

ORDINANCE NO. 2021-8 - FINAL PUBLICATION

CITY OF CAMBRIDGE

In the Year Two Thousand and Twenty-One

AN ORDINANCE

That the Zoning Ordinance of the City of Cambridge be amended on a petition by the City Council as follows:

Amend Definitions in Article 2.000 related to Cannabis uses to read as follows:

Cannabis Courier Establishment. An establishment licensed as a Marijuana Courier by the Massachusetts Cannabis Control Commission that is authorized to operate pursuant to that license, including to deliver cannabis or marijuana products, accessories and branded goods from a Cannabis Retail Store to consumers, in accordance with applicable state laws and regulations, but not authorized to sell cannabis or marijuana products directly to consumers.

Cannabis Cultivator. An entity licensed by the Massachusetts Cannabis Control Commission as a Marijuana Cultivator to cultivate, process and package cannabis or marijuana, and to transfer cannabis or marijuana to other Cannabis or Marijuana Establishments, but not to consumers. A Craft Marijuana Cooperative is a type of Marijuana Cultivator, pursuant to 935 CMR 500.000.

Cannabis Delivery Operator Establishment. An establishment licensed as a Marijuana Delivery Operator by the Massachusetts Cannabis Control Commission and authorized to purchase at wholesale and warehouse on the site cannabis or marijuana products acquired from a Cannabis Cultivator, Cannabis Product Manufacturer, Cannabis Microbusiness or Craft Marijuana Cooperative, and to sell and deliver cannabis or marijuana products, accessories and branded goods directly to consumers in accordance with applicable state laws and regulations, but not authorized to repackage cannabis or marijuana products or to sell cannabis or marijuana products to consumers on-site.

Cannabis Dispensary, Registered, also known as ***Registered Marijuana Dispensary, RMD*** or ***Medical Marijuana Treatment Center.*** An entity licensed under 935 CMR 501.101 that acquires, cultivates, possesses, processes (including development of related products such as edible cannabis products, tinctures, aerosols, oils or ointments), repackages, transfers, transports, sells, distributes, dispenses, or administers cannabis or marijuana products, related supplies, or educational materials to registered qualifying patients or their personal caregivers for medical use in accordance with applicable state laws and regulations. Unless otherwise specified, RMD refers to the site(s) of dispensing, cultivation, and preparation of cannabis or marijuana for medical use.

Cannabis Establishment. A Marijuana Cultivator, Craft Marijuana Cooperative, Marijuana Product Manufacturer, Marijuana Microbusiness, Marijuana Retailer, Independent Testing Laboratory, Marijuana Research Facility, Marijuana Transporter, Marijuana Courier, Marijuana Delivery Operator, or any other type of marijuana-related business licensed by the Massachusetts Cannabis Control Commission, except a medical marijuana treatment center.

Cannabis Independent Testing Laboratory. A laboratory that is licensed by the Massachusetts Cannabis Control Commission as an Independent Testing Laboratory and is operating in accordance with applicable state laws and regulations.

Cannabis Microbusiness. A co-located Cannabis or Marijuana Establishment that can be either a Tier 1 Marijuana Cultivator or Product Manufacturer or both, pursuant to 935 CMR 500.00, in compliance with the operating procedures for each license and, if in receipt of a Delivery Endorsement issued by the Cannabis Control Commission, may deliver Cannabis or Cannabis Products produced at the licensed location directly to Consumers in compliance with established regulatory requirements for retail sale as it relates to delivery. A Microbusiness that is a Cannabis Marijuana Product Manufacturer may purchase no more than 2,000 pounds of marijuana per year from other Cannabis Marijuana Establishments, pursuant to 935 CMR 500.000.

Cannabis Product Manufacturer. An entity licensed by the Massachusetts Cannabis Control Commission as a Marijuana Product Manufacturer to obtain, manufacture, process and package cannabis or marijuana products and to transfer these products to other Cannabis or Marijuana Establishments, but not to consumers.

Cannabis Production Facility. An establishment authorized to cultivate, manufacture, process, or package cannabis or marijuana products, in accordance with applicable state laws and regulations. A Cannabis Production Facility may be licensed to operate as a Cannabis Microbusiness, Cannabis or Marijuana Cultivator, or Cannabis or Marijuana Product Manufacturer, or registered as a Medical Marijuana Treatment Center (also known as a Registered Marijuana Dispensary or RMD), or both, in accordance with applicable state laws and regulations.

