

**THE CORPORATION OF THE TOWN OF GEORGINA  
IN THE  
REGIONAL MUNICIPALITY OF YORK**

**BY-LAW NUMBER 500-2020-XXXX (PL-5)**

**A BY-LAW TO AMEND BY-LAW NUMBER 500, BEING A BY-LAW TO REGULATE  
THE USE OF LANDS AND THE CHARACTER, LOCATION AND USE OF BUILDINGS  
AND STRUCTURES WITHIN THE TOWN OF GEORGINA.**

Pursuant to Section 34 of the Planning Act, R.S.O., 1990, c.P.13, as amended, the Council of the Town of Georgina **ENACTS AS FOLLOWS:**

1. That Section 2 **DEFINITIONS** is hereby amended by adding the following new definitions:

**“2.36 A) CANNABIS PRODUCTION FACILITY, DESIGNATED:** means the use of land, buildings or structures for cultivating, propagating, harvesting, drying, storing, destroying, packaging and shipping of cannabis which is authorized by a valid registration certificate of a designated person issued by the Federal Minister of Health, pursuant to the Cannabis Regulations, SOR/2018-144, as amended, under the Cannabis Act, S.C. 2018, c. 16, as amended, or its successor.

**2.36 B) CANNABIS PRODUCTION FACILITY, LICENSED:** means the use of land, buildings or structures for cultivating, propagating, producing, harvesting, drying, storing, processing, research, testing, destroying, packaging, sale for medical purposes, and shipping of cannabis which is authorized by a valid license issued by the Federal Minister of Health, pursuant to the Cannabis Regulations, SOR/2018-144, as amended, under the Cannabis Act, S.C. 2018, c. 16, as amended, or its successor.”

2. That Section 2 **DEFINITIONS** is hereby amended by deleting Subsection 2.129 A) **MARIHUANA PRODUCTION FACILITY** in its entirety.

3. That Section 5.28 **PARKING AREA REGULATIONS**, and specifically the Industrial table within Subsection 5.28 (b) **NUMBER OF PARKING SPACES (MINIMUM), NON-RESIDENTIAL USES** be amended by deleting the reference to “marihuana production facility”, including the associated parking requirements, and replacing it with the following:

Industrial:

Use	Required Spaces
Cannabis production facility, licensed	2 spaces, plus 2 spaces per 95 square metres of non-residential floor area
Cannabis production facility, designated	2 spaces, plus 1 space per 95 square metres of non-residential floor area

4. That Section 20.2 **PERMITTED NON-RESIDENTIAL USES** in the Restricted Industrial (M1) Zone is hereby amended by adding “cannabis production facility, licensed”.
5. That Section 20.4 **ZONE REQUIREMENTS – NON-RESIDENTIAL USES** in the Restricted Industrial (M1) Zone is hereby amended by adding the following after Subsection (i) **OPEN STORAGE**:

**“(j) CANNABIS PRODUCTION FACILITY, LICENSED**

A licensed cannabis production facility is subject to the requirements of Section 20.4 respecting “Other Uses”. Further, a licensed cannabis production facility is also subject to the following requirements:

**USE MUST BE WHOLLY CONTAINED**

Notwithstanding any other provision in this by-law to the contrary, growing, propagating and harvesting of cannabis shall be conducted in a wholly enclosed building or structure.

**GATEHOUSE**

Notwithstanding the yard and setback provisions of this by-law, a building or structure used solely for a gatehouse shall be permitted in the front and exterior

side yard and may be located a minimum of 1.5 metres from any lot line. Such building or structure shall have a maximum floor area of 20 square metres.

### **DISTANCE FROM SENSITIVE LAND USES**

Notwithstanding any other provision in this by-law to the contrary, a licensed cannabis production facility shall not be located closer than 70 metres from a:

- Residential (R, R1, R2 or R3), Institutional (I) or Transitional (T) zone, including any related site-specific zones. The setback shall be taken from the closest portion of the cannabis production facility measured to the closest zone boundary.
- Rural (RU) zoned lot, including any related site-specific zones, which has a lot area of 8,000 square metres or less. The setback shall be taken from the closest portion of the cannabis production facility measured to the closest lot line of the RU zoned property.

For the purpose of this provision, a licensed cannabis production facility means any buildings or structures in which cannabis is permitted within in accordance with federal licensing. Further, no licensed cannabis production facility lawfully established under these provisions shall be deemed to be in violation of the zoning by-law by the subsequent establishment of a Residential, Institutional or Transitional zone or the creation of a RU zoned lot which has a lot area of 8,000 square metres or less.”

