

## Approved Official Plan Amendments

### Existing Policy

#### 1.5.4 Forecasted Agricultural Demand

It is expected that agriculture will remain the primary economic activity of the Town. Agriculture in Kingsville is very diversified and includes the growing of field crops, market gardening, flower and vegetable greenhouse farming and mushroom farming. Although there is some livestock farming in Kingsville, it is quite limited. The recent rapid expansion in vegetable greenhouse farming is expected to slow as availability and costs associated with the needed gas, hydro and water fluctuate. The uncertainty with the market has also caused expansion to slow but continue.

### Proposed Policy

#### 1.5.4 Forecasted Agricultural Demand

*Agriculture and related development will remain the primary economic activity of the Town. The main agricultural uses in Kingsville are field crops and greenhouse farming (primarily vegetable production and limited flower and plant greenhouses) Secondary agricultural uses include mushroom production, raising of livestock and the recent introduction of commercial cannabis for medical and recreational use.*

*Growth in the greenhouse sector remains consistent from year to year. Availability and cost of services will remain the key factors in future growth.*

### Existing Policy

## 2.8 SITE SUITABILITY

Prior to the approval of any development or amendments to this Plan and/or the Town's Zoning By-law, it shall be established to the satisfaction of Council that:

- a) soil and drainage conditions are suitable to permit the proper siting of buildings;
- b) the necessary services are available to adequately accommodate the proposed development;
- c) no traffic hazards will result because of excess traffic generation or limited sight lines on curves or grades;
- d) the land fronts on a public road which is of a reasonable standard of construction;
- e) adequate measures will be taken to minimize adverse impacts that the proposed use may possibly have upon any proposed or existing adjacent use.

## Proposed Policy

### 2.8 SITE SUITABILITY

*Prior to the approval of any development or amendments to this Plan and/or the Town's Zoning By-law, Council shall be satisfied that:*

*a given development has demonstrated that all necessary services are available to adequately accommodate the proposal.*

*development with access to sanitary sewer service be required to connect and demonstrate adequate unreserved capacity in the service area. Development in close proximity to sanitary sewer service shall be encouraged to connect, where feasible, and where unreserved capacity is available.*

*development demonstrate appropriate, safe access to the local and County road network capable of supporting the type and volume of vehicular traffic generated by the proposed development.*

*development provide on-site storm water quantity and quality management and demonstrate no negative impact to approved drainage outlet(s).*

*development make best efforts to incorporate best management practices and the utilize low impact storm water management systems.*

*development with limited lot frontage be required to demonstrate to the satisfaction of the Town how the subject site can be accessed without impact to abutting sensitive land uses. Minimum lot frontage requirements are more specifically outlined in the implementing Zoning By-law.*

*development located to the rear of existing sensitive land uses be required to demonstrate a higher standard of separation and buffering through the site plan approval process.*

*development be designed and oriented as to maximize buffering between it and sensitive land uses to minimize or mitigate adverse effects as defined in Provincial Policy Statement and detailed in Appendix A*

## 3.1 Agriculture

### Goals - Existing

Item d) 'to ensure the conservation, preservation and enhancement of the rural character of the Town as a cultural resource;'

This item should be relocated to Section 2.1.1 Land Use Planning Principles as applicable to the Town as a whole versus specific to the Agriculture designation.

### Existing Policy

- b) greenhouse farming including packing and shipping facilities and on-site housing are permitted in the "Agriculture" designation and the agricultural zones of the Zoning By-law and are subject to site plan control;

### Proposed Policy

*b) greenhouse farming and associated support facilities such as packing, shipping, co-generation and on-site labour housing are permitted in the 'Agriculture' designation subject to the following:*

*i) greenhouse development shall be subject to the Site Suitability criteria of Section 2.8 of the Plan;*

*ii) greenhouse development will be encouraged to locate in close proximity to existing greenhouse development more specifically south of Road 5 E and east of Division Rd N. Greenhouse development not located within this area shall be required to provide justification of compliance with Section 2.8;*

*iii) greenhouse development shall be subject to site plan control;*

*iv) greenhouse development shall demonstrate that it is providing sufficient on-site labour housing for the crop(s) being grown. Labour for a given greenhouse development should be provided wholly on the same property. Notwithstanding labour may be housed off-site subject to demonstration of safe and appropriate private transportation between locations;*

*v) on-site farm housing shall be required to maintain a rural residential character within the agricultural area. Consideration shall be given to the design, placement, landscaping, separation from the main permitted use(s) and shall encourage the provision of outdoor amenity space as defined in the Zoning By-law;*