Cannabis Products. Cannabis or marijuana and its products unless otherwise indicated. These include products that have been manufactured and contain cannabis or marijuana or an extract from cannabis or marijuana, including concentrated forms of cannabis or marijuana and products composed of cannabis or marijuana and other ingredients that are intended for use or consumption, including edible products, beverages, topical products, ointments, oils and tinctures.

Cannabis Research Facility. An entity licensed to engage in research projects by the Massachusetts Cannabis Control Commission.

Cannabis Retail Store. An establishment authorized to sell or otherwise transfer cannabis or marijuana products to consumers for use off the premises, but not to cultivate, manufacture, process, or package cannabis or marijuana products, in accordance with applicable state laws and regulations. A Cannabis Retail Store may be licensed to operate as a Cannabis or Marijuana Retailer or registered as a Medical Marijuana Treatment Center (also known as a Registered Marijuana Dispensary or RMD), or both, in accordance with applicable state laws and regulations.

Cannabis Retailer. An entity licensed by the Massachusetts Cannabis Control Commission as a Marijuana Retailer to purchase, repackage, white label and transport cannabis or marijuana products from Cannabis or Marijuana Establishments and to sell or otherwise transfer these products to Cannabis Marijuana Establishments and to consumers. Unless licensed, retailers are prohibited from delivering cannabis or marijuana products to consumers; and from offering cannabis or marijuana products for the purposes of on-site social consumption on the premises of a Cannabis or Marijuana Establishment.

Cannabis Use. A Cannabis Courier Establishment, Cannabis Delivery Operator Establishment, Cannabis Production Facility or Cannabis Retail Store, as defined in this Zoning Ordinance.

Amend Section 4.32 of the Table of Use Regulations by inserting a new row “l.” to read as follows:

		Open Space	Res A 1&2	Res B	Res C, C-1, C-1A, 2, 2A, 2B, 3, 3A, 3B	Off 1, 2A, 2, 3, 3A	Bus A-1, A-2, A-3 ¹	Bus A, A-4	Bus B, B-1, B-2	Bus C, C-1	Ind A-1, A-2	Ind A	Ind B-1, B-2	Ind B	Ind C
4.32	Transportation, Communication & Utility Uses														
	l. Cannabis Courier Establishment	No	No	No	No	Yes ⁵⁸	Yes ⁵⁸	Yes ⁵⁸	Yes ⁵⁸	Yes ⁵⁸	Yes ⁵⁸	Yes ⁵⁸	Yes ⁵⁸	Yes ⁵⁸	Yes ⁵⁸

Amend Section 4.37 of the Table of Use Regulations by inserting a new row “o.” to read as follows:

		Open Space	Res A 1&2	Res B	Res C, C-1, C-1A, 2, 2A, 2B, 3, 3A, 3B	Off 1, 2A, 2, 3, 3A	Bus A-1, A-2, A-3 ¹	Bus A, A-4	Bus B, B-1, B-2	Bus C, C-1	Ind A-1, A-2	Ind A	Ind B-1, B-2	Ind B	Ind C
4.32	Light Industry, Wholesale Business and Storage														
	o. Cannabis Delivery Operator Establishment	No	No	No	No	PB ⁵⁸	PB ⁵⁸	PB ⁵⁸	PB ⁵⁸	PB ⁵⁸	PB ⁵⁸	PB ⁵⁸	PB ⁵⁸	PB ⁵⁸	PB ⁵⁸

Amend Section 6.36, Schedule of Parking & Loading Requirements, by inserting a new row “l.” beneath Section 6.36.2, by inserting a new row “o.” beneath Section 6.36.7, and by inserting a new Footnote “16.” to read as follows:

	Land Use Category	Open Space, Res A-1, A-2, Res B	Res C, C-1, C-1A, Off 1, Bus A (Comm), Bus A-1, A-2, Bus A-3¹⁴, A-4, Ind A-1, Ind B-2, Ind C	Bus. C, C-1, Ind A, Off 2, 2A, Res C-2, C-2A, Res C-2B, Bus A (res)	Ind B-1, Res C-3, C-3A, C-3B, Off 3-A, 3, Bus B, Ind A-2, Ind B, Bus B-1, B-2	Loading Facility Category	Long-Term Bicycle Parking (6.107.2)	Short-Term Bicycle Parking (6.107.3)
6.36.2	Transportation, Communication & Utility Uses							

l.	Cannabis Courier Establishment	n/a	1 per 1200 sq. ft. ¹⁶	1 per 1600 sq. ft. ¹⁶	1 per 2000 sq. ft. ¹⁶	A	N5	N5
6.36.7	Light Industry, Wholesale, Business and Storage							
o.	Cannabis Delivery Operator Establishment	n/a	1 per 1200 sq. ft. ¹⁶	1 per 1600 sq. ft. ¹⁶	1 per 2000 sq. ft. ¹⁶	A	N5	N5

