

The Corporation of the Town of Lakeshore

By-law 52-2020

Being a by-law to Adopt a Municipal Cannabis Policy Statement

Whereas, the *Municipal Act, 2001*, S.O. 2001, c 25, Section 8 provides that a municipality has the authority to govern its affairs as it considers appropriate and enables the municipality to respond to municipal issues; and

Whereas, Ontario Regulation 468/18 made under the Cannabis License Act, 2018 provides for the authorization and operation of cannabis retail stores; and

Whereas, the Alcohol and Gaming Commission of Ontario will have a 15 day window for public and municipal comments for each store site proposed by an approved operator; and

Whereas, it is deemed necessary and desirable that the Council of the Corporation of the Town of Lakeshore enacts a by-law adopting the Municipal Cannabis Policy Statement to provide for a policy statement to allow for comments to be provided in a timely manner;

Now Therefore the Council of The Corporation of the Town of Lakeshore hereby enacts as follows:

1. That the Municipal Cannabis Policy Statement attached as Schedule "A" to this by-law is enacted; and,
2. That this by-law comes into full force and effect on the date of its passing.

Read and passed in open session on July 14, 2020.

**Mayor
Tom Bain**

**Clerk
Kristen Newman**

Schedule “A” to By-law 52-2020

Municipal Cannabis Policy Statement

1.0 Purpose and Scope

- 1.1** The purpose of this policy statement is to provide input related to proposed cannabis retail outlets to the Alcohol and Gaming Commission of Ontario (AGCO) as well as help prospective recreational cannabis retailers in their consideration of location of cannabis retail stores in the Town of Lakeshore.
- 1.2** This policy applies to all prospective recreational cannabis retailers and properties in the Town of Lakeshore.

2.0 Definitions

- 2.1** “AGCO” is the Alcohol and Gaming Commission of Ontario.

3.0 Policy

- 3.1** 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 retail cannabis store.
- 3.2** AGCO is the provincial authority that licenses cannabis retail operators, authorizes cannabis retail locations and licenses senior store staff. Municipal governments have no licensing authority.
- 3.3** The AGCO regulates and reviews all aspects of the retail operation to ensure that the proposed store location is consistent with the public interest. Public interest is defined in the regulations (O. Reg. 468/18) as public health or safety, protecting youth and eliminating the illegal market. AGCO has already mandated a 150 metre setback from schools where no retail cannabis store would be permitted to be located.

- 3.4** For each store site proposed by an approved operator, the AGCO will have a 15-day window for public and municipal government comments. Comments must focus on whether a proposed location is in the public interest as defined in the regulation. AGCO is not obligated to reject a store licence where public or municipal government comments are unsupportive of a proposed location.
- 3.5** On December 10, 2019 Council made the decision to allow retail sales of recreational cannabis in the Town of Lakeshore. This policy statement 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. It also helps prospective recreational cannabis retailers in their consideration of location of cannabis retail stores in the Town of Lakeshore.
- 3.6** 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.
- 3.7** Municipal Building Inspections: while the licencing of the store operation is the responsibility of the AGCO, the Building Code 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.
- 3.8** For the purposes of this policy statement, a cannabis retail store shall mean a store licensed by the AGCO.
- 3.9** The Town of Lakeshore acknowledges that retail cannabis stores are a permitted use in areas zoned for retail stores within the Town's Zoning By-law, 2-2012, as amended. Lakeshore Zoning By-law 2-2012 permits retail uses in the: Hamlet Commercial (HC), Service Commercial (CS), Central Area (CA), Neighbourhood Commercial (CN) and Mixed Use (MU) zones. Retail is a permitted use in some site specific zones as well. In order to help ensure public health and safety, protect youth, and reduce illegal sales, retail cannabis stores are discouraged where nearby properties are designed to serve youth or other sensitive facilities that service persons with mental health or addiction challenges, in accordance with Appendix A attached to this policy (see Section 6.1 below), which identifies each sensitive facility and its separation distance.

