

Purpose:

On December 18, 2018, Township Council passed a resolution to “opt in” to the possibility of a licenced cannabis retail store in Zorra.

The Alcohol and Gaming Commission of Ontario (AGCO) is the provincial authority that licences cannabis retail operators, authorizes cannabis retail locations and licenses senior store staff. Municipal governments have no licensing authority.

The AGCO regulates and reviews all aspects of the retail operation including municipal and public input, that the proposed store location is consistent with the public interest as defined in the regulations. Municipal comments and comments from the public must focus on three provincial public interest objectives: protecting public health and safety, protecting youth and restricting their access to cannabis, and ending illegal sales of cannabis and illicit activities in relation to cannabis.

The Township of Zorra has chosen to allow retail sales of recreational cannabis. The following provides municipal staff with guidance on commenting to AGCO when notice on a specific proposed cannabis retail store site is provided on the site location, during the 15-day comment window. The AGCO Registrar is not obligated to decline a store licence where a municipality or a member of the public provides a submission that is not supportive of a proposed location. The Registrar has mandated a 150 metre setback from schools where no cannabis retail store would be permitted to be located.

The purpose of this policy statement is to provide a format for Township input to the AGCO as well as help prospective recreational cannabis retailers in their consideration of location of cannabis retail stores in the Township of Zorra. The policy sets out locally sensitive land uses (in addition to schools under the *Ontario Education Act*) with respect to the location of cannabis retail stores that the municipality would want considered by the AGCO with respect to the licensing process.

Governing Legislation:

Bill C-45, the *Cannabis Act* came into effect on October 17, 2018. The Act legalizes access to recreational cannabis in Canada and controls and regulates how cannabis is grown, distributed and sold.

In Ontario, the *Cannabis Licence Act, 2018* and Ontario Regulation 468/18 provide the Registrar of the Alcohol and Gaming Commission of Ontario (AGCO) with the authority to establish standards and requirements respecting the licensing of cannabis retail stores, including matters in which municipal governments may have an interest.

Under Ontario Regulation 468/18, municipalities are not authorized to pass by-laws under the *Municipal Act, 2001* with respect to business licensing or under the *Planning Act* with respect to zoning, interim control or site plan control with respect to cannabis retail stores.

Definitions:

“Cannabis Retail Store” shall mean a recreational cannabis retail store licensed by the Alcohol and Gaming Commission of Ontario.

“Public Interest” shall mean:

- i. Protecting public health and safety;
- ii. Protecting youth and restricting their access to cannabis; and
- iii. Preventing illicit activities in relation to cannabis.

“Retail Store” as defined in the Township of Zorra’s Zoning By-law, shall mean a building, or part of a building, in which goods, wares, merchandise, or articles are offered for sale, but does not include any establishment otherwise defined or classified herein.

Policy:

This policy applies to all Notices of Proposed ‘Cannabis Retail Store’ that will be provided by the AGCO.

The Township acknowledges that cannabis retail stores are permitted within areas zoned for retail stores within the Township’s Zoning By-law. 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 activities, including cannabis retail stores. Retail sale of cannabis from a provincially licensed store is legal and is a permitted use in the zones that permit a ‘retail store’.

Schedule “A” generally identifies where a cannabis retail store is a permitted use. Under the Township’s Zoning By-law, the zones that permit a retail store are ‘Central Commercial Zone (CC)’, ‘Highway Commercial Zone (HC)’ and ‘Village Zone (V)’. A retail outlet that is accessory to a permitted use, such as a processing plant, is also permitted in the ‘Agri-Business Zone (AB)’, ‘General Industrial Zone (MG)’ and ‘Restricted Industrial Zone (MR)’ zones throughout the Township, as shown on the map.

Schedule “A” also identifies all Schools as defined by the Education Act as well as a 150 metre buffer (from the property line) where a cannabis retail store would not be permitted by Provincial Regulation.

Schedule “A” also identifies other sensitive land uses, as well as a 70 metre buffer that the Township considers as sensitive land uses and the Township requests that cannabis retail stores not be permitted. It is the Township’s position that the Registrar for the AGCO respect these locally sensitive uses and not permit a cannabis retail store within the 70 metre buffers.

The schedule map includes sensitive land uses that are defined in the Township’s Zoning By-law as Recreational (REC), Open Space (OS) and Institutional (I). Staff have also added existing LCBO stores as a sensitive land uses. Once Township Staff become aware that a Notice has been posted they will review the area in detail to ensure there are not any new or missed sensitive areas. The map is not to be taken as the final document for sensitive land uses as updates may be required through future development.

The Township has, and shall continue to, consider the matters of 'public interest' which include:

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

Upon identifying a Notice of Proposed Cannabis Retail Store exists, the key staff member under this policy will immediately circulate the Notice to all Department Heads and Oxford County Planning Department and request immediate comment. The key staff member will then gather all comments, provide the necessary mapping and comments regarding buffer zones and convey council policy to AGCO. Township and County Planning Staff will ensure zoning allows a retail establishment as a permitted use and ensure the separation distances shown on Schedule "C" are met. Township Staff will also post the Notice on Township social media as another means to make the public aware and allow residents time to provide comments to AGCO.

Time limits do not make it practical to bring a report before Council once Staff become aware of a Notice, therefore the Director of Corporate Services and By-law Enforcement Officer or designates are delegated the responsibility to submit comments to the AGCO on behalf of the Corporation. Regular updates would be provided to Council regarding correspondence with the AGCO.

While the licencing of the store operation is the responsibility of the AGCO, the Ontario Building Code (OBC) applies to cannabis retail store locations. Therefore, where a building permit is required, the building inspector will undertake duties as usual. Fire Code compliance is also mandatory. Should a licenced authorized retailer be required to construct or alter a building in order to create the retail space, they will be required to obtain a building permit under the Ontario Building Code Act. These spaces will be classified as Group E (mercantile) under the OBC and will be required to adhere to the construction and safety requirements of the OBC in order to establish and occupy the premises.

Attachments:

Schedule "A" – Cannabis Retail Analysis – Township of Zorra

Schedule "A-1" – Cannabis Retail Analysis – Thamesford

Schedule "A-2" – Cannabis Retail Analysis – Embro

Schedule "A-3" – Cannabis Retail Analysis – Harrington and Kintore

Next Revision Date

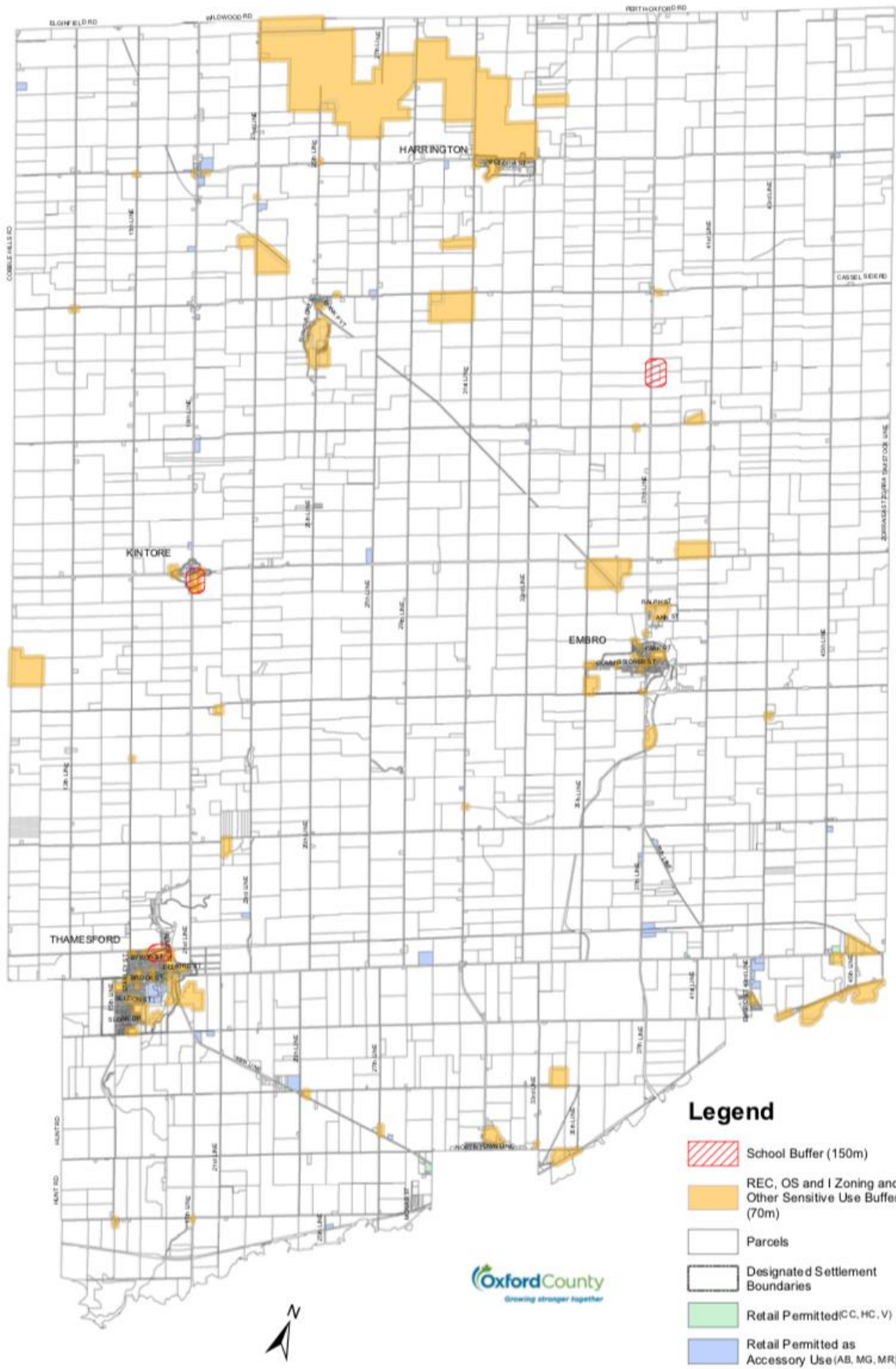
This policy shall be reviewed every 5 years.







