

ZONING FOR CANNABIS:

A Guide for Manitoba Municipalities

Manitoba 



All levels of government are working together in order for the legalization of cannabis to be successful. Municipalities have a unique perspective to offer on the legal and regulatory framework for cannabis use.

Manitoba Municipal Relations has prepared this resource guide to assist Manitoba municipalities with proposed cannabis facilities to amend their existing zoning bylaw to regulate the siting and operation of cannabis production and retail within their communities.

The government will not dictate the approach but rather outline options available to planning authorities to be more or less permissive of cannabis-related facilities.

We also encourage municipalities to contact their local Community and Regional Planning office for assistance in amending their bylaws.



Table of Contents

| | |
|---|---------------|
| Preface | Page i |
| Introduction | Page 1 |
| Areas of Responsibility | Page 2 |
| Legislative Framework | |
| Federal | Page 3 |
| Provincial | Page 5 |
| Zoning for Retail Cannabis Stores | Page 8 |
| Municipal Considerations | Page 9 |
| Definitions | Page 10 |
| Siting | Page 11 |
| Buffering and Hours of Operation | Page 13 |
| Signs, Lighting and Parking | Page 14 |
| Appendices | |
| Appendix A: FAQs | Page 16 |
| Appendix B: Provincial Retail Models | Page 17 |
| Appendix C: Social Responsibility Location Review | Page 18 |
| Appendix D: Jurisdictional Review | Page 19 |
| Appendix E: Community and Regional Planning | Page 21 |
| Contact Information | |

Every effort has been made to ensure the accuracy of the information within this guide. In the event of a discrepancy between this guide and governing legislation or local bylaws, the legislation and bylaws will take precedence.

Introduction

The federal government has committed to legalize cannabis. The Cannabis Act will make it legal to produce, use and sell cannabis across Canada on October 17, 2018. The Government of Canada's goal for legalizing, strictly regulating and restricting access to cannabis is to keep cannabis out of the hands of Canadian youth, and to prevent organized crime from continuing to profit from the illegal cannabis market.

The provincial and territorial governments will govern many aspects of the legalization framework, including wholesale and retail distribution, and selection of a retail model.

Municipal regulations will stem from the federal and provincial frameworks. Municipal governments will play an important role in local implementation. This document summarizes current planning approaches for cannabis-related facilities and provides zoning options for municipalities.



Areas of Responsibility

Each level of government will have various responsibilities, as well as have some shared areas of responsibility (Table 1). The federal government will continue to provide oversight of the medical cannabis regime, as well as set the rules around possession limits, advertising, trafficking, tracking of seed to sale, establishing minimum age limits and personal cultivation. The provincial and territorial governments will share many of the federal responsibilities as well as govern additional aspects

of the legalization framework, including wholesale and retail distribution, and selection of a retail model. Provinces will also have the ability to set more restrictive age or possession limits. Municipal governments will play a key role in land use planning and zoning for cannabis-related facilities (Federation of Canadian Municipalities, 2017).

Table 1. Jurisdictional responsibilities for the different levels of government.

| Activity | Responsible | | |
|---|-------------|------------|-----------|
| | Federal | Provincial | Municipal |
| Possession limits | | | |
| Trafficking | | | |
| Advertisement and packaging | | | |
| Impaired driving | | | |
| Medical cannabis | | | |
| Seed-to-sale tracking system | | | |
| Production (cultivation and processing) | | | |
| Age limit (federal minimum) | | | |
| Public health | | | |
| Education | | | |
| Taxation | | | |
| Home cultivation (growing plants at home) | | | |
| Workplace safety | | | |
| Distribution and wholesaling | | | |
| Retail model | | | |
| Retail location and rules | | | |
| Regulatory compliance | | | |
| Public consumption | | | |
| Land use planning and zoning | | | |



Legislative Framework

Federal Legislation

The Cannabis Act (Bill C-45)

Medical cannabis was first legalized in Canada in 1999 under the Access to Cannabis for Medical Purposes Regulation (ACMPR). It is available only with a medical prescription and currently 70,000 Canadians have prescriptions. Medical cannabis can only be purchased through mail order. The medical cannabis regime will continue to operate in parallel to the non-medical cannabis sector.

