

**AMENDING THE CODE OF THE CITY OF PITTSFIELD  
CHAPTER 23, ZONING**

**SECTION I**

That the Code of the City of Pittsfield Chapter 23, Zoning, Article 23-2, Definitions, Section 2.2, Glossary, shall be amended by adding, in the appropriate alphabetical order, the following new definitions:

“Marijuana Testing and Research – Any use which involves the handling, storage, transporting, and manipulation of marijuana or marijuana derived products for purposes of testing or research”

“Marijuana Cultivation, Manufacturing and Processing – Any use or facility, indoors or outdoors, which involves the cultivation, processing, handling, storage, transportation (including direct delivery) or manufacturing of marijuana, marijuana derived, or marijuana infused products”

“Medical Marijuana Retail – Any use which involves the sale and/or consumption of marijuana, marijuana derived, marijuana infused, or marijuana related products by a registered marijuana dispensary to a qualified patient or certified caregiver.”

“Outdoor Marijuana Cultivation – Any use or facility which involves the storage, processing, transportation and outdoor cultivation of marijuana, including but not limited to open air, hot house, or cold frame greenhouse production, which is not (a) for personal use or (b) conducted by a licensed caregiver, in amounts not to exceed the state imposed limits for individuals or caregivers.”

“Recreational Marijuana Retail – Any use which involves the sale and/or consumption of marijuana, marijuana derived, marijuana infused, or marijuana related products and services to adults 21 years of age and older”

**SECTION II**

That the Code of the City of Pittsfield Chapter 23, Zoning, Article 23-2, Definitions, Section 2.2, Glossary, shall be amended by removing the definition for “Medical Marijuana Dispensary”.

**SECTION III**

That the Code of the City of Pittsfield Chapter 23, Zoning, Article 23-4, District Regulations, Section 4.202, Table of Principal Permitted Uses, shall be amended by (a) removing the following Principal Permitted Uses:



Outdoor Marijuana Cultivation (<20,000 s.f.)	SR	X	X	X							X	X	X	X	
Outdoor Marijuana Cultivation (>20,000 s.f.)	SP	X	X	X							X	X	X	X	

**SECTION IV**

That the Code of the City of Pittsfield Chapter 23, Zoning, Article 23-7, Conditional Uses, Section 7.8 Conditional Uses Requiring Special Use Permit (Use Group SP) , shall be amended by replacing the existing Section 7.850 with the following:

**SECTION 7.850 RECREATIONAL MARIJUANA RETAIL AND/OR MEDICAL MARIJUANA RETAIL, REQUIREMENTS:**

A. Purpose

The intent of this Section is to address local siting and land use concerns in relation to the legalization of medical and recreational marijuana in the Commonwealth following ballot initiatives in 2012 and 2016. The granting of a Special Permit by the City of Pittsfield does not supersede state or federal laws or pre-empt an applicant from complying with all relevant state and federal laws. This section replaces in its entirety the prior section “7.850 Medical Marijuana Dispensary, Requirements”.

B. Applicability

A Special Permit under this section shall be required for any principal or accessory use, or combination of uses, which also involves a medical and/or a recreational marijuana retail use.

C. Special Permit Granting Authority

For the purposes of this section, the Special Permit Granting Authority is designated to be the Zoning Board of Appeals.

D. Performance Standards

1. No medical and/or recreational marijuana retail use shall be located within 500 feet (measured from edge of building or occupied space to edge of building or occupied space) of any public or private school providing education in kindergarten or any of grades 1 through 12, any public playground, or licensed daycare.
2. The number of medical and/or recreational marijuana retail uses located within the City of Pittsfield shall not exceed thirty-five (35), or the minimum

number allowed under the rules and regulations put forward by the Commonwealth of Massachusetts, whichever is greater. Facilities which provide both medical and recreational retail services in one shared location shall be considered a single unit for purposes of this section.