16. Off-street parking for delivery and/or fleet vehicles shall be provided in accordance with Section 11.800 and may not be reduced or waived by the provisions of this Article 6.000.

Amend Section 11.800 et seq., “Cannabis Uses,” to read as follows:

11.800 - CANNABIS USES

11.801 Statement of Purpose. The purpose of this section is to provide for the limited establishment of Registered Marijuana Dispensaries for the medical use of cannabis products and Cannabis Establishments for the non-medical use of cannabis products, as they are authorized pursuant to applicable state laws and regulations.

11.802 General Requirements

11.802.1 Allowed Cannabis Uses.

- (a) Cannabis Retail Stores, Cannabis Delivery Operator Establishments, and Cannabis Production Facilities shall be allowed only after the granting of a special permit by the Planning Board as set forth in the Table of Use Regulations (Section 4.30 of this Zoning Ordinance), subject to the requirements set forth in this Section 11.800, et seq.
- (b) Cannabis Retail Stores, Cannabis Delivery Operator Establishments, or Cannabis Production Facilities, as defined in Article 2.000 of this Zoning Ordinance, may be established to provide cannabis products for medical or non-medical use, or both, in accordance with applicable state laws and regulations.
- (c) A Cannabis Retail Store, Cannabis Delivery Operator Establishment, or Cannabis Production Facility that has previously received a special permit from the Planning Board only to authorize another type of Cannabis Establishment (including, but not limited to, a Registered Marijuana Dispensary) shall be required to amend its previously issued special permit to authorize the conversion to or co-location of a new type of Cannabis Establishment for the non-medical use of cannabis or marijuana.
- (d) Cannabis Courier Establishments shall be permitted as set forth in the Table of Use Regulations (Section 4.30 of this Zoning Ordinance) without a special permit, provided that they conform to all other applicable requirements of this Section 11.800 and all other applicable state and local laws, regulations, and ordinances.
- (e) A Cannabis Establishment that is licensed as a Cannabis Independent Testing Laboratory or Cannabis Research Facility pursuant to applicable state laws and regulations, but is not authorized to sell or otherwise transfer Cannabis Products to consumers or to cultivate, manufacture, or otherwise produce Cannabis Products that are intended to be sold or otherwise transferred to consumers, shall be regulated within the Table of Use Regulations in Section 4.30 of this Zoning Ordinance as a Technical Office (Section 4.34, Item “f”) or if such establishment is noncommercial, a Noncommercial Research Facility (Section 4.33, Item “c”). Such

establishment shall comply with all state and local laws and regulations, including regulations promulgated by the Cambridge Public Health Department, where applicable.

11.802.2 Licenses and Registration. A special permit issued pursuant to this Section shall be conditioned on the Permittee maintaining all required state and local licenses and/or registrations and complying with all applicable state and local public health regulations and all other applicable laws, rules and regulations at all times. No Building Permit or Certificate of Occupancy shall be issued for a Cannabis Use that is not properly licensed and/or registered with the applicable state and local agencies.

11.802.3 Limitation of Approval. A special permit, Building Permit, or Certificate of Occupancy authorizing the establishment of a Cannabis Use shall be valid only for the licensed or registered entity to which the permit was issued, and only for the site on which the Cannabis Use has been permitted. If the license or registration for a Cannabis Use has not been renewed or has been revoked, transferred to another controlling entity, or relocated to a different site, a new special permit and building permit, where applicable, shall be required prior to issuance of a Certificate of Occupancy.

11.802.4 Building. A Cannabis Establishment shall be located only in a permanent building and not within any mobile facility. All sales, cultivation, manufacturing, and other related activities shall be conducted within the building, except in cases where home deliveries are authorized in accordance with 935 CMR 500.000 and other applicable state and local regulations.

