

# THE CORPORATION OF THE TOWN OF KINGSVILLE

## BY-LAW 32-2019

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### **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;

**AND WHEREAS** it is deemed advisable to make the said lands subject to a holding classification for which the owner may apply to have the said holding classification removed once it has been demonstrated, to the satisfaction of the Town, that all zoning regulations and site plan agreement requirements specific to the maintenance and operation of a licenced medical marihuana production facility are in compliance at property located at 1270 Road 3 E;

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

1. That Subsection 7.1.66 AGRICULTURE ZONE 1 A1 EXCEPTION 66 is amended by adding e) after item d) as follows:

#### **7.1.66 'AGRICULTURE ZONE 1 EXCEPTION 66 (A1-66)'**

- a) For lands shown as A1-66 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 A1-66 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: A 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 A1-66;
- iii) Item g) shall not be applicable to on-site residential uses including a bunkhouse on the lands zoned A1-66.

All other items listed under Section 4.46 remain applicable to lands zoned A1-66.

**e) Other Requirements**

- i) Permitted Uses, Buildings and Structures for lands zoned 'Agriculture Zone 1 Exception 66 holding, (A1-66(h))' shall not include a medical marihuana production facility.
  - ii) For lands zoned 'Agriculture Zone Exception 66, holding, (A1-66(h))' the zoning may be amended under Section 36 of the Planning Act to '(A1-66)' once:
    - a. It has been demonstrated, to the satisfaction of the Town, that all zoning regulations and site plan agreement requirements specific to the maintenance and operation of a licenced medical marihuana production facility are in compliance on property located at 1270 Road 3 E and shown on Schedule 'B' attached.
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 9, Concession 2 ED, and locally known as 1507 Road 3 E as shown on Schedule 'A' cross-hatched attached hereto from 'Agriculture Zone 1 Exception 66 (A1-66)' to 'Agriculture Zone 1 Exception 66, holding (A1-66(h))'
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  
25<sup>th</sup> DAY OF MARCH, 2019.**

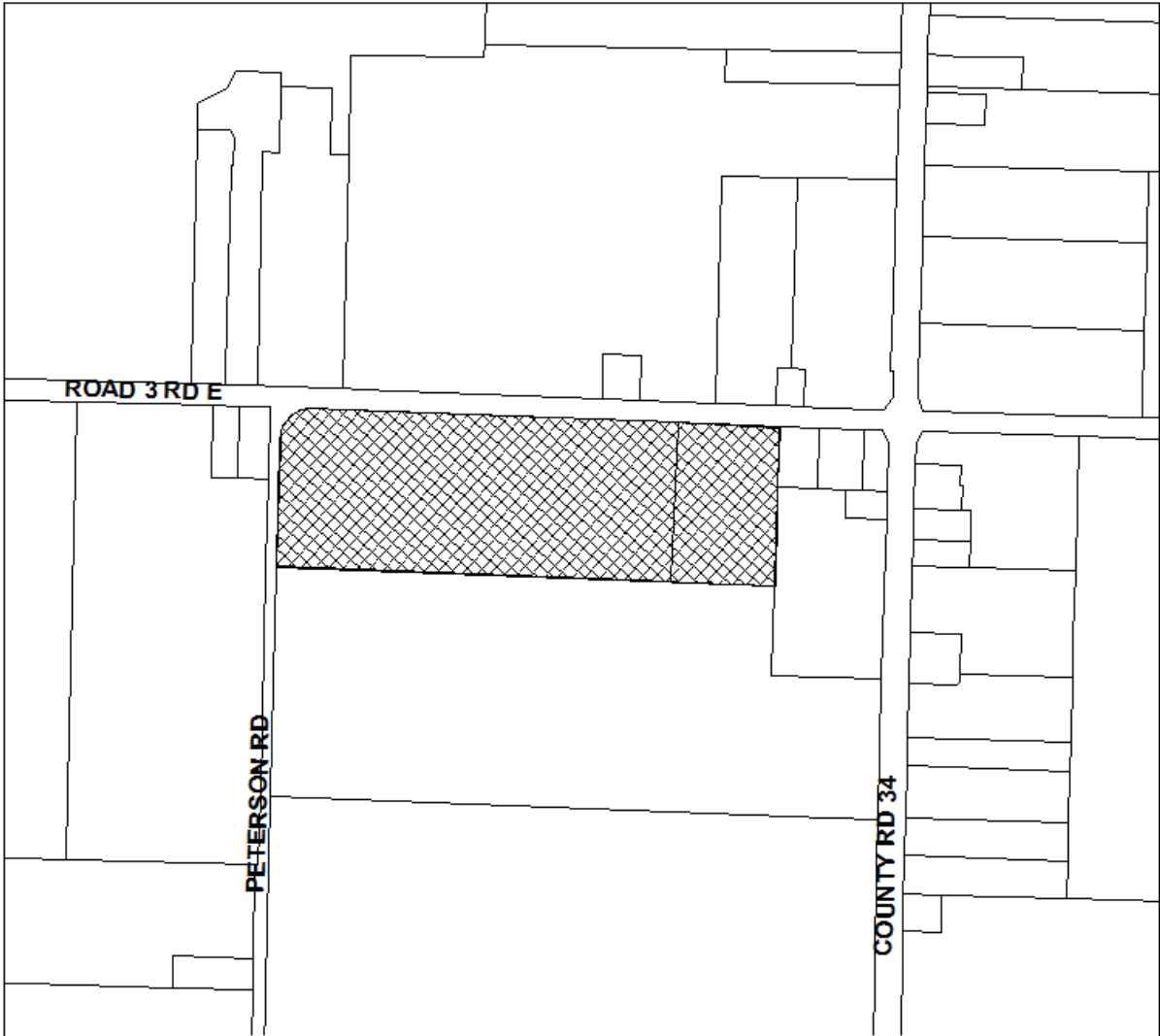
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**MAYOR, Nelson Santos**

