



SOCIAL & HEALTHCARE SERVICES
Policy 10-002: Municipal Cannabis Retail Policy

Approval Date:

Approval Authority: Council, By-Law 4369

Effective Date:

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Department: Office of the Clerk

Last reviewed:

Revision Date/s:

Schedules: Attachments:

Schedule "A" – Cannabis Retail Analysis – Town of Tillsonburg

Policy Statement:

Tillsonburg Town Council passed a resolution to "opt in" to allow a licensed cannabis retail store to be located in Tillsonburg. As recommended by The Association of Municipalities of Ontario (AMO) Tillsonburg wishes to adopt a Municipal Cannabis Retail Policy to address significant local sensitive uses and give direction to staff in responding to the 15-day window during the AGCO commentary process. It is the Town's position that the Registrar for the Alcohol and Gaming Commission of Ontario (AGCO) should respect local sensitive land uses as defined in this policy and not permit a cannabis retail store within the 70 metre buffers of these locations.

Purpose:

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.

The AGCO will review municipal and public input with regards to a proposed store location to ensure it 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 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 is to provide direction for Town staff to provide input to the AGCO as well as help prospective recreational cannabis retailers in their consideration of location of cannabis retail stores in the Town of Tillsonburg. 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.

Scope:

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

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 Town of Tillsonburg'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.

"Sensitive Land Uses" for the purpose of this policy are defined as Parks, Public Libraries and Daycares.

Procedure:**1. Cannabis Retail Stores and Sensitive activities:**

- 1.1. The Town acknowledges that cannabis retail stores are permitted within areas zoned for retail stores within the Town'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'.

- 1.2. Schedule "A" generally identifies where a cannabis retail store is a permitted use. Under the Town's Zoning By-law, the zones that permit a retail store are 'Central Commercial Zone (CC)', the 'Service Commercial Zone (SC)', Entrepreneurial Zone (EC) and the Neighbourhood Commercial Zone (NC). A retail outlet that is accessory to a permitted use, such as a processing plant, is also permitted in the 'General Industrial Zone (MG)' and 'Restricted Industrial Zone (MR)' zones throughout the Town, as shown on the map.
- 1.3. Schedule "A" 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.
- 1.4. Schedule "A" identifies sensitive land uses Parks, Public Libraries and Daycares, as well as a 70 metre buffer, that, the Town considers as sensitive land uses and the Town requests that cannabis retail stores not be permitted.
- 1.5. Once Town Staff become aware that a Notice has been posted they will review Schedule "A" in detail to ensure there are not any new or missed sensitive areas. Schedule "A" is not to be taken as the final document for sensitive land uses as updates may be required through future development.

2. Response Protocol for Notice of Proposed Cannabis Retail Store by AGCO:

- 2.1. Upon receiving a Notice of Proposed Cannabis Retail Store, staff shall circulate the Notice to Senior Leadership Team, the Chief Building Official, Development Commissioner and Oxford County Planning Department for comment. All comments received, as well as the necessary mapping and this policy shall be provided to the AGCO for consideration. Staff will ensure zoning allows a retail establishment as a permitted use and ensure the separation distances shown on Schedule "A" are met. Town Staff will also post the Notice on Town social media as another means to make the public aware and allow residents time to provide comments to AGCO.
- 2.2. Time limits do not make it practical to bring a report before Council once Staff become aware of a Notice, therefore the Town Clerk and the Chief Building Official 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.
- 2.3. While the licensing 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 licensed 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.

3. Cannabis retail store should not be permitted within:

- 3.1. 150 metre buffer from all school property lines as defined in the Education Act.
- 3.2. 70 metre buffer from all sensitive land uses which includes Parks, Public Libraries and Daycares.

Cannabis Retail Analysis - Tillsonburg

