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Date: March 6, 2019

To: Mayor and Council

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Manager, Planning Services

RE: Application for Zoning By-law Amendment by
Great Northern Hydroponics
1270 Road 3 E, Part of Lot 8, Concession 3 ED

Report No.: PDS 2019-012

AIM

To provide Council with information regarding a request for a zoning amendment to:

- i) permit a medical marihuana production facility as a permitted use;
- ii) address relief or exemption from certain provisions under Section 4.46 of the Kingsville Zoning By-law

both in consideration of an amendment to the existing zoning at 1507 Road 3 E to add the H-Holding provision to prohibit a currently permitted medical marihuana production facility.

BACKGROUND

An application for a zoning amendment on the subject property was filed in July of 2018. A report to Council was presented in October of 2018 at which time a requested amendment to permit a medical marihuana production facility was refused. The application was refused in part due to a significant amount of public feedback related to ongoing medical marihuana production facility zoning requests, uncertainty on issues such as odour control and lighting, a moratorium imposed by Council in September of 2018 on further approval and some concern on the appropriate location of such facilities.

DISCUSSION

The subject property is located on the north side of Road 3 E, east of Graham Side Road. It is a 10.1 ha (25 ac.) farm with two existing homes and farm outbuildings (to be removed). The parcel was purchased and consolidated with the companies abutting

greenhouse operation to the east. The applicant has resubmitted application seeking a zoning amendment to add a medical marihuana production facility as an additional permitted use but only on the subject 25 ac. parcel. If approved the applicant would proceed with plans for the construction of a new greenhouse on the 25 ac. site. A conceptual layout is included. (See Appendix A). Relief from certain provisions of the Medical Marihuana Production Facility regulations of Section 4.46 in the Kingsville Zoning By-law will be required, the details of which are outlined in the zoning section of this report.

The original report to Council is attached as Appendix A outlining the planning rationale, required site plan provisions and zoning regulations. There is no change in this material based on the new application. If approved, the applicant has agreed to the rezone of lands located at 1507 Road 3 E which currently permit a medical marihuana production facility. The amendment would add the H-Holding provision that would prohibit a medical marihuana production facility until the proposed development on the subject site had demonstrated to the satisfaction of the Town that odour, lighting and other items directly related to cannabis production were in full compliance with both the zoning regulations and site plan requirements.

LINK TO STRATEGIC PLAN

Manage growth through sustainable planning.

FINANCIAL CONSIDERATIONS

LPAT appeals are time consuming and require both legal counsel and additional planning input depending on who has filed the appeal. In this situation, since Council's decision was not in favour of administrations recommendation an independent planner must be hired to assist legal counsel in defending that decision. Planning staff took this into consideration during the development of the 2019 budget and has allocated approximately \$20,000 toward the appeal in this case. If the appeal were withdrawn, only the legal costs to date would result.

CONSULTATIONS

In accordance to O. Reg 545/06 of the *Planning Act*, property owners within 120m of the subject site boundaries are required to receive the Notice of Open House/ Public Meeting by mail. Given the interest in this particular land use issue an enhanced circulation radius of 250 m was used providing all landowners on Road 3 E between County Road 34 and Graham Side Road along with several on the east side of County Road 34 with notice. Information of the proposed amendment was also posted to the Town website.

The minutes from the October 9, 2018 meeting are attached as Appendix B.

At the time of writing, no public comment has been received.

Agency & Administrative Consultations

In accordance with O. Reg 545/06 of the *Planning Act*, Agencies and Town Administration received the Notice of Public Meeting by email.

Agency or Administrator	Comment
Essex Region Conservation Authority Watershed Planner	<ul style="list-style-type: none">• No objections based on the original application
County of Essex	<ul style="list-style-type: none">• No comment was received from the County as part of the original application
Town of Kingsville Management Team	<ul style="list-style-type: none">• The Management Team reviewed the requested amendment during the original application and there is no change. Items related to odour, lighting buffering etc. will be addressed during the site plan approval phase

RECOMMENDATION

It is recommended that Council approve zoning amendment ZBA/05/19 to:

permit a medical marihuana production facility on property located at 1270 Road 3 E;

grant the required relief or exemption from specific provisions in Section 4.46 of the Kingsville Zoning By-law as detailed in the amending by-law;

include odour control provisions as outlined in the attached amendment, and

adopt the implementing by-law.

Robert Brown

Robert Brown, H. Ba, MCIP, RPP
Manager, Planning Services

Peggy Van Mierlo-West

Peggy Van Mierlo-West, C.E.T.
Chief Administrative Officer