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**CLERK, Jennifer Astrologo**

Schedule 'A'



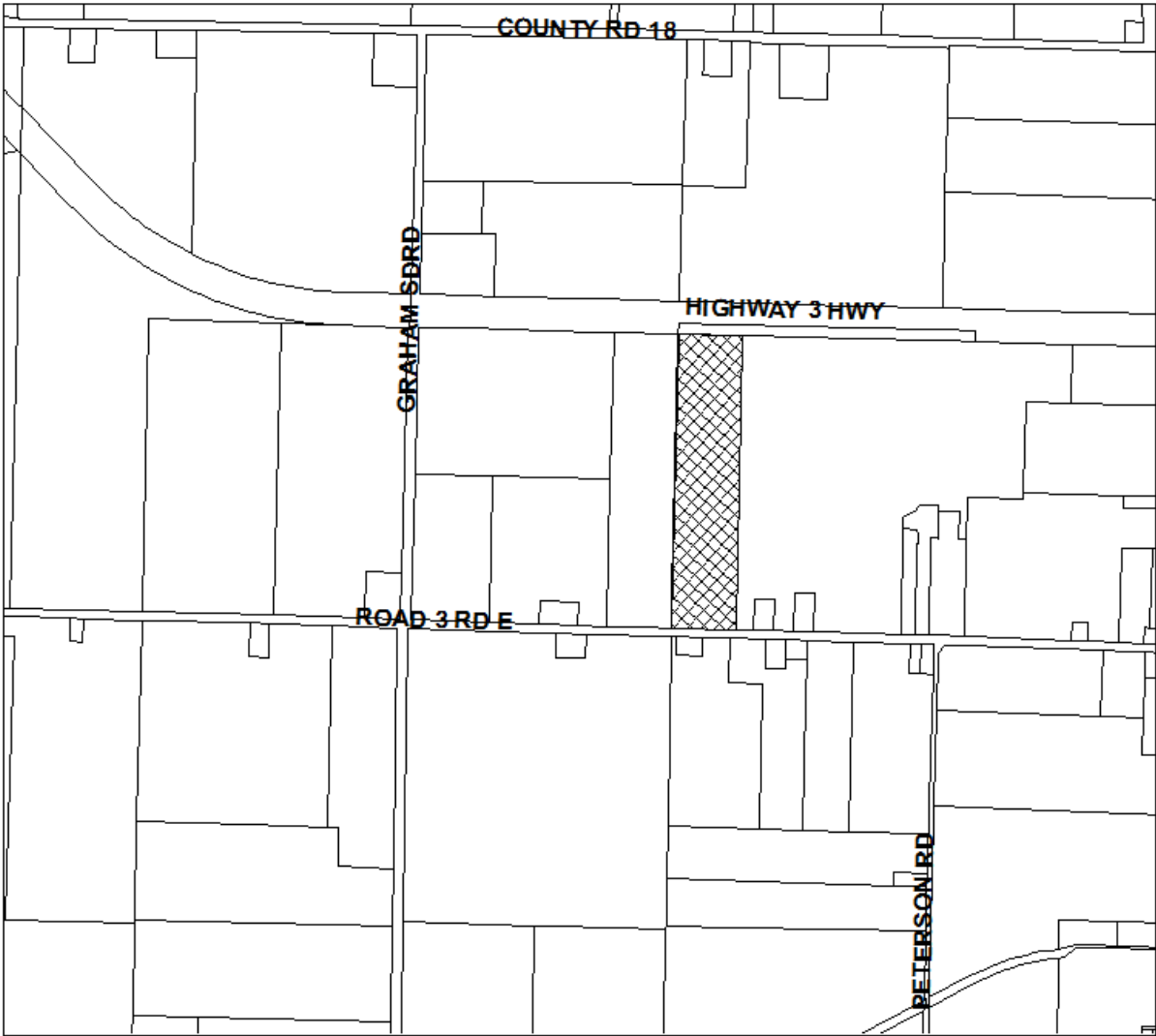
Part of Lot 9, Concession 2 ED  
1507 Road 3 E  
Zoning By-law Amendment ZBA/04/19

N

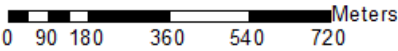
Meters  
0 37.5 75 150 225 300

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 Exception 66 (A1-66)' to  
'Agriculture Zone 1 Exception Zone 66, holding (A1-66(h))'

Schedule 'B'



Part of Lot 8, Concession 3 ED  
1270 Road 3 E



Property to which requirements for the removal of the H-Holding  
provision at 1507 Road 3 E refers to