4.0 Responsibilities

- 4.1** It is the responsibility of the Manager of Development Services to ensure staff are aware of the policy.

5.0 Consequences

- 5.1** Failure to follow this policy may result in a cannabis retail store being located too close to a sensitive land use and the AGCO not receiving comment in accordance with this policy from the Town of Lakeshore.

6.0 Reference Documents

- 6.1** Appendix A (attached)
6.2 Zoning By-law 2-2012, as amended
6.3 *Cannabis Licence Act, 2018 and Regulation 468/18*
6.4 Ontario Planning Act, R.S.O. 1990 c.P.13

7.0 Communication and Training

- 7.1** The Manager of Development Services and Manager of Building Services will communicate this policy.
- 7.2** Staff/individuals in the Development Services Department, including the Building / By-law and Planning Divisions, will need to know this policy.
- 7.3** Training will be provided to workers by their Manager/Supervisor on the mapping provided in Appendix A.

8.0 Review/Revisions

- 8.1** Timing for reviews are subject updates received from the Building Division on a Bi-annual basis.

#	Date Revised	Author	Section	Details of Change
1				
2				
3				
4				
5				

Appendix A

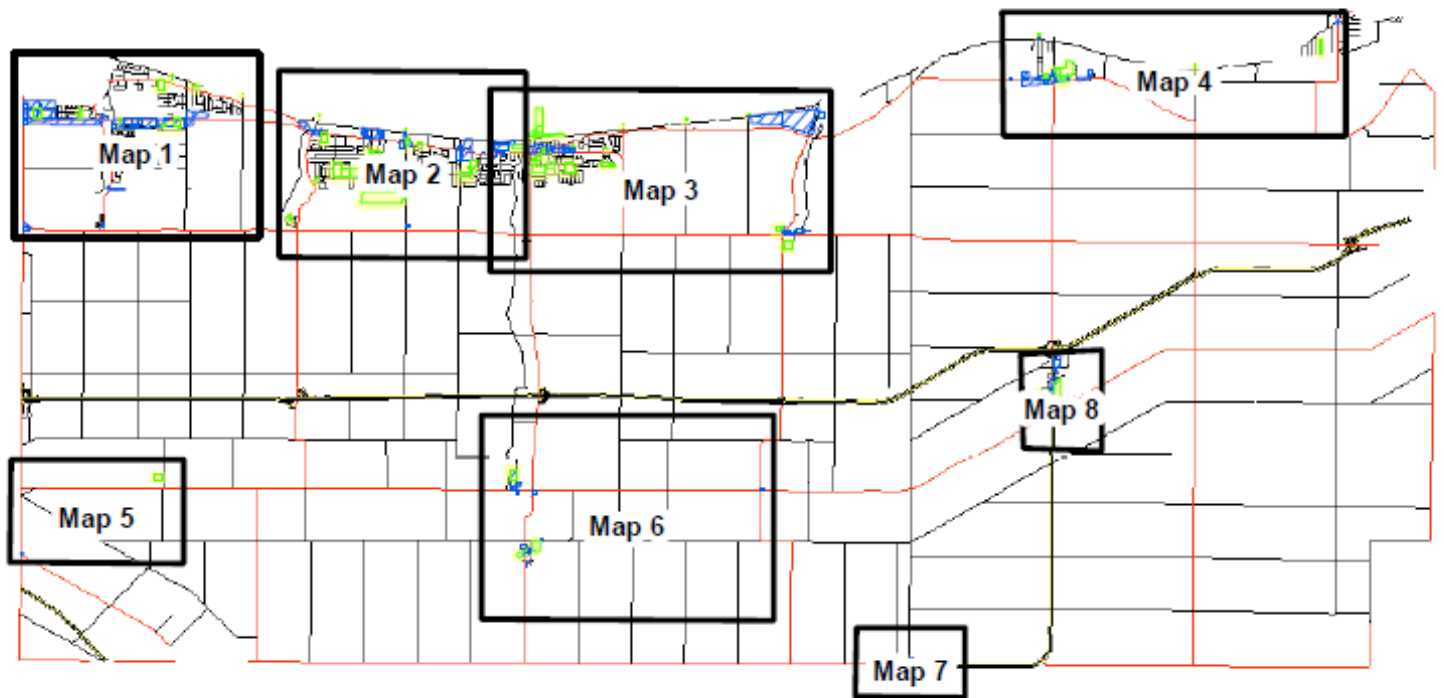
Community Centres/Facilities	Separation Distance (Metres)	Reference # on Schedule A	Map #
Belle River Marina	100	1	Map 3
Atlas Tube Centre	100	2	Map 2
Comber Community Centre and Fairgrounds	100	3	Map 8
Libro Community Centre	100	4	Map 6
Schools and Daycares	Separation Distance (Metres)	Reference # on Schedule A	Map #
Your Wooden Treehouse (daycare centre)	150	5	Map 3
Alexander's Daycare Centre – Lakeshore	150	6	Map 2
The Children's House Montessori - Lakeshore	150	7	Map 1
Lakeshore Ontario Early Years Centre	150	8	Map 2
Lakeshore Discovery School	150	8	Map 2
St. Anne Catholic High School	150	9	Map 2
St William Catholic Elementary School	150	10	Map 2
Our Lady of Annunciation School	150	11	Map 4
École Élémentaire catholique Pavillon des Jeunes	150	12	Map 2
École élémentaire catholique Saint-Ambroise	150	13	Map 3
École élémentaire catholique Saint-Paul	150	14	Map 4
Belle River District High School	150	15	Map 3
St John the Baptist Catholic School	150	16	Map 3
Belle River Public School	150	17	Map 3
Saint John the Evangelist Catholic School	150	18	Map 6
Centennial Central Public School	150	19	Map 8

