

**ORDINANCE NUMBER 1387**

**Final Publication Number 3424. First Publication in the Chronicle on January 26, 2017.**

**City of Cambridge**

**In the Year Two Thousand and Seventeen**

**AN ORDINANCE**

**In amendment to the Ordinance entitled “Zoning Ordinance of the City of Cambridge” to insert in Article 11.00 a new Section 11.800 as follows:**

11.800 MEDICAL MARIJUANA

11.801 *Statement of Purpose.* The purpose of this section is to provide for the limited establishment of Registered Marijuana Dispensaries as they are authorized pursuant to state regulations set forth at 105 CMR 725.000, Implementation of an Act for the Humanitarian Medical Use of Marijuana. That it is the intent of this ordinance, subject to state regulations, that any approved medicinal marijuana facility shall not physically incorporate a future recreational marijuana facility within the same location to the extent permitted by law.

11.802 Requirements

11.802.1 *Use.* Notwithstanding the use limitations of the base zoning district or any overlay zoning district, a Registered Marijuana Dispensary shall be allowed upon the granting of a special permit by the Planning Board, subject to the requirements set forth in this Section.

11.802.2 *Registration.* All permitted Registered Marijuana Dispensaries shall be properly registered with the Massachusetts Department of Public Health pursuant to 105 CMR 725.100 and shall comply with all applicable state and local public health regulations and all other applicable state and local laws, rules and regulations at all times. No Building Permit or Certificate of Occupancy shall be issued for a Registered Marijuana Dispensary that is not properly registered with the Massachusetts Department of Public Health.

11.802.3 *Limitation of Approval.* A special permit authorizing the establishment of a Registered Marijuana Dispensary shall be valid only for the registered entity to which the special permit was issued, and only for the site on which the Registered Marijuana Dispensary has been authorized by special permit. If the registration for a Registered Marijuana Dispensary has not been renewed or has been revoked, transferred to another

controlling entity, or relocated to a different site, a new special permit shall be required prior to issuance of a Certificate of Occupancy.

This ordinance will be reconsidered by the Ordinance Committee if upcoming recreational marijuana regulations created by the Commonwealth of Massachusetts impacts the location and desirability of medical marijuana facilities, in particular the possibility of having a joint location for both now allowed medicinal services and future recreational services.

- 11.802.4 *Building.* A Registered Marijuana Dispensary shall be located only in a permanent building and not within any mobile facility. All sales shall be conducted either within the building or by home deliveries to qualified clients pursuant to applicable state and local regulations.
- 11.802.5 *Dimensional Requirements.* Except where it is explicitly stated otherwise in this Section 11.800, a Registered Marijuana Dispensary shall conform to the dimensional requirements applicable to non-residential uses within the base and overlay zoning districts.
- 11.802.6 *Parking and Loading.* Notwithstanding anything to the contrary in Article 6.000 of this Ordinance, the required number of parking and bicycle parking (both long-term and short term) spaces and the required number of loading bays for a Registered Marijuana Dispensary shall be determined by the Planning Board based on the transportation analysis and other information related to operational and security plans provided by the applicant. Except as set forth above, all parking, bicycle parking and loading facilities shall conform to the requirements set forth in Article 6.000.
- 11.802.7 *Signage.* All signage shall conform to the requirements of Article 7.000 of this Ordinance. The Planning Board may impose additional restrictions on signage as appropriate to mitigate any aesthetic impacts.
- 11.802.8 *Location:* Registered Marijuana Dispensaries shall be allowed only by Planning Board Special Permit within the Business A, Business B, Business B-1, Business B-2, Business C, Industry A-1, Industry B-1 and Industry B-2 districts. No Registered Marijuana Dispensaries shall be allowed within 1,800 feet of another Registered Marijuana Dispensary.
- 11.803 *Application Requirements.* An application to the Planning Board shall include, at a minimum, the following information:
- (a) Description of Activities: A narrative providing information about the type and scale of all activities that will take place on the proposed site, including but not limited to cultivating and processing of marijuana or marijuana infused products (MIPs), on-site sales, off-site deliveries, distribution of educational materials, and other programs or activities.
  - (b) Service Area: A map and narrative describing the area proposed to be served by the

Registered Marijuana Dispensary and the anticipated number of clients that will be served within that area. This description shall indicate where any other Registered Marijuana Dispensaries exist or have been proposed within the expected service area.

- (c) Transportation Analysis: A quantitative analysis, prepared by a qualified transportation specialist acceptable to the Planning Board, modeling the expected origin and frequency of client and employee trips to the site, the expected modes of transportation used by clients and employees, and the frequency and scale of deliveries to and from the site.
- (d) Context Map: A map depicting all properties and land uses within a one thousand foot (1,000') radius (minimum) of the project site, whether such uses are located in Cambridge or within surrounding communities, including but not limited to all educational uses, daycare, preschool and afterschool programs.
- (e) Site Plan: A plan or plans depicting all proposed development on the property, including the dimensions of the building, the layout of automobile and bicycle parking, the location of pedestrian, bicycle and vehicular points of access and egress, the location and design of all loading, refuse and service facilities, the location, type and direction of all outdoor lighting on the site, and any landscape design.
- (f) Building Elevations and Signage: Architectural drawings of all exterior building facades and all proposed signage, specifying materials and colors to be used. Perspective drawings and illustrations of the site from public ways and abutting properties are recommended but not required.
- (g) Registration Materials: Copies of registration materials issued by the Massachusetts Department of Public Health and any materials submitted to the Massachusetts Department of Public Health for the purpose of seeking registration, to confirm that all information provided to the Planning Board is consistent with the information provided to the Massachusetts Department of Public Health.

11.804 *Special Permit Criteria.* In granting a special permit for a Registered Marijuana Dispensary, in addition to the general criteria for issuance of a special permit as set forth in Section 10.43 of this Ordinance, the Planning Board shall find that the following criteria are met:

- (a) The Registered Marijuana Dispensary is located to serve an area that currently does not have reasonable access to medical marijuana, or if it is proposed to serve an area that is already served by other Registered Marijuana Dispensaries, it has been established by the Massachusetts Department of Public Health that supplemental service is needed.
- (b) The site is located at least five hundred feet distant from a school, daycare center, preschool or afterschool facility or any facility in which children commonly congregate or if not located at such a distance, it is determined by the Planning Board to be sufficiently buffered from such facilities such that its users will not be adversely impacted by the operation of the Registered Marijuana Dispensary.
- (c) The site is designed such that it provides convenient, safe and secure access and egress for clients and employees arriving to and leaving from the site using all modes of transportation, including drivers, pedestrians, bicyclists and public transportation users.
- (d) Traffic generated by client trips, employee trips, and deliveries to and from the

Registered Marijuana Dispensary shall not create a substantial adverse impact on nearby residential uses.

- (e) Loading, refuse and service areas are designed to be secure and shielded from abutting uses.
- (f) The building and site have been designed to be compatible with other buildings in the area and to mitigate any negative aesthetic impacts that might result from required security measures and restrictions on visibility into the building's interior.

Further that the existing Section 20.700 – Medical Marijuana Overlay Districts be deleted.

List Registered Marijuana Dispensary within Section 4.35 of the Table of Use Regulations, allowed only by Planning Board Special Permit within Business A, Business B, Business B-1, Business B-2, Business C, Industry A-1, Industry B-1 and Industry B-2 districts

In City Council February 6, 2017.

Passed to be ordained as amended by a yeas and nays vote:-

Yeas 6; Nays 3; Absent 0.

Attest:- Donna P. Lopez, City Clerk.

A true copy;

ATTEST:-

Donna P. Lopez  
City Clerk