis cultivation area shall be surrounded by a 1-hour firewall or shall utilize a sufficiently sized fire suppression system.



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<b>Industrial</b>
Heavy manufacturing, assembly, and processing of raw materials* [CUP]
Light manufacture (e.g., electronic equipment, printing, bindery, furniture, and similar goods)
Urban agriculture (indoor crop cultivation, aquaculture, plant nurseries) < 5,000 square feet GLA
Urban agriculture (indoor crop cultivation, aquaculture, plant nurseries) > 5,000 square feet GLA* [CUP]
Warehousing and distribution (this does not include Mini-Warehouse Storage facilities)
Uses similar to those listed above
<b>Commercial</b>
Offices and other commercial uses are permitted when they are integral to a primary industrial use (e.g., administrative offices, wholesale of goods produced on location, and similar uses).
<b>Public and institutional uses</b>
Government facilities (e.g., public safety, utilities, school district bus facilities, public works yards, transit and transportation, and similar facilities where the public is generally not received.)
Private Utilities (e.g., natural gas, electricity, telephone, cable, and similar facilities)
Special district facilities (e.g., irrigation district, and similar facilities)
Vocational schools co-located with parent industry or sponsoring organization
Uses similar to those listed above.
<b>Accessory uses and structures</b>
<b>Wireless communication equipment – CUP*</b>
<b>Residential uses for security purposes only</b>
One caretaker unit shall be permitted for each development, subject to the standards in Chapter 2.5.8 – Special Standards for Certain Uses. Other residential uses are not permitted, except that residences existing prior to the effective date of this Code may continue.
* Land uses with an asterisk (*) shall require a Conditional Use Permit subject to the procedure and standards in Chapter 4.4 – Conditional Use Permits.

## 2.5.8 – Special Standards for Certain Uses

**D. Cannabis Cultivation.** The purpose of this section is to regulate the cultivation of cannabis within General Industrial (GI) District Land Use Map districts in a manner that protects the health, safety and welfare of the community, allows for commercial



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cultivation of cannabis, and avoids undue interference with an individual's right to cultivate cannabis as allowed by the laws of the State of Oregon. Commercial cultivation of cannabis shall also be considered an "Urban Agriculture" use, and shall be subject to any additional requirements that are applicable to such uses.

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2. Standards for the cultivation of cannabis by a resident grower who is a registered OMMP patient or care provider for consumption by a resident OMMP registered patient shall be as follows:
  - a. The total area permitted to be used for cannabis cultivation, including indoor and outdoor cultivation areas, shall not exceed one hundred (100) square feet upon the site;
  - b. An outdoor cultivation area shall not exceed thirty-five (35) square feet and not exceed ten (10) feet in height from the top average surrounding grade and shall be surrounded by a fence that is six (6) feet in height. Any access points to the cultivation area must be secured at all times to prevent unauthorized access;
  - c. Any and all points along the perimeter of an outdoor cultivation area shall not be located closer than ten (10) feet to any property line and shall not be located closer than thirty (30) feet to the closest edge of any other dwelling on any contiguous property;
  - d. An indoor cultivation area shall not exceed one hundred (100) square feet and not exceed ten (10) feet in height per residence and shall meet the following performance standards:
    - i. Lighting used for indoor cultivation shall not exceed 1200 watts for every fifty (50) square feet of cultivation area;
    - ii. The use of explosive or flammable gas products for cannabis cultivation or processing is prohibited;
  - e. The OMMP registered patient for whom cannabis is cultivated shall reside in a legal dwelling at the site where cultivation occurs. This dwelling shall be either conforming or legally nonconforming with the standards of the current Phoenix Land Development Code, Comprehensive Plan, and applicable building codes.
3. Standards for the cultivation of cannabis by a resident grower for the consumption by individuals other than resident OMMP registered individuals are as follows:
  - a. The total area permitted to be used for cannabis cultivation shall not exceed one hundred (100) square feet;
  - b. Outdoor cultivation areas are not permitted. All cultivation shall be conducted within an enclosed, secured building such as a part of a dwelling, a garage, out building, or greenhouse;



