
TO: GENERAL COMMITTEE

SUBJECT: CITY INITIATED ZONING BY-LAW AMENDMENT: PROPOSED CHANGES RELATING TO CANNABIS PRODUCTION FACILITIES

WARD: ALL

PREPARED BY AND KEY CONTACT: M. BANFIELD, RPP, DIRECTOR OF PLANNING AND BUILDING SERVICES, EXT. 5466

SUBMITTED BY: M. BANFIELD, RPP, DIRECTOR OF PLANNING AND BUILDING SERVICES

GENERAL MANAGER APPROVAL: A. MILLER, RPP, GENERAL MANAGER OF INFRASTRUCTURE AND GROWTH MANAGEMENT

CHIEF ADMINISTRATIVE OFFICER APPROVAL: M. PROWSE, CHIEF ADMINISTRATIVE OFFICER

RECOMMENDED MOTION

1. That the following City-initiated Zoning By-law amendments to Zoning By-law 2009-141 relating to Cannabis Production Facilities, be approved:
 - a) Section 3 – Definitions be amended by deleting the definition of “Medical Marihuana Production Facility” and replacing it with:

“Cannabis Production Facility” shall mean “a wholly enclosed building, structure or part thereof, used to possess, produce, sell, provide, ship, deliver, transport or destroy marihuana or cannabis by a Licensed Producer authorized by Health Canada and through a Licence issued by the City of Barrie, as required. Any facility that requires a Health Canada License for the production of Cannabis is considered a Cannabis Production Facility including micro-cultivation licenses, cultivation licenses and licenses for research.”;
 - b) Section 3 – Definitions be amended by amending the definition of “Manufacturing and Processing” by deleting the words “medical marihuana production facility” and adding the words “cannabis production facility.”; and
 - c) Table 7.2, be amended by deleting the wording “Medical Marihuana Production Facility” and replacing it with “Cannabis Production Facility.”
2. That pursuant to Section 34 (17) of the *Planning Act*, no further public notification is required prior to the passing of the By-law.

PURPOSE & BACKGROUND

Purpose

3. The purpose of this Staff Report is to recommend Council to amend the City of Barrie comprehensive Zoning By-law 2009-141 to reflect current policies and regulations regarding the production of marihuana.

4. Staff recommends proposed changes to the City's Zoning By-law be approved to reflect new legislation enacted by the Government of Canada in regards to cannabis, including its production and use.
5. To do so, amendments to two definitions and one table in the Zoning By-law are being proposed. See Appendix "A" – Proposed Zoning By-law Amendment.

Background

6. In 2015 the City of Barrie passed By-law 2015-068 to establish a definition and zoning standards for the production of Medicinal Marihuana. Medical Marihuana Production Facilities are permitted in the General Industrial (GI) zone. At the time of the passing of that By-law, medical marihuana was the only legal production and use permitted in Canada. The provisions of the by-law reflect this.
7. On October 17, 2018, Canada legalized cannabis for recreational purposes with the passing of *The Cannabis Act* (2017). This Act permits Canadians to smoke, purchase and grow cannabis for recreational purposes, in addition to the medical permissions that had been previously enjoyed.
8. The *Cannabis Act* states that individuals are permitted to grow four plants per residence for personal use. Individuals and groups are permitted to grow cannabis for sale to authorized retailers subject to obtaining the appropriate license from Health Canada. At this time, Health Canada issues licenses for the production of cannabis regardless of whether it is for recreational use or medical use.
9. As cannabis can now be produced and consumed for medical and recreational purposes, it is appropriate to reflect those changes in the City's Zoning By-law.
10. Retail sales are not being addressed in these proposed changes to the Zoning By-law because Ontario legislation leaves the placement of retail cannabis stores up to the Alcohol and Gaming Commission of Ontario (AGCO).
11. In April 2019, Council recommended that a public meeting be scheduled to consider amendments to Zoning By-law 2009-141 that may be appropriate to address cannabis production in the City of Barrie.
12. A statutory public meeting was held on Mondayj May 6, 2019. No members of the public made any submissions either orally or written at or in advance of the public meeting. No comments from internal or external agencies were received by the City.

ANALYSIS

13. The proposed amendments are as follows:
 - a) Definition title change from: Medical Marihuana Production Facility to Cannabis Production Facility.
 - b) Definition of Cannabis Production Facility shall mean "a wholly enclosed building, structure or part thereof, used to possess, produce, sell, provide, ship, deliver, transport or destroy marihuana or cannabis by a Licensed Producer authorized by Health Canada and through a Licence issued by the City of Barrie, as required. Any facility that requires a Health Canada License for the production of Cannabis is considered a Cannabis Production Facility including micro-cultivation licenses, cultivation licenses and licenses for research."