The Cannabis Act will decriminalize non-medical cannabis and provide for the federal government to continue licensing producers, just as it licenses producers for the medical market. The sale of non-medical cannabis and related public health and safety responsibilities are delegated to the provinces and territories.

The Cannabis Act legislates the following:

1. Possession and use of cannabis: The minimum age is 18 years or older to possess cannabis and adults may possess up to 30 grams of dried legal cannabis in a public place and may grow up to four plants per household to a maximum height of 100 cm. Provinces will have the ability to introduce more stringent rules, such as increasing the minimum age, setting lower limits for the amount that can be possessed in a public place, and a reduction in the amount of permitted plants.
2. Illegal activities: There will be strict criminal penalties for anyone operating outside of the legal system. Minor offences (such as carrying more than 30 grams but less than 50 grams) will carry a \$200 fine.
3. Restrictions on advertising, promotions and packaging: The advertising, packaging and labelling cannot be appealing to youth and cannot contain false or misleading promotion. The display of cannabis and accessories at the point of sale will also be restricted.
4. Commercial production: Health Canada will continue to license the commercial production, import, export and sale of cannabis. Licensed producers can grow and sell product for both the medical and non-medical markets.
5. Retail of non-medical cannabis: Provinces and territories will be given the authority for the sale of non-medical cannabis which will allow them to determine their own regime for distribution and retail, as well as the regulation and inspection of those outlets.
6. Protection of public health and safety: The Non-smokers' Health Act will be amended to prohibit the smoking and vaping of cannabis in regulated places, similar to the restrictions in place for tobacco smoking.

For more detailed information, refer to [The Cannabis Act](#) and the [Cannabis Regulations](#).

7. Edible cannabis products: Bill C-45 does not address edible and drinkable cannabis products although the federal government has indicated its intent to introduce legislation around edibles soon after Bill C-45 is proclaimed. Edible products will not be legal for retail sale.

Cannabis Regulations

To support the implementation of the proposed Act, regulations would need to be enacted in a number of areas. The federal government built upon the established regulatory requirements that are currently in place for medical producers.

The Cannabis Regulations address:

1. Licences, permits and authorizations: Cultivation, processing, sale(federal level), analytical testing, import/export and research will require federal licensing.
2. Security clearances: Personnel associated with licences issued by Health Canada will be required to hold a valid security clearance.
3. Cannabis tracking system: Cannabis will be tracked throughout the supply chain to prevent the diversion of cannabis.
4. Cannabis products: Rules and standards will be established for the production of cannabis products to enable retailers to provide products with known potency, reduce the appeal to the youth market, and to prevent the accidental consumption of cannabis by young persons.
5. Packaging and labelling: Packaging and labelling requirements would promote informed consumer choice and allow for the safe handling and transportation of cannabis. Strict limits on the use of colours, graphics, and other special characteristics to reduce the appeal to youth are also proposed.
6. Cannabis for medical purposes: A distinct system for medical cannabis will be maintained to continue to provide patients with reasonable access to cannabis for medical purposes.
7. Health products and cosmetics containing cannabis: The use of cannabis-derived ingredients in cosmetics is currently prohibited but the regulations propose that cosmetics containing cannabis-derived ingredients would be subject to the provisions of the proposed Cannabis Act.

Legislative Framework

Provincial Legislation

On November 7, 2017 the Province announced that it will adopt a hybrid retail and distribution model. The Liquor, Gaming and Cannabis Authority (formerly the Liquor and Gaming Authority) and the Manitoba Liquor and Lotteries Corporation will play key roles in the sale and distribution of cannabis.

Liquor, Gaming and Cannabis Authority (LGCA)

The role and mandate of the Liquor, Gaming and Cannabis Authority (LGCA) will be expanded to include cannabis. All retail cannabis stores will be required to apply to the LGCA for a licence. As part of this licensing requirement, the LGCA ensures that the retail stores comply with all applicable municipal bylaws and zoning requirements, and that the applicant has obtained all required licences, permits and approvals. They will be responsible for licensing cannabis stores and distributors, and its inspectors would be responsible for compliance enforcement. The licence terms and conditions may include requirements pertaining to sales areas, storage facilities and security requirements. Licencing also includes criminal background checks of the applicant.

