



CITY OF CAMBRIDGE
COMMUNITY DEVELOPMENT DEPARTMENT

BRIAN MURPHY
Assistant City Manager for
Community Development

To: Richard Rossi, City Manager
From: Brian Murphy, Assistant City Manager for Community Development
Date: December 11, 2013
Re: **Medical Marijuana Zoning Petition**

Community Development Department staff have prepared the attached possible revisions to the Medical Marijuana Zoning Petition text, for the City Council's consideration.

These possible revisions respond to issues and questions raised at the Planning Board and Ordinance Committee hearings on the subject.

1. Clarify that the proposed use regulations supersede any other use regulations

4.35 Retail Business and Consumer Service Establishments

[...]

	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	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
s. Registered Marijuana Dispensary ⁵⁸	No	No	No	No	PB⁵⁸	No	PB⁵⁸	No	No	No	PB⁵⁸	PB⁵⁸	No	No

[...]

58. **Notwithstanding anything to the contrary set forth elsewhere in this Zoning Ordinance, a Registered Marijuana Dispensary shall be permitted by special permit from the Planning Board only within the Medical Marijuana Overlay Districts pursuant to the requirements of Section 20.700.**

This added text simply states more strongly that RMDs are limited to the approved overlay zoning districts. Some special zoning districts (such as PUDs and overlays) have special use regulations that may allow a more flexible range of uses, but it is not the intent of this zoning to permit an RMD in those districts.

2. Clarify that the special permit is invalidated if the registration of an RMD is not renewed

20.703.3 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 If the registration for a Registered Marijuana Dispensary has been revoked, **failed to be renewed**, transferred to another controlling entity, or relocated to a different site within the Medical Marijuana Overlay Districts, a new special permit shall be required prior to issuance of a Certificate of Occupancy.

As discussed with the Ordinance Committee, an RMD requires annual renewal of its registration with the state. This text assures that the zoning will not allow an RMD to continue indefinitely if for any reason state or local authorities elect not to renew a registration.

3. *Delete specific loading requirements*

20.703.6 *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. ~~At least one loading bay shall be provided and may not be shared with any other use; however, the Planning Board may require a greater number of loading bays if it finds, based on the transportation analysis, that one loading bay shall not be sufficient.~~ Except as set forth above, all parking, bicycle parking and loading facilities shall conform to the requirements set forth in Article 6.000.

The Planning Board recommended that rather than apply a specific loading requirement, the Board should have discretion to review and approve loading arrangements, which will be largely based on operational and security plans that will be reviewed and monitored by other state and local authorities.

4. *Clarify how proximity rules apply if child-oriented uses are established in the future*

20.705 *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:

[...]

- (b) **At the time of the special permit application, t**~~he~~ 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. **The establishment of a school, daycare center, preschool or afterschool facility or any facility in which children commonly congregate after an application has been made shall not in itself affect the validity of any special permit decision; however, in accordance with Subsection 20.703.3 above, the special permit shall no longer be valid if the RMD fails to retain its state or local registration as a result.**

Whenever issuing a special permit that relies on contextual site review, the Planning Board makes a judgment based on the conditions present at the time of approval. If the surrounding neighborhood changes, the special permit does not become invalidated.

This text clarifies the same principle when the Planning Board evaluates the proximity of an RMD to a child-oriented facility. However, if an RMD needs to be re-registered, requiring a new special permit application, the criteria would be applied according to the current conditions.