



2021 Division Road North  
Kingsville, Ontario N9Y 2Y9  
Phone: (519) 733-2305  
www.kingsville.ca

## NOTICE OF COMPLETE APPLICATION AND PUBLIC MEETING: ZONING BY-LAW AMENDMENT

**APPLICATION:** **ZONING BY-LAW AMENDMENT FILE ZBA/17/18**  
(Section 34 of the Planning Act, R.S.O. 1990, C.P. 13)

**OWNER:** **Kaptial Produce Ltd.**

**LOCATION OF PROPERTY:** **1506, 1508, 1526 & 1640 County Road 34**  
**Part of Lot 21, Concession 4 ED, Parts 1 & 2, RP 12R**  
**15280, Part 14, RP 12R 1554 & Part 1, RP 12R 22797**

### **PURPOSE OF APPLICATION:**

The subject land is a 28.3 ha (70 ac.) farm parcel containing approximately 19.87 ha (49.1 ac.) of greenhouse along with support facilities. The property is subject to an existing site plan approval dating back to 2006 with at least two subsequent amendments since then in 2009 and 2010. The applicant is seeking approval of a zoning amendment to permit the growing of medical marihuana in the existing greenhouse. In 2015 Council approved an amendment to the Kingsville Official Plan and supporting zoning amendment which added provisions to the zoning under Section 4.46. The main requirements is that a medical marihuana production facility (MMPF) may be considered a permitted use on agricultural properties on a site specific basis in existing greenhouses but subject to certain requirements. (See 4.46 attached) In order to permit the proposed use on the subject property relief in part or in whole will need to be granted from Section c), d), e) g) and i). Recent changes to the requested zoning for MMPFs has led to the addition of odour control provisions as a requirement of the zoning. Please note that this application was originally heard at the August 13, 2018 meeting of Council and deferred to a later date.

A **PUBLIC MEETING** OF COUNCIL will be held on:

**WHEN:** **October 9, 2018**  
**WHERE:** **Town of Kingsville Municipal Building (Council Chambers)**  
**TIME:** **7:00 p.m.**

Your comments on these matters are important. If you have comments on this application, they may be forwarded by phone, email, or mail to the attention of: **Robert Brown, Manager, Planning Services**, 2021 Division Road North, Town of Kingsville, ON N9Y 2Y9. Comments and opinions submitted on these matters, including your name and address, may become part of the public record and may be viewed by the general public and may be published in a planning report or reproduced in a Council agenda and/or minutes.

**IF A PERSON** or public body would otherwise have an ability to appeal the decision of Council for the Town of Kingsville to the Local Planning Appeal Tribunal but the person or public body does not make oral submissions at a public meeting or make written submission to the Town of Kingsville before the zoning by-law is adopted, the person or public body is not entitled to appeal the decision.

**IF A PERSON** or public body does not make oral submissions at a public meeting, or make written submission to Council before the zoning by-law is adopted or the zoning by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to add the person or public body as a party.

**ADDITIONAL INFORMATION** relating to this matter is available for review at the Kingsville Municipal Office during regular office hours.

**DATED AT**  
**THE TOWN OF KINGSVILLE**  
**on September 18, 2018.**

**Robert Brown, H. Ba, MCIP, RPP**  
**519-733-2305 (x 250)**  
**rbrown@kingsville.ca**

#### 4.46 Medical Marihuana Production Facilities

By-law  
129-2015

Notwithstanding other provisions of this By-law to the contrary, the following provisions and regulations *shall* apply to medical marihuana production facilities:

- a) Require a current and valid Medical Marihuana production license issued by Health Canada under the Marihuana for Medical Purposes Regulations (MMPR) as amended from time to time or any subsequent legislation which *may* be enacted in substitution thereof;
- b) Site Plan control *shall* apply to any *medical marihuana production facility* proposed within an *existing* or future *building(s)*. In addition to all other requirements pursuant to the Planning Act, R.S.O. 1990, c.P. 13 and the Town of Kingsville Site Plan Control By-law, the Town will require, at the owner's sole expense, any study/studies that will satisfy any additional concerns that the Town of Kingsville or any other commenting agency *may* have with regard to security, emanating odours, provision of municipal services and stormwater/wastewater management;
- c) Prohibit *residential uses* on *lots* having a *medical marihuana production facility*;
- d) Prohibit a *medical marihuana production facility* as a *secondary/accessory use*;
- e) *Secondary/accessory uses* must be 100% associated with the *medical marihuana production facility*;
- f) Require a *minimum distance separation* of 100m (328 ft) between a *medical marihuana production facility* and any lands Zoned for residential, recreational or *institutional uses*;
- g) Require a *minimum distance separation* of 100m (328 ft) between a *medical marihuana production facility* and any *structure* currently used for residential or institutional purpose (*dwelling, schools, churches, etc.*);
- h) Require that no outdoor signage or advertising *shall* be *permitted* that references cannabis, marihuana, or any other depiction of such, including on any *vehicle* associated with the *medical marihuana production facility*; and,
- i) Require that the *use of a medical marihuana production facility* on a *lot* not co-exist with any other *use* on the *lot*.
- j) *Shall* not be considered on any lands that are within 250m of Lake Erie.

