

THE CORPORATION OF THE TOWN OF KINGSVILLE

BY-LAW 74-2018

Being a By-law to amend By-law No. 1-2014, the Comprehensive Zoning By-law for the Town of Kingsville

WHEREAS By-law No. 1-2014 is the Town's Comprehensive Zoning By-law to regulate the use of land and the character, location and use of buildings and structures in the Town of Kingsville;

AND WHEREAS the Council of the Corporation of the Town of Kingsville deems it expedient and in the best interest of proper planning to further amend By-law No. 1-2014 as herein provided;

AND WHEREAS the application will conform to the Official Plan of the Town of Kingsville upon the coming into effect of proposed Amendment No. 7 to the Official Plan of the Town of Kingsville and final adoption by the County of Essex;

NOW THEREFORE THE COUNCIL FOR THE CORPORATION OF THE TOWN OF KINGSVILLE ENACTS AS FOLLOWS:

1. That Section 3 Definitions is hereby amended by adding the following, Subsection 3.1.10.1 "Air Treatment Control" between Subsection 3.1.10 and 3.1.11.

3.1.10.1 "**Air Treatment Control**" shall mean the functional use of industrial grade multi-stage carbon filtration or similar technology, to reduce and/or treat the emission of pollen, dust and odours expelled from a facility and sized accordingly in comparison to the facility it services as designed by a qualified person.

2. That Section 3 Definitions is hereby amended by adding the following, Subsection 3.9.38, "Qualified Person" after Subsection 3.9.37.

3.9.38 "**Qualified Person**" is defined as one who by possession of a recognized degree, certificate, or professional standing, or who by extensive knowledge, training and experience, has successfully demonstrated their ability in the field which they are employed and for which they are being engaged to provide professional advice, design or direction related but not limited to such items as noise, odour control, traffic, structural, landscaping etc.

3. That Subsection 7.1 e) AGRICULTURE ZONE 1 A1 EXCEPTIONS is amended with the addition of the following new subsection:

7.1.69 'AGRICULTURE ZONE 1 EXCEPTION 69 (A1-69)'

- a) For lands shown as A1-69 on Map 52 Schedule "A" of this By-law.
- b) **Permitted Uses**
 - i) Those uses permitted under Section 7.1;
 - ii) A medical marihuana production facility (MMPF)

c) **Permitted Buildings and Structures**

- i) Those buildings and structures permitted under Section 7.1 in the (A1) zone;
- ii) Buildings and structures accessory to the permitted uses.

d) **Zone Provisions**

All lot and building requirements for the permitted buildings and structures shall be in accordance with Section 7.1 of this By-law.

Notwithstanding any other provision of By-law 1-2014, as amended, to the contrary, for lands zoned A1-69 a medical marijuana production facility shall require the installation and maintenance of an Air Treatment Control (ATC) system designed by a qualified person. Prior to the beginning of any growing operations of the licensed MMPF the owner/operator must demonstrate to the satisfaction of the Town, including the submission of a maintenance schedule that the ATC is installed and operational as per the design specifications to maintain no perceptible marijuana odour or transmission of chemical odour control agents beyond the property line.

Notwithstanding Section 4.46 of the by-law to the contrary the following shall apply:

- i) Item c) is deleted and replaced as follows: An existing residential use accessory to or supportive of the agricultural uses on-site, including a MMPF, is permitted
- ii) Items d), e) and i) are not applicable to lands zoned A1-69;
- iii) Item g) is deleted and replaced as follows:
 - a. an MMPF growing area shall be located a minimum of 100 m from an existing off-site residential use or institutional use;
 - b. item g) shall not be applicable to an on-site bunkhouse.

All other items listed under Section 4.46 remain applicable to lands zoned A1-69.

- 4. Schedule "A", Map 52 of By-law 1-2014 is hereby amended by changing the zone symbol on lands known municipally as Part of Lot 9, Concession 2 ED, and locally known as 609 Road 3 E and V/L SS Road 3 E as shown on Schedule 'A' cross-hatched attached hereto from 'Agriculture Zone 1 (A1)' and 'Agriculture – Restricted Zone 2 (A2)' to 'Agriculture Zone 1 Exception 69 (A1-69)'.
- 5. This by-law shall come into force and take effect from the date of passing by Council and in accordance with Section 34 of the Planning Act.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 25th DAY OF JUNE, 2018.

MAYOR, Nelson Santos

CLERK, Jennifer Astrologo

Schedule 'A'



Part of Lot 4, Concession 2 ED
609 Road 3 E & V/L SS Road 3 E
Zoning By-law Amendment ZBA/06/18



0 87.5 175 350 525 700 Meters



Schedule "A", Map 52 of By-law 1-2014 is hereby amended by changing the zone symbol as shown on Schedule 'A' in cross-hatch attached hereto from 'Agriculture Zone 1 (A1)' & Agriculture - Restricted Zone 2 to 'Agriculture Zone 1 Exception 69 (A1-69)'