

ORDINANCE NO. 1404

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CITY OF CAMBRIDGE

In the Year Two Thousand and Eighteen

AN ORDINANCE

In amendment to the Ordinance entitled "Zoning Ordinances of the City of Cambridge."

That the following definitions be added to Article 2.000 of the Zoning Ordinance:

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 Establishment. A Marijuana Cultivator, Craft Marijuana Cooperative, Marijuana Product Manufacturer, Marijuana Retailer, Independent Testing Laboratory, Marijuana Research Facility, Marijuana Transporter, 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 and is:

- (a) accredited to the International Organization for Standardization 17025 (ISO/IEC 17025: 2017) by a third-party accrediting body that is a signatory to the International Laboratory Accreditation Accrediting Cooperation mutual recognition arrangement or that is otherwise approved by the Commission;
- (b) independent financially from any Medical Marijuana Treatment Center (RMD), Cannabis or Marijuana Establishment or licensee for which it conducts a test; and
- (c) qualified to test cannabis or marijuana in compliance with 935 CMR 500.160 and M.G.L. c. 94C, § 34.

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. 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 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 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 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 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 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. 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 Production Facility or Cannabis Retail Store, as defined in this Zoning Ordinance.

That the definition of “Registered Marijuana Dispensary” in Article 2.000 of the Zoning Ordinance be amended to read as follows:

Cannabis Dispensary, Registered, also known as Registered Marijuana Dispensary, RMD or Medical Marijuana Treatment Center. A not-for-profit entity registered under 105 CMR 725.100: Registration of Registered Marijuana Dispensaries that acquires, cultivates, possesses, processes (including development of related products such as edible cannabis products, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers cannabis 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.

That row “s.” in Section 4.35 of the Zoning Ordinance, Table of Use Regulations, be amended to read as follows:

s. Cannabis Retail Store No No No No No PB⁵⁸ PB⁵⁸ PB⁵⁸ PB⁵⁸ PB⁵⁸ No PB⁵⁸ PB⁵⁸ No

That Section 4.37 of the Zoning Ordinance, Table of Use Regulations, be amended by adding a row “n.” to read as follows:

n. Cannabis Production Facility No No No No No No No No No No No No PB⁵⁸ No No

That footnote 58 be added to Section 4.40 of the Zoning Ordinance, Footnotes to the Table of Use Regulations, to read as follows:

58. Subject to the provisions of Section 11.800, Cannabis Uses.

That Section 6.36.5 of the Zoning Ordinance, Schedule of Parking and Loading Requirements, be amended by adding a row “s.” to read as follows:

s.	Cannabis Retail Store	n/a	1 per 1000 sq. ft. 1 per 500 sq. ft.	1 per 1400 sq. ft. 1 per 700 sq. ft.	1 per 1800 sq. ft. 1 per 1200 sq. ft.	B	N4	N2
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That Section 6.36.7 of the Zoning Ordinance, Schedule of Parking and Loading Requirements, be amended by adding a row “n.” to read as follows:

n.	Cannabis Production Facility	n/a	1 per 1200 sq. ft.	1 per 1600 sq. ft.	1 per 2000 sq. ft.	A	N5	N5
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That Section 11.800 of the Zoning Ordinance be amended 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 and Cannabis Production Facilities shall be allowed only after the granting of a special permit by the Planning Board, subject to the requirements set forth in this Section 11.800, *et seq.*

(b) Either Cannabis Retail Stores 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 or Cannabis Production Facility that has previously received a special permit from the Planning Board only to authorize a Registered Marijuana Dispensary shall be required to amend its previously issued special permit to authorize the conversion to or co-location of a Cannabis Establishment for the non-medical use of cannabis or marijuana.

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 authorizing the establishment of a Cannabis Retail Store or Cannabis Production Facility shall be valid only for the licensed or registered entity to which the special permit was issued, and only for the site on which the Cannabis Retail Store or Cannabis Production Facility has been authorized by special permit. 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 shall be required prior to issuance of a Certificate of Occupancy.

11.802.4 Building. A Cannabis Retail Store or Cannabis Production Facility 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 to serve qualified medical marijuana patients pursuant to applicable state and local regulations.

11.802.5 Cannabis Research and Testing Facilities. 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.

11.803 Location Standards.

11.803.1 Cannabis Retail Stores.

(a) Cannabis Retail Stores shall be allowed only by Planning Board Special Permit within the following districts: Business A (BA), Business A-1 (BA-1), Business A-2 (BA-2), Business A-3 (BA-3), Business B (BB), Business B-1 (BB-1), Business B-2 (BB-2), Business C (BC), Industry A-1 (IA-1), Industry B (IB), Industry B-1 (IB-1), and Industry B-2 (IB-2) districts, and special districts and overlay districts whose use regulations are based on those of any of the aforementioned 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 is also meets the requirements for a Cannabis Production Facility.

11.803.2 Cannabis Production Facilities shall be allowed only by Planning Board Special Permit in the Industry B-2 (IB-2) district, provided that the establishment is not greater than 10,000 square feet in Gross Floor Area.

11.803.3 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 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) Logistics Plan: A plan identifying the on-site or off-site locations where deliveries and loading functions will take place and a narrative describing how deliveries to the site, loading, and other service functions will be conducted, as well as a plan and narrative identifying the transportation options for customers and employees, including public transportation services, on-site and off-site parking facilities, and bicycle facilities.

(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.

(g) Host Community Agreement: A narrative describing progress that has been made at the time of application toward establishing a host community agreement with the City of Cambridge.

11.805 Special Permit Criteria. In granting a special permit for a Cannabis Retail Store or Cannabis Production Facility, 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.

(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. Where interior activities must be screened from public view, 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.

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.

Passed to be ordained as amended by a yea and nay vote:
Yeas 7; Nays 1; Absent 1.
Attest:- Donna P. Lopez, City Clerk.

A true copy:

ATTEST:-

Donna P. Lopez
City Clerk