

POLICY

POLICY TITLE: Cannabis Retail Policy

POLICY NUMBER: CORP-2019-0007

DATE: February 1, 2021 (Revised May 2021)

BACKGROUND:

The Federal Cannabis Act legalizing recreational cannabis came into force on October 17, 2018.

Provinces and territories are responsible for determining how cannabis is distributed and sold within their jurisdictions and set rules around how cannabis can be sold, where stores may be located and how stores must be operated. The Ontario government has adopted a private retail model and appointed the Alcohol and Gaming Commission of Ontario as registrar to administer and regulate retail cannabis stores. The AGCO will provide 15 calendar days for written submissions to appeal a store location based upon the public interest and may refuse to authorize the store if it is in the public interest to do so.

On January 21, 2019, Council adopted resolution 2019-0009 which allows cannabis retail stores to be located in the Town of Halton Hills.

PURPOSE & SCOPE:

The purpose of this policy is to provide a format for municipal government input to the Alcohol and Gaming Commission of Ontario (AGCO) as well as help prospective recreational cannabis retailers while considering locations of cannabis retail stores in the Town of Halton Hills.

As the provincial authority that licences cannabis retail operators, authorizes cannabis retail locations and licenses senior store staff, the AGCO regulates and reviews all aspects of the retail operation including municipal and public input. Input regarding a proposed store location should be consistent with the public interest as defined in the regulations.

- Protecting public health and safety
- Protecting youth and restricting their access to cannabis
- Preventing illicit activities in relation to cannabis

The Town of Halton Hills has chosen to allow retail sales of recreational cannabis. The following provides municipal staff with guidance on commenting to AGCO when notice of a specific proposed cannabis retail store site is provided.

DEFINITIONS:

Cannabis retail store means a retail store licenced and regulated by the AGCO.

Child care centre means a premises operated by a person licensed under the Child Care and Early Years Act to operate a child care centre.

Community Centre means a building or structure operated by a public authority that is used for community activities and other activities such as recreational uses, trade shows, weddings and banquets.

Group Home Type 1 and 2 are defined in accordance with the Town's zoning by-law:

Group Home Type 1 means a single detached dwelling unit occupied by not less than six and not more than ten persons exclusive of staff and receiving family, who live as a single housekeeping unit and require 24-hour residential, sheltered, specialized or group care and which is licensed, approved or supervised by the Province of Ontario under any general or special Act.

Group Home Type 2 means a single detached dwelling unit occupied by not less than six and not more than ten persons exclusive of staff, who live as a single housekeeping unit and require 24-hour residential, sheltered, specialized or group care and which is licensed, approved, supervised or contracted by the Province of Ontario or the Federal Government under any general or special Act, and which shall be maintained and operated primarily for:

- a) Persons who have been placed on probation under The Youth Criminal Justice Act, The Probation Act, the Criminal Code (Canada) as amended or any Act passed to replace the foregoing Acts;
- b) Persons who have been released on parole under The Ministry of Correctional Services Act or The Parole Act (Canada) as amended or any Act passed to replace the foregoing Acts; and,
- c) Persons who have been charged under The Youth Criminal Justice Act.

Public Library means a premises containing printed, electronic and pictorial material for public use for purposes of study, reference and recreation and which may include meeting rooms for community use, activity areas and space for recreational uses.

Public Park means any area of land under the jurisdiction of a public authority that is designed and/or maintained for active or passive recreational purposes. Without limiting the generality of the foregoing, a park may include municipal parks and playgrounds, golf courses, swimming pools, splash pads, sport courts, bowling greens, arenas, boating facilities and sports fields and ancillary retail uses.

Retail Store means a premises in which goods, wares, merchandise, substances, articles or things are displayed, rented or sold directly to the public but does not include any use otherwise defined in the Town's zoning by-law.

