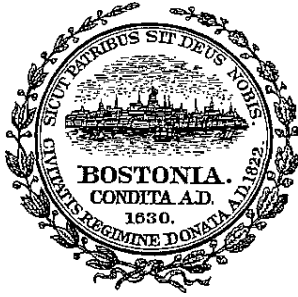


OFFERED BY COUNCILOR LYDIA EDWARDS, Flaherty, Campbell, Bok, Arroyo, Baker,  
Essaibi-George, Flynn, Mejia, Wu, Breadon and O'Malley



## CITY OF BOSTON IN CITY COUNCIL

### AN ORDER REGARDING A TEXT AMENDMENT TO THE BOSTON ZONING CODE WITH RESPECT TO MARIJUANA ESTABLISHMENTS

**WHEREAS,** In 2019 the City of Boston passed An Ordinance Establishing Equitable Regulation of the Cannabis Industry in the City of Boston; *and*

**WHEREAS,** That Ordinance created the Boston Cannabis Board with the intention that the Board would have regulatory and siting authority over the marijuana industry in Boston; *and*

**WHEREAS,** Current codes and regulations require applicants seeking to open a marijuana establishment in Boston to appear before both the Boston Cannabis Board and the Zoning Board of Appeals; *and*

**WHEREAS,** Appearing before the Zoning Board of Appeals after receiving approval from the Boston Cannabis Board can take months, which is an undue burden on the applicants; *and*

**WHEREAS,** The Zoning Board of Appeals has already denied multiple applicants that have previously been approved by the Boston Cannabis Board, potentially exposing the City to legal action; **NOW, THEREFORE BE IT**

**ORDERED:** That the Boston City Council, by and through Councilor Lydia Edwards, submits a petition to amend the text of the Boston Zoning Code.

Filed on: May 12, 2021  
Text Amendment Application No. \_\_\_\_  
Boston City Council

TO THE ZONING COMMISSION OF THE CITY OF BOSTON:

Boston City Council through and by Boston City Councilor Lydia Edwards petition to amend the text of the Boston Zoning Code as follows:

1. In ARTICLE 8, REGULATION OF USES **Section 8-7, Table A, Use Regulations**, delete existing Use Item 39B “Cannabis Establishment” and insert the following Use Item:

	<u>S</u>	<u>R</u>	<u>H</u>	<u>L</u>	<u>B</u>	<u>M</u>	<u>I</u>	<u>W</u>	<u>MER</u>
39B Cannabis Establishment	F*	F*	F*	A*	A*	A*	A*	A*	A*

\*Cannabis Establishment- provided that any cannabis establishment shall be sited 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 according to regulations provided by the Cannabis Control Commission.

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 43** (Chinatown District)
- Article 44** (Leather District)
- Article 45** (Government Center/Markets District)
- Article 46** (Bulfinch Triangle District)
- Article 47A** (Cambridge Street-North District)
- Article 50** (Roxbury Neighborhood District)
- Article 51** (Allston-Brighton Neighborhood District)
- Article 52** (Dorchester Avenue 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 57** (Saint Vincent 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 63** (Bay Village 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 Hospital Institutional District)
- 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)

a. In **Articles 38-41** and **44-47A**, in the sections on Use Regulations, subsection on Conditional Uses:

i. Delete the following text:

\*Cannabis Establishment-provided that any retail cannabis establishment with an executed Host Community Agreement that sells, distributes or dispenses cannabis or related products shall be sited at least one half mile or 2,640 feet from another planned or existing retail cannabis establishment with an executed Host Community Agreement and that any cannabis establishment shall be sited 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.

ii. Insert the following text:

\*Cannabis Establishment-provided that any retail cannabis establishment with an executed Host Community Agreement that sells, distributes or dispenses cannabis or related products shall be sited 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 according to regulations provided by the Cannabis Control Commission.

b. In **Articles 38-41, 43-47A, 50-73 and 90**, at the end of the “Footnotes” section of each use table or the relevant appendices, and in the appropriate Appendices of **Article 43**:

i. Delete the text:

\*Cannabis Establishment-provided that any retail cannabis establishment with an executed Host Community Agreement that sells, distributes or dispenses cannabis

or related products shall be sited at least one half mile or 2,640 feet from another planned or existing retail cannabis establishment with an executed Host Community Agreement and that any cannabis establishment shall be sited 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.

- ii. Insert, in appropriate numerical order with the appropriate footnote number, the following text:

\*Cannabis Establishment-provided that any retail cannabis establishment with an executed Host Community Agreement that sells, distributes or dispenses cannabis or related products shall be sited 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 according to regulations provided by the Cannabis Control Commission.

- c. In each table of uses, under the subcategory heading “Retail Uses,” or in the case of Article 43, the relevant Appendices, strike the use regulations for “Cannabis Establishment” and replace with the following:

“Cannabis Establishment”  
as a Forbidden Use in all Residential Districts and as an Allowed Use in all other  
Districts

Petitioner: Boston City Council

By: Councilor Lydia Edwards

Address: 1 City Hall Square, Suite 550, Boston, MA 02201

Telephone: 617-635-3200

Date: