

TO: Mayor Savage and Members of Halifax Regional Council

Original Signed by



SUBMITTED BY:

Jacques Dubé, Chief Administrative Officer

DATE: May 19, 2017

SUBJECT: HRM's role in regulating cannabis related businesses

ORIGIN

February 16, 2016, Item 14.4.1

MOVED by Councillor Rankin, seconded by Councillor Walker

That Regional Council give consideration and request a staff report on the adequacy of by-laws and regulations Federally, Provincially or Municipally that deals with regulations to address the operation of a medical marijuana cultivation operation and its effect on a neighbouring property. How such operations can adversely affect the health of one's neighbours. Moreover, is there recognition that the cumulative and/or the persistence of wayward effluents/malodours constitute adverse quality of life in the enjoyment of the receiving neighbour's property. MOTION PUT AND PASSED.

January 3, 2017, CAO direction to outline the options concerning marijuana dispensaries addressing where HRM might permit such operations, their size, ancillary uses and other occupancy considerations, assuming Federal legislation will be amended to permit such activity.

LEGISLATIVE AUTHORITY

Please see Attachment A.

RECOMMENDATION

It is recommended that Halifax Regional Council direct staff to:

1. Monitor Federal and Provincial initiatives concerning the legalization and regulation of cannabis for recreational use and report back to Council for further direction once there is greater clarity concerning HRM's role in regulating the retail sale of cannabis products.

2. Initiate a process to consider amendments to the Regional Municipal Planning Strategy, Community Municipal Planning Strategies and community land use by-laws, as appropriate, regarding appropriate zones and land use controls for commercial cannabis production facilities and dispensaries that strive to balance economic development opportunities with concerns related to impacts on neighbouring properties.

BACKGROUND

The following sections provide an overview of Federal Government legislation concerning cannabis, also often referred to as marijuana. Recent federal publications generally now refer to cannabis, the entire plant, rather than marijuana or marihuana, which refers to the dried flower. The terms, however, are often used interchangeably. For clarity, this report uses the term cannabis in discussion sections, but still refers to marijuana or marihuana when referencing previous legislation or regulations in other jurisdictions.

History of Federal Legislation

The Federal government has been permitting Canadians to access medical cannabis since the late 1990's, primarily in response to a series of court decisions. In 1999, the Federal government used exemptions under the *Controlled Drugs and Substances Act* (CDSA) to allow legal access to dried cannabis for medical purposes. In 2000, a court decision determined that individuals had the right to possess medical cannabis. In response to this court decision, the Federal Government implemented the *Marihuana Medical Access Regulations* (MMAR) in 2001, which allowed individuals authorized by their health care practitioner to access dried medical cannabis. This access included designating someone to produce dried cannabis on their behalf, growing their own plants, or purchasing the product from Health Canada.

The MMAR continued to evolve in response to subsequent court decisions and in 2013, the MMAR was replaced by the *Marihuana for Medical Purposes Regulations* (MMPR). The MMPR required individuals to access dried cannabis only from licensed commercial producers.

In 2015, the courts ruled that it was unconstitutional to limit medical cannabis to solely dried products. This decision allowed individuals to possess and use alternative forms of cannabis products such as cannabis oil and fresh marijuana buds.

In August 2016, the Federal Government replaced the MMPR with the *Access to Cannabis for Medical Purposes Regulations* (ACMPR)¹. These current regulations responded to a 2016 court decision that determined that requiring individuals to get their marihuana only from licensed producers violated liberty and security rights protected by section 7 of the *Canadian Charter of Rights and Freedoms*. Consequently, the ACMPR enables eligible Canadians to obtain medical cannabis from a licensed producer or produce a limited amount of cannabis for their own purposes.

Current Federal Regulations

Access to medical cannabis is currently regulated by the ACMPR. The first part is similar to the 2013 MMPR regulations that created a framework for licensed producers to commercially produce dried marihuana, cannabis oil or starting materials. The second part is similar to the initial 2001 MMAR regulations that allowed individuals to produce limited amounts of cannabis for their own purposes or designate an individual to produce it on their behalf. Health Canada administers the ACMPR and is

¹ Government of Canada. Health Canada (August, 2016). Understanding the New Access to Cannabis for Medical Purposes Regulations. Retrieved from: <http://healthycanadians.gc.ca/publications/drugs-products-medicaments-produits/understanding-regulations-medical-cannabis-medicales-comprehension-reglements/index-eng.php>

responsible for licensing and regulating the commercial industry as well as registering individuals to produce their own limited quantities of medical cannabis.

Regulations for Individuals

Authorized individuals who have a medical need for cannabis currently have three ways to access it. Registered individuals may obtain cannabis from a licensed producer, may register with Health Canada to produce a limited quantity for their individual use, or may designate someone else to produce it for them. Regardless of how the individual obtains the cannabis, the maximum possession limit for medical cannabis is a 30 day supply or 150 grams of dried material (or equivalent in an alternative form), whichever is less.

Eligible individuals who choose to produce their own supply must make an application with Health Canada. If successful, Health Canada will issue a registration certificate that provides details about the individual's authority to possess and produce cannabis, limits of possession, and the location and maximum limits for production and storage. Individuals are also now permitted to acquire starting materials to grow their own supply through licensed producers.

Although the quantity of authorized marijuana can vary according to an individual's medical documents, generally, 1 gram of dried cannabis authorized will result in 5 indoor plants or 2 outdoor plants. If the individual chooses to produce plants outdoors, the ACMPR stipulates that production site must not be adjacent to a school, public playground, daycare and other public areas that are frequented by children. Under the ACMPR, it is the individual's responsibility to ensure that the product is secure and cannot be accessed by children or other individuals. Health Canada recommends a number of precautions such as ensuring that plants are not visible from outside the home as well as limiting odors from the production site.

Regulations for Licensed Commercial Producers

In order to become a licensed commercial producer of cannabis, producers must meet all the requirements of the ACMPR. These requirements include physical security measures, good production practices, packaging, labelling and shipping requirements, import and export permit (if required), and security clearance. Relevant sections of the *Food and Drugs Act* and *Narcotic Control Regulations* may also apply. Activities that include the production, packaging, labelling, and storage activities are required to be indoors and may not occur within a dwelling. Health Canada conducts regular audits and inspections to ensure the production sites meet requirements. Specific requirements include:

- securing the perimeter of the production site;
- installing an intrusion detection system that is in operation at all times and can detect movement, attempted access, actual access, or tampering with the system;
- restricting access to sites to employees;
- recording the identity of any person entering or existing sites;
- installing a filtration system to prevent the escape of odours and pollen;
- notifying local authorities, including municipalities and local fire and police services; and
- meeting all applicable provincial and municipal regulations.

Illegal Activities

Although the ACMPR provides reasonable access to individuals requiring medical cannabis products, some activities remain illegal. These activities include:

- storefronts selling and distributing cannabis products (i.e. dispensaries and compassion clubs);
- registered individuals selling, providing, or giving cannabis to another individual;

- designated individuals selling, providing or giving cannabis to another individual that is not registered;
- designated individuals that produce cannabis for more than two persons registered with Health Canada;
- registered or designated individuals producing cannabis exceeding the limits outlined in the registration certificate; and
- individual or companies advertising cannabis to the general public.

Proposed Legalization of Cannabis for Recreational Use

In 2015, the Federal Government committed to legalizing, regulating, and restricting access to cannabis for recreational use. To further this goal, the Federal Government formed a task force in 2016 to engage provincial, municipal and Indigenous governments, youth and experts in relevant fields and provide advice on the design of a new regulatory framework. This Task Force on Cannabis Legalization and Regulation published its final report in November 2016 and includes recommendations related to minimizing harms, supply chains, public safety and medical access².

On April 13, 2017, the Federal Government introduced the proposed Cannabis Act in the House of Commons, which is intended to create a strict legal framework for controlling the production, distribution, sale and possession of cannabis across Canada³. In summary, the Act would:

- restrict access to cannabis to people who are 18 years of age and over and allow provinces and territories to increase this minimum legal age;
- strive to keep cannabis out of the hands of children through a number of provisions including prohibiting selling cannabis to youth, creating a new offence related to using a minor to distribute cannabis, prohibiting the selling, packaging, and labelling of cannabis products that are considered appealing to youth, and prohibiting the sale of cannabis through a self-service display or vending machine;
- allow adults to possess up to 30 grams of legal cannabis in public;
- allow adults to grow up to four cannabis plants per household at a maximum height of one metre from a legal seed or seedling anywhere on their property;
- establish Federal licensing requirements for cannabis producers;
- establish provinces and territories as the authorities responsible for regulating and overseeing the distribution and sale of cannabis, subject to minimum Federal conditions; and
- amend the Criminal Code to strengthen responses to impaired driving and facilitate the investigation and prosecution of drug and alcohol impaired driving.

The Federal Government indicates that it intends to bring the proposed Cannabis Act into force no later than July 2018. Until the new law comes into effect, the Federal Government has made clear that cannabis will remain illegal everywhere in Canada, except for medical purposes.

² Government of Canada. Justice Canada (December, 2016). Legalization and Regulation of Cannabis. Retrieved from: www.canada.ca/en/services/policing/justice/legalization-regulation-marijuana.