2548 County Road 27 (Daycare Centre)	150	20	Map 6
Parks	Separation Distance (Metres)	Reference # on Schedule A	Map #
Centennial Park	100	21	Map 2
Duck Creek Park	100	22	Map 3
Geralyn Tellier – Perdu Memorial Park	100	23	Map 3
Girard Park	100	24	Map 2
Golfview Drive Lakefront Parkette	100	25	Map 3
Gracey Sideroad Lakefront Parkette	100	26	Map 4
Helena Park	100	27	Map 3
Johnson Riverview Park	100	28	Map 3
Ladouceur/Lions Park	100	29	Map 3
Lakeview Park	100	30	Map 3
Lakeview Park West Beach	100	31	Map 3
Leffler Peace Park	100	32	Map 1
Legion Park	100	33	Map 3
Lighthouse Cove Community Park	100	34	Map 4
Maidstone Park	100	35	Map 2
Oakwood Park	100	36	Map 2
Optimist Park	100	37	Map 2
Puce Road Lakefront Parkette	100	38	Map 2
Renaud Line Lakefront Parkette	100	39	Map 2
River Downs Park	100	40	Map 2
River Ridge Park	100	41	Map 2
Russel Woods Parkette	100	42	Map 1
Shanahan Park	100	43	Map 5
Staples Community Park	100	44	Map 7
St Clair Shores Park	100	45	Map 1
Stoney Point Park	100	46	Map 4
Stoney Point Lakefront Parkette	100	47	Map 4
Strong Lakefront Parkette	100	48	Map 3
Stuart Lakefront Parkette	100	49	Map 3
Terra Lou Park	100	50	Map 3
Wallace Line Lakefront Parkette	100	51	Map 1

Woodslee Memorial Park	100	52	Map 6
Libraries	Separation Distance (Metres)	Reference # on Schedule A	Map #
Comber Library	100	53	Map 8
Stoney Point Library	100	54	Map 4
Toldo Library	100	2	Map 2
Libro Library	100	4	Map 6

The maps below merely represent a guide that Development Services will use when evaluating the appropriateness of proposed sites in greater detail.