Manitoba Liquor and Lotteries Corporation (MBLL)

MBLL will be responsible for acquiring all cannabis for retail sale, and only cannabis sourced through them may be sold. To do so, they will:

1. work closely with licensed producers to coordinate production and delivery cycles consistent with demand;
2. offer secure, safe onsite storage and shipment of cannabis products;
3. be authorized to enter into agreements with licensed cannabis distributors;
4. assume responsibility for the administration of retail orders and procurement of supply; and ensure suppliers provide product in retail ready packaging.

The Cannabis Harm Prevention Act (Bill 25)

Bill 25 amended several Acts to address health or safety concerns arising from the legalization of cannabis. The amended Acts included:

1. Part 1 – The Child Sexual Exploitation and Human Trafficking Act: Cannabis is expressly stated to be a controlled substance.
2. Part 2 – The Drivers and Vehicles Act: Permits the registrar of motor vehicles to suspend the licence of a driver if the person receives a 24-hour roadside suspension for being under the influence of a drug.
3. Part 3 – The Highway Traffic Act: Creates restrictions on the transportation of cannabis in motorized vehicles and prohibits the consumption of cannabis in motorized vehicles. Also permits an officer to implement a 24-hour roadside suspension when the officer believes on reasonable grounds that the person is under the influence of a drug.
4. Part 4 – The Mental Health Act: Cannabis is expressly listed as an intoxicant and a prohibition on providing intoxicants to residents in a mental health facility still applies when cannabis is legalized.
5. Part 5 – The Non-Smokers Health Protection Act: Prohibits people from smoking cannabis in enclosed public places.
6. Part 6 – The Off-Road Vehicles Act: Creates similar transportation and consumption prohibitions for off-road vehicles.
7. Part 7 – The Public Schools Act: Cannabis is added to the list of prohibited products.

Bill 25 received royal assent in June 2017. Part 5 of The Act came into effect on April 1, 2018, and parts 2, 3, and 6 of the Act came into effect on December 1, 2017.

The Safe and Responsible Retailing of Cannabis Act (Bill 11)

Bill 11 amended The Liquor and Gaming Control Act and The Manitoba Liquor and Lotteries Corporation Act to authorize and regulate the retail sale of cannabis in Manitoba. This Act legislates Manitoba's private retail model by:

1. Renaming The Liquor and Gaming Authority of Manitoba to The Liquor, Gaming and Cannabis Authority of Manitoba which are now responsible for licensing cannabis stores and cannabis distributors.
2. Authorizing cannabis to only be sold by a person who holds a retail licence. The holder of a retail license must ensure that the operation does not contravene a municipal bylaw. Cannabis stores may only sell cannabis that has been grown by federally authorized producers.
3. Enabling The Manitoba Liquor and Lotteries Corporation (MLCC) to acquire cannabis for resale. All cannabis sold in cannabis retail stores must have been or be purchased from MLCC.
4. Prohibiting a person under 19 years of age from buying cannabis at a cannabis store and from possessing or using cannabis.
5. Permitting a municipality to hold a plebiscite to prohibit the sale of cannabis from a cannabis store in the municipality. The plebiscite may be held before January 1, 2022 or on a date specified by council.

Bill 11 received royal assent and came into force by proclamation on June 20, 2018.

For more detailed information, refer to The Cannabis Harm Prevention Act and The Safe and Responsible Retailing of Cannabis Act.





Zoning for Retail Cannabis Stores

Municipal Considerations

Municipalities have the authority to regulate land use and businesses through their zoning bylaws. The following is a checklist of planning and siting criteria for proponents and municipalities to consider when determining the siting of a cannabis-related facility.

On the following pages, zoning bylaw options are provided for each checklist item, specifically in regards to cannabis retail stores. A public hearing is required to consider a zoning bylaw amendment or conditional use application.

General Evaluation Criteria

The following list of general evaluation criteria highlights areas of land use planning that should be considered prior to amending the municipal zoning bylaw.