³ Government of Canada. Health (April, 2017). Legalizing and strictly regulating cannabis: the facts. Retrieved from: <https://www.canada.ca/en/services/health/campaigns/legalizing-strictly-regulating-cannabis-facts.html>

DISCUSSION

Cannabis related businesses are expected to expand and evolve as the Federal government introduces new legislation to legalize and regulate cannabis for recreational use. The following sections discuss HRM's existing and potential role in regulating the production and sale of cannabis products in relation to Federal and Provincial jurisdictions.

Commercial Production

As outlined in the background section of this report, the Federal Government strictly regulates the commercial production of medical cannabis and intends to establish similar licensing requirements for the commercial production of recreational cannabis products. There are currently 38 Federally licensed producers in Canada, including two in Atlantic Canada, but none in Nova Scotia.

As a new type of land use, commercial cannabis facilities are not specifically discussed in HRM's planning documents. Rather, such facilities are considered to meet a number of broadly defined land use definitions contained within HRM's various community land use by-laws (LUBs). In most cases, commercial cannabis production facilities are permitted in industrial zones as a 'manufacturing use', and depending on the specific operation and community LUB, the use may also meet the definition for an 'agricultural use' or 'greenhouse'. To date, HRM has issued two development permits for commercial cannabis facilities in industrial zoned areas. However, as noted above, there are no existing operations in Nova Scotia and the proposed facilities have not been constructed.

From a land use perspective, commercial cannabis production facilities are similar in nature to manufacturing or agricultural processing facilities, with strict Federal security requirements generally pushing operations to an industrial setting. Many of the existing facilities, for example, were established within vacant industrial buildings. Given the industrial appearance of operations, staff advise that commercial cannabis facilities should continue to be permitted in HRM's industrial zones. However, as a number of community LUBs contain a variety of mixed use zones, there may be a need to update LUB regulations to ensure the use is not permitted in residential areas. For instance, several Canadian municipalities have adopted new land use definitions for commercial cannabis facilities within their land use by-laws in order to specifically permit the use in appropriate zones or through rezoning processes.

Personal Cultivation

As outlined in the background section of this report, authorized individuals are currently permitted to produce a limited amount of medical cannabis for personal use subject to a number of requirements. Such personal production is expected to increase as the Federal government introduces new legislation to allow adults to grow up to 4 cannabis plants per household up to 1 metre in height. While recent Federal publications indicate that provinces will (and municipalities may) have the ability to further restrict personal production, staff question whether there is a municipal role in regulating the activity.

While cannabis advocacy groups encourage limited controls on personal cultivation, other groups, such as Canadian Federation of Apartment Associations, have raised concerns related to safety, property damage and nuisance to neighbouring residents. Specific concerns include risks of mould, high electricity use, and smells. However, limits on the number of plants and other Federal requirements reduce potential impacts and, arguably, associated smells and other risks can have a similar impact as other activities that are not strictly regulated, such as backyard composting or home brewing. In addition, under the Nova Scotia Residential Tenancies Act, landlords are allowed to establish reasonable rules that promote the safety, comfort or welfare of tenants or protect the landlord's property, which may enable landlords to include rules related to growing cannabis.

A preliminary review of Canadian municipalities shows that Surrey BC appears to be the only municipality that has chosen to regulate the production of medical cannabis for personal use⁴. In Surrey, residents are required to obtain a municipal license in addition to Federal approvals. Available information suggests that Surrey's requirements are related to concerns with illegal grow operations.

Dispensaries

As noted in the background section of this report, the retail sale of cannabis in storefront locations, commonly referred to as cannabis dispensaries, is currently illegal in Canada. This includes both the sale of medical cannabis to authorized individuals as well as cannabis for recreational use. Nevertheless, entrepreneurs have been attempting to open marijuana dispensaries throughout Canada in anticipation of the Federal government legalization initiative. Given this context, the following subsections review HRM's existing and potential role in regulating cannabis dispensaries.

Existing HRM Land Use Regulations

Under HRM's existing community LUBs, legal cannabis related businesses, such as the sale of cannabis paraphernalia (pipes, bongs, vaporizers etc) is generally considered a 'retail use' and permitted in a variety of commercial zones. This includes retail stores that may sell cannabis paraphernalia together with other general retail products, such as clothing. Similarly, businesses specializing in cannabis related advice, counselling or advocacy are generally considered an office use and would also be permitted in a variety of commercial zones. For clarity, however, this does not include cannabis dispensaries which are currently illegal and not permitted.

Several cannabis dispensaries have recently attempted to open in HRM. While cannabis dispensaries meet the general LUB definition for a 'retail use', permit applications have been refused because illegal land uses are not permitted under HRM's community LUBs. In 2016, one cannabis dispensary challenged HRM's decision to refuse permits to the Utility and Review Board (UARB), which upheld HRM's permit refusal.

For cannabis dispensaries that open without obtaining Municipal permits, HRM's enforcement approach includes investigating dispensaries by Compliance Officers for land use compliance and the Halifax Regional Police Integrated Drug Unit for Criminal Code compliance. The Halifax Regional Police and the RCMP are the only enforcement agencies within HRM that have the powers to enforce Federal legislation. In recent months, HRM Compliance Officers have charged several illegal cannabis dispensaries for operating a business with without a permit under the LUB. The Halifax Regional Police Integrated Drug Unit has also laid drug trafficking charges in several cases to date. Until legislation is changed, Compliance Officers will continue to respond and investigate cannabis dispensaries operating without a permit to ensure compliance with the LUB and the Halifax Regional Police Integrated Drug Unit will continue to enforce federal legislation on a complaint driven basis.

Federal and Provincial Roles

As noted in the background section of this report, the Federal Governments proposed legislation delegates the authority to regulate the sale and distribution of cannabis to the provinces and territories. To date, the Province of Nova Scotia has indicated through the media that it has been awaiting the anticipated Federal legislation before considering its approach and, as of yet, has not formally proposed an approach for Nova Scotia. Nevertheless, the Federal Task Force on Cannabis Legalization and Regulation made a number

⁴City of Surrey (Adopted June 27, 2011). By-law No. 17410 A Bylaw to license and regulate the cultivation and production of medical marijuana. Retrieved from: https://www.surrey.ca/bylawsandcouncillibrary/BYL_reg_17410.pdf

of recommendations regarding retail sales that may be considered by the Province. These recommendations are summarized below.

The Task Force recommends that retail sales of cannabis be regulated by provinces and territories in close collaboration with municipalities.

The Task Force further recommends that the retail environment include:

- *No co-location of alcohol or tobacco and cannabis sales, wherever possible. When co-location cannot be avoided, appropriate safeguards must be put in place*
- *Limits on the density and location of storefronts, including appropriate distance from schools, community centres, public parks, etc.*
- *Dedicated storefronts with well-trained, knowledgeable staff*
- *Access via a direct-to-consumer mail-order system*

The Task Force's report also notes that the approach from province to province may differ, with some potentially choosing to establish provincial agencies, similar to the NS Liquor Corporation, or strictly regulating sales at private businesses, similar to tobacco sales.

Other Canadian Municipalities

While most municipalities are awaiting Federal and provincial legislation, some municipalities have chosen to pro-actively regulate the location of cannabis related businesses. Attachment B summarizes the approaches adopted in several western Canadian municipalities. It should be noted that no examples were found from central or eastern Canada.

In general, the Canadian municipalities that have adopted regulations appear to be responding to a proliferation of cannabis related businesses in their jurisdictions. While some focus on regulating the location of legal cannabis related land uses, such as counselling and the sale of cannabis paraphernalia, some municipalities, notably the Cities of Vancouver and Victoria BC, appear to also explicitly regulate the location of cannabis dispensaries, which are currently illegal. While the specific details of the regulations differ between municipalities, several common requirements can be observed. These include:

- permitting cannabis related uses only in appropriate commercial or industrial zones;
- establishing a minimum separation distance to schools, community centres and other facilities frequented by youth;
- ensuring cannabis related business do not cluster together and are separated from each other;
- requiring the on-going renewal of a business license, in addition to meeting zoning controls;

Cannabis Vending Machines

Vending machines that dispense cannabis products have recently been reported in the media to be locating within the cities of Vancouver and Victoria BC. It is important to note, however, that the self-serve machines are located within cannabis dispensaries, which must be licensed under Vancouver's and Victoria's current cannabis related business regulations. Such vending machines are not known to be located outside of regulated dispensaries. In addition, the Federal Government's proposed legislation specifically prohibits the sale of cannabis through a self-service display or vending machine as one of its proposed measures to restrict youth access to cannabis products.

Potential Municipal Regulatory Tools

Nova Scotian municipalities, including HRM, currently have two general ways to regulate cannabis production facilities and dispensaries (when legalized); land use controls and licencing requirements.

Land Use Planning Tools

Land use controls, such as zoning, are the primary tool used by municipalities to control the location of different land uses as well as associated development standards, such as building setbacks and buffering. Although HRM's land use planning documents are currently silent on cannabis facilities and dispensaries, zoning and other planning tools could be used to direct cannabis related uses to appropriate areas.

Municipal Licensing

In addition to land use controls, the *HRM Charter* provides broad authority to the Municipality to establish licensing requirements. While land use tools control the use of land, licensing requirements are able to regulate on-going business operations, including performance standards, inspections and additional health and safety related requirements. Licensing requirements are used in several Canadian Municipalities to regulate cannabis production facilities, including Mississauga Ontario and Surrey BC. Similarly, some municipalities, including the Cities of Vancouver and Victoria BC, include business licensing requirements as part of their cannabis related business regulations.

