



PLANNING AND BUILDING SERVICES MEMORANDUM

FILE NO. D14-1667

TO: MAYOR J. LEHMAN AND MEMBERS OF COUNCIL

FROM: M. BANFIELD, RPP, MANAGER OF GROWTH AND DEVELOPMENT

NOTED: A. BOURRIE, RPP, DIRECTOR OF PLANNING AND BUILDING SERVICES
A. BOURRIE, RPP, ACTING GENERAL MANAGER OF INFRASTRUCTURE AND GROWTH MANAGEMENT
M. PROWSE, CHIEF ADMINISTRATIVE OFFICER

RE: PUBLIC MEETING FOR ZONING BY-LAW AMENDMENT: CANNABIS PRODUCTION

DATE: MAY 6, 2019

The purpose of this Memorandum is to advise members of Council of the Public Meeting regarding City-initiated amendments to Zoning By-law 2009-141 that may be appropriate to address cannabis production in the City of Barrie as a result of new legislation enacted by the Government of Canada legalizing recreational cannabis.

Since 2015 the City's zoning by-law has a definition and standards in place for the production of Medicinal Marihuana in the General Industrial (GI) zone. At the time, medical marihuana was the only legal production and use permitted in Canada. The provisions of the by-law reflect this. On October 17th, 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. 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. The act of producing cannabis is not altered by the end use of the product for medical or recreational purposes and Staff believe it is appropriate to consider amendments to the zoning by-law to reflect current legislation.

Timing and Public Consultation

A notice of public meeting was issued on April 11, 2019 in the Barrie Advance and via email to the City's standard circulation list of internal and external departments and agencies. Since the circulation of the public meeting notice supplementary information has been provided on the City's website. To date, the City has not received any comments from the public or any department or agency respecting the proposed amendments to accommodate Cannabis Production Facilities in the City of Barrie.

Planning and Land Use Matters Considerations

The proposed amendments to the zoning by-law are as follows:

1. In Section 3.0: Definitions of Zoning By-law 2009-141 removing the definition of “Medical Marihuana Production Facility” and replacing it with a definition for “Cannabis Production Facility”.
2. A “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.”*
3. In Table 7.2 removing “Medical Marijuana Production Facility” and replacing it with “Cannabis Production Facility”.

The applicable zoning standards are outlined in Section 7.0: Industrial Provisions. There are no other proposed amendments to Zoning By-law 2009-141. Cannabis Production Facilities will be permitted in the General Industrial (GI) zone which is the same zone that currently permits Medical Marihuana Production Facilities. The zone standards in GI zone remain the applicable standards. 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. The parking standard that would apply for a Cannabis Production Facility is 1 space per 70m² of gross floor area, which to date has been adequate for this use.

Retail sales are not being addressed in these proposed changes to the Zoning By-law because Ontario legislation leaves the siting of retail cannabis stores up to the Alcohol and Gaming Commission of Ontario (AGCO).

Next Steps

Staff will address the feedback received through the public consultation process, as well as those comments raised through the analysis of these amendments by staff and our agency partners. A staff report to General Committee is anticipated to be brought forward in the fall of 2019 to make a decision on the proposed amendment to Zoning By-law 2009-141 respecting Cannabis production in the City of Barrie.

For more information, please contact Michelle Banfield, RPP, Manager of Growth & Development at x5466.