



January 22, 2019

Ministry of Municipal Affairs and Housing
Office of the Minister
777 Bay Street, 17th Floor
Toronto, ON M5G 2E5

Minister Steve Clark:

Sent via E-mail

Re: Opting In to Allow Retail Cannabis Stores

Please be advised that at the January 15, 2019 meeting of Niagara Falls City Council, the following motion was passed:

- ORDERED** on the motion of Councillor Ioannoni, seconded by Councillor Campbell, that Council opt in to the Provincial Retail Cannabis Store program;
- AND ALSO**, that Council adopt the attached Municipal Policy Statement on Cannabis for the purpose of reviewing and commenting on licence applications;
- AND ALSO**, that City Council harmonize its anti-smoking by-law with amendments to the Regional anti-smoking by-law and work with Regional Health in public consultation regarding additional public areas where tobacco, cannabis and related products can be smoked or consumed;
- AND ALSO**, that City Council send a resolution to the Province requesting that municipalities in Ontario be given greater regulatory controls over the location, distance separations and numbers of Retail Cannabis Stores within a municipality;
- AND ALSO**, that a copy of this motion of Council be sent to all municipalities in Ontario.

If you have any questions, please contact me directly.

Attach.

c. The Honourable Doug Ford, Premier of Ontario
All Municipalities in Ontario

Sincerely,

Bill Matson
Acting City Clerk

APPENDIX 2

CORPORATE POLICY PLANNING, BUILDING & DEVELOPMENT	DATE EFFECTED December 11, 2018 DATE OF REVISION	PROCEDURE 500.22 Municipal Policy Statement on Cannabis Report: PBD-2018-76
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1.0 Purpose & Vision

- a) The purpose of this policy statement is to provide a format for the City of Niagara Falls to provide input 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 Niagara Falls.
- b) It is recognized the AGCO is the provincial authority responsible for licensing cannabis retail operators, authorizing cannabis retail locations and licensing senior store staff. Municipal governments have no licensing authority. The AGCO regulates and reviews all aspects of the retail operation including municipal and public input, that the proposed store location is consistent with the public interest as defined in the regulations.
- c) The City of Niagara Falls has chosen to allow retail sales of recreational cannabis within commercial zones.

2.0 Principles for Cannabis Retail Store Locations

- a) For the purposes of this policy statement, a cannabis retail store shall mean a store licensed or under application to be licensed by the AGCO.
- b) 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.
- c) Municipal Building Inspections: The Ontario Building Code applies to cannabis retail store locations. Therefore, where a building or sign permit is required, applications together with appropriate fees shall be submitted to the Niagara Falls Building Division. The building inspector will undertake duties as usual. Fire Code compliance is mandatory.

3.0 Cannabis Retail Stores and Sensitive Activities

- a) The goal is to help ensure public health and safety, protect of youth and reduce illegal sales, retail cannabis stores are discouraged where nearby

properties are designed to serve youth, or the potential for illegal sales or health risk exist. It is recommended that a 150m distance be maintained from:

- i) Schools as outlined in O. Reg 468.18;
 - ii) Facilities such as nursery schools, day care centres and municipal libraries, parks, trailheads and recreational facilities including community centres and arenas; and
 - iii) Facilities that serve persons with mental health or addiction challenges.
- b) Attached is a map showing the retail/commercial zones of the municipality and the activities identified in i), ii) and iii) above.

4.0 Comment Preparation & Submission

- a) Planning Staff when preparing comments to be submitted to the AGCO, shall have regard for:
- i) ensuring zoning allows a retail use as a permitted use and whether the zone provisions and regulations of the zone can be satisfied;
 - ii) the separation distances listed for uses in 3.0 i), ii) and iii) of this Policy are met; and
 - iii) the goal of 3.0 is met.
- b) Where time limits do not allow a report to be brought before City Council, the Director of Planning, Building & Development is delegated the responsibility to submit comments to the AGCO on behalf of the Corporation.