Options

Staff have identified the following three courses of action regarding HRM's potential role in regulating cannabis production facilities and dispensaries.

1. Await Federal and Provincial legislation concerning the legalization of cannabis
Council could direct staff to await new Federal and Provincial legislation concerning the legalization of cannabis for recreational use before engaging stakeholders and recommending a specific regulatory approach. At the present time there is considerable uncertainty about the Province's approach to regulating dispensaries and retail sales. The proposed Federal legislation may also be revised before coming into force. Given this uncertainty, it may be prudent to wait for greater clarity on the municipal role in regulating cannabis related businesses. The public conversation, for example, may be quite different if the Province chooses to operate government run dispensaries versus regulating private businesses.
2. Prepare policies and regulations concerning commercial medical cannabis facilities
As discussed in this report, the commercial production of medical cannabis is currently legal in Canada and permitted in HRM. While new Federal legislation may update existing regulations, wholesale changes are not expected, including requirements for meeting applicable municipal regulations. Given that HRM's land use policies are silent on cannabis production facilities, Council may wish to direct staff to draft appropriate land use policies and regulation in advance of any potential changes to Federal requirements. Such work would include stakeholder and public consultations and the development of policies and regulations that strive to balance economic development opportunities with security, safety and other land use conflict concerns.
3. Prepare policies and regulations concerning both commercial cannabis facilities and dispensaries.
In addition to option 2, above, Council could direct staff to begin crafting a policy and regulatory framework for cannabis dispensaries in the expectation that HRM will play a role in regulating such businesses. This exercise would consider the merits of zoning and licensing requirements as well as appropriate locations and associated land uses. As it may still be some time before Provincial legislation is in place, this option could help HRM proactively assess how to direct cannabis related business to appropriate locations. Compared to cities in western Canada, Halifax is not inundated with cannabis related businesses and has developed an effective approach to enforcing existing

regulations that prohibit illegal dispensaries. However, proactive policy development efforts may help to define the Municipal role and define interim policy and regulatory measures that would be required if there are gaps between the enactment of the Cannabis Act in July 2018 and the implementation of Provincial legislative framework.

Conclusion

Given the uncertainties associated with the Federal and Provincial legislation to legalize and regulate cannabis for recreational use, staff recommend the above option 3, that Regional Council direct staff to prepare policies and regulations concerning commercial cannabis production facilities and cannabis dispensaries. Medical cannabis production facilities are legal and currently permitted in variety of industrial and rural zones, generally as a manufacturing, agricultural or greenhouse use. While such production facilities are appropriate in many industrial zones, they may not be appropriate in mixed use zones that also permit residential uses. Consequently, staff advise that further detailed review and stakeholder consultation is needed to clarify the zones that permit cannabis production facilities and ensure the use is appropriately separated from residential areas.

Cannabis dispensaries, in contrast, are not legal and are currently not permitted under HRM's community LUBs. Consequently, staff recommend that HRM continue to monitor the Federal and Provincial cannabis legalization initiatives and report back to Council for further direction once HRM's role in regulating the use is more clear. At the same time, staff will initiate a policy review of cannabis dispensaries, and define any interim measures that could come into place while the Provincial government is working on the broader legislative framework for Nova Scotia.

FINANCIAL IMPLICATIONS

There are no financial implications. The HRM costs associated with MPS amendment process can be accommodated within the approved 2017/18 operating budget with existing resources.

RISK CONSIDERATION

There are no significant risks associated with the recommendations contained within this report. MPS amendments are at the discretion of Regional Council and are not subject to appeal to the N.S. Utility and Review Board. Information concerning risks and other implications of adopting recommended amendments will be discussed in a subsequent staff report.

COMMUNITY ENGAGEMENT

Should Regional Council choose to initiate the MPS amendment process related to commercial cannabis production facilities and dispensaries, the HRM Charter requires that Regional Council approve a public participation program. In February of 1997, Regional Council approved a public participation resolution which provides broad discretion on the consultation process required for MPS amendments that are regional in nature. The 1997 policy provides that, for amendments that are regional in nature, staff would recommend an appropriate public participation program. Accordingly, given the broad geography involved, staff recommends that Regional Council obtain public feedback through stakeholder consultations and the HRM website. In addition to this public participation, the HRM Charter requires a public hearing to be held before Regional Council can consider approval of any amendments.

Amendments to the Regional MPS and applicable SMPS and LUBs will potentially impact the following stakeholders: Health Canada, medical cannabis businesses, medical cannabis users, and various land owners.