3. In reviewing a special permit under this section the Board shall consider the impact of the proposal on the following:
  - a. Character of the neighborhood to include visual compatibility with surrounding uses.
  - b. Proximity to other licensed marijuana uses to prevent clustering.
  - c. Relationship to surrounding uses to avoid unnecessary exposure to minors.
  - d. The provision of adequate lighting to promote security for customers and the public.
  - e. Hours of operation.
  - f. Site design and other development related site impacts.

## **SECTION V**

That the Code of the City of Pittsfield Chapter 23, Zoning, Article 23-7, Conditional Uses, Section 7.8 Conditional Uses Requiring Special Use Permit (Use Group SP) , shall be amended by inserting the following proposed Section 7.853:

### **SECTION 7.853 MARIJUANA CULTIVATION, MANUFACTURING, PROCESSING; MARIJUANA TESTING AND RESEARCH – IN A B-G, B-D, or B-C ZONING DISTRICT**

A. Purpose

The intent of this Section is to address local siting and land use concerns in relation to the legalization of medical and recreational marijuana in the Commonwealth following ballot initiatives in 2012 and 2016. The granting of a Special Permit by the City of Pittsfield does not supersede state or federal laws or pre-empt an applicant from complying with all relevant state and federal laws.

B. Applicability

A Special Permit under this section shall be required for any principal or accessory use or combination of uses which also involves the cultivation, manufacturing and processing and/or laboratory testing and research of marijuana and marijuana derived products in a B-G, B-D, or B-C zoning district.

C. Special Permit Granting Authority

For the purposes of this section, the Special Permit Granting Authority is designated to be the Zoning Board of Appeals.

#### D. Performance Standards

1. No marijuana cultivation, manufacturing, processing use or laboratory testing and research use shall be located within 500 feet (measured from edge of building or occupied space to edge of building or occupied space) of any public or private school providing education in kindergarten or any of grades 1 through 12, any public playground, or licensed daycare.
2. In reviewing a special permit under this section the Board shall consider the impact of the proposal on the following:
  - a. Character of the neighborhood to include visual compatibility with surrounding uses.
  - b. Proximity to other licensed marijuana uses to prevent clustering.
  - c. Relationship to surrounding uses to avoid unnecessary exposure to minors.
  - d. The provision of adequate lighting to promote security for customers and the public.
  - e. Hours of operation.
  - f. Site design and other development related site impacts.

### **SECTION VI**

That the Code of the City of Pittsfield Chapter 23, Zoning, Article 23-7, Conditional Uses, Section 7.8 Conditional Uses Requiring Special Use Permit (Use Group SP) , shall be amended by inserting the following Section 7.854:

#### **SECTION 7.854 OUTDOOR MARIJUANA CULTIVATION, REQUIREMENTS:**

##### A. Purpose

The intent of this Section is to address local siting and land use concerns in relation to the legalization of medical and recreational marijuana in the Commonwealth following ballot initiatives in 2012 and 2016. The granting of a Special Permit by the City of Pittsfield does not supersede state or federal laws or pre-empt an applicant from complying with all relevant state and federal laws.

##### B. Applicability

A Special Permit under this section shall be required for any principal or accessory use, or combination of uses, involving the outdoor cultivation of marijuana which exceeds a dedicated marijuana cultivation area of 20,000 square feet.

##### C. Special Permit Granting Authority

For the purposes of this section, the Special Permit Granting Authority is designated to be the Zoning Board of Appeals.