Potential Retail Cannabis Store Site Overview



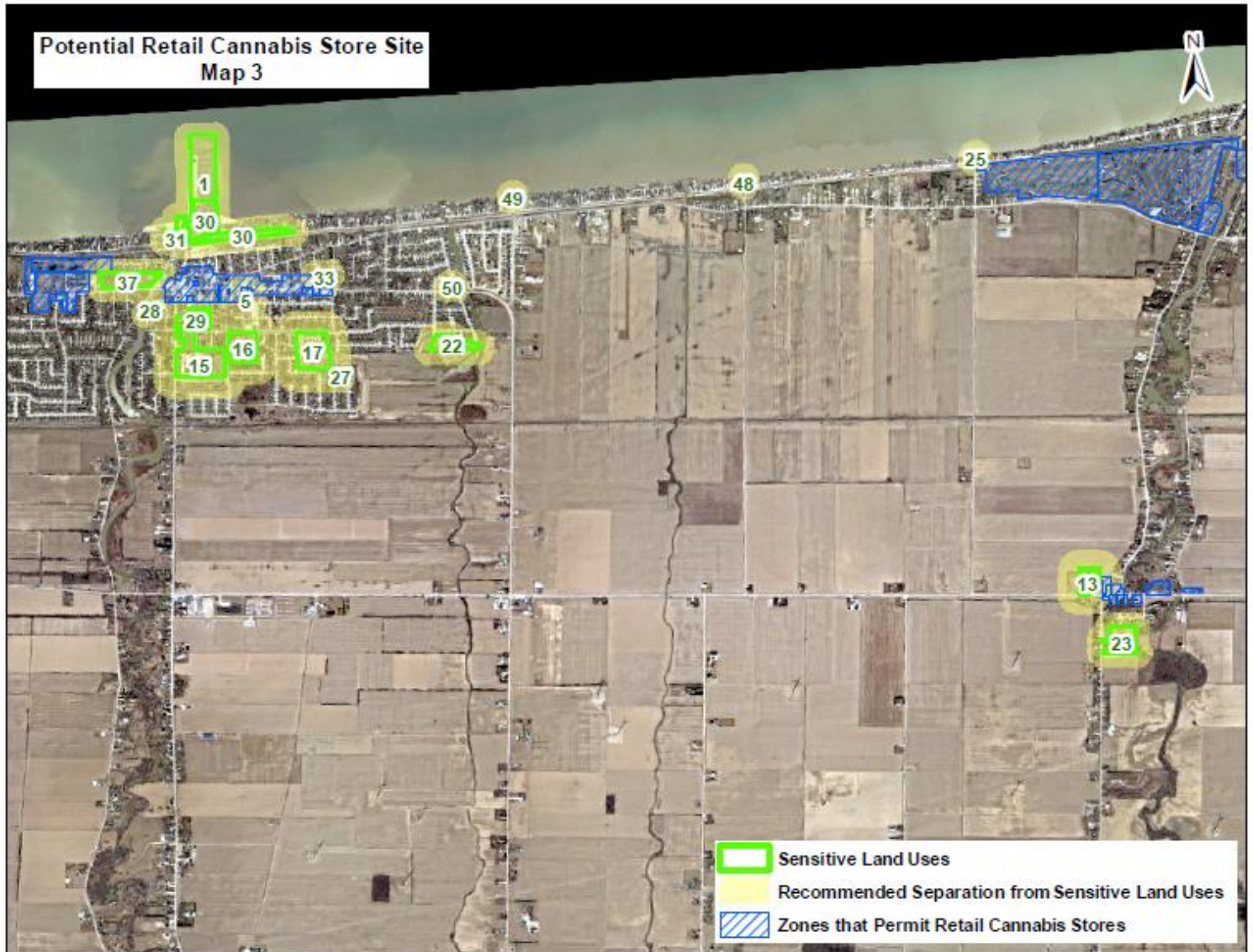
Potential Retail Cannabis Store Sites
Map 1