ENVIRONMENTAL IMPLICATIONS

No additional concerns were identified beyond those raised in the above background/discussion sections

ALTERNATIVES

1. Regional Council may choose to direct staff to await Federal and Provincial legislation concerning the legalization of cannabis for recreational use before preparing policies and regulations related to commercial cannabis production facilities. While medical cannabis production facilities are currently legal and permitted in HRM, Federal requirements may be updated as part of the cannabis legalization initiative. Awaiting Federal and Provincial legislation would ensure that HRM prepares new policies and regulations based on the most up to date Federal requirements.
2. Regional Council may choose to direct staff to prepare policies and regulations concerning commercial medical cannabis facilities. The commercial production of medical cannabis is currently legal in Canada and permitted in HRM. While new Federal legislation may update existing regulations, wholesale changes are not expected, including requirements for meeting applicable municipal regulations.

ATTACHMENTS

Attachment A: Legislative Authority

Attachment B: Summary of Cannabis Related Business Regulations

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.php> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 902.490.4210, or Fax 902.490.4208.

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Attachment A – Legislative Authority

Halifax Regional Municipality Charter, Part VII, By-laws, including:

- 188 (2)** Without restricting the generality of subsection (1) but subject to Part VIII, the Council may, in any by-law
- (a) regulate or prohibit;
 - (b) regulate any development, activity, industry, business, animal or thing in different ways, divide each of them into classes and deal with each class in different ways;
 - (c) provide that in a prosecution for violation of a by-law, evidence that one neighbour is disturbed is *prima facie* evidence that the neighbourhood is disturbed;
 - (d) adopt by reference, in whole or in part, with changes that the Council considers necessary or advisable, a code or standard and require compliance with it;
 - (e) provide for a system of licences, permits or approvals, including any or all of
 - (i) establishing fees for licences, permits or approvals, including fees for licences, permits and approvals that may be in the nature of a reasonable tax for the activity authorized or for the purpose of raising revenue, which fees may be set or altered by policy,
 - (ii) prohibiting any development, activity, industry, business or thing until a licence, permit or approval is granted,
 - (iii) providing that terms and conditions may be imposed on a licence, permit or approval, the nature of the terms and conditions and who may impose them,
 - (iv) setting out the conditions that must be met before a licence, permit or approval is granted or renewed, the nature of the conditions and who may impose them,
 - (v) providing for the duration of licences, permits and approvals and their suspension or cancellation for failure to comply with a term or condition or the by-law or for any other reason specified in the by-law;
 - (f) where decision making is delegated by by-law to a person or committee other than the Council, provide for an appeal of the decision, the body that is to decide the appeal and related matters.
- 2008, c. 39, s. 188; 2010, c. 64, s. 4.

Halifax Regional Municipality Charter, Part VIII, Planning and Development, including:

Planning documents reasonably consistent

- 214 (1)** Planning documents adopted after the adoption of a statement of provincial interest that applies within the Municipality must be reasonably consistent with the statement.

Planning advisory committee

- 215 (1)** The Municipality may, by policy, establish a planning advisory committee and may establish different planning advisory committees for different parts of the Municipality.
- (4)** The purpose of a planning advisory committee or a joint planning advisory committee is to advise respecting the preparation or amendment of planning documents and respecting planning matters generally.

Public participation program

- 219 (1) The Council shall adopt, by policy, a public participation program concerning the preparation of planning documents.
- (2) The Council may adopt different public participation programs for different types of planning documents.
- (3) The content of a public participation program is at the discretion of the Council, but it must identify opportunities and establish ways and means of seeking the opinions of the public concerning the proposed planning documents.
- 220 (1) The Council shall adopt, by by-law, planning documents.
- (4) The Council shall complete the public participation program before placing the first notice for a public hearing in a newspaper circulating in the Municipality.

Purpose of municipal planning strategy

- 228 The purpose of a municipal planning strategy is to provide statements of policy to guide the development and management of the Municipality and, to further this purpose, to establish
- (a) policies that address problems and opportunities concerning the development of land and the effects of the development;
 - (b) policies to provide a framework for the environmental, social and economic development within the Municipality;
 - (c) policies that are reasonably consistent with the intent of statements of provincial interest; and
 - (d) specify programs and actions necessary for implementing the municipal planning strategy.

Statements of policy in planning strategy

- 229 (1) A municipal planning strategy may include statements of policy with respect to any or all of the following:
- (a) the goals and objectives of the Municipality for its future;
 - (b) the physical, economic and social environment of the Municipality;
 - (c) the protection, use and development of lands within the Municipality, including the identification, protection, use and development of lands subject to flooding, steep slopes, lands susceptible to subsidence, erosion or other geological hazards, swamps, marshes or other environmentally sensitive areas;
 - (d) stormwater management and erosion control;
 - (e) in connection with a development, the excavation or filling in of land, the placement of fill or the removal of soil, unless these matters are subject to another enactment of the Province;
 - (f) in connection with a development, retention of trees and vegetation for the purposes of landscaping, buffering, sedimentation or erosion control;
 - (g) studies to be carried out prior to undertaking specified developments or developments in specified areas;
 - (h) the staging of development;
 - (i) the provision of municipal services and facilities;
 - (j) municipal investment for public and private development and the coordination of public programs relating to the economic, social and physical development of the Municipality;
 - (k) non-conforming uses and structures;
 - (l) the subdivision of land;
 - (m) the use and conservation of energy, including the height and siting of developments;
 - (n) measures for informing, or securing, the views of the public regarding contemplated planning policies and actions or bylaws arising from such policies;
 - (o) policies governing
 - (i) land-use by-law matters,
 - (ii) amendment of the land-use by-law,

