

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

APPLICATION: ZONING BY-LAW AMENDMENT FILE ZBA/05/19
(Section 34 of the Planning Act, R.S.O. 1990, C.P. 13)

OWNER: Great Northern Hydroponics

LOCATION OF PROPERTY: 1270 Road 3 E
Part of Lot 8, Concession 3 ED

PURPOSE OF APPLICATION:

The subject land is a 10.1 ha (25 ac.) farm parcel with two existing homes and farm outbuildings (to be removed). The parcel has been consolidated with the neighbouring lands also owned by the applicant in order to expand the greenhouse complex. The property owner submitted an application for zoning amendment to permit a medical marihuana production facility in July of 2018. Approval of the application was refused by Council in October of 2018. The owner subsequently appealed Council's decision to the Local Planning Appeal Tribunal (LPAT). Given the lengthy time period and significant cost associated with LPAT appeals LPAT encourages the parties subject to the appeal to seek a resolution. The owner did receive approval of a similar zoning amendment on property located to the east of 1270 at 1507 Road 3 E in July of 2018. This is an existing facility and would have to be retrofit to accommodate the proposed use. He would prefer to construct a new purpose built facility on the subject lands and would be willing to place a restriction on the property at 1507 that would not permit a medical marihuana production facility until he has demonstrated that the facility at 1270 Road 3 E can maintain compliance with all of the associated regulations such as odour control and lighting for a period of not less than one year. As such a new application has been submitted seeking approval of an amendment to permit the growing of medical marihuana but (only on the red highlighted portion). This request will be subject to Council approval of an associated zoning amendment at 1507 Road 3 E to place the H-Holding provision on 1507 prohibiting a medical marihuana facility. The H-Holding would remain in place until it has been demonstrated to Council's satisfaction that 1270 Road 3 E has maintained full compliance with the lighting and odour control regulations for a minimum of one year. The subject property will still require site plan approval, however first, in order to permit the proposed use relief in part or in whole will need to be granted from Section c), d), e) g) and i). If approved, the applicant would then withdraw the LPAT appeal.

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

WHEN: March 25, 2019
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 March 4, 2019.

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 (*dwellings, 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.