School means a school or private school as defined in the *Education Act*. School does NOT mean commercial school conducted for gain, including a studio of a dancing teacher or a music teacher, art school, driving school, golf school, and school of calisthenics, business or trade school and any other such specialized school.

Treatment Centre means a single detached dwelling which is occupied by not less than three and not more than 20 persons exclusive of staff unless specified elsewhere in the zoning by-law, who live as a single housekeeping unit, and require 24-hour residential, sheltered, specialized or group care, and treatment and rehabilitation for addiction to drugs or alcohol.

Youth Centre means a safe, inclusive space where youth can access a variety of resources, programs, and services for their personal health, development, quality use of time and wellbeing.

POLICY DETAILS:

1. Principles for Cannabis Retail Store Locations

- A. **Legislated distance buffers:** Ontario Regulation restricts a cannabis retail store from being located within a distance of 150 meters of a public school or most private schools as defined in the Education Act. The municipality cannot adopt a greater distance. The distance buffer would be measured from the property line, if the school is the primary or only occupant of a building; or the boundary of any space occupied by the school within the building, if the school shares space, like in a mall. This distance buffer would not apply to private schools that hold classes online only, or to First Nation schools located on reserve.
- B. **Cannabis Retail Stores and Sensitive activities:** In order to help ensure public health and safety, protect youth and reduce illegal sales, retail cannabis stores are discouraged within 150 metres of nearby properties designed to serve youth including arenas/community centres, public libraries, child care centres, youth centres, group homes, treatment centres or other sensitive facilities that serve persons with mental health or addiction challenges.
- C. **Density:** Municipal density restrictions on cannabis retail stores are not permitted under the legislation or regulations.

2. Relationship to Other Applicable Law

- A. **Land Use Planning:** The provincial licensing process does not remove the requirement to comply with the zoning by-law and other municipal planning documents. The definitions within the municipality's Official Plan and Zoning By-law are applicable to all retail, including cannabis retail stores. Retail sale of

cannabis from a provincially licensed store is legal and is a permitted use in the retail zones.

B. **Ontario Building Code:** While the licensing of the store operation is the responsibility of the AGCO, the Building Code applies to the buildings/units in which cannabis retail stores are to be located. Therefore, where required, a Building or a Change of Use Permit will have to be obtained, all required inspections will have to be completed and occupancy permit will have to be issued prior to opening the store.

C. **Fire Code:** Compliance is mandatory.

3. Process and Responsibilities

A. **Monitoring applications:** The Planning Department will subscribe to the AGCO notification system and be alerted of any new applications for Retail Store Authorization entering the public notification period. Upon notification, Planning staff will circulate to the Building Services staff, staff in the Recreation and Parks department, and other staff as required, for comment. Planning staff will coordinate any inputs in order to make a full assessment of the application.

B. **Responsibility to assess:** The Building Services staff will assess all active Retail Store Authorization applications to ensure they comply with the Town's Zoning By-law 2010-0050, as amended, and whether a Change of Use (or Building) Permit is required. The Building Services staff will also ensure the proposed store location is, at minimum, 150 metres from all schools, in accordance with Ontario Regulation 468/18 section 11(2). The Planning and Development Department, in consultation with the Recreation and Parks Department will review all active Retail Store Authorization applications and assess whether they align with the 'public interest', as defined in Ontario Regulation 468/18 section 10 and as guided by the Town's Cannabis Retail Policy (CORP-2019-0007). Based on this assessment, and any other comments received from Town staff, Planning and Development staff will determine whether an appeal to the AGCO should be made. Any appeals of Retail Store Authorization applications must be submitted to the AGCO within 15 calendar days of the official notification

C. **Communication:** Once applications are assessed and a recommendation made, the Mayor and applicable Ward Councillors will be notified by the CAO through the Strategic Initiatives department of the application and kept informed of the status of the application should an appeal be made.

POLICY REVIEW

This policy will be periodically reviewed by the CAO's office. Any changes to applicable law or regulations will constitute need for a review.