

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/07/18

(Section 34 of the Planning Act, R.S.O. 1990, C.P. 13)

OWNER: Hillside Hothouse Limited

LOCATION OF PROPERTY: 1541 County Road 34

Part of Lot 9, Concession 3 ED

**PURPOSE OF APPLICATION:** The subject land (outlined in red) is a 10 ha (24.75 ac.) greenhouse operation containing approximately 6.8 ha (16.8 ac.) of greenhouse along with support facilities. The applicant is seeking approval of an 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 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: May 14, 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 April 23, 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;
- Secondary/accessory uses must be 100% associated with the medical marihuana production facility;
- 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.);
- 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,
- Require that the use of a medical marihuana production facility on a lot not coexist with any other use on the lot.
- j) Shall not be considered on any lands that are within 250m of Lake Erie.

