

(d) A list of all persons or entities contributing 10% or more of the initial capital to operate the Marijuana Establishment, including capital in the form of land or buildings.

(e) Proof that the Marijuana Establishment is registered to do business in the Commonwealth of Massachusetts as a domestic business corporation or another domestic business entity in compliance with 935 CMR 500 and is in good standing with the Secretary of the Commonwealth and Department of Revenue.

(f) Documentation of a bond or other resources held in an escrow account in an amount sufficient to adequately support the dismantling or winding down of the Marijuana Establishment, if required.

(g) An odor control plan detailing the specific odor-emitting activities or processes to be conducted on-site, the source of those odors, the locations from which they are emitted from the facility, the frequency of such odor-emitting activities, the duration of such odor-emitting activities, and the administrative and engineering controls that will be implemented to control such odors, including maintenance of such controls.

(h) An applicant who is not the property owner shall submit evidence in the form of a deed, an executed lease or valid purchase and sale agreement documenting the applicant's contingent property interest and legal right to operate a Marijuana Establishment at the property.

Section 16 – Urban Agriculture

A. Purpose and Intent

The purpose of this Section is to provide for urban-scale farming and agriculture uses in the city of Worcester, and to allow residents to have increased access to fresh, locally grown produce. This Section establishes standards for the siting, design and operation of agriculture activities within the city so as to minimize impacts on surrounding properties and to protect the public welfare and safety.

B. Definitions

AGRICULTURE: the growing and harvesting of food crops, flowers or other plants, but excluding the raising of animals and livestock.

COMMUNITY GARDEN: a lot or any portion thereof, not exceeding 5,000 square feet in size, that is used by a group of individuals for growing and harvesting of food crops, flowers or ornamental plants primarily for personal consumption or use, not for sale. Community gardens may be divided into separate plots for cultivation by one or more individuals or may be cultivated collectively by members of a group.

COMPOSTING: a process of accelerated biodegradation of organic material under controlled conditions to produce compost, an organic soil amending product.

FARM STAND: the on-site retail sale of goods, typically from a table, stall or tent, limited to produce and crops grown on-site.

FARM STRUCTURE: structures and assemblies that are used in agriculture, including sheds, compost bins, vertical supports for growing crops, greenhouses, hoopouses, coldframes, and similar structures.

FARMERS' MARKET: a temporary market where multiple producers of food, plants, flowers or other agricultural products sell their products directly to consumers on an occasional or recurring basis.

FREIGHT CONTAINER: a vessel designed for conveyance of freight or goods by truck or train that has been repurposed for another use, such as agriculture.

URBAN FARM: a lot or portion thereof that is used for agriculture, but not including a yard garden or a community garden.

YARD GARDEN: agriculture involving less than 2,500 square feet of area conducted accessory to a residential use by the person who resides there, primarily for personal consumption or use, except for accessory farm stand sales.

C. Urban Farm

1. An urban farm shall be permitted in the zoning districts determined by **Table 4.1**.
2. No urban farm shall be operated in a residential district without first obtaining a special permit from the Planning Board pursuant to the criteria set forth in **Article II, Section 6(A)(2)** and **subsection C(3)** herein. A special permit shall be issued only to the owner or lessee of the property and shall not be transferrable. Any change in owner or lessee shall require a new special permit.
3. In addition to the special permit criteria pursuant to **Article II**, the Planning Board shall also consider the urban farm's conformance with the following planning and design objectives:
 - i) Whether the proposed site layout, farm structures, equipment and material storage, lighting, irrigation, drainage, grading, composting, access, parking, and operations are compatible with and designed to minimize the impact to the surrounding neighborhood.
4. In lieu of plan of land requirements established by the special permit granting authority, each application for a special permit shall be accompanied by a sketch plan drawn to approximate scale, including the following information:
 - i) Location of planted areas, footprints for all farm structures, driveways, composting, parking areas and landscape buffers;

