

## Medical Marijuana Temporary Overlay

**CITY OF SOMERVILLE**  
**ORDINANCE NO. \_\_\_\_\_**  
**IN THE BOARD OF ALDERMEN: \_\_\_\_\_**

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, 2106. 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 NB, BA, BB, CBD, IA or IB zoning districts by Special Permit, subject to the findings of Section 5.1.4 of the Somerville Zoning Ordinance.
- b. 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.