The next revision date is August 2024.

Accessible Formats

If you require this document to be in an accessible format, please contact the Director of Corporate Services at clerk@zorrap.ca or 519-485-2490 ext. 7228.

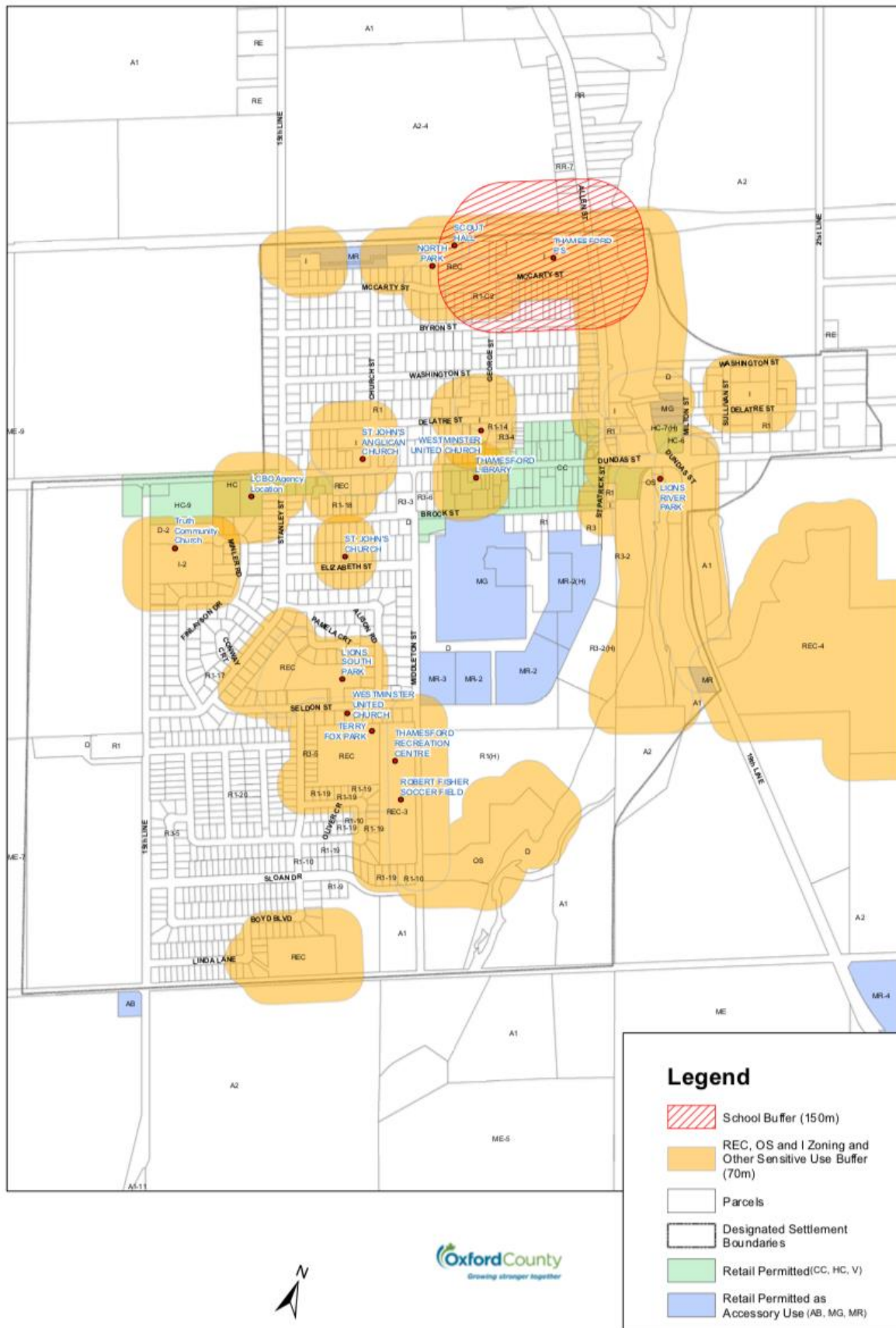
Schedule "A" Cannabis Retail Analysis - Zorra Township



- Legend**
-  School Buffer (150m)
 -  REC, OS and I Zoning and Other Sensitive Use Buffer (70m)
 -  Parcels
 -  Designated Settlement Boundaries
 -  Retail Permitted(CC, HC, V)
 -  Retail Permitted as Accessory Use(AB, MG, MR)



Schedule "A-1" Cannabis Retail Analysis - Thamesford



Legend

- School Buffer (150m)
- REC, OS and I Zoning and Other Sensitive Use Buffer (70m)
- Parcels
- Designated Settlement Boundaries
- Retail Permitted (CC, HC, V)
- Retail Permitted as Accessory Use (AB, MG, MR)



Cannabis Retail Analysis - Embro

Schedule "A-2"



Cannabis Retail Analysis - Harrington and Kintore

