

**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:

“2.9 A) AIR TREATMENT CONTROL: means an industrial multi-stage carbon filtration system, or similar technology, which reduces and/or treats the emission of pollen, dust and odours expelled from a facility, and which filtration system is operated at all times in accordance with the specifications as set out within a report prepared by a qualified person and approved by the Town.

2.36 A) CANNABIS PRODUCTION FACILITY, DESIGNATED: means the use of land, buildings or structures for cultivating, propagating, harvesting, drying, storing, packaging and distribution of cannabis which is authorized by a valid registration certificate and document for 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, analytical testing, destroying, packaging, sale, and distribution 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, and the Industrial Hemp Regulations, SOR/2018-145, under the Cannabis Act, S.C. 2018, c. 16, as amended, or its successor.

2.90 A) GATEHOUSE: means a building or structure located near the entrance of a property used to house personnel and/or equipment for the purpose of monitoring and securing the premises of the property and its buildings and structures and restricting unauthorized access.

2.166 A) REGISTERED PERSON: means an individual who is authorized to cultivate, propagate and harvest cannabis in accordance with a registration certificate issued under 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 2 **DEFINITIONS** is hereby amended by renumbering Subsection 2.166 A) **RESEARCH AND DEVELOPMENT FACILITY** to Subsection 2.166 B).

4. That Section 5 **GENERAL PROVISIONS** is hereby amended by adding the following new provision after Subsection **5.33 REFRESHMENT VEHICLES, BICYCLE UNITS, AND CARTS:**

“5.33 A) REGISTERED PERSON

A registered person is permitted to cultivate, propagate and harvest cannabis at any property and in such manner as identified pursuant to a registration certificate issued by the Federal Minister of Health to said registrant.”

5. 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

6. That Section 20.2 **PERMITTED NON-RESIDENTIAL USES** in the Restricted Industrial (M1) Zone is hereby amended by adding “cannabis production facility, designated” and “cannabis production facility, licensed”.
7. 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, DESIGNATED OR LICENSED

A designated or licensed cannabis production facility in the M1 Zone is subject to the requirements of Section 20.4 respecting ‘Other Uses’ and the following additional requirements:

LOT FRONTAGE AND LOT AREA

Section 5.41 respecting undersized lots shall not apply when determining compliance with lot frontage and lot area requirements.

OUTDOOR CULTIVATION PROHIBITED

Cultivating, propagating and harvesting of cannabis shall only be permitted in a wholly enclosed building or structure.

GATEHOUSE

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

A designated or licensed cannabis production facility which contains air treatment control, shall have a minimum setback of 150 metres from:

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

Notwithstanding any other provision in this by-law, a designated or licensed cannabis production facility which does not contain air treatment control, shall have a minimum setback of 300 metres from:

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

Notwithstanding paragraphs 1 and 3, above, a designated or licensed cannabis production facility shall have a minimum setback of 300 metres from a private or public school. The setback shall be measured from the closest portion of the designated or licensed cannabis production facility to the closest portion of the lot line containing the private or public school.”

8. 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, DESIGNATED OR LICENSED

A designated or licensed cannabis production facility in the M2 Zone is subject to the requirements of Section 21.4 respecting ‘Other Uses’ and the following additional requirements:

LOT FRONTAGE AND LOT AREA

Section 5.41 respecting undersized lots shall not apply when determining compliance with lot frontage and lot area requirements.

OUTDOOR CULTIVATION PROHIBITED

Cultivating, propagating and harvesting of cannabis shall only be conducted in a wholly enclosed building or structure.

DISTANCE FROM SENSITIVE LAND USES

A designated or licensed cannabis production facility which contains air treatment control, shall have a minimum setback of 150 metres from:

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

Notwithstanding any other provision in this by-law, a designated or licensed cannabis production facility which does not contain air treatment control, shall have a minimum setback of 300 metres from:

3. Residential (R, R1, R2 or R3), Estate Residential (ER), Institutional (I) or Transitional (T) zones, including any related site-specific zones. The setback shall be measured from the closest portion of the designated or licensed cannabis production facility, to the closest portion of a Residential (R, R1, R2 or R3), Estate Residential (ER), Institutional (I) or Transitional (T) zone boundary.