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- c. An indoor cultivation area shall not exceed one hundred (100) square feet and not exceed ten feet (10') in height per residence and shall meet the following performance standards:
  - i. Lighting used for indoor cultivation shall not exceed 1200 watts for every fifty (50) square feet of cultivation area;
  - ii. The use of explosive or flammable gas products for cannabis cultivation or processing is prohibited.
4. Cannabis cultivation and distribution are prohibited as a Home Occupation in the General Industrial Land Use District. Cannabis cultivated in a G-I Land Use District is explicitly intended to allow a resident grower to cultivate cannabis for personal consumption. This cannabis shall not be sold for offsite distribution or consumption by an individual or body corporate other than the resident grower.
5. Cannabis cultivation and distribution is not considered an accessory use in the General Industrial Land Use Map District.
6. There shall be no visual evidence of the presence of cannabis cultivation at the property line of the site upon which cultivation is conducted.
7. The residence shall maintain a functional kitchen, bathroom, and at least one legally occupiable bedroom.
8. The cannabis cultivation area shall be in compliance with the current, adopted edition of the Oregon Specialty Structural Code and other applicable building and fire safety codes.
9. The cultivation area shall not adversely affect the health or safety of nearby residents by creating dust, glare, heat, noise, noxious gasses, smoke, traffic, vibration, or other impacts, or be hazardous due to use or storage of materials, processes, products or wastes.
10. Any proposed cannabis cultivation by an individual qualified patient or primary caregiver that cannot meet the cultivation area standards of sections 2.5.8.D.2.a or 2.5.8.D.2.c may request a Code Interpretation of the need for additional cultivation area. Documentation, such as a physician's recommendation or verification of more than one qualified patient living in the residence, shall be submitted with the request showing why the cultivation area standard is not feasible. The request for Interpretation shall include written permission from the property owner. The Planning Director or planning department staff assigned by the Planning Director shall review the submitted information and make an interpretation in accordance with Chapter 4.8. The City Building Official may require additional specific standards to meet applicable building and fire safety codes, including but not limited to installation of fire suppression sprinklers. Approved cultivation for personal use that exceeds one hundred (100) square feet shall conform to the following standards:
  - a. Shall be in compliance with all other applicable standards in sections 2.5.8.D.1-9 above; and
  - b. The cannabis cultivation area shall not exceed an additional fifty (50) square feet for a total of 150 square feet, not exceeding ten (10) feet in height;



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- c. At a minimum, the cannabis cultivation area shall be constructed with a 1-hour firewall;
  - d. Any additional cannabis cultivation area approved through this process shall be conducted exclusively indoors, limited to a garage or other accessory building that is secured, locked, and fully enclosed.
11. Additional standards for the commercial cultivation cannabis, that being the cultivation of cannabis for the purpose of distribution to wholesale or retail customers, whether for medical or non-medical purposes, within the General Industrial G-I Land Use District shall be met:
- a. The total area permitted to be used for cannabis cultivation upon or at any single site shall not exceed forty thousand (40,000) square feet GLA;
  - b. A maximum business frontage of no more than two hundred (200) feet;
  - c. A commercial cultivation operation shall obtain all licenses, certifications, permits, and other regulatory approvals prior to operation, and shall remain in good standing as required by the terms of those approvals;
  - d. Outdoor cultivation areas are not permitted. All cultivation shall be conducted within an enclosed, secured building such as a part of a dwelling, a garage, out building, or greenhouse;
  - e. An indoor cultivation area shall meet the following performance standards:
    - i. Lighting used for indoor cultivation shall not exceed 1200 watts for every fifty (50) square feet of cultivation area;
    - ii. The facility shall utilize an air filtration and ventilation system which, to the greatest extent feasible, confines all objectionable odors associated with the facility to the premises. For the purposes of this provision, the standard for judging "objectionable odors" shall be that of an average, reasonable person with ordinary sensibilities after taking into consideration the character of the neighborhood in which the odor is made and the odor is detected.
    - iii. The use of explosive or flammable gas products for cannabis cultivation or processing is prohibited.
  - f. At a minimum, the cannabis cultivation area shall be surrounded by a 1-hour firewall or shall utilize a sufficiently sized fire suppression system.
  - g. Cannabis facilities shall provide for secure disposal of cannabis remnants, waste and byproducts; such materials and substances shall not be disposed of in unsecured refuse collection containers.



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### 2.6.8—Special Standards for Certain Uses

**D. Cannabis Cultivation.** The purpose of this section is to regulate the cultivation of cannabis within General Industrial Land Use Map districts in a manner that protects the health, safety and welfare of the community, allows for commercial cultivation of cannabis, and avoids undue interference with an individual's right to cultivate cannabis as allowed by the laws of the State of Oregon. Cultivation of cannabis shall also be considered an "Urban Agriculture" use, and shall be subject to any additional requirements that are applicable to such uses.

1. Applicability. All cultivation of cannabis, whether it is intended for immediate use by the grower or for distribution to and consumption by individuals other than the grower, shall meet the special use requirements established by this section.
2. Standards for the cultivation of cannabis by a resident grower who is a registered OMMP patient or care provider for consumption by a resident OMMP registered patient shall be as follows:
  - a. The total area permitted to be used for cannabis cultivation, including indoor and outdoor cultivation areas, shall not exceed one hundred (100) square feet upon the site;
  - b. An outdoor cultivation area shall not exceed thirty-five (35) square feet and not exceed ten (10) feet in height from the top average surrounding grade and shall be surrounded by a fence that is six (6) feet in height. Any access points to the cultivation area must be secured at all times to prevent unauthorized access;
  - c. Any and all points along the perimeter of an outdoor cultivation area shall not be located closer than ten (10) feet to any property line and shall not be located closer than thirty (30) feet to the closest edge of any other dwelling on any contiguous property;
  - d. An indoor cultivation area shall not exceed one hundred (100) square feet and not exceed ten (10) feet in height per residence and shall meet the following performance standards:
    - i. Lighting used for indoor cultivation shall not exceed 1200 watts for every fifty (50) square feet of cultivation area;
    - ii. The use of explosive or flammable gas products for cannabis cultivation or processing is prohibited;
  - e. The OMMP registered patient for whom cannabis is cultivated shall reside in a legal dwelling at the site where cultivation occurs. This dwelling shall be either conforming or legally nonconforming with the standards of the current Phoenix Land Development Code, Comprehensive Plan, and applicable building codes.
3. Standards for the cultivation of cannabis by a resident grower for the consumption by individuals other than resident OMMP registered individuals are as follows:



