

Corporate Policy

100 Newport Drive, Port Moody, BC, V3H 5C3, Canada
Tel 604.469.4500 • Fax 604.469.4550 • www.portmoody.ca

Section:	Planning and Development	09
Sub-Section:	Development Planning	4300
Title:	Cannabis Retail Use	2019-01

Related Policies

Number	Title

Approvals

Approval Date: April 9, 2019	Resolution #: <u>RC19/149</u>
Amended: October 8, 2019	Resolution #: <u>RC19/440</u>
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Amended:	Resolution #:

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Policy

Background

The Government of Canada legalized the recreational use of cannabis on October 17, 2018. In coordination with federal and provincial legislation, Corporate Policy – 09-4300-2019-01 – Cannabis Retail Use provides a framework for Council to consider rezoning applications to amend City of Port Moody Zoning Bylaw, No. 2937 to permit a Cannabis Retail Use.

Approach and Intent

This Policy provides guidelines for a site-specific rezoning consideration by Council to consider Cannabis Retail Uses in the City. The Policy also includes locational criteria and additional business licence requirements. For the initial applications, the Policy provides a procedure for parallel consideration of rezoning applications for Cannabis Retail Use.

While considering applications under this Policy's guidelines, Council retains full discretion for considering/approving applications based on application-specific considerations.

Guidelines for Cannabis Retail Use

Preference will be given to rezoning applications for Cannabis Retail Use that meet the following criteria:

1. Commercial Retail Zoning

The proposed site for Cannabis Retail Use is located on properties zoned for commercial retail use(s).

2. Locational Criteria

The site is not located within a 75-metre "Buffer" of the following "Sensitive Uses" (**Schedule 1**):

- Public and private elementary, secondary, and middle schools (K-12);
- Playgrounds (public and strata-operated);
- Community Centres, including the;
 - Port Moody Arts Centre;
 - Kyle Centre; and
 - City Hall Recreation Complex.

Separation distances shall be measured as the crow flies from the centre point of the main entrance of the Cannabis Retail Use to the nearest property line of the defined Sensitive Use.

3. Maximum Number of Businesses

Up to a maximum of five (5) Cannabis Retail Use locations will be considered in Port Moody within the first 12 months following the adoption of the Zoning Bylaw Amendment.

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4. Additional Business Licence Requirements

In addition to Provincial licensing requirements, the City requires additional business licence requirements for Cannabis Retail Use. Refer to Business Licence and Regulation Bylaw, No. 3000 for these requirements.

Definitions

Cannabis has the same meaning as in the *Cannabis Act (Canada)*.

Cannabis Retail Use means the use of a site or part of a site for the retail sale of non-medical cannabis for which an application has been made and a referral has been forwarded to the City for a licence under the Provincial *Cannabis Control and Licencing Act (Bill 30)* and that is only authorized to sell federally approved cannabis products, which include dried cannabis, cannabis oil, and cannabis seeds.

Sensitive use means a land use that includes public and private schools (grades K-12), playgrounds (public and strata-operated), and community centres.

Buffer means the distance in metres that separates a Retail Cannabis Use from a sensitive use(s).

Procedures

The following procedure will be followed for any Cannabis Retail application. These policies are provided for clarification and in addition to the requirements of the City's Development Approval Procedures Bylaw, No. 2918:

1. The applicant must first apply to the Liquor and Cannabis Regulation Branch (LCRB) for consideration of a provincial non-medical cannabis retail licence.
2. The LCRB will forward a referral to the City of Port Moody for applications that meet the provincial licensing requirements and have paid the provincial application fee. During the provincial review time, City staff are available to advise applicants regarding the preparation of a rezoning application.
3. The City will only accept rezoning applications for Cannabis Retail Use following the receipt of a referral for a provincial licence received directly from the LCRB.
4. Staff will present recommendations to Council in a Planning Report regarding amendments to the Zoning Bylaw for Council consideration of first and second readings.
5. A Public Hearing may be scheduled for applications in order for the public to provide input to Council.
6. Following a Public Hearing, Council may approve or deny a rezoning application.

1. **If the rezoning application is approved:**

- the City will submit a letter of support to the LCRB, which may then issue a provincial licence;
- the Applicant must then submit a business licence application to the City; and

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- other development or building permit approvals may be required depending on the scope of the proposed Cannabis Retail Use application (e.g. if renovations or tenant improvements to the store location are required).

2. If the rezoning application is denied:

- the City will submit a letter of objection to the LCRB; and
- the LCRB would be expected not to issue a provincial licence in this case and no Cannabis Retail Use will be established.

Concurrent processing of first applications in 2019

Following the introduction of this policy, the anticipated first round of applications for rezoning will be processed concurrently. This will be implemented by using the steps above, combined with the following additional provisions which apply to any application received in 2019:

- a) the City will only consider rezoning applications for those applications for which the Province has sent a referral regarding the Provincial licence by October 15, 2019;
- b) the City will only consider rezoning applications that are submitted and accepted as complete on October 15, 2019. Such applications will be processed through a single concurrent review process; and
- c) rezoning applications submitted between October 16 and December 31, 2019 will be processed concurrently during a second round of concurrent review.

Associated Regulations and Policy Documents:

This Policy is to be applied in conjunction with:

- *Cannabis Act (Canada)*;
- *Cannabis Control and Licensing Act (CCLA) (British Columbia)*;
- Business Licensing and Regulation Bylaw, 2015, No. 3000;
- Development Approvals and Procedures Bylaw, No. 2918;
- Fees Bylaw, 2018, No. 3172;
- Smoking Regulation Bylaw, No. 2773;
- Port Moody Official Community Plan, No. 2955;
- Zoning Bylaw, No. 2937; and
- other relevant bylaws or policies as necessary or that may be adopted by Council.

Attachment

1. Schedule 1 – Sensitive Use Buffer Map.

Monitoring/Authority

1. The acceptance and timing of processing of rezoning applications under this policy is delegated to the General Manager of Planning and Development.
2. Council maintains full discretion on the consideration of rezoning applications.

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This Corporate Policy shall come into effect on the date of the adoption of:

- City of Port Moody Zoning Bylaw, 2018, No. 2937, Amendment Bylaw No. 16, 2019, No. 3188, and;
- City of Port Moody Business Licensing and Regulation Bylaw, 2015, No. 3000, Amendment Bylaw No. 4, 2019, No. 3189

Schedule 1 to Corporate Policy – 09-4300-2019-01 – Cannabis Retail Use

