

DRAFT TEXT AMENDMENT NO. _____
THE COMMONWEALTH OF MASSACHUSETTS
CITY OF BOSTON
IN ZONING COMMISSION

The Zoning Commission of the City of Boston, acting under Chapter 665 of the Acts of 1956, as amended, after due report, notice and hearing, does hereby amend the text of the Boston Zoning Code as follows:

1. In Article 2, DEFINITIONS, and in Article 8, REGULATION OF USES,
 - a. In Section 2-1a. Definitions, amend existing definition of **Cannabis Establishment**:

Cannabis Establishment. An entity, licensed and registered with the Commonwealth of Massachusetts subject to 935 CMR 500, 105 CMR 725.100, or any successor regulation that acquires, cultivates, possesses, processes (including development of related products as edible marijuana infused products (MIP), tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers cannabis, and products containing cannabis to be consumed off-site. ~~including, Cannabis Establishment includes, but is not limited to,~~ an adult use cannabis establishment, a medical use cannabis establishment, a marijuana retailer, a marijuana product manufacturer or a marijuana cultivator. ~~Cannabis Establishments shall include any Marijuana Establishment or Medical Marijuana Treatment Center licensed pursuant to 935 C.M.R. 500, 105 C.M.R. 725.100, or any successor regulation.~~ Such Cannabis Establishment is subject to the Cannabis Establishment Buffer Zone, as defined herein.

Commented [1]: This language has been edited to streamline the text and make it easier to read. There is no substantive change with these edits.

- b. In Section 8-3 Table A Definitions, amend existing definition of **Non-Retail Cannabis Establishment**:

Non-Retail Cannabis Establishment. An entity, licensed and registered with the Commonwealth of Massachusetts subject to 935 CMR 500, 105 CMR 725.100, or any successor regulation that acquires, cultivates, possesses, processes (including development of related products such as edibles, MIPs, tinctures, aerosols, oils, or ointments), transfers, transports, or distributes cannabis and products containing cannabis neither to be sold on the lot nor consumed on-site. Non-Retail Cannabis Establishment includes, but is not limited to, a marijuana product manufacturer or a marijuana cultivator. Such Non-Retail Cannabis Establishment is subject to the Cannabis Establishment Buffer Zone, as defined in Article 2.

Commented [2]: This ensures that the 500' buffer from schools, currently in effect, is included as a fundamental part of the definition of a Cannabis Establishment.

Commented [3]: This ensures that the 500' buffer from schools, currently in effect, is included as a fundamental part of the definition of a Non-Retail Cannabis Establishment.

- c. In Section 8-3 Table A Definitions, amend existing definition of **Retail Cannabis Establishment**:

Retail Cannabis Establishment. An entity, licensed and registered with the Commonwealth of Massachusetts subject to 935 CMR 500, 105 CMR 725.100, or any successor regulation that acquires, dispenses, possesses, or administers cannabis and products containing cannabis to be sold on the lot and consumed off-site, including a medical use cannabis establishment. Such Retail Cannabis Establishment is subject to the Cannabis Establishment Buffer Zone, as defined in Article 2.

Commented [4]: This ensures that the 500' buffer from schools, currently in effect, is included as a fundamental part of the definition of a Retail Cannabis Establishment.

- d. In Section 2-1a, Definitions, in the appropriate alphabetical placement, insert following new definition:

Cannabis Establishment Buffer Zone. A buffer zone requiring that the placement of entrances for any cannabis establishment be no closer than 500 feet from any entrance to a preexisting School. Cannabis Establishment Buffer Zone shall be measured in a straight line from the geometric center of the entrance of the cannabis establishment to the geometric center of such entrance to a preexisting School, unless there is a highway, public or private way or path, inaccessible structure, body of water, or other obstruction that renders any part of the 500-foot straight-line distance inaccessible by a pedestrian or automobile. If such obstruction exists, Cannabis Establishment Buffer Zone shall be measured along the center of the shortest publicly-accessible pedestrian travel path from the geometric center of the entrance to the cannabis establishment to the geometric center of such entrance to a preexisting School.

Commented [5]: This text provides further clarification, based on statewide regulation on how to measure the 500' buffer zone from schools.