11.803 Location Standards.

11.803.1 Cannabis Retail Stores.

(a) Cannabis Retail Stores shall be allowed only by Planning Board Special Permit and only in those districts set forth in the Table of Use Regulations (Section 4.30 of this Zoning Ordinance) and special districts and overlay districts whose use regulations are based on those districts, subject to any limitations set forth in the regulations of those districts. In the Business A-1 district, only applicants that have been designated as Economic Empowerment Applicants or certified as eligible to participate in the Social Equity Program by the Massachusetts Cannabis Control Commission may be permitted and it shall be made a condition of the special permit that such designation or eligibility shall be maintained.

(b) A Cannabis Retail Store shall not be permitted within one thousand and eight hundred (1,800) feet of another Cannabis Retail Store, except if the applicant has been designated as an Economic Empowerment Applicant or certified as eligible to participate in the Social Equity Program by the Massachusetts Cannabis Control Commission and it is made a condition of the special permit that such designation or eligibility shall be maintained.

(c) All products offered to consumers shall be pre-packaged off-site, and no packaging or repackaging of cannabis or marijuana products shall take place on the premises of a Cannabis Retail Store unless it also meets the requirements for a Cannabis Production Facility.

11.803.2 Cannabis Delivery Operator Establishments shall be allowed only by Planning Board Special Permit and only in those districts set forth in the Table of Use Regulations (Section 4.30 of this Zoning Ordinance) and special districts and overlay districts whose use regulations are based on those districts, subject to any limitations set forth in the regulations of those districts and provided that the establishment is not greater than 10,000 square feet in Gross Floor Area and that no packaging or repackaging of cannabis or marijuana products shall take place on the premises.

11.803.3 Cannabis Production Facilities shall be allowed only by Planning Board Special Permit in those districts set forth in the Table of Use Regulations (Section 4.30 of this Zoning Ordinance) and special districts and overlay districts whose use regulations are based on those districts, subject to any limitations set forth in the regulations of those districts and provided that the establishment is not greater than 10,000 square feet in Gross Floor Area.

11.803.4 Buffer Zones.

- (a) A Cannabis Retail Store or Cannabis Production Facility shall not be permitted within 300 feet of a pre-existing public or private school providing education in kindergarten or any of grades one through 12, except where the Planning Board, in issuing a special permit, approves a reduced distance upon finding that the location will cause no substantial adverse impact due to site-specific factors or other mitigating efforts agreed to in writing by the permittee and made conditions of the special permit.
- (b) A Cannabis Retail Store or Cannabis Production Facility shall not be permitted within 300 feet of a pre-existing public children's playground, public youth athletic field, or public youth recreation facility, except where the Planning Board, in issuing a special permit, approves a reduced distance upon finding that the location will cause no substantial adverse impact due to site-specific factors or other mitigating efforts agreed to in writing by the permittee and made conditions of the special permit.

11.804 Parking and Transportation.

- (a) Off-street parking for employees and customers shall be regulated by Article 6.000 of this Zoning Ordinance. Provisions set forth in Article 6.000 that allow for a reduction or waiver of required off-street parking shall apply except that required off-street parking for delivery vehicles may not be waived, as set forth below.
- (b) Any Cannabis Courier Establishment, Cannabis Delivery Operator Establishment, or other Cannabis Establishment shall park and store all delivery vehicles off-street. Such requirement may not be reduced or waived. Delivery vehicles shall not be parked on-street except for authorized active loading/unloading activities. Delivery vehicles may be parked in facilities that are accessory to the Cannabis Use or in authorized principal use parking facilities.
- (c) All parking spaces to be used by customers, employees, visitors, or delivery vehicles shall be registered with the Cambridge Traffic, Parking and Transportation Department (TPTD), including a parking layout plan, in accordance with Chapter 10.18 of the City of Cambridge Code of Ordinances, and shall comply with all other applicable state or local laws, regulations, and ordinances.
- (d) All Cannabis Retail Stores, Cannabis Courier Establishments, Cannabis Delivery Operator Establishments, and Cannabis Production Facilities shall submit an Operations and Logistics Plan to the Cambridge TPTD and Cambridge Police Department before applying for a special permit, building permit, or certificate of occupancy, whichever occurs sooner. Such plan shall include the following information using narratives and graphics:
 - (1) hours of operation and anticipated numbers of employees and consumers on-site during operating hours;
 - (2) expected frequency of loading/unloading trips by delivery and service vehicles;
 - (3) access and egress routes for customers and employees;
 - (4) locations of parking and bicycle parking areas for customers and employees;
 - (5) number of delivery vehicles, where applicable, and locations where they will be stored on-site;
 - (6) locations where loading/unloading and service activities will take place and a description of how such activities will be conducted;
 - (7) a description of transportation options for customers and employees, including public transportation services, on-site and off-site parking facilities, transportation demand management measures to encourage and support sustainable forms of travel for employees and customers, and short-term and long-term bicycle facilities;
 - (8) specific measures that will be employed by the Cannabis Use to prevent adverse impacts on the public way including but not limited to sidewalk crowding, blocking of vehicular or bicycle travel lanes, potential safety hazards, and other issues identified by City departments; and