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- a. The total area permitted to be used for cannabis cultivation shall not exceed one hundred (100) square feet;
- b. Outdoor cultivation areas are not permitted. All cultivation shall be conducted within an enclosed, secured building such as a part of a dwelling, a garage, out building, or greenhouse;
- c. An indoor cultivation area shall not exceed one hundred (100) square feet and not exceed ten feet (10') in height per residence and shall meet the following performance standards:
  - i. Lighting used for indoor cultivation shall not exceed 1200 watts for every fifty (50) square feet of cultivation area;
  - ii. The use of explosive or flammable gas products for cannabis cultivation or processing is prohibited.
4. Cannabis cultivation and distribution are prohibited as a Home Occupation in the Light Industrial Land Use District. Cannabis cultivated in the L-I Land Use District is explicitly intended to allow a resident grower to cultivate cannabis for personal consumption. This cannabis shall not be sold for offsite distribution or consumption by an individual or body corporate other than the resident grower.
5. Cannabis cultivation and distribution is not considered an accessory use in the Light Industrial Land Use Map District.
6. There shall be no visual evidence of the presence of cannabis cultivation at the property line of the site upon which cultivation is conducted.
7. The residence shall maintain a functional kitchen, bathroom, and at least one legally occupiable bedroom.
8. The cannabis cultivation area shall be in compliance with the current, adopted edition of the Oregon Specialty Structural Code and other applicable building and fire safety codes.
9. The cultivation area shall not adversely affect the health or safety of nearby residents by creating dust, glare, heat, noise, noxious gasses, smoke, traffic, vibration, or other impacts, or be hazardous due to use or storage of materials, processes, products or wastes.
10. Any proposed cannabis cultivation by an individual qualified patient or primary caregiver that cannot meet the cultivation area standards of sections 2.6.8.D.2.a or 2.6.8.D.2.c may request a Code Interpretation of the need for additional cultivation area. Documentation, such as a physician's recommendation or verification of more than one qualified patient living in the residence, shall be submitted with the request showing why the cultivation area standard is not feasible. The request for Interpretation shall include written permission from the property owner. The Planning Director or planning department staff assigned by the Planning Director shall review the submitted information and make an interpretation in accordance with Chapter 4.8. The City Building Official may require additional specific standards to meet applicable building and fire safety codes, including but not limited to installation of



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fire suppression sprinklers. Approved cultivation for personal use that exceeds one hundred (100) square feet shall conform to the following standards:

- a. Shall be in compliance with all other applicable standards in sections 2.6.8.N.1-9 above;
  - b. The cannabis cultivation area shall not exceed an additional fifty (50) square feet for a total of 150 square feet, not exceeding ten (10) feet in height;
  - c. At a minimum, the cannabis cultivation area shall be constructed with a 1-hour firewall;
  - d. Any additional cannabis cultivation area approved through this process shall be conducted exclusively indoors, limited to a garage or other accessory building that is secured, locked, and fully enclosed.
11. Additional standards for the commercial cultivation cannabis, that being the cultivation of cannabis for the purpose of distribution to wholesale or retail customers, whether for medical or non-medical purposes, within the Light Industrial L-I Land Use District shall be met:
- a. The total area permitted to be used for cannabis cultivation upon or at any single site shall not exceed ten thousand (10,000) square feet GLA;
  - b. A maximum business frontage of no more than one hundred and fifty (150) feet;
  - c. A commercial cultivation operation shall obtain all licenses, certifications, permits, and other regulatory approvals prior to operation, and shall remain in good standing as required by the terms of those approvals;
  - d. Outdoor cultivation areas are not permitted. All cultivation shall be conducted within an enclosed, secured building such as a part of a dwelling, a garage, out building, or greenhouse;
  - e. An indoor cultivation area shall meet the following performance standards:
    - i. Lighting used for indoor cultivation shall not exceed 1200 watts for every fifty (50) square feet of cultivation area;
    - ii. The facility shall utilize an air filtration and ventilation system which, to the greatest extent feasible, confines all objectionable odors associated with the facility to the premises. For the purposes of this provision, the standard for judging "objectionable odors" shall be that of an average, reasonable person with ordinary sensibilities after taking into consideration the character of the neighborhood in which the odor is made and the odor is detected.
    - iii. The use of explosive or flammable gas products for cannabis cultivation or processing is prohibited.
  - f. At a minimum, the cannabis cultivation area shall be surrounded by a 1-hour firewall or shall utilize a sufficiently sized fire suppression system.
  - g. Cannabis facilities shall provide for secure disposal of cannabis remnants, waste and byproducts; such materials and substances shall not be disposed of in unsecured refuse collection containers.



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