



PLANNING AND BUILDING SERVICES MEMORANDUM

TO: MAYOR J. LEHMAN AND MEMBERS OF COUNCIL

FROM: K. SUGGITT, RPP, MANAGER OF STRATEGIC INITIATIVES, POLICY AND ANALYSIS

NOTED: A. BOURRIE, RPP, DIRECTOR OF PLANNING AND BUILDING SERVICES
D. FRIARY, GENERAL MANAGER OF INFRASTRUCTURE, AND GROWTH MANAGEMENT (ACTING)
M. PROWSE, CHIEF ADMINISTRATIVE OFFICER

RE: RETAIL SALE OF CANNABIS – ALL WARDS

DATE: SEPTEMBER 10, 2018

The purpose of this Memorandum is to provide members of Council with some background and an update concerning retail sales of recreational cannabis (i.e. marijuana) and the land use planning considerations of same.

In 2017, the Federal Government passed the *Cannabis Act*, which makes it legal to sell, possess and use recreational cannabis in Canada as of October 17, 2018. The legislation governs the production, distribution and sale of recreational cannabis. Provinces and Territories are responsible for the retail model, distribution and wholesaling, and retail locations and rules. Meanwhile, municipalities are responsible for land use/zoning and retail locations and rules (within the scope of the legislation passed by the Province/Territory).

The former Provincial Liberal Government originally planned for a government run company (Ontario Cannabis Store) to handle all retail sales of cannabis. The former Provincial Government selected multiple cities where Ontario Cannabis Stores would be located, with the specific location selected in consultation with the municipalities. As a result of their approach, a single, government owned and operated retail location was proposed for the City of Barrie, and it was believed that Zoning By-law amendments or other municipal by-law amendments would not be required.

The new Provincial Government has since announced that cannabis retail stores will be privately operated. The change in Provincial policy may permit the opening of multiple stores in each municipality, meaning zoning by-law changes may be required to ensure the orderly development and operation of cannabis retail stores. On August 13th the Provincial government further announced that as of October 17th on-line sales of recreational cannabis will be available through the Ontario Cannabis Stores, but private market retail locations will not be permitted to open until April 1, 2019. Hours of operation were noted as being set by the Province, but no additional locational or operational standards have been mentioned. The Province has stated they will undertake extensive consultation with municipalities to determine the appropriate measures to put in place regarding the retail distribution of cannabis. Municipalities will have the opportunity to opt out but no details have been provided.

The impacts of the change in retail distribution model from a land use planning perspective can have significant impacts on the City of Barrie. The City's existing planning documents do not contemplate the retail sale of cannabis. Consequently, there are no existing locational criteria that would regulate the retail sale of cannabis across the City. A cannabis retail store would fall under the general "retail store" definition in the City's Comprehensive Zoning By-law 2009-141. A retail store is a permitted use across all commercial zones as well as in other zones as an accessory use.



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A number of Provinces have announced private retail sales of cannabis, suggesting a number of by-law amendments that may assist municipalities in the legalization of cannabis sales. These suggestions include:

- Municipalities may add definitions to by-laws which are consistent with provincial and federal definitions.
- Retail cannabis sales may be excluded from certain areas of a municipality such as tourist areas, heritage districts or “main streets”.
- A buffer, or minimum separation distance, may be established between any cannabis related facility and other sensitive land uses (such as schools, recreation facilities, residential areas, etc.).
- Municipalities may restrict operating hours of cannabis related facilities (although the Province has indicated they intend to do so).
- Municipalities may determine specific parking requirements for cannabis related facilities.
- Municipalities may require a business license.

Planning Staff are currently researching the appropriateness of amendments to Zoning By-law 2009-141 including but not limited to defining cannabis related uses, minimum separation distances to sensitive land uses and minimum parking requirements. Staff in Legislative Services are also researching business license options.

A full technical analysis of the planning issues must be completed if zoning by-law amendment is to be defended under the *Planning Act* requirements. Staff anticipate that this topic will create significant interest from those proponents interested in establishing retail stores as well as the broader community. With the date that cannabis will become legal in Canada set for October 17, 2018, this will be a high priority matter to ensure the City of Barrie is prepared for the legalization of cannabis and for retail sales come April 1, 2019.