- (iii) the acceptance and use of cash-in-lieu of required parking,
 - (iv) the use of development agreements,
 - (v) the establishment of comprehensive development districts,
 - (vi) the use of site-plan approval areas, including whether notice must be given to owners and tenants of property that is thirty metres or more from the applicant's property,
 - (vii) the establishment of transportation reserves,
 - (viii) the use of infrastructure charges,
 - (ix) the eligibility criteria for the establishment of a commercial development district including, without limiting the generality of the foregoing, the percentage increase in the taxable assessed value of the eligible properties, as defined in subsection 92C(1), within the proposed commercial development district and the period over which the increase in the taxable assessed value of the properties occurs;
 - (p) the regulation or prohibition of development in areas near airports with a noise exposure forecast or noise exposure projections in excess of thirty, as set out on maps produced by an airport authority, as revised from time to time, and reviewed by the Department of Transport (Canada);
 - (q) any other matter relating to the physical, social or economic environment of the Municipality.
- (2) The Council shall include policies in the municipal planning strategy on how it intends to review the municipal planning strategy and land-use by-law.

No action inconsistent with planning strategy

- 232 (1) The Municipality may not act in a manner that is inconsistent with a municipal planning strategy.

Adoption of land-use by-law or amendment

- 234 (1) Where the Council adopts a municipal planning strategy or a municipal planning strategy amendment that contains policies about regulating land use and development, the Council shall, at the same time, adopt a land-use by-law or land-use by-law amendment that enables the policies to be carried out.

Content of land-use by-law

- 235 (1) A land-use by-law must include maps that divide the planning area into zones.
- (2) A land-use by-law must
- (a) list permitted or prohibited uses for each zone; and
 - (b) include provisions that are authorized pursuant to this Act and that are needed to implement the municipal planning strategy.
- (3) A land-use by-law may regulate or prohibit development, but development may not be totally prohibited, unless prohibition is permitted pursuant to this Part.
- (4) A land-use by-law may
- (a) regulate the dimensions for frontage and lot area for any class of use and size of structure;
 - (b) regulate the maximum floor area of each use to be placed upon a lot, where more than one use is permitted upon a lot;
 - (c) regulate the maximum area of the ground that a structure may cover;
 - (d) regulate the location of a structure on a lot;
 - (e) regulate the height of structures;
 - (f) regulate the percentage of land that may be built upon;
 - (g) regulate the size, or other requirements, relating to yards;
 - (h) regulate the density of dwelling units;

- (i) require and regulate the establishment and location of off-street parking and loading facilities;
 - (j) regulate the location of developments adjacent to pits and quarries;
 - (k) regulate the period of time for which temporary developments may be permitted;
 - (l) prescribe the form of an application for a development permit, the content of a development permit, the period of time for which the permit is valid and any provisions for revoking or renewing the permit;
 - (m) regulate the floor area ratio of a building;
 - (n) prescribe the fees for an application to amend a land-use by-law or for entering into a development agreement, site plan or variance.
- (5)** Where a municipal planning strategy so provides, a land-use by-law may
- (a) subject to the *Public Highways Act*, regulate or restrict the location, size and number of accesses from a lot to the abutting streets, as long as a lot has access to at least one street;
 - (b) regulate or prohibit the type, number, size and location of signs and sign structures;
 - (c) regulate, require or prohibit fences, walks, outdoor lighting and landscaping;
 - (d) in connection with a development, regulate, or require the planting or retention of, trees and vegetation for the purposes of landscaping, buffering, sedimentation or erosion control;
 - (e) regulate or prohibit the outdoor storage of goods, machinery, vehicles, building materials, waste materials, aggregates and other items and require outdoor storage sites to be screened by landscaping or structures;
 - (f) regulate the location of disposal sites for any waste material;
 - (g) in relation to a development, regulate or prohibit the altering of land levels, the excavation or filling in of land, the placement of fill or the removal of soil unless these matters are regulated by another enactment of the Province;
 - (h) regulate or prohibit the removal of topsoil;
 - (i) regulate the external appearance of structures;
 - (j) set out conditions, including performance standards, to be met by a development before a development permit may be issued;
 - (k) provide for incentive or bonus zoning in the HRM by Design Downtown Plan Area and the Centre Plan Area, including requirements for incentive or bonus zoning;
 - (l) prescribe methods for controlling erosion and sedimentation during the construction of a development;
 - (m) regulate or prohibit excavation, filling in, placement of fill or reclamation of land on floodplains identified in the land-use by-law;
 - (n) prohibit development or certain classes of development where, in the opinion of the Council, the
 - (i) cost of providing municipal wastewater facilities, stormwater systems or water systems would be prohibitive,
 - (ii) provision of municipal wastewater facilities, stormwater systems or water systems would be premature, or
 - (iii) cost of maintaining municipal streets would be prohibitive;
 - (o) regulate or prohibit development within a specified distance of a watercourse or a municipal water-supply wellhead;
 - (p) prohibit development on land that
 - (i) is subject to flooding or subsidence,
 - (ii) has steep slopes,
 - (iii) is low-lying, marshy, or unstable,
 - (iv) is otherwise hazardous for development because of its soil conditions, geological conditions, undermining or topography,
 - (v) is known to be contaminated within the meaning of the *Environment Act*, or
 - (vi) is located in an area where development is prohibited by a statement of provincial interest or by an enactment of the Province;