- Definitions:**
Municipalities may add definitions for cannabis-related uses that are consistent with provincial and federal definitions.
- Siting:**
Cannabis-related facilities should be limited to specific commercial, industrial or agricultural zones. It is appropriate for a cannabis retail store to be located in a commercial zone and for production and cultivation facilities to be located in an industrial zone.
- General location:**
Retail cannabis stores may be excluded from certain areas of the municipality, such as a heritage district, tourist area or along the “Main Street”.
- Buffer:**
A buffer, or minimum separation distance, may be established between any cannabis-related facility and other sensitive land uses. Typically, 150 to 300 metres is established between cannabis-related facilities and schools, licensed daycares, public recreational facilities and other cannabis-related uses. Smaller buffers, from 15 to 90 metres are usually established between cannabis-related facilities and residential uses.
- Hours of operation:**
Operating hours, at minimum, will follow current municipal bylaws for hours of operation of retail services or industrial uses. The municipality has the authority, through the conditional use process or adding regulations to the zoning bylaw, to further restrict hours.
- Signs and lighting:**
At minimum, signage and lighting requirements will have to comply with the current regulations in the zoning bylaw. The municipality may add additional constraints, such as no pictures of the cannabis leaf or no direct illumination of the sign, through the conditional use process or a zoning bylaw amendment.
- Parking:**
Cannabis-related facilities may generate the need for additional parking. The municipality may impose additional requirements for parking through the conditional use process or a zoning bylaw amendment.

Definitions

Municipal zoning bylaws should include definitions that are synonymous with the proposed federal and provincial legislation. The definitions below are derived from federal and provincial legislation. Not all of the following terms may be necessary for all

municipal zoning bylaws but explain common terms for the various types of cannabis-related facilities. Municipalities may adapt the proposed definitions or add more definitions.

Cannabis means cannabis as defined in the Cannabis Act (Canada).¹

Cannabis distributor means a person who holds a cannabis distributor licence issued under the Liquor, Gaming and Cannabis Control Act.¹

Cannabis retail store means the premises specified in a retail cannabis licence where the retail sale of cannabis is authorized.¹

Retail cannabis licence means a licence to be issued under the Liquor, Gaming and Cannabis Control Act.¹

Cannabis concentrate means the hashish, cannabinoids, or any alkaloid, salt, derivative, preparation, compound, or mixture, whether natural or synthesized, of cannabinoids.²

Cannabis-infused product means a product infused with cannabis that is intended for use or consumption other than by smoking, including but not limited to, edible product, ointments and tinctures.²

Local sale means

- (a) the sale of liquor from retail liquor premises or licensed premises in a municipality; and
- (b) the sale of cannabis from a cannabis store in a municipality.¹

Cultivation

Standard cultivation means the large-scale growing of cannabis plants and harvesting material from those plants, as well as associated activities.³

Micro-cultivation means the small-scale growing of cannabis plants and harvesting material from those plants, as well as associated activities.³

Industrial hemp means the growing of industrial hemp plants (those containing 0.3 per cent THC or less) and associated activities.³

Nursery means the growing of cannabis plants to produce starting material (seed and seedlings) and associated activities.³

Processing

Standard processing means the large-scale manufacturing, packaging and labelling of cannabis products destined for sale to consumers, and the intra-industry sale of these products, including to provincially/territorially authorized distributors, as well as associated activities.³

Micro-processing means the small-scale manufacturing, packaging and labelling of cannabis products destined for sale to consumers, and the intra-industry sale of these products, including to provincially/territorially authorized distributors, as well as associated activities.³

¹ Bill 11: The Safe and Responsible Retailing of Cannabis Act, Province of Manitoba, 2017

² Denver Zoning Code, City of Denver, 2017

³ Proposed Approach to the Regulation of Cannabis, Government of Canada, 2017

Siting

The private sector will operate all retail locations procuring supply through Manitoba Liquor and Lotteries Corporation (MBLL), under license issued by the Liquor, Gaming and Cannabis Authority (LGCA) and (initially) under an agreement with the Department of Enterprise, Growth and Trade (GET).

The following are options for municipalities to consider when zoning for retail cannabis stores. The options presented may require amendments to the municipal zoning by-law. An alternative to amending the municipal zoning by-law, option 3, is also included. This is the Social Responsibility Location Review Process and more information about the process is in Appendix C.