6. That Section 21.4 **ZONE REQUIREMENTS – NON-RESIDENTIAL USES** in the General Industrial (M2) Zone is hereby amended by adding the following after **AUTO BODY GARAGES**:

### **“CANNABIS PRODUCTION FACILITY, LICENSED**

A licensed cannabis production facility is subject to the requirements of Section 21.4 respecting “Other Uses”. Further, a licensed cannabis production facility is also subject to the following requirements:

### **USE MUST BE WHOLLY CONTAINED**

Notwithstanding any other provision in this by-law to the contrary, growing, propagating and harvesting of cannabis shall be conducted in a wholly enclosed building or structure.

**DISTANCE FROM SENSITIVE LAND USES**

Notwithstanding any other provision in this by-law to the contrary, a licensed cannabis production facility shall not be located closer than 70 metres from a:

- Residential (R, R1, R2 or R3), Institutional (I) or Transitional (T) zone, including any related site-specific zones. The setback shall be taken from the closest portion of the cannabis production facility measured to the closest zone boundary.
- Rural (RU) zoned lot, including any related site-specific zones, which has a lot area of 8,000 square metres or less. The setback shall be taken from the closest portion of the cannabis production facility measured to the closest lot line of the RU zoned property.

For the purpose of this provision, a licensed cannabis production facility means any buildings or structures in which cannabis is permitted within in accordance with federal licensing. Further, no licensed cannabis production facility lawfully established under these provisions shall be deemed to be in violation of the zoning by-law by the subsequent establishment of a Residential, Institutional or Transitional zone or the creation of a RU zoned lot which has a lot area of 8,000 square metres or less.”

7. That Section 28.2 **PERMITTED NON-RESIDENTIAL USES** in the Rural (RU) Zone is hereby amended by adding “cannabis production facility, designated” and “cannabis production facility, licensed”.
8. That Section 28.4 **ZONE REQUIREMENTS – NON-RESIDENTIAL USES** in the Rural (RU) Zone is hereby amended by adding the following after Subsection **(k)**  
**AERODROME:**

**“(I) CANNABIS PRODUCTION FACILITY, DESIGNATED OR LICENSED**

The requirements for lot frontage, lot area, front yard, and exterior side yard, rear yard and interior side yard shall be in accordance with the provisions of Section 28.4 (a), (b), (c) (d), (e) and (f), respectively. Further, a designated cannabis production facility and licensed cannabis production facility are also subject to the following requirements:

**LOT COVERAGE (MAXIMUM)** 30%

**HEIGHT OF BUILDING (MAXIMUM)** 11 metres

**OPEN STORAGE**

Notwithstanding any other provision in this by-law to the contrary, the open storage of goods, materials or machinery, shall not be permitted other than in a wholly enclosed building.

**LOADING SPACES**

Shall be provided in accordance with the requirements for a Commercial / Industrial / Business Park use pursuant to Section 5.25.

**GATEHOUSE**

Notwithstanding the yard and setback provisions of this by-law, a building or structure used solely for a gatehouse shall be permitted in the front and exterior side yard and may be located a minimum of 1.5 metres from any lot line. Such building or structure shall have a maximum floor area of 20 square metres.

**DISTANCE FROM SENSITIVE LAND USES**

Notwithstanding any other provision in this by-law to the contrary, a designated or licensed cannabis production facility shall not be located closer than 70 metres from a:

- Residential (R, R1, R2 or R3), Institutional (I) or Transitional (T) zone, including any related site-specific zones. The setback shall be taken from the closest portion of the cannabis production facility measured to the closest zone boundary.
- Rural (RU) zoned lot, including any related site-specific zones, which has a lot area of 8,000 square metres or less. The setback shall be taken from the closest portion of the cannabis production facility measured to the closest lot line of the RU zoned property.

For the purpose of this provision, a designated or licensed cannabis production facility means any buildings or structures in which cannabis is permitted within in accordance with a federal certificate or federal licensing and also includes cannabis which is grown outdoors. Further, no cannabis production facility lawfully established under these provisions shall be deemed to be in violation of the zoning by-law by the subsequent establishment of a Residential, Institutional or

Transitional zone or the creation of a RU zoned lot which has a lot area of 8,000 square metres or less.