*vi) the use of existing single detached dwellings for the housing of on-site labour is discouraged. Only legally converted dwellings, subject to Building, Fire and Health Unit inspection will be considered subject to item b) iii) and iv);*

viii) *greenhouse development shall be encouraged to provide linkages to existing and future active transportation corridors including the CWATS and ERCA Greenway.*

ix) *the internal recycling of fertigation water by greenhouse farms shall be encouraged in order to reduce primary water use, in accordance with the policies of this Plan, including Section 6.3.5;*

The policies introduced in OPA #3 on medical marihuana are amended as follows:

MMPF is replaced with Cannabis Production Facility (CPF)

Marihuana for Medical Purposes Regulations is replaced with Cannabis Act

All references to Agricultural designation are replace with Agriculture designation

### **Existing**

1.q) i) that the proposed facility is replacing, or making retrofits to, an existing agricultural structure (excluding accessory structures), or a greenhouse structure;

### **Proposed**

Item 1. q) i) is deleted and replaced with the following:

- i) new purpose built facilities will be encouraged as the first option, any retrofit or use of existing agricultural buildings or structures must demonstrate suitability.

Item 4. Is amended by deleting 'medical marihuana grow and production facilities' and replacing with 'cannabis production and processing facilities'

### **Appendix A – (To the Official Plan)**

Adverse Effect: as defined in the *Environmental Protection Act*, means one or more of:

- a. impairment of the quality of the natural environment for any use that can be made of it;
- b. injury or damage to property or plant or animal life;
- c. harm or material discomfort to any person;
- d. an adverse effect on the health of any person;
- e. impairment of the safety of any person;
- f. rendering any property or plant or animal life unfit for human use;
- g. loss of enjoyment of normal use of property; and interference with normal conduct of business

## Approved Zoning Regulation Changes

### Zoning Provisions Existing

#### 4.16 Greenhouse Facilities

The following regulations *shall* apply to *greenhouse facilities* in the *Corporation*:

- a) *seasonal worker housing, as defined under subsection 3.10.28, shall only be permitted for greenhouses with an area of greater than 1.2 ha growing area;*
- b) *the seasonal worker housing must be located on the same lot as the greenhouse facility;*
- c) *A landscape buffering and a minimum separation of 10 m (33 ft.) is required between the greenhouse and any residences;*
- d) *bicycle racks shall be provided for all seasonal worker housing and at each greenhouse facility;*
- e) *parking shall have a minimum separation of 10 m (33 ft.) from any residence;*
- f) *driveways and driveway entrances shall have a minimum setback of 2 m (6.5 ft.) from the side or rear lot lines;*
- g) *loading areas will have a minimum of 15 m (50 ft.) setback from all lot lines.*

### Zoning Provision Proposed

#### Section 3 – Definitions

Definition added as per Council direction

3.1.4.1 “**Adverse Effect**” means one or more of:

- a) impairment of the quality of the natural environment for any use that can be made of it;
- b) injury or damage to property or plant or animal life;
- c) harm or material discomfort to any person;
- d) an adverse effect on the health of any person;
- e) impairment of the safety of any person;
- f) rendering any property or plant or animal life unfit for human use;
- g) loss of enjoyment of normal use of property; and
- h) interference with normal conduct of business.

**Section 4.16** Items a) to g) are deleted and replaced as follows:

- a) *Landscaped Buffer/Separation – minimum 5 m wide abutting the lot line of a sensitive land use*
- b) *Bicycle Racks shall be provided for all housed on-site workers and located to the rear of the housing facility or appropriately screened from view*
- c) *Main Driveway Access – 10 m from an abutting sensitive land use, secondary access locations shall be as determined in consultation with the Town and County*
- d) *Loading Area – 100 m from the nearest residential dwelling, subject to screening and noise and light abatement during site plan approval*

**Proposed Definitions** (Applicable to Section 4.16)

*Landscaped Open Space shall consist of a combination of grass, trees, shrubs, flowers and other features as illustrated in an approved site plan.*

*Buffering and/or Separation may include the use of fencing, Provincial or Federal separation standards, berming or screening*

Sensitive Land Use (for the purpose of greenhouse development and supplementary to Section 3.10.28) is considered any non-accessory or off-site residential use, natural heritage feature, as defined in Provincial Policy Statement, institutional use, park land or active recreational facilities.

