

SPONSOR: *Administration*

TOWN OF FRANKLIN

ZONING BY-LAW AMENDMENT 17-783

MARIJUANA USE OVERLAY DISTRICT

**A ZONING BY-LAW TO AMEND THE FRANKLIN TOWN CODE AT
CHAPTER 185, SECTION 49.**

BE IT ENACTED BY THE FRANKLIN TOWN COUNCIL THAT:

Chapter 185 of the Code of the Town of Franklin is hereby amended by deleting the entire text of §185-49. Medical Marijuana Use Overlay District, and by adding in its place the following §185-49. Marijuana Use Overlay District:

§185-49. Marijuana Use Overlay District.

1. Purpose and Intent.
 - a. This section is adopted with the purpose and intent of establishing zoning to allow the use of medical marijuana treatment centers, medical marijuana testing facilities, and non-medical marijuana facilities in the Town of Franklin.
2. Applicability. This §185-49 applies to the following:
 - a. All medical marijuana uses as defined in the Session Laws of The Commonwealth of Massachusetts Chapter 369 of the Acts of 2012 and medical marijuana testing facilities as regulated within this section and defined in §185-3.
 - i. No action taken under the enforcement powers of this chapter shall be in contradiction to the provisions of Chapter 369 of the Acts of 2012 as adopted or amended.
 - b. All Non-Medical Marijuana Establishments.
3. Establishment of the marijuana use overlay district and relationship to underlying districts.
 - a. The marijuana use overlay district is established as a district which overlays the underlying districts, so that any parcel of land underlying in the marijuana use overlay district shall also lie in one or more of the other zoning district in which it was previously classified, as provided for in this Zoning Bylaw.
4. Permitted uses.
 - a. Uses allowed by right. The following uses are allowed as of right within the marijuana use overlay district:

- i. All uses permitted as of right in the underlying base zoning district.
 - b. Uses allowed by Special Permit. The following uses may be allowed within the marijuana use overlay district by Planning Board special permit:
 - i. Medical Marijuana Treatment Facility.
 - ii. Medical Marijuana Testing Facility.
 - iii. Non-Medical Marijuana Establishment.
- 5. Location.
 - a. The marijuana use overlay district consists of those parcels of land zoned industrial that are located south or west of the sideline of Interstate 495; and which are not within 500 feet of a public or private school, and not within 200 feet of a residential zoning district, library, church, child-care facility, park, and playground. The 500 feet and 200 feet distances shall be measured from all property lines of the proposed use; State Forest land shall not be considered when determining the proximity of a parcel to a residential zoning district.
 - b. This District is delineated on the map entitled "Marijuana Use Overlay District" and created under 185-4 Districts Enumerated.
- 6. Severability.
 - a. If any of this section or portion of this section is ruled invalid, such ruling shall not affect the validity of the remainder of the section.

The foregoing Zoning By-law amendment shall take effect in accordance with the Franklin Home Rule Charter and Massachusetts General Law Chapter 40A, Section 5.

DATED: _____, 2017

VOTED:
UNANIMOUS _____

A True Record Attest:

YES _____ **NO** _____

ABSTAIN _____

Teresa M. Burr
Town Clerk

ABSENT _____

Judith Pond Pfeffer, Clerk