

COMMONWEALTH OF MASSACHUSETTS

CITY OF LOWELL

In City Council

ORDINANCE

An Ordinance Amending "Code of the City of Lowell, Massachusetts", with respect to Chapter 290, Thereof Entitled, "Zoning" by Amending Various Sections.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOWELL, as follows

"The Code of Ordinances City of Lowell, Massachusetts", hereinafter called the "Code," adopted by the City Council on December 23, 2008, as amended, is hereby further amended with respect to Chapter 290 thereof entitled, "Lowell Zoning Ordinance," adopted December 7, 2004, as amended, as follows:

- A. By amending Various Sections, as more particularly described on Exhibit "A", annexed hereto and made a part hereof.

This Ordinance shall take effect upon its passage in accordance with Section 1.7 of the "Lowell Zoning Ordinance" and the provisions of Chapter 43 and 40A of the General Laws of Massachusetts.

APPROVED AS TO FORM:



Helene A. A. Tomlinson
City Solicitor

EXHIBIT “A”

PROPOSED REVISIONS TO MARIJUANA ORDINANCE

11/29/2022

1. Amend ARTICLE II DEFINITIONS as follows:

REGISTERED MARIJUANA USE: A use engaged in the commercial cultivation, assembly, production, processing, packaging, retail or wholesale, trade, distribution, dispensing, **or delivery** of recreational Marijuana that is regulated by the Massachusetts Department of Public Health and the Cannabis Control Commission.

MARIJUANA DELIVERY OPERATOR: An entity licensed to purchase at wholesale and warehouse finished Marijuana Products acquired from a Marijuana Cultivation Facility and sell and deliver finished Marijuana Products and Marijuana Accessories directly to consumers. A Delivery Operator is not authorized to repackage marijuana or marijuana or open a storefront under this license. The Delivery Operator must be licensed by the Cannabis Control Commission and the Massachusetts of Department of Public Health.

MARIJUANA COURIER: an entity licensed to deliver finished marijuana products, marijuana accessories and branded goods directly to consumers from a marijuana retailer, but is not authorized to sell marijuana or marijuana products directly to consumers and is not authorized to wholesale, warehouse, process, or repackage. A marijuana courier shall not be considered to be a marijuana retailer.

RECREATIONAL/COMMERCIAL MARIJUANA DISPENSARY: The retail sale of recreational/commercial marijuana and marijuana product items to a person twenty-one years of age and older, provided that the marijuana retailer is licensed by the Cannabis Control Commission (MA) and the Massachusetts Department of Public Health for recreational marijuana sales. This definition shall also apply to marijuana store-front retailer ~~and marijuana delivery retailer.~~

2. Amend ARTICLE XII: TABLE OF USES, by inserting a new use as follows:

<u>12.9 INDUSTRIAL USES</u>	SSF	SMF	SMU	RR	TSF	TTF	TMF	TMU	NB	USF	UMF	UMU	DMU	HRC	INST	OP	LI	GI
12.9.q Marijuana Delivery Operator	N	N	N	PB	N	N	N	N	N	N	N	N	N	PB	N	PB	Y	Y
12.9.r Marijuana Courier	N	N	N	PB	N	N	N	N	N	N	N	N	N	PB	N	PB	Y	Y

3. Amend ARTICLE XIII: TABLE OF ACCESSORY USES, by inserting a new use as follows:

<u>ACCESSORY USES</u>	SSF	SMF	SMU	RR	TSF	TTF	TMF	TMU	NB	USF	UMF	UMU	DMU	HRC	INST	OP	LI	GI
r. Marijuana Delivery Operator, as an accessory use to a Marijuana Cultivation Facility	N	N	N	PB	N	N	N	N	N	N	N	N	N	PB	N	PB	Y	Y
s. Marijuana Courier	N	N	N	PB	N	N	N	N	N	N	N	N	N	PB	N	PB	Y	Y

4. Amend 6.1.4 Table of Parking Requirements, by inserting the following new sections into said table:

6.1.4(9)(u) Marijuana Delivery Operator, where permitted, 1 space/1,200 sq. ft.

6.1.4(9)(v) Marijuana Courier, where permitted, 1 space/1,200 sq. ft.



Thomas A. Golden Jr.
City Manager

January 31, 2023

Mayor Sokhary Chau
And
Members of the Lowell City Council

Dear Mayor Chau and Members of the Lowell City Council,

The Department of Planning and Development is pleased to provide draft amendments to the City's existing Marijuana Ordinance. The changes to the ordinance expand our existing ordinance language to include delivery and courier services and identify zones in the city where new businesses are allowed to locate.

The draft zoning amendments were reviewed by the joint Zoning/Cannabis subcommittee at their November 29, 2022 meeting where the subcommittee members voted unanimously in favor of the changes. The proposed changes have also been reviewed and approved by the Law Department.

If you have any questions please contact Senior Planner, Fran Cigliano at (978) 674-1424.

Sincerely,

Thomas A. Golden Jr.

cc: Fran Cigliano, Senior Planner
Yovani Baez-Rose, Assistant City Manager/DPD Director