(9) a specific plan for the initial opening period that includes measures to identify and respond to unexpected impacts.

(e) The Cambridge TPTD and Cambridge Police Department shall approve a final Operations and Logistics Plan prior to issuance of a certificate of occupancy for a Cannabis Use, and may require operational practices to prevent or correct adverse impacts of the operation of the Cannabis Use on the public way, including but not limited to crowding on the public sidewalk, blocking of travel lanes by vehicles, or hazardous conditions. Such practices may include, but are not limited to, restrictions on the use of the public way, required pre-purchase and/or appointment-only customer service for a period of time, restrictions on the location and/or timing of loading/unloading activities, or similar measures. When granting a special permit, where applicable, the Planning Board may also include conditions pertaining to the Operations and Logistics Plan.

11.805 Application Requirements. An application to the Planning Board shall contain, 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 Cannabis Products, on-site sales, off-site deliveries, distribution of educational materials, and other programs or activities.

(b) Context Map: A map identifying, at a minimum, the location of the proposed establishment, the locations of all other Cannabis Uses in the vicinity, the locations of all public or private schools providing education in kindergarten or any of grades one through 12, and the locations of all children's playgrounds, youth athletic fields, or other youth recreation facilities, with measured distances provided to demonstrate whether the location complies with the standards of Section 11.803 above.

(c) Site Plan: A plan or plans depicting all existing and proposed development on the property, including the dimensions of the building, the detailed 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.

(d) 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.

(e) Initial Operations and Logistics Plan: Containing the information set forth in Paragraph (d) of Section 11.804 above.

(f) License or Registration Materials: Copies of all materials submitted to applicable state and local agencies for the purpose of licensing and/or registration, and any certification or license issued by any such agency, excluding any information required by law to be kept confidential.

11.806 Special Permit Criteria. In granting a special permit for a Cannabis Use, in addition to the general criteria for issuance of a special permit as set forth in Section 10.43 of this Zoning Ordinance, the Planning Board shall find that the following criteria are met:

(a) The site is designed such that it provides convenient, safe and secure access and egress for customers and employees arriving to and leaving from the site using all modes of transportation, including drivers, pedestrians, bicyclists and public transportation users.

(b) On-site loading, refuse and service areas are designed to be secure and shielded from abutting uses.

(c) 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 and/or from restrictions on direct access by consumers.

- (d) In retail areas, the location and design of the Cannabis Use will not detract from the sense of activity with opaque, unwelcoming façades at the ground floor. Cannabis Uses that are delivery-only and not permitted to operate a retail storefront should occupy minimal ground-story frontage along major retail streets and are encouraged to collocate with active uses to preserve a vibrant streetscape. Where interior activities must be screened from public view or where there is no access by customers, such areas should be screened by transparent, publicly accessible active business uses where possible. Opaque façades should be minimized, and where they are necessary they should include changing public art displays or other measures to provide visual interest to the public.
- (e) If the proposed Cannabis Retail Store or Cannabis Production Facility is not proposed to include a Medical Marijuana Treatment Center, it will nevertheless provide programs to assist qualifying patients within the city or neighborhood who are registered through the Massachusetts Medical Use of Marijuana Program in obtaining services under that program.

Delete Section 11.806, which currently reads as follows:

11.806 Effective Date. The provisions of this Section 11.800-11.805, as most recently amended on December 17, 2018, shall take effect on April 20, 2019, or upon passage of a "Cannabis Business Permitting Ordinance," whichever comes first.

In City Council June 28, 2021.

Passed to be ordained as amended by a ye and nay vote:

Yeas 8; Nays 0; Present 1; Absent 0.

Attest:- Anthony I. Wilson, City Clerk

A true copy;

ATTEST:-  Anthony I. Wilson, City Clerk