

CITY OF SOMERVILLE
ORDINANCE NO. _____
IN THE BOARD OF ALDERMEN: _____

AN ORDINANCE AMENDING THE SOMERVILLE ZONING ORDINANCE TO AMEND SECTION 7.15 TITLED MEDICAL MARIJUANA TREATMENT FACILITIES.

WHEREAS, By vote at the State election on November 6, 2012, the voters of the Commonwealth approved legislation regulating the cultivation, distribution, possession and use of marijuana for medical purposes; and,

WHEREAS, Currently, the City of Somerville Zoning Ordinance does not specify if a medical marijuana treatment facility is permitted in the City; and,

WHEREAS, The City needs additional time to study and consider the regulation of medical marijuana treatment facilities and address the complex legal and planning issues related to such uses; and,

WHEREAS, The Attorney General of the Commonwealth has determined that cities and towns in Massachusetts should not be permitted to outright prohibit medical marijuana treatment facilities within a community;

THEREFORE, be it adopted by the Board of Aldermen, in session assembled, that the below listed sections of the Somerville Zoning Ordinance are hereby amended as identified.

Article 7, Permitted Uses, Section 7.15: Medical Marijuana Treatment Facilities is hereby deleted and replaced with a new Section 7.15 as follows:

Section 7.15 Medical Marijuana Treatment Facilities

The City of Somerville hereby adopts a temporary limitation on the use of land or structures for medical marijuana treatment facilities. The regulations of this section shall remain in effect until June 30, 2017. During this period, the City will continue to undertake planning to address the potential impacts of medical marijuana in Somerville, consider the Department of Public Health regulations regarding medical marijuana treatment facilities and related uses, and adopt a permanent set of zoning regulations to address the impacts and operation of medical marijuana treatment facilities and related uses.

During this temporary period, medical marijuana treatment facilities shall only be permitted under the following circumstances:

- a. A medical marijuana treatment facility shall be permitted by special permit in the Medical Marijuana Overlay District by Special Permit.
- b. The special permit granting authority shall be the same board that issues special permits for the underlying zoning district.
- c. A medical marijuana special permit shall only be approved if the special permit granting authority determines that the use meets the findings of Section 5.1.4 of the Somerville Zoning Ordinance.

- d. A medical marijuana facility shall be subject to the minimum parking requirements under Article 9 of the ordinance. The number of required parking spaces shall be set based upon the requirement for a Retail Sales/Rental use under section 9.5.9 of this ordinance.
- e. The applicant shall be required to submit a traffic and parking study to determine any traffic mitigation or additional parking needs.
- f. A medical marijuana facility shall be limited to 10,000 square feet in net floor area.
- g. A medical marijuana facilities must be properly registered with the Massachusetts Department of Public Health pursuant to 105 CMR 725.100 and must comply with all applicable state and local public health regulations and all other applicable state and local laws, rules, and regulations.