- c) Amending the definition of “Manufacturing and Processing” by deleting the words “medical marihuana production facility” and adding the words “cannabis production facility.”
 - d) Table 7.2 be amended by deleting “Medical Marihuana Production Facility” and replacing it with “Cannabis Production Facility”.
14. Significant work was done in 2015 to select appropriate locations for medical marihuana production facilities. At that time, these uses were directed to the General Industrial (GI) zone.
15. The zoning standards for a Medical Marihuana Production Facility are outlined in Section 7.0: Industrial Provisions. Key standards to note for this use in the GI zone include a minimum setback of 10 metres from residential zones and a required 3.0m landscape buffer area abutting lots that are not zoned industrial. These standards are applicable for all uses in the GI zone, not only a Medical Marihuana Production Facility. The parking standard that would apply for a Medical Marihuana Production Facility is 1 space per 70m² of gross floor area, which to date has been adequate for this use.
16. The proposed definitions amendment to the Zoning By-law surrounding cannabis production facilities may require subsequent amendments to the City’s Licensing By-law. The Licencing By-law currently limits cannabis production facilities to Medical Marihuana therefore an amendment may be required to permit recreational production. The Manager of Enforcement Services will be bringing forth changes once the definitions have been approved by Council.

ENVIRONMENTAL MATTERS

17. There are no environmental matters related to the recommendation.

ALTERNATIVES

18. Council can choose to not approve the amendments to the Zoning By-law. This alternative is not desirable as there is no clear way for Planning Staff to consider recreational cannabis production in the City of Barrie. Staff believe the City’s Zoning By-law should respond to the change in legislation as it relates to cannabis production facilities.

FINANCIAL

19. There are no financial implications for the Corporation resulting from the proposed recommendation. Potentially, without the recognition of this change in legislation in the Zoning By-law, the City may be less likely to attract new cannabis production facilities which may limit the potential for new businesses in this emerging market.

LINKAGE TO 2018-2022 STRATEGIC PLAN

- Growing Our Economy**
By explicitly recognizing the legalization of cannabis production facilities in the Zoning By-law, the City is poised to respond to new businesses that may look to locate within the City of Barrie.

Building Strong Neighbourhoods

An important aspect of land use planning is compatibility. In this instance, the City is directing land uses to specific and appropriate areas for cannabis production.

20. The recommendation(s) included in this Staff Report support the following goals identified in the 2018 - 2022 Strategic Plan:

Attachments: Appendix "A" – Proposed Zoning By-law Amendment

APPENDIX "A"

Proposed Zoning By-law Amendment



Bill No. XXX

BY-LAW NUMBER 2019-XXX

A By-law of The Corporation of the City of Barrie to amend By-law 2009-141, a land use control by-law to regulate the use of land, and the erection, use, bulk, height, location and spacing of buildings and structures in the City of Barrie.

WHEREAS the Council of The Corporation of the City of Barrie deems it expedient to amend Comprehensive Zoning By-law 2009-141.

AND WHEREAS the Council of The Corporation of the City of Barrie adopted Motion 19-G-XXX.

NOW THEREFORE the Council of The Corporation of the City of Barrie enacts the following:

1. **THAT** Section 3 – Definitions be amended by deleting the definition of “Medical Marihuana Production Facility” and replacing it with:

“Cannabis Production Facility” shall mean “a wholly enclosed building, structure or part thereof, used to possess, produce, sell, provide, ship, deliver, transport or destroy marihuana or cannabis by a Licensed Producer authorized by Health Canada and through a Licence issued by the City of Barrie, as required. Any facility that requires a Health Canada License for the production of Cannabis is considered a Cannabis Production Facility including micro-cultivation licenses, cultivation licenses and licenses for research.”
2. **THAT** Section 3 – Definitions be amended by amending the definition of “Manufacturing and Processing” by deleting the words “medical marihuana production facility” and adding the words “cannabis production facility.”
3. **THAT** Table 7.2 be amended by deleting “Medical Marihuana Production Facility” and replacing it with “Cannabis Production Facility”.
4. **THAT** this By-law shall come into force and effect immediately upon the final passing thereof.



READ a first and second time this ____ day of October, 2019.

READ a third time and finally passed this ____ day of October, 2019.

THE CORPORATION OF THE CITY OF BARRIE

MAYOR – J. R. LEHMAN

CITY CLERK – WENDY COOKE