

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

APPLICATION: ZONING BY-LAW AMENDMENT FILE ZBA/01/18
(Section 34 of the Planning Act, R.S.O. 1990, C.P. 13)

OWNER: 617885 Ontario Limited o/a JEM Farms

LOCATION OF PROPERTY: 1583 & 1585 County Road 34 E
Part of Lot 9, Concession 2 ED

PURPOSE OF APPLICATION: The subject land is a 29.3 ha (72.5 ac.) greenhouse operation containing approximately 11.7 ha (29 ac.) of greenhouse along with support facilities, a bunkhouse and a single detached dwelling. The operation is also connected to a warehouse facility on a lot to the immediate north at 1577 County Rd 34 E. In 2015 Council approved a zoning amendment on the subject parcel and the abutting warehouse facility to zone the property to be considered a single lot for zoning purposes. This was done to address the connection between the greenhouse and warehouse given the lands were under different ownership creating an issue with zoning compliance and setback requirements.

The applicant is now seeking approval of a further amendment to permit the growing of medical marihuana on a portion of the property as outlined by the 2015 Official Plan amendment and supporting zoning amendment which added provisions to the zoning under Section 4.46. The main requirements is that medical marihuana 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) The subject property has an approved site plan, however, 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).

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

WHEN: March 12, 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 & Development 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 does not make oral submissions at the public meeting or make written submissions to Council before the by-law is passed, the person or public body is not entitled to appeal the decision of the Council to the Ontario Municipal Board.

IF A PERSON or public body does not make oral submissions at the public meeting, or make written submission to Council before the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

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 February 15, 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 (*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.

