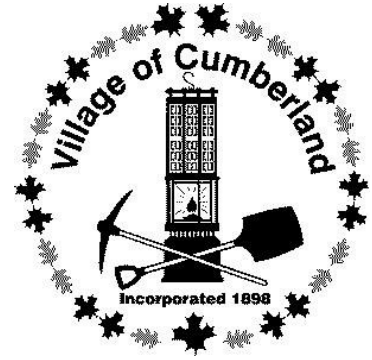


# COUNCIL POLICY



Title:	Cannabis Retail Sales	No.	9.5
Authority:	Planning Department	Section:	Legislative & Regulatory Services
Adopted Date	July 23, 2018	Motion No:	18-452

Council may consider a total combined maximum of two Cannabis Retail sales dispensaries to be located in either the Commercial Zones (C-1, C2, C-3), Village Core Commercial Mixed Use Zone (VCMU-1), or the Interchange Zones (IMU-1, IMU-2, IMU4, IMU5, IMU-6) in the Village of Cumberland as a temporary use subject to a Temporary Use Permit and under the regulations contained within Business Licence Bylaw No. 896, 2009, as amended from time to time, as well as its legal authority under the Local Government Act and Community Charter.

## 1.0 PURPOSE

The purpose of this policy is to outline the criteria to be considered by Council as part of a Temporary Use Permit (TUP) Application to allow for a Cannabis Retail Store within the Commercial Zones (C-1, C2, C-3), Village Core Commercial Mixed Use Zone (VCMU-1), or the Interchange Zones (IMU-1, IMU-2, IMU4, IMU5, IMU-6) of the Village of Cumberland Zoning Bylaw No. 1027, 2016. This policy is intended to guide applicants and Village staff as part of the application process but it is not intended to fetter Council's discretion when dealing with individual TUP applications, each of which will be evaluated on its own merits.

This policy was established in response to the legalization of Cannabis by both the Federal and Provincial Governments. It is intended to address potentially adverse community impacts of storefront Cannabis Retail, including inappropriate exposure of minors to cannabis and undesirable concentration of Cannabis Retail Stores.

It is noted by Council that the Village of Cumberland has no ability to address the legalization of Cannabis, and the RCMP with the Public Prosecution Service of Canada on behalf of Her Majesty the Queen in Right of Canada maintains the jurisdiction to enforce against any Cannabis related businesses that the Federal Crown considers illegal until such time as the federal criminal law is changed.

## 2.0 GUIDING PRINCIPLE:

## TUP considerations

1. Cannabis Retail sales dispensaries should not be considered appropriate for a Temporary Use Permit except in a retail location (C-1, C2, C-3, VCMU-1, IMU-1, IMU-2, IMU4, IMU5, IMU-6) to minimize nuisance to nearby residential neighbours.
2. The sale of cannabis or other substances under the Controlled Drugs and Substances Act in edible form, including beverage form, in a Cannabis Retail sales dispensary is not permitted.
3. A Cannabis Retail sales dispensaries must be at least 150 metres (in a straight line from closest lot line to closest lot line) from any public or independent community, elementary, middle or secondary school.
4. Cannabis Retail sales dispensaries must be limited to a maximum total of two in the Village and each one must be located at least 50 metres (in a straight line from closest lot line to closest lot line) from another lot where a Cannabis Retail sales dispensary has been permitted, whether it is active or not.
5. The off-street parking requirements applicable to retail stores as outlined in Part 6 Table 6.3.3 of the Village of Cumberland Zoning Bylaw No. 1027, 2016 apply to Cannabis Retail sales Dispensaries, depending on the amount of other products and paraphernalia sold.
6. No more than one Cannabis Retail sales should be allowed per lot.
7. A TUP for Cannabis Retail sales should not be approved for a term greater than three years, with the possibility for an additional three year extension, with the approval of Council.

### 3.0 POLICY STATEMENT:

**Applicant** means an applicant for a TUP that would allow for a storefront Cannabis Retail within the C-1, C2, C-3, VCMU-1, IMU-1, IMU-2, IMU4, IMU5, or IMU-6 zone.

**Cannabis Retail** means the use of lands, buildings or other structures for dispensing selling or distributing marijuana, or related controlled substances and derivatives, other than a Medical Marijuana Facility

### 4.0 ROLES AND RESPONSIBILITIES:

The application process is initiated by entering the required information and documents to the Liquor and Cannabis Regulation Branch (LCRB).

With the above information included in the notice for Municipal consideration, Village staff will be able to prepare a report for Council in a timely manner.

The Province will refer notice of the application to the local government for recommendation and will not determine whether to issue a licence until it receives a positive recommendations from the local government.

The LCRB cannot consider a licence application unless the local government for the area in which the establishment is proposed to be located or is located gives the LCRB a positive recommendation that the licence be issued.

In addition to the Liquor and Cannabis Regulation Branch application, Cannabis Retail Applicants for operations in the Village of Cumberland will be required to submit a Request for Proposal (RFP) submission that meets the requirements of any Village RFP as well as any required Temporary Use Permit (TUP) application for review.

## **5.0 POLICY PROVISIONS:**

1. The Applicant must undertake all of the standard processes required for a TUP application as outlined in Development Procedures and Fees Bylaw No. 1008, 2014, as amended or replaced from time to time.
2. Development Procedures and Fees Bylaw No. 1008, 2014 contains within it the ability for the Chief Administrative Officer to request additional information in accordance with the Corporation of the Village of Cumberland Development Approval Information Bylaw No. 809, 2005, including the following:
  - a. The provision of information that he/she deems necessary to properly assess the impact of an application's proposed activity or development in addition to the LCRB information.
3. The Applicant is advised that along with any federal and provincial requirements, the Village of Cumberland - Social Procurement Framework policy, as part of the RFP submission, will be referred to when any cannabis retail sales TUP application is being considered.
4. The Applicant be advised that under the referral response to the Liquor and Cannabis Regulation Branch that a retail cannabis sales business not be open between the hours of 11pm to 9am next day