### **RESTRICTIONS**

Notwithstanding Section 2.36 B), processing, research, testing, and sale for medical purposes as authorized by a license issued by the Federal Minister of Health, shall only be permitted if the cannabis used for such purposes is grown on the property. To further clarify, cannabis shall not be brought onto the property from any other property for any purpose.

Further, the total maximum floor area devoted to uses such as processing, research, testing, and sale for medical purposes shall be 2% of the overall lot area of the property, to a maximum of 10,000 square metres.”

9. That Section 32.2 **PERMITTED NON-RESIDENTIAL USES** in the Business Park 3 (BP-3) Zone is hereby amended by deleting “marihuana production facility” and adding “cannabis production facility, licensed”.
10. That Section 32.4 **ZONE REQUIREMENTS – NON-RESIDENTIAL USES** in the Business Park 3 (BP-3) Zone, and more specifically Subsection (i) **OPEN STORAGE**, is hereby amended by deleting the sentence “however, open storage associated with a marihuana production facility is prohibited.”
11. That Section 32 **BUSINESS PARK 3 (BP-3) ZONE** is hereby amended by adding the following after Section 32.5 **ANCILLARY RETAIL SALES SHOW ROOM AND ANCILLARY OFFICE USES**:

#### **“32.6 CANNABIS PRODUCTION FACILITY, LICENSED**

A licensed cannabis production facility is subject to the requirements of Section 32.4 respecting “Zone Requirements – Non-Residential Uses”. Further, a licensed cannabis production facility is also subject to the following requirements:

### **USE MUST BE WHOLLY CONTAINED**

Notwithstanding any other provision in this by-law to the contrary, growing, propagating and harvesting of cannabis shall be conducted in a wholly enclosed building or structure.

### **GATEHOUSE**

Notwithstanding the yard and setback provisions of this by-law, a building or structure used solely for a gatehouse shall be permitted in the front and exterior side yard and may be located a minimum of 1.5 metres from any lot line. Such building or structure shall have a maximum floor area of 20 square metres.

### **DISTANCE FROM SENSITIVE LAND USES**

Notwithstanding any other provision in this by-law to the contrary, a licensed cannabis production facility shall not be located closer than 70 metres from a:

- Residential (R, R1, R2 or R3), Institutional (I) or Transitional (T) zone, including any related site-specific zones. The setback shall be taken from the closest portion of the cannabis production facility measured to the closest zone boundary.
- Rural (RU) zoned lot, including any related site-specific zones, which has a lot area of 8,000 square metres or less. The setback shall be taken from the closest portion of the cannabis production facility measured to the closest lot line of the RU zoned property.

For the purpose of this provision, a licensed cannabis production facility means any buildings or structures in which cannabis is permitted within in accordance with federal licensing. Further, no licensed cannabis production facility lawfully established under these provisions shall be deemed to be in violation of the zoning by-law by the subsequent establishment of a Residential, Institutional or Transitional zone or the creation of a RU zoned lot which has a lot area of 8,000 square metres or less.”



**EXPLANATORY NOTE**

**(TOWN OF GEORGINA)**

**(FILE NO. 03.05BQ)**

1. The purpose of Zoning By-law Number 500-2020-XXXX (PL-5), which amends Zoning By-law 500, as amended, is to implement specific zoning provisions for cannabis production facilities within the Town of Georgina. Specifically, the by-law proposes to define cannabis production facilities; permit cannabis production facilities within the Rural (RU), Restricted Industrial (M1), General Industrial (M2), and Business Park 3 (BP-3) zones; and, implement specific zoning provisions for same. The by-law also proposes to repeal the existing definition of 'Marihuana Production Facility' and related provisions.
2. This by-law conforms to the Town of Georgina Official Plan, the Keswick Secondary Plan, the Sutton/Jackson's Point Secondary Plan, the Pefferlaw Secondary Plan, and the Keswick Business Park Secondary Plan.
3. This by-law shall apply to all lands within the Town of Georgina which are zoned RU, M1, M2 and BP-3.
4. A Key Map has not been provided as part of this amendment due to the significant number of RU, M1, M2 and BP-3 zoned lands within the Town of Georgina.

**BY-LAW NUMBER 500-2020-XXXX (PL-5), WHICH AMENDS ZONING BY-LAW NO. 500 OF THE CORPORATION OF THE TOWN OF GEORGINA**