4. Rural (RU) zoned lots, including any related site-specific zones, which have a lot area of 8,000 square metres or less. The setback shall be measured from the closest portion of the designated or licensed cannabis production facility to the closest portion of the lot line of such a RU zoned property.

Notwithstanding paragraphs 1 and 3, above, a designated or licensed cannabis production facility shall have a minimum setback of 300 metres from a private or public school. The setback shall be measured from the closest portion of the designated or licensed cannabis production facility to the closest portion of the lot line containing the private or public school.”

9. 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”.
10. 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

A designated or licensed cannabis production facility in the RU Zone is subject to the requirements of Section 28.4 (a), (b), (c) (d), (e) and (f), and the following requirements:

LOT FRONTAGE AND LOT AREA

Section 5.41 respecting undersized lots shall not apply when determining compliance with lot frontage and lot area requirements.

LOT COVERAGE (MAXIMUM) 30%

HEIGHT OF BUILDING (MAXIMUM) 11 metres

LOADING SPACES

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

OPEN STORAGE PROHIBITED

The storage of goods, materials or machinery shall only be permitted in a wholly enclosed building or structure.

OUTDOOR CULTIVATION PERMITTED

Cultivation, propagation and harvesting of cannabis outdoors shall be permitted subject to these uses complying with the minimum separation distances from sensitive land uses and the minimum yard setbacks for non-residential uses as outlined in this section.

GATEHOUSE

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

A designated or licensed cannabis production facility which contains air treatment control, shall have a minimum setback of 150 metres from:

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

Notwithstanding any other provision in this by-law, cannabis cultivated outdoors or a designated or licensed cannabis production facility which does not contain air treatment control, shall have a minimum setback of 300 metres from:

3. Residential (R, R1, R2 or R3), Estate Residential (ER), Institutional (I) or Transitional (T) zones, including any related site-specific zones. The setback shall be measured from the closest portion of the cannabis cultivated outdoors or the designated or licensed cannabis production

facility, whichever of the two is closest, to the closest portion of a Residential (R, R1, R2 or R3), Estate Residential (ER), Institutional (I) or Transitional (T) zone boundary.

4. Rural (RU) zoned lots, including any related site-specific zones, which have a lot area of 8,000 square metres or less. The setback shall be measured from the cannabis cultivated outdoors or the designated or licensed cannabis production facility, whichever of the two is closest, to the closest portion of the lot line of such a RU zoned property.

Notwithstanding paragraphs 1 and 3, above, both cannabis cultivated outdoors and a designated or licensed cannabis production facility shall have a minimum setback of 300 metres from a private or public school. The setback shall be measured from the cannabis cultivated outdoors or the designated or licensed cannabis production facility, whichever of the two is closest, to the closest portion of the lot line containing the private or public school.

RESTRICTIONS

Notwithstanding Section 2.36 B), processing, research, analytical testing, and sale of cannabis shall only be permitted with respect to cannabis that is grown on the same property. Further, the total maximum floor area devoted to the above-noted uses shall cumulatively be limited to a maximum of 2% of the overall lot area of the property, to a maximum of 10,000 square metres.

No designated or licensed cannabis production facility or part thereof shall be located within a dwelling unit.”

11. 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”.
12. 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.”

13. 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 in the BP-3 Zone is subject to the requirements of Section 32.4 and the following additional requirements:

LOT FRONTAGE AND LOT AREA

Section 5.41 respecting undersized lots shall not apply when determining compliance with lot frontage and lot area requirements.

OUTDOOR CULTIVATION PROHIBITED

Cultivating, propagating and harvesting of cannabis shall be conducted in a wholly enclosed building or structure.

GATEHOUSE

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

A licensed cannabis production facility shall be located a minimum of 150 metres from:

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

Notwithstanding paragraph 1, above, a licensed cannabis production facility shall have a minimum setback of 300 metres from a private or public school. The setback shall be measured from the closest portion of the lot line containing the

licensed cannabis production facility to the closest portion of the lot line containing the private or public school.”

READ a first, second and third time and finally passed this ___ day of _____,
2020.

Margaret Quirk, Mayor

Rachel Dillabough, Town Clerk

DRAFT

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