2. In the following articles:

Article 38 (Midtown Cultural District)
Article 39 (North Station Economic Development Area)
Article 40 (South Station Economic Development Area)
Article 41 (Huntington Avenue/Prudential Center District)
Article 44 (Leather District)
Article 45 (Government Center/Markets District)
Article 46 (Bulfinch Triangle District)
Article 47A (Cambridge Street-North District)

In the sections on Use Regulations, under Conditional Use, amend the following:

Cannabis Establishment. Provided that any cannabis establishment shall be sited at least one half mile or 2,640 feet from another existing cannabis establishment

~~and at least 500 feet from a pre-existing public or private school providing education in kindergarten or any of grades 1 through 12. Distances shall be determined from the nearest lot line of the proposed establishment to the nearest lot line of an existing establishment or school. Use approval shall be applicable to the applicant only.~~

Commented [6]: With the school buffer zone now included in the definition of a Cannabis Establishment, it is not needed here. Additionally, the requirement of a half-mile buffer between cannabis establishments is removed. Cannabis remains a conditional use, which will be considered case-by-case by both the Zoning Board of Appeal and the Boston Cannabis Board.

3. In the following article:

Article 43 (Chinatown District)

- a. In Appendix D, ~~delete Cannabis Establishment~~ from Table E (Subdistricts/Areas Uses Regulated by Floor).
- b. At the end of the “Footnotes” section of Appendix D, ~~delete~~ the following text:

~~* Cannabis Establishment provided that any cannabis establishment shall be sited at least one half mile or 2,640 feet from another existing cannabis establishment and at least 500 feet from a pre-existing public or private school providing education in kindergarten or any of grades 1 through 12. Distances shall be determined from the nearest lot line of the proposed establishment to the nearest lot line of an existing establishment or school. Use approval shall be applicable to the applicant only.~~

Commented [7]: With the school buffer zone now included in the definition of a Cannabis Establishment, it is not needed here. Additionally, the requirement of a half-mile buffer between cannabis establishments is removed. Cannabis remains a conditional use, which will be considered case-by-case by both the Zoning Board of Appeal and the Boston Cannabis Board.

4. In the following articles:

Article 50 (Roxbury Neighborhood District)
Article 51 (Allston-Brighton Neighborhood District)
Article 53 (East Boston Neighborhood District)
Article 54 (North End Neighborhood District)
Article 55 (Jamaica Plain Neighborhood District)
Article 56 (West Roxbury Neighborhood District)
Article 58 (City Square Neighborhood District)
Article 59 (Mission Hill Neighborhood District)
Article 60 (Greater Mattapan Neighborhood District)
Article 61 (Audubon Circle Neighborhood District)
Article 62 (Charlestown Neighborhood District)
Article 64 (South End Neighborhood District)
Article 65 (Dorchester Neighborhood District)
Article 66 (Fenway Neighborhood District)
Article 67 (Roslindale Neighborhood District)
Article 68 (South Boston Neighborhood District)
Article 69 (Hyde Park Neighborhood District)
Article 70 (Beth Israel Deaconess Medical Center Institutional District East)
Article 71 (Massachusetts College of Pharmacy Institutional District)

- Article 72** (New England Deaconess Hospital Institutional District)
- Article 73** (Dana-Farber Cancer Institute Institutional District)
- Article 90** (New Market Industrial-Commercial Neighborhood District)

At the end of the “Footnotes” section of each use table, delete the following text:

~~* Cannabis Establishment provided that any cannabis establishment shall be sited at least one half mile or 2,640 feet from another existing cannabis establishment and at least 500 feet from a pre-existing public or private school providing education in kindergarten or any of grades 1 through 12. Distances shall be determined from the nearest lot line of the proposed establishment to the nearest lot line of an existing establishment or school. Use approval shall be applicable to the applicant only.~~

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Commented [8]: With the school buffer zone now included in the definition of a Cannabis Establishment, it is not needed here. Additionally, the requirement of a half-mile buffer between cannabis establishments is removed. Cannabis remains a conditional use, which will be considered case-by-case by both the Zoning Board of Appeal and the Boston Cannabis Board.

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