

THE CORPORATION OF THE TOWN OF KINGSVILLE

BY-LAW 85-2018

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 there is an Official Plan in effect in the Town of Kingsville and this By-law is deemed to be in conformity with the Town of Kingsville Official Plan;

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

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

7.1.70 'AGRICULTURE ZONE 1 EXCEPTION 70 (A1-70)'

- a) For lands shown as A1-70 on Map 53 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 A1-70 a medical marihuana 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 marihuana odour or transmission of odour control agents beyond the property line.

Odour control agents used as part of an Air Treatment Control system must be approved for use by Health Canada or demonstrate no negative impact to the satisfaction of the Town.

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 A1-70;
- 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 or off-site dwelling under the same ownership as the lands zoned A1-70.

All other items listed under Section 4.46 remain applicable to lands zoned A1-70.

2. Schedule "A", Map 53 of By-law 1-2014 is hereby amended by changing the zone symbol on lands known municipally as Part of Lot 8, Concession 2 ED, Part 1, RP 12R 11577 & Parts 3 & 4 RP 12R 23455 and locally known as 1851 Peterson Lane as shown on Schedule 'A' cross-hatched attached hereto from 'Agriculture Zone 1 (A1)' to 'Agriculture Zone 1 Exception 70 (A1-70)'.
3. 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 9th DAY OF JULY, 2018.

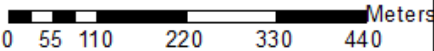
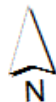
MAYOR, Nelson Santos

CLERK, Jennifer Astrologo

Schedule 'A'



Part of Lot 8, Concession 2 ED
1851 Peterson Lane
Zoning By-law Amendment ZBA/14/18



Schedule "A", Map 53 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)' to 'Agriculture Zone 1 Exception 70 (A1-70)'