



City of Richmond

Report to Committee

To: General Purposes Committee
From: Cecilia Achiam, MCIP, BCSLA
 Director, Administration and Compliance
Re: Regulations for Marihuana Dispensaries

Date: January 10, 2017
File: 03-0900-01/2016-Vol 01

Staff Recommendation

That Richmond Zoning Bylaw No. 8500, Amendment Bylaw 9671 to add a definition of “marihuana dispensary” and add this use to the non-permitted uses and definitions (Section 3.5) of the Richmond Zoning Bylaw No. 8500 to prohibit “marihuana dispensary” in all zones, be introduced and given first reading.

Cecilia Achiam, MCIP, BCSLA
 Director, Administration and Compliance
 (604-276-4122)

REPORT CONCURRENCE		
ROUTED TO:	CONCURRENCE	CONCURRENCE OF GENERAL MANAGER
Law Development Applications Policy Planning	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	
REVIEWED BY STAFF REPORT / AGENDA REVIEW SUBCOMMITTEE	INITIALS: DW	APPROVED BY CAO

Staff Report

Origin

Marihuana laws are changing rapidly in Canada and the federal government recently released a report on a framework for the legalization of cannabis in Canada. This report recommends moving forward with a number of initiatives related to the recreational use of marihuana, including retail sales. Federal regulations that may result from the report's recommendations are expected as early as spring 2017.

This report proposes amendments to the Richmond Zoning Bylaw No. 8500 as a proactive response to the potential Federal legalization of marihuana. Until legalization measures are taken by the Federal Government, the use and retail sale of cannabis is prohibited by existing Federal legislation and not required to be in the City's zoning bylaw. However, in order to manage the potential impacts arising at the local level, it is prudent for the City to implement zoning regulations to prohibit all retailing and/or dispensing of marihuana or cannabis products city-wide.

Analysis

Current Federal Regulations

Federally, marihuana (cannabis) is currently regulated by the Controlled Drugs and Substances Act (CDSA) and the Access to Cannabis for Medical Purposes Regulations (ACMPR), formerly the Marihuana for Medical Purposes Regulations (MMPR). Currently, under this legislation there is no provision allowing for the retail sale or dispensing of marihuana or cannabis products.

Current Municipal Regulations

When the federal regulations came into effect in 2013, in relation to addressing access to medical marihuana (MMPR), Council endorsed a zoning bylaw amendment that defined a medical marihuana production facility and a medical marihuana research facility. This amendment also brought regulations to prohibit these uses City-wide. Through this regulatory framework, case-by-case consideration of rezoning applications for proposed medical marihuana production and/or research and development facilities have been reviewed based on Official Community Plan (OCP) policies developed to manage this land use. These zoning bylaw regulations and OCP policy specifically addressed medical marihuana production under the MMPR (now ACMPR).

Richmond Zoning Bylaw 8500 does not currently contain explicit provisions regarding retailing or dispensing of marihuana/cannabis because it is unlawful and contrary to the CDSA. In anticipation of federal legislation that may legalize and regulate marihuana, and to manage this issue within the context and priorities of Richmond, staff propose to:

- Define and add "marihuana dispensary" as a use definition in Section 3.5 (Non-Permitted Uses and Definitions) of the Richmond Zoning Bylaw 8500, wording as shown in the proposed Bylaw Amendment; and

- Include “marihuana dispensary” in Section 3.5 (Non-Permitted Uses and Definitions) of the Richmond Zoning Bylaw 8500, which would not permit this use in any zone city-wide.

The proposed amendment to the zoning bylaw would provide clarity on the City’s regulations on this type of business during the period until which time federal legislation on marihuana is brought forward. This approach would ensure that the City’s regulations are consistent with current federal legislation, where marihuana retail and/or dispensaries remain unlawful operations.

This is an interim regulatory approach that can be re-visited in the future. Should the Federal Government proceed with implementation of legislation for the legalization of marihuana in Canada, staff will assess the regulatory framework and provide Council with a future report outlining any legalization initiatives and potential options related to marihuana use, including retail sale.

Consultation

Staff have reviewed the proposed Zoning Bylaw amendment and advise that no public consultation is required beyond the public notification requirements.

Financial Impact

None

Conclusion

This staff report recommends that Richmond Zoning Bylaw No.8500, Amendment Bylaw 9671 be brought forward to define “marihuana dispensary” and prohibit them in all zones in the City. The City may make further amendments to respond to any new federal legislation.



Carli Edwards
Chief Licence Inspector
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Richmond Zoning - Bylaw No. 8500
Amendment Bylaw No. 9671

The Council of the City of Richmond enacts as follows:

1) The Richmond Zoning Bylaw 8500 as amended, is further amended at Section 3.5 (Non-Permitted Uses and Definitions) by:

a) Adding the following to Section 3.5.1:

“e) Marihuana dispensary”

b) adding the following definition of “marihuana dispensary”, in alphabetical order to Section 3.5.2:

“Marihuana Dispensary means a business or other operation involving the sale, barter, storage, distribution or dispensing of cannabis, marihuana or any products containing or derived from cannabis or marihuana.”

2) This Bylaw is cited as “**Richmond Zoning – Bylaw, Amendment Bylaw 9671**”.

FIRST READING

JAN 23 2017

SECOND READING

THIRD READING

ADOPTED

CITY OF RICHMOND
APPROVED for content by originating dept. <i>[Signature]</i>
APPROVED for legality by Solicitor <i>[Signature]</i>

MAYOR

CORPORATE OFFICER