*Outdoor Amenity Space – is considered any green space capable of accommodating recreational space for items such as sports fields, walking paths or picnic areas.*

There is currently no loading requirement specific to greenhouses, as such the following is proposed:

**Section 5.16** will be updated to include a separate loading requirement for greenhouses

Addition of item i) Greenhouse loading requirements

- Notwithstanding item 5.16 h) the location of loading spaces will be as shown on an approved site plan
- Notwithstanding item 5.16 a), b) & c) the minimum loading space requirement is 1 space per 4ha of growing area

The current requirement for greenhouse is 1 space per 2 ha it is recommended that this be updated as follows:

#### **Section 5.17 Table 4 (Parking)**

The greenhouse requirement is updated as follows:

- 1 parking space per 2 ha of growing area plus
- 1 parking space per 30 sq. m of office space plus
- 2 parking space per 30 sq. m of lab and processing area
- 1 parking space per loading dock

#### **Existing A1 Zone Regulations**

##### **Section 7.1 d) i) a) to f)**

In addition to other provisions of this By-law, the following provisions *shall* also apply to *greenhouse* facilities:

- a) *Lot area (minimum)*: 2 hectares;
- b) *Rear yard (minimum)*: 5 m;
- c) *Lot frontage (minimum)*: 30 meters;
- d) *Interior side yard*: 3 m;
- e) *Lot coverage (maximum)* for the *greenhouse buildings*: 80%;
- f) General Provision, subsection 4.16.

#### **Proposed A1 Zone Regulations**

**Section 7.1 b) i)** is amended by modifying Seasonal worker housing to *Seasonal worker housing/bunkhouse*

**Section 7.1 d) i) a) to f)** is deleted and replaced with the following:

- a) Lot Frontage – Notwithstanding Section 7.1 c) ii) - 60 m (minimum) or as shown on an approved site plan demonstrating adequate setbacks and buffering from abutting sensitive land uses but at no time less than 30 m (minimum).
- b) Front yard setback – Notwithstanding Section 7.1 c) iv) the minimum setback requirement shall be 20 m, minimum.
- c) Interior Side Yard – 3 m or equal to the height of the sidewall of the greenhouse, whichever is greater; when abutting a sensitive land use 15 m, minimum on the side(s) abutting the sensitive land use.
- d) Rear yard 5 m (minimum)

- e) Lot coverage 80% (maximum)
- f) Landscaped Open Space – 25% (minimum) of the required front yard setback area

### **Existing A2 Zone Regulations**

#### **Section 7.2 d) i) a) to f)**

In addition to other provisions of this By-law, the following provisions *shall* also apply to *greenhouse* facilities:

- a) *Lot area (minimum)*: 2 hectares;
- b) *Rear yard (minimum)*: 5 m;
- c) *Lot frontage (minimum)*: 30 meters;
- d) *Interior side yard*: 3 m;
- e) *Lot coverage (maximum) for the greenhouse buildings*: 80%;
- f) General Provision, subsection 4.16.

### **Proposed A2 Zone Regulations**

**Section 7.2 b) i)** is amended by modifying Seasonal worker housing to *Seasonal worker housing/bunkhouse*

Section 7.2 d) i) a) to f) is deleted and replaced with the following:

- a) Lot frontage – Notwithstanding Section 7.2 c) ii) - 60 m (minimum) or as shown on an approved site plan demonstrating adequate setbacks and buffering from abutting sensitive land uses but at no time less than 30 m (minimum).
- b) Front yard setback – Notwithstanding Section 7.2 c) iv) the minimum setback requirement shall be 20 m, minimum.
- c) Interior Side Yard – 3 m or equal to the height of the sidewall of the greenhouse, whichever is greater; when abutting a sensitive land use 15 m, minimum on the side(s) abutting the sensitive land use.
- d) Rear yard 5 m (minimum)
- e) Lot coverage 80% (maximum)
- f) Landscaped Open Space – 25% (minimum) of the required front yard setback area

**Existing** Section 7.2 d) ii) Residential uses are prohibited on lands zoned ‘Agriculture – Restricted (A2)’ All residential buildings, structures are prohibited. Seasonal housing, migrant worker housing and farm worker housing are not permitted uses or structures.



**Proposed** Section 7.2d) ii) is amended as follows to clarify the residential use restriction as follows:

*A single detached dwelling or secondary dwelling unit accessory to a permitted use is prohibited on lands zoned 'Agriculture – Restricted (A2)'*

(For clarity purposes, the proposed regulations would not be applicable to a greenhouse development with existing site plan approval and may not necessarily apply in whole to expansions on some smaller lots)