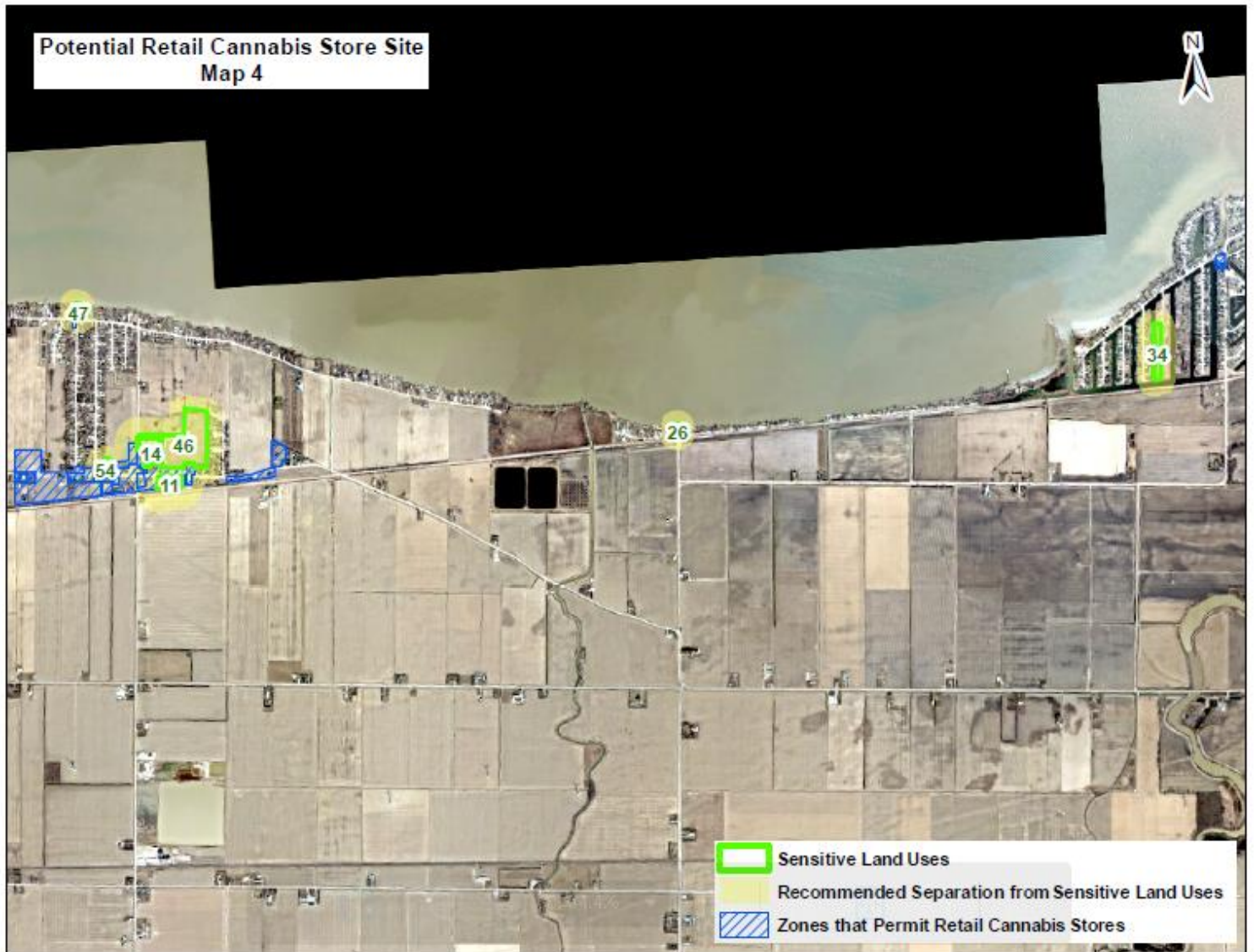
Potential Retail Cannabis Store Site
Map 2



Potential Retail Cannabis Store Site
Map 3



Potential Retail Cannabis Store Site
Map 4



Potential Retail Cannabis Store Site
Map 5



Potential Retail Cannabis Store Site
Map 6



Potential Retail Cannabis Store Site
Map 8