Other Cannabis-Related Facilities

It is difficult to predict the number of outdoor cultivation, indoor cultivation, warehousing and distribution facilities establishing in Manitoba, the department recommends that these uses be treated like any other agricultural, commercial or industrial uses in the local zoning bylaw. However, cannabis-related facilities should be limited to specific agricultural, commercial or industrial zones. Security considerations and the like for such uses will be considered as part of the federal licensing process for cannabis cultivation operations and as part of the provincial licensing process for cannabis warehousing and retail facilities.

| Planning Criteria | Local Option | Outcome |
|-------------------|---|---|
| Siting | <p>01 Retail cannabis stores can establish in an existing commercial zone.</p> <p>1.a Retail cannabis stores will be a permitted use provided they meet the requirements of the zoning bylaw.</p> | <p>Minimal changes to the existing zoning bylaw framework required.</p> <ul style="list-style-type: none"> • No public hearing required for a retail cannabis store to establish in existing commercial zone • Cannabis-related regulations to address signage, hours of operation, etc. may be added to zoning bylaw |
| | <p>1.b As a conditional use.</p> | <ul style="list-style-type: none"> • Public hearing required for a retail cannabis store to establish in existing commercial zone • Approval can be conditional on a development agreement (that can address such matters as signage, hours of operation, etc.) |

| Planning Criteria | Local Option | Outcome |
|----------------------|---|---|
| <p>Siting</p> | <p>02</p> <p>Cannabis retail stores can only establish in a new, use specific zone.</p> | <p>More significant changes to existing zoning framework.</p> <ul style="list-style-type: none"> • Public hearing required to consider rezoning application • Approval can be conditional on a development agreement (that can address such matters as signage, hours of operation, etc.) • Mapping amendment required • Amendments to bulk tables required |
| | <p>03</p> <p>Retail cannabis stores can establish in an existing commercial zone as a permitted use and the Social Responsibility Location Review process will be applied to confirm suitability of proposed retail locations.</p> | <p>No changes to the existing zoning bylaw framework required.</p> <ul style="list-style-type: none"> • No time considerations required by statute or regulation • No public hearing required for a zoning by-law amendment or conditional use application • Endorsing the Social Responsibility Location Review Process helps assure citizens that due diligence is done when selecting retail locations • Municipal officials work directly with provincial officials in the review process and to ensure prospective retail sites are permitted under the local zoning by-law and have input into which of the key criteria will be applied to their community in determining a preferred site |

Buffering and Hours of Operation

A buffer, or minimum separation distance, may be established between any cannabis-related facility and other sensitive land uses. Distances shown are common in other jurisdictions. Municipalities may increase or reduce the separation distances. Buffering may not be feasible in smaller municipalities.

Operating hours may follow current municipal bylaws for hours of operation of retail services or industrial uses. The municipality has the authority, through the conditional use process or adding regulations to the zoning bylaw, to further restrict hours.

| Planning Criteria | Local Option | Outcome |
|----------------------------------|--|---|
| <p>Buffering</p> | <p>01</p> <p>1.a Retail cannabis stores can be buffered from schools, community centres, and other public recreational facilities by a certain distance (ex. 300 metres).</p> <p>1.b Retail cannabis stores can be buffered from residential uses by a certain distance (ex. 15 to 90 metres).</p> <p>1.c Retail cannabis stores can be buffered from other retail cannabis stores by a certain distance (ex. 300 metres).</p> | <p>Cannabis retailers would not be able to establish near schools, community centres or other potentially sensitive uses.</p> <p>Cannabis retailers would not be able to establish in close proximity to homes.</p> <p>Cannabis retailers would not be able to establish in close proximity to one another.</p> |
| <p>Hours of Operation</p> | <p>01</p> <p>Operating hours of retail cannabis stores will follow current municipal bylaws for retail uses.</p> <p>02</p> <p>Retail cannabis stores will have more stringent hours of operation.</p> | <p>No changes to the existing zoning bylaw framework required.</p> <p>Additional hours of operation regulations specific to cannabis-related uses to be added to the zoning bylaw.</p> <p>A municipal council may pass a bylaw prohibiting the sale of cannabis at cannabis stores on Sunday.</p> |

