

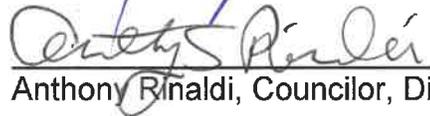


RECEIVED
CITY CLERK

2024 JUL 15 P 4: 19

CITY OF AMESBURY, MASS.

CITY OF AMESBURY IN THE YEAR TWO THOUSAND TWENTY-FOUR

SPONSORED BY:  BILL No. 2024.099
Steven Stanganelli, Councilor-at-Large

Anthony Rinaldi, Councilor, District 2

An Ordinance to Amend the Amesbury Zoning Ordinances to Adopt a Limit on the Number of Cannabis Retail Licenses to be Issued within the Retail Marijuana Overlay District (RMOD).

Summary:

An Ordinance that changes the zoning ordinance to implement the local option to provide a cap to limit the total number of retail cannabis licensees operating within the City.

Whereas, the Massachusetts Marijuana Legalization Initiative, also known as Question 4, was approved in a state-wide ballot on November 8, 2016, and

Whereas, the voters of the City of Amesbury voted in favor of Question 4 during the 2016 state-wide election, and

Whereas, Massachusetts General Laws provide for the regulation and taxation of marijuana in MGL Chapter 334, and

Whereas, the voters of the City of Amesbury also voted against a proposed ban on the sale of marijuana retail products during a municipal election on November 7, 2018, and

Whereas, there is an economic development benefit to provide for opportunities that may increase the foot traffic to the Central Business District and Central Industrial District; and

Whereas, there is a compelling public policy benefit to regulate the retail sales of marijuana products by licensed establishments within the City's limits, and

Whereas, the Ordinance & Administration Committee of the City Council reviewed and endorsed this proposal with a unanimous recommendation to City Council in its 13th Session, and

Whereas, the proposal has been drafted in a collaborative way with input from the Administration, the city's legal counsel, the Chamber of Commerce, the Economic Incentives Committee, and the Office of Community and Economic Development;

so therefore,

Be it Ordained by the City Council of the City of Amesbury assembled and by the authority of the same, as follows:

That the City of Amesbury shall amend the Amesbury Zoning Ordinances to adopt a limit on the number of issued licensed retail establishments permitted within the Retail Marijuana Overlay District (RMOD) to a formula tied to the number of licensed retail establishments for the sale of alcoholic beverages not to be drunk on the premises.

That the City of Amesbury shall amend the Amesbury Zoning Ordinances by adding to Section XI.01.2, 4.01.1 (d) as follows:

The number of Adult Use Marijuana Retail Establishments, as defined in G.L. c.94G, §1 and 935 CMR 500.00, permitted to be located within the City of Amesbury, shall not exceed forty percent (40%) of the number of licenses issued within the City for the retail sale of alcoholic beverages not to be drunk on the premises where sold under G.L. c.138, §15. For the purpose of determining this number, any fraction shall be rounded up to the next highest whole number. The minimum number of allowed retail licenses shall be two (2).

References:

- Zoning Ordinance and Map adopted April 12, 1971 with Revisions through November 22, 2022 as found on the City website (PDF page 258 under 4.01.1 – Allowed Uses)
- Memo dated 11/17/2023 from Nipun Jain, Planning Director, OCED regarding Council Referral 2023-066
- Planning Board Meeting Minutes – 11/13/2023
- Email dated 5/09/2023 from Matt Sherrill, Chair of Economic Incentives Committee
- Email dated 5/03/2023 from Councilor Stanganelli to Matt Sherrill, Chair of Economic Incentives Committee
- Email dated 12/08/2023 from Nicole Costanzo, KP Law to Ann Marie Casey regarding “2023-066 Cannabis Retail License Limit REVISED Version”
- Liquor License Commission – Classifications and FAQ:
<https://www.amesburyma.gov/faq.aspx?qid=155>
- Commonwealth of Massachusetts, Alcoholic Beverages Control Commission, Amesbury Quota Breakdown as of 09/29/2021
- Cannabis Control Commission Guidance:
<https://masscannabiscontrol.com/bylaws-ordinances/>
<https://masscannabiscontrol.com/wp-content/uploads/2022/01/guidance-for-municipalities-on-equity-and-host-community-agreements-1.pdf> (See pages 23-24)

Summaries from References Above:

- Nipun Jain Memo (11/17/2023) - extract:
 - “The Board voted to send Bill No. 2023-066 back to the City Council with a positive recommendation with the revisions and recommendations indicated below:
 - 3. The provisions of this Ordinance should be codified within the City Code to provide proper regulatory powers to the City Council to impose necessary limitations on the issuance of licenses related to retail marijuana sales. The proposed Bill 2023-066 may be adopted separately and independently of such suggested city code amendment.
- Email dated 5/09/2023 from Matt Sherrill, Chair of Economic Incentives Committee – extract:
 - “I wanted to reach out and let you know that we discussed the Cannabis proposal you sent over and we didn’t come up with any specific changes or recommendations to the proposal. We did discuss the Chambers feeling for support of the proposal if needed. The Economic Development committee was in favor of supporting your proposal ...”
- Email dated 5/03/2023 from Councilor Stanganelli to Matt Sherrill, Chair of Economic Incentives Committee – extract:
 - “This proposal reflects feedback from potential Council co-sponsors as well as the Administration on other drafts of this measure. The approach proposed is a change to the Zoning Ordinance based on feedback from KP Law in the Fall of 2021.”

- “Technically, under current state law the City has a floor of two (2) retailers (20% of the off-premise retail liquor store licenses). Below that limit would require a city-wide referendum vote to lower the number of licenses below this 20% number. This has been confirmed in various conversations with KP Law. At present, the city has no upper cap on the number of retailers.”
- Email dated 12/08/2023 from Nicole Costanzo, KP Law to Ann Marie Casey regarding “2023-066 Cannabis Retail License Limit REVISED Version” – extract:
 - “In my opinion, an amendment to the zoning ordinances would be required here to limit the number of retail marijuana establishments in the City.”
 - “I recommend ensuring that the proposed ordinance does not run afoul of G.L. c.94G, §3 (a)(2)(ii). To avoid any confusion, the City may simply wish to change the term “allowed” to “issued”.”