



## **Council Report**

### **For the Meeting of September 22, 2016**

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**To:** Council **Date:** September 9, 2016  
**From:** Jonathan Tinney, Director  
Sustainable Planning & Community Development  
**Subject:** Adoption of Storefront Cannabis Retailer Rezoning Policy

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### **RECOMMENDATION**

That Council adopt the proposed Storefront Cannabis Retailer Rezoning Policy.

### **PURPOSE**

For Council to adopt the proposed Storefront Cannabis Retailer Rezoning Policy, as amended in Appendix A to:

- a) include 'middle schools' in addition to elementary and secondary schools, and
- b) update references to 'cannabis' in lieu of 'marijuana'.

### **BACKGROUND**

The proposed Storefront Cannabis Retailer Rezoning Policy has been considered and discussed multiple times by Council, throughout the process of adopting regulations for medical marijuana and storefront cannabis retailers.

Upon final review of the proposed policy, it was noted that 'middle school' was not listed as part of the Rezoning Considerations, section 2. Elementary and Secondary schools are the only types listed, and for clarity and consistency with other planning and land use documents 'middle school' should be included.

The Policy has also been renamed and the word 'marijuana' replaced with 'cannabis' throughout, following the intent of the Council motion passed on September 8, 2016 that directed the change of language through all of the proposed medical marijuana related bylaws.

### **CONCLUSIONS**

The Storefront Cannabis Retailer Rezoning Policy is key to the Zoning Regulation bylaw amendment adopted by Council on September 8. The amendments to include middle schools and refer to cannabis do not change the intent or application of the policy.

Respectfully submitted,



Chris Coates

City Clerk

Legislative and Regulatory Services




Jonathan Tinney

Director, Sustainable Planning and Community  
Development

Report accepted and recommended by the City Manager: \_\_\_\_\_

Date: \_\_\_\_\_

  
September 13, 2016

**List of Attachments** Appendix A - Proposed Storefront Cannabis Retailer Rezoning Policy



## COUNCIL POLICY

No.

Page 1 of 2

CHAPTER:

SECTION:

SUBJECT: Storefront Cannabis Retailer Rezoning

AUTHORIZED BY:

EFFECTIVE DATE:

REVISION DATE:

### A. PURPOSE

The purpose of this policy is to outline the criteria that may be considered by City Council as part of a rezoning application to allow for a storefront cannabis retailer at a particular location. This policy is intended to guide applicants and City staff as part of the application process but it is not intended to fetter Council's discretion when dealing with individual rezoning applications, each of which will be evaluated on its own merits.

This policy was established in response to the anticipated legalization, or partial legalization, of marijuana by the federal government and the unregulated proliferation of storefront cannabis retailers. It is intended to address potentially adverse community impacts of storefront cannabis retailers, including inappropriate exposure of minors to cannabis and undesirable concentration of storefront cannabis retailers.

### B. DEFINITIONS

**Applicant** means an applicant for a rezoning that would allow for a storefront cannabis retailer at a particular location.

**Storefront cannabis retailer** means premises where cannabis is sold or otherwise provided to a person who attends at the premises.

### C. POLICY STATEMENTS

#### *Rezoning Considerations*

1. A storefront cannabis retailer should be in an established or planned retail location to minimize nuisance to nearby residential neighbours. This may be within a large urban village or town centre as identified in the Official Community Plan, within a commercial area identified in a neighbourhood plan or in a location zoned for other retail use.
2. A storefront cannabis retailer should be at least 200 m (in a straight line from closest lot line to closest lot line) from a public or independent elementary, middle or secondary school.
3. A storefront cannabis retailer should be at least 200 m (in a straight line from closest lot line to closest lot line) from another lot where a storefront cannabis retailer is permitted, whether or not a storefront cannabis retailer is active or not. A reduced distance may be warranted in locations such as a large urban village, town centre or Downtown.

4. The off-street parking requirements applicable to retail stores as outlined in Schedule C of the Zoning Regulation Bylaw will apply to storefront cannabis retailers.
5. Only one storefront cannabis retailer will be allowed per lot.

***Application Process***

6. The applicant must undertake all of the standard processes required for a rezoning application, except that the requirement to arrange and participate in a Community Meeting in relation to a rezoning application is waived unless it involves the construction of a new building, as allowed under section 8 of the Land Use Procedures Bylaw, 2016.
7. The City will refer the application to School District #61 and Victoria City Police for up to 30 days to ensure that their comments are considered in Council's decision.

**D. REFERENCES**

City of Victoria Land Use Procedures Bylaw, 2016, Bylaw No. 16-028  
City of Victoria Zoning Regulation Bylaw, Bylaw No. 80-159

**E. REVISION HISTORY**