

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 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 facility is permitted in the City; and,

WHEREAS, The City needs additional time to study and consider the regulation of medical marijuana 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 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 2, Definitions, Section 2.2.96.1 is hereby added.

Medical Marijuana Facility. A facility in which a non-profit entity acquires, cultivates, possesses, processes (including development of related products such as edible MIPs, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers. The entity may not sell any products at the facility other than marijuana, marijuana-infused products (MIPs), marijuana seeds, and other products such as vaporizers that facilitate the use of marijuana for medical purposes. The entity may, however, conduct a patient education program in compliance with state regulations.

Article 6, Establishment of Zoning Districts, Section 6.1.24 is hereby added.

6.1.24 Medical Marijuana Overlay Districts.

Purpose. To establish areas where Medical Marijuana Facilities may be permitted subject to Section 7.15.

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

Section 7.15 Medical Marijuana Facilities

The City of Somerville hereby adopts a temporary limitation on the use of land or structures for Medical Marijuana 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 Facilities and related uses, and adopt a permanent set of zoning regulations to address the impacts and operation of Medical Marijuana Facilities and related uses.

During this temporary period, Medical Marijuana Facilities shall only be permitted under the following circumstances:

- a. A Medical Marijuana Facility shall be permitted by special permit in the Medical Marijuana Overlay Districts.
- b. Medical Marijuana Facilities shall comply with the siting requirements in the overlay districts set forth in the City of Somerville Zoning Map with respect to distance from schools, daycare centers, and facilities in which children commonly congregate. These siting requirements have been developed to incorporate adequate separation, in a manner that is appropriate for Somerville's urban context, from schools, daycares and places where children congregate. For this reason, the overlay districts shall serve as a local requirement to supersede the provisions of 105 CMR 725.110(A)(14).
- c. 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.
- d. The special permit granting authority shall be the same board that issues special permits for the underlying zoning district.
- e. A 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.
- f. A Medical Marijuana Facility shall be limited to 10,000 square feet in net floor area.
- g. 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 or Retail and Service uses of this ordinance.
- h. The applicant shall be required to submit a traffic and parking study to determine any traffic mitigation or additional parking needs.
- i. Signage for the facility must:
 - a. meet the regulations of the underlying zoning district
 - b. incorporate no internal illumination
 - c. be subject to review and approval of the SPGA as a part of the special permit application.