

Bill No. 132
2015

By-law No. C.P.-1284(____)-_____

A by-law to amend the Official Plan for the City of London, 1989, relating to Chapter 9 for Minimum Distance Separation (MDS) Type 'A' and Type 'B' land uses.

The Municipal Council of The Corporation of the City of London enacts as follows:

1. Amendment No. _____ to the Official Plan for the City of London Planning Area – 1989, as contained in the text attached hereto and forming part of this by-law, is adopted.
2. This by-law shall come into effect in accordance with subsection 17(38) of the *Planning Act, R.S.O. 1990, c.P.13*.

PASSED in Open Council on March 31, 2015.

Matt Brown
Mayor

Catharine Saunders
City Clerk

First Reading – March 31, 2015
Second Reading – March 31, 2015
Third Reading – March 31, 2015

AMENDMENT NO. _____

to the

OFFICIAL PLAN FOR THE CITY OF LONDON

A. PURPOSE OF THIS AMENDMENT

The purpose of this Amendment is:

To amend Chapter 9 of the Official Plan for the City of London Planning Area – 1989, to distinguish Minimum Distance Separation requirements for industrial and non-industrial land uses in alignment with Guideline 46 of the Provincial Minimum Distance Separation (MDS) Formulae Implementation Guidelines, 2006.

B. LOCATION OF THIS AMENDMENT

This Amendment applies to land located north and south of Highway 401 near the Veterans' Memorial Parkway and lands south and east of the "Forest City Industrial Park", including lands south of Wilton Grove Road and east and west of the Highbury Avenue interchange and south of Highway 401 east of Cheese Factory Road, as identified in Schedule 1.

C. BASIS OF THE AMENDMENT

MDS guidelines are intended to ensure that viable agriculture/livestock operations are not affected by inappropriate growth and development on adjacent lands. MDS