D. Performance Standards

1. No marijuana cultivation, manufacturing, processing use or laboratory testing and research use shall be located within 500 feet (measured from edge of building or occupied space to edge of building or occupied space) of any public or private school providing education in kindergarten or any of grades 1 through 12, any public playground, or licensed daycare.
2. The minimum lot size for this use shall be five (5) acres.
3. No fertilizers, compost, soils, materials, machinery, or equipment shall be stored within the required front, side, and rear yard setbacks.
4. The minimum required front, side, and rear yard setbacks shall be fifty (50) feet. No marijuana shall be planted within a required setback.
5. Marijuana not grown inside a securable structure shall be enclosed within a six (6) foot fence.
6. In reviewing a special permit under this section the Board shall consider the impact of the proposal on the following:
  - a. Character of the neighborhood to include visual compatibility with surrounding uses.
  - b. Proximity to other licensed marijuana uses to prevent clustering.
  - c. Relationship to surrounding uses to avoid unnecessary exposure to minors.
  - d. The provision of adequate lighting to promote security for customers and the public.
  - e. Hours of operation.
  - f. Site design and other development related site impacts.

**SECTION VII**

That the Code of the City of Pittsfield Chapter 23, Zoning, Article 23-7, Conditional Uses, Section 7.7 Conditional Uses Subject to Special Requirements (Use Group SR), shall be amended by inserting the following Section 7.735:

**SECTION 7.735 MARIJUANA CULTIVATION, MANUFACTURING, PROCESSING; MARIJUANA TESTING AND RESEARCH – IN A I-L, I-G, C-W-S, or L-D-I ZONING DISTRICT**

A. Purpose

The intent of this Section is to address local siting and land use concerns in relation to the legalization of medical and recreational marijuana in the Commonwealth following ballot initiatives in 2012 and 2016. The granting of a Site Plan Approval by the City of Pittsfield

does not supersede state or federal laws or pre-empt an applicant from complying with all relevant state and federal laws.

B. Applicability

Site Plan Review under this section shall be required for any principal or accessory use or combination of uses which also involves the cultivation, manufacturing and processing and/or laboratory testing and research of marijuana and marijuana derived products in a I-L, I-G, C-W-S, L-D-I zoning district.

C. Performance Standards

1. No marijuana cultivation, manufacturing, processing use or laboratory testing and research use shall be located within 500 feet (measured from edge of building or occupied space to edge of building or occupied space) of any public or private school providing education in kindergarten or any of grades 1 through 12, any public playground, or licensed daycare.
2. Applications for Site Plan Review shall include a project impact statement which addresses potential impacts of the use on traffic, on-site parking, storm-water runoff, lighting, and landscaping.

## **SECTION VIII**

That the Code of the City of Pittsfield Chapter 23, Zoning, Article 23-7, Conditional Uses, Section 7.7 Conditional Uses Subject to Special Requirements (Use Group SR), shall be amended by inserting the following Section 7.736:

### **SECTION 7.736 OUTDOOR MARIJUANA CULTIVATION, REQUIREMENTS:**

A. Purpose

The intent of this Section is to address local siting and land use concerns in relation to the legalization of medical and recreational marijuana in the Commonwealth following ballot initiatives in 2012 and 2016. The granting of a Site Plan Approval by the City of Pittsfield does not supersede state or federal laws or pre-empt an applicant from complying with all relevant state and federal laws.

B. Applicability

Site Plan Review under this section shall be required for any principal or accessory use, or combination of uses, involving the outdoor cultivation of marijuana with a dedicated marijuana cultivation area of less than 20,000 square feet.

C. Performance Standards

1. No marijuana outdoor marijuana cultivation use shall be located within 500 feet (measured from edge of building or occupied space to edge of building or occupied space) of any public or private school providing education in

kindergarten or any of grades 1 through 12, any public playground, or licensed daycare.

2. The minimum lot size for this use shall be five (5) acres.
3. No fertilizers, compost, soils, materials, machinery, or equipment shall be stored within the required front, side, and rear yard setbacks.
4. The minimum required front, side, and rear yard setbacks shall be fifty (50) feet. No marijuana shall be planted within a required setback.
5. Marijuana not grown inside a securable structure shall be enclosed within a six (6) foot fence.

## **SECTION IX**

This Ordinance shall take effect upon its enactment.