- (q) regulate or prohibit development in areas near airports with a noise exposure forecast or noise exposure projections in excess of thirty, as set out on maps produced by an airport authority, as revised from time to time, and reviewed by the Department of Transport (Canada);
 - (r) permit the development officer to grant variances in parking and loading spaces, ground area and height, floor area occupied by a home-based business and the height and area of a sign.
- (6) Where the land-use by-law provides for incentive or bonus zoning within the Centre Plan Area, the land-use by-law must require the inclusion of affordable housing in a development in addition to any other requirements adopted by the Council, as the contribution for any incentive or bonus zoning applicable to the development.

No appeal permitted

263 The following are not subject to an appeal:

- (d) an amendment to a land-use by-law that is required to carry out a concurrent amendment to a municipal planning strategy.

Attachment B
Summary of Cannabis Related Business Regulations from Canadian Municipalities

Municipality	Summary of Regulations	Background
Vancouver, BC	<p>City's regulations only permit marijuana-related businesses to operate:</p> <ul style="list-style-type: none"> • in commercial zones • at least 300 m from schools, community centers, neighbourhood houses, youth facilities that serve vulnerable youth or other marijuana-related businesses; • with a business licence. • with a development permit that includes a standard community notification process. • with a signed good neighbour agreement. 	<ul style="list-style-type: none"> • adopted in 2015. • the City indicates that number of marijuana-related businesses grew by 100 per cent per year from mid-2013 to mid-2015 and that in the first six months of 2015 there was an increase from 60 to 100 businesses. • regulations strives to balance the availability of medical marijuana for those in need with community health, safety, security, aesthetics, equity, and enjoyment of property. • New regulations resulted in requiring a number of existing business to relocate. • http://vancouver.ca/doing-business/medical-marijuana-related-business-regulations.aspx
Victoria, BC	<ul style="list-style-type: none"> • regulations for storefront cannabis retail and two types of cannabis related businesses • zoning regulations prohibit storefront cannabis except where specifically permitted through a rezoning application process • storefront cannabis uses must be located in retail areas and at least 200 metres from any school or other storefront cannabis business • cannabis business license must be obtained in addition to zoning requirements 	<ul style="list-style-type: none"> • adopted in 2016 • the city estimates there are currently at least 38 cannabis-related businesses in Victoria, with approximately 35 of these operating as storefront cannabis retailers. • two phased public engagement process used to develop regulations • http://www.victoria.ca/EN/main/business/permits-licences/medical-cannabis-businesses.html
Calgary, AB	<ul style="list-style-type: none"> • Medical marijuana counselling only permitted in commercial and industrial areas • retail sales of marijuana are specifically not permitted • must be located at least 150 meters from school yard boundary and 300 metres from each other. • development permit is required. 	<ul style="list-style-type: none"> • adopted in 2016 • http://www.calgary.ca/PDA/pd/Pages/Current-studies-and-ongoing-activities/Medical-Marihuana-and-Marihuana.aspx
Surrey, BC	<ul style="list-style-type: none"> • Marijuana dispensaries added as a permitted use in the C-8B (Community 	<ul style="list-style-type: none"> • adopted in 2013

	<p>Commercial) Zone, in addition to pawnshops and second hand stores, adult entertainment stores and theater, body rub parlour, social escort services.</p> <ul style="list-style-type: none">• Only one site is zoned C-8B and, therefore, new sites would require a rezoning process.	<ul style="list-style-type: none">• https://www.surrey.ca/city-government/5172.aspx
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