- ii) Location of abutting properties, streets and easements;
 - iii) Plans for irrigation, drainage and controls for storm water runoff;
 - iv) Location and positioning of proposed signage and lighting;
 - v) Illustration of the dimensions, location and appearance of all proposed agriculture or farming activities, including fencing, screening and landscaping; and
 - vi) If applicable, the location of any existing buildings or structures remaining along with the proposed urban farm use.
5. On lots containing a residential dwelling or structure, farm structures shall be prohibited in the front yard or exterior side yard.
 6. Farm structures shall be setback five (5) or more feet from all lot lines.
 7. The use of freight containers in connection with urban farming is permitted in ML, MG, A or IN zoning districts only.
 8. An urban farm shall be maintained, at all times, in a healthy growing condition and operated in a manner so as to not constitute a nuisance. Farm structures shall be maintained in good repair and in a safe and sanitary condition, so as to not cause or contribute to the creation of a hazardous area or a nuisance.
 9. An urban farm shall be operated in accordance with all food, health, soil safety, water and other applicable regulations.
 10. Except for an accessory farm stand or farmers' market pursuant to this Section, on-site retail food sales from an urban farm shall be permitted in the zoning districts determined by **Table 4.1**.

D. Community Garden

1. A community garden shall be permitted in the zoning districts determined by **Table 4.1**.
2. All community gardens shall have a garden manager responsible for the operation of the garden. The garden manager's name, phone number and email address shall be posted so as to be visible from public view.
3. The provisions set forth in **Section C(5) through C(9)** above, relative to urban farms, shall apply to community gardens.

E. Farm Stands

1. In addition to the requirements set forth in **Article IV, Section 8**, farm stands shall be allowed as an accessory use provided the following requirements are met:
 - i) Farm stand sales are permitted on no more than three (3) days per week;
 - ii) The sales area, including tables, stands and displays, shall not exceed 150 square feet;
 - iii) Signage shall be limited to one sign not to exceed six square feet in size, which may only be displayed when open for sales;
 - iv) Sales area and displays shall be located on private property, shall not encroach upon the public sidewalk or right-of-way, and shall be setback a minimum of five (5) feet from any lot line;
 - v) Farm stands shall be operated in accordance with all food, health, soil safety, and other applicable regulations or permits; and
 - vi) Farms stands shall not be permitted as an accessory use to a community garden.

F. Farmers' Markets

1. A farmers' market shall be a permitted use in the zoning districts determined by **Table 4.1**.
2. A farmers' market shall not operate for more than ten (10) hours per day nor more than three (3) days per week.
3. At least eighty percent (80%) of vendors must primarily sell food, produce, plants, flowers or other agricultural products produced by the vendors.
4. Stands, tables, tents, booths and similar components shall be setback five (5) feet from all lot lines.
5. Farmers' markets shall have a market manager authorized to direct the operations of all vendors.
6. Farmers' markets shall be operated in accordance with all food, health, soil safety, and other applicable regulations or permits.

H. Yard Garden

1. In addition to the requirements set forth in **Article IV, Section 8**, yard gardens shall be permitted as an accessory use in all zoning districts provided the following requirements are met:

- i) Farm structures shall be setback five (5) or more feet from all lot lines;
- ii) Farm structures shall not exceed fifteen (15) feet in height;
- iii) Farm structures shall not occupy the front or exterior side yard;
- iii) Yard gardens shall be maintained, at all times, in a healthy growing condition and operated in a manner so as to not constitute a nuisance; and
- iv) The use of freight containers is prohibited.

I. On-site Composting

- 1. In addition to the requirements set forth in **Article IV, Section 8**, composting for use on-site shall be permitted as an accessory use in all zoning districts provided the following requirements are met:
 - i) On lots containing a principal building, composting shall not be located in the front or exterior side yard;
 - ii) On vacant lots or lots only containing farm structures, composting shall not be located within twenty (20) feet of the front lot line;
 - iii) Composting shall be setback a minimum of five (5) feet from any rear or side lot line;
 - iv) Areas dedicated to composting shall not exceed 200 square feet; and
 - v) Accessory composting shall be for use on site; production of compost for commercial purposes, use elsewhere, or sale shall not be considered an accessory use.

J. Applicability

The provisions of this Section shall not apply to agriculture, horticulture, flora culture and viticulture exempt from local zoning under **M.G.L. c.40A, §3**.

ARTICLE V SITE PLAN REVIEW

Section 1 – Purpose

The purpose of this section is to provide for individual detailed review of development proposals which have an impact upon the natural and built environments of the City and upon the nature and provision of public services including but not limited to transportation, utilities, ways, public safety and education, and upon the general and specific character of the City. The review process is intended to promote the purposes listed in **Article I** of this Ordinance.