Signs, Lighting and Parking

At minimum, signs, lighting and parking requirements will follow current municipal bylaws. However, the municipality has the authority through the conditional

use process or by adding regulations to the zoning bylaw to apply additional requirements for cannabis-related uses.

| Planning Criteria | Local Option | Outcome |
|--------------------|--|---|
| Signs and lighting | <p>01 Retail cannabis stores will meet the signage and lighting requirements currently in the zoning bylaw.</p> | <p>No changes to the existing zoning bylaw framework required.</p> |
| | <p>02 Retail cannabis stores will have special signage and lighting regulations.</p> | <p>Additional signage and lighting regulations specific to cannabis-related uses to be added to the zoning bylaw.</p> |
| Parking | <p>01 Retail cannabis stores will meet the parking requirements currently in the zoning bylaw.</p> | <p>No changes to the existing zoning bylaw framework required.</p> |
| | <p>02 Retail cannabis stores will have additional parking requirements.</p> | <p>Additional parking regulations specific to cannabis-related uses to be added to the zoning bylaw.</p> |



Appendices

Appendix A: FAQs

1. Will Provincial Planning be providing advice to planning districts and municipalities regarding how to interpret their zoning bylaws?

Yes. Municipal Relations Community and Regional Planning Branch is always available to provide municipalities with zoning bylaw assistance. The branch has developed guidelines for municipalities with respect to cannabis zoning.

2. Is there a local say in whether production, in federally licenced facilities, is subject to local approval processes?

Health Canada licences producers. Producers must comply with provincial and municipal bylaws as part of HC's licencing process, so there is opportunity for local input via bylaws, zoning, and permitting processes. Information about HC's process is found online here: <https://www.canada.ca/en/health-canada/services/drugs-health-products/medical-use-marijuana/licensed-producers/application-process-becoming-licensed-producer.html>

3. Do federally licenced facilities need to be constructed under local building permit, ex: local building bylaw and Manitoba Building Code or are they inspected by some other authority?

Licensed facilities are subject to local building permit requirements, including inspections. Health Canada's requirements can be found here: <https://www.canada.ca/en/health-canada/services/drugs-health-products/medical-use-marijuana/licensed-producers/application-process-becoming-licensed-producer.html>.



Details of what to expect federally can be found here: <http://www.hc-sc.gc.ca/dhp-mps/marihuana/info/licencedproducer-producteurautorise/inspections-eng.php> and also here: <https://www.canada.ca/en/health-canada/services/drugs-health-products/medical-use-marijuana/licensed-producers/guidance-document-building-production-security-requirements-marihuana-medical-purposes.html>

4. Will retail facilities include only sales, or will they provide facilities for consumption in a restaurant style setting?

The Request for Proposals (submission deadline December 22, 2017) addresses storefront and online sales only. Consumption cafes, if considered in the future, would be handled through a separate process and at a later date when demand is more fully understood or begins to mature. It is expected that municipalities will play a role in this process.

5. How should indoor and outdoor cannabis cultivation be addressed in the municipal zoning bylaw?

The federal government will issue licences for cannabis cultivation. The Cannabis Regulations state that outdoor cultivation will not be permitted adjacent to a school, public playground, daycare facility or other public space frequented mainly by individuals under 18 years of age.

In a municipal zoning bylaw it will be necessary to differentiate between indoor and outdoor cannabis cultivation. Outdoor cultivation may be treated as an agricultural use. The provisions of the agricultural zone would apply. Indoor cultivation may be treated as an industrial use. Indoor cultivation may be a permitted or conditional use in one, some or all industrial zones.

Specialized agricultural operations, such as greenhouses, may include cannabis cultivation.

Appendix B: Provincial Retail Models

The provinces and territories are required to implement a cannabis retail and distribution model by July 1, 2018. There are essentially two retail model options including:

1. **Public model:** A public model would involve government operated stores analogous to the way alcohol is currently sold and distributed in most provinces. Cannabis products would be sold in stand-alone retail outlets apart from current liquor outlets.
2. **Private model:** A private model would permit businesses licensed by the provincial government to operate as cannabis retail stores. The provincial government would establish a licensing, compliance, inspection and enforcement program.

All provinces and territories have undertaken public consultations. As shown in Table 2, some jurisdictions are proceeding with a public retail model (including Quebec, New Brunswick and the Yukon) while others have selected the private retail model (including Alberta, Manitoba and Newfoundland Labrador).

Table 2. Provincial cannabis retail models.

| Location | Retail Model | |
|-----------------------|--------------|---------|
| | Public | Private |
| British Columbia | | |
| Alberta | | |
| Saskatchewan | | |
| Manitoba | | |
| Ontario | | |
| Quebec | | |
| New Brunswick | | |
| Nova Scotia | | |
| Prince Edward Island | | |
| Newfoundland Labrador | | |
| Yukon | | |
| Northwest Territories | | |
| Nunavut | * | * |

*The Nunavut government will oversee online sales of cannabis and may appoint private retailers. No physical stores will be established in 2018.

Appendix C:

Social Responsibility Location Review Process

Retailers must ensure that the chosen sites for the cannabis retail stores comply with municipal zoning by-laws. The Social Responsibility Location Review Process allows sites to be selected for retail cannabis stores without amending the municipal zoning by-law.

Review Process in Brief

Designated provincial staff will review the proposed cannabis store locations against select criteria using a process similar to how Manitoba Liquor and Lotteries Corporation (MBLL) reviews potential sites for Winnipeg Liquor Mart retail stores.

- Provincial staff will review the retailers' proposed store location(s) in proximity to schools, recreational centres and/or places of worship. Municipalities may have additional criteria.

- Municipal staff will provide feedback on the selected locations.
- If municipal staff approve of the selected locations, provincial staff will notify the cannabis retailer by letter.
- Municipal staff will issue a development permit or approval under the current zoning by-law (and other applicable by-laws).
- The development permit or approval will be used by the Liquor, Gaming and Cannabis Authority (LGCA) as evidence of compliance with municipal requirements for cannabis retail stores.

Appendix D: Jurisdictional Review

Canada

Some Canadian municipalities have updated their zoning bylaws in anticipation of the legalization of cannabis, as well as to accommodate legal medical cannabis operations. The various municipalities have taken different approaches to achieve the result

best for their municipality: cannabis-related uses permitted within existing zones; as a new defined use with specific provisions; or as a site-specific zoning bylaw amendment.

| Location | Use | Definitions | Siting | Buffer | Hours of operation | Signs and lighting | Additional information |
|-------------------------------|---|-------------|--|--------|-------------------------|---|--|
| Vancouver, British Columbia | Medical marijuana-related business | Yes | Permitted in commercial zones. | Yes | 8 am to 10 pm | NA | <ul style="list-style-type: none"> Business licence required. Surrounding property owners notified. Businesses not permitted in tourist or impoverished areas. |
| Nelson, British Columbia | Cannabis-related business | Yes | Permitted in one commercial zone and one industrial zone. | Yes | 8 am to 8 pm | <ul style="list-style-type: none"> Compliance with City's Sign Regulation By-law. Sandwich board signs not permitted. | <ul style="list-style-type: none"> Business licence required. Specific regulations for cannabis-related businesses. |
| Squamish, British Columbia | Marijuana dispensary | Yes | Permitted in four commercial zones and one industrial zone. | Yes | NA | NA | <ul style="list-style-type: none"> Dispensaries not permitted along the "Main Street". |
| Edmonton, Alberta | <ul style="list-style-type: none"> Cannabis retail sales Medical cannabis producers | Yes | <ul style="list-style-type: none"> Created a new use class for cannabis retail sales. Medical cannabis producers permitted in one industrial zone. | NA | NA | NA | <ul style="list-style-type: none"> Business licence will likely be required. |
| Mountain View County, Alberta | Medical cannabis production | Yes | <ul style="list-style-type: none"> Uses a direct control district regulation. | Yes | 24 hours, 7 days a week | Lighting plan required. | <ul style="list-style-type: none"> Uses a direct control by-law. Development permit required. Site must be adequately serviced with water and sewer. Multiple municipalities in Alberta use direct control by-laws to zone for cannabis production facilities. |
| Ottawa, Ontario | Medical cannabis production | Yes | Permitted in some industrial zones. | Yes | NA | NA | |
| Lakeshore, Ontario | Medical cannabis production | Yes | Uses site-specific zoning. | Yes | NA | No outdoor signage. | <ul style="list-style-type: none"> Uses site-specific zoning (similar to a direct control by-law). |
| Clearview, Ontario | Medical cannabis production | No | Permitted in agricultural/rural zone. | No | NA | NA | <ul style="list-style-type: none"> Currently have two licensed production facilities. |

Appendix D: Jurisdictional Review

United States

The use, possession, sale, cultivation and transportation of cannabis is illegal under federal law in the United States but states are permitted to pass laws to decriminalize cannabis for non-medical or medical use. A number of states have fully legalized cannabis, including Alaska, California,

Colorado, Maine, Massachusetts, Nevada, Oregon and Washington. The majority of the remaining states have legalized some forms of medical marijuana and/or decriminalized possession laws. Non-medical and medical marijuana are still illegal in three states.

| Location | Use | Definitions | Siting | Buffer | Hours of operation | Signs and Lighting | Additional information |
|-------------------------|---|-------------|--|--------|---|---|---|
| Denver, Colorado | <ul style="list-style-type: none"> Medical marijuana cultivation, dispensary and manufacturing Retail marijuana store, cultivation, manufacturing, testing and distribution | Yes | Permitted in some commercial and industrial zones. | Yes | Cannabis consumption not permitted between 2 am and 7 am. | Compliance with City's ordinances regulating signs. | <ul style="list-style-type: none"> Business licence required. Public hearing required. |
| Summit County, Colorado | Medical and retail marijuana | Yes | Permitted in one industrial and four commercial zones. | Yes | 8 am to 7 pm | <ul style="list-style-type: none"> Compliance with City's ordinances regulating signs. Images of marijuana or words commonly understood to refer to marijuana not permitted on signage. | <ul style="list-style-type: none"> Business licence required. |
| Brewster, Massachusetts | Medical marijuana dispensary | Yes | A special use in one commercial and one industrial zone. | NA | NA | NA | <ul style="list-style-type: none"> Requires a special use permit. |
| Carson City, Nevada | Medical marijuana cultivation, dispensary, production and laboratory testing | Yes | All uses permitted in one industrial zone. | Yes | 7 am to 8 pm | Discreet signage. | <ul style="list-style-type: none"> Requires a special use permit. |
| Beaverton, Oregon | Retail and wholesale marijuana sales, processing and laboratory testing | Yes | Retail sales a permitted use in three commercial zones. Wholesale and processing uses permitted in two industrial zones. Laboratory testing a permitted use in one industrial zone and a conditional use in one industrial zone. | Yes | Retail sales permitted from 7 am to 10 pm. | Compliance with City's ordinances regulating signs. | <ul style="list-style-type: none"> Recreational marijuana uses require a recreational marijuana facility licence. Medical marijuana dispensary requires a medical marijuana licence. Business licence required for all business sales. |
| Kenmore, Washington | Retail marijuana sales, production and processing | | Permitted in three commercial zones. | Yes | Retail sales permitted to 10 pm. | | <ul style="list-style-type: none"> Business licence required. |

Appendix E:

Community and Regional Planning (CRP) Offices

Beausejour

Box 50, L01-20 First Street
Beausejour MB R0E 0C0
Phone: 204-268-6058

Brandon

1B-2010 Currie Boulevard
Brandon MB R7B 4E7
Phone : 204-726-6267

Dauphin

27-2nd Avenue S.W.
Dauphin MB R7N 3E5
Phone: 204-622-2115

Morden

Box 50075
536 Stephen St, Unit A
Morden MB R6M 1T7
Phone: 204-822-2840

Portage

108 - 25 Tupper St. North
Portage la Prairie MB R1N 3K1
Phone: 204-239-3348

Selkirk (Interlake)

103-235 Eaton Avenue
Selkirk MB R1A 0W7
Phone: 204-785-5090

Steinbach

240-323 Main Street
Steinbach MB R5G 1Z2
Phone: 204-346-6240

Thompson

604-800 Portage Avenue
Winnipeg MB R3G 0N4
Phone: 204-945-4988

**Manitoba Municipal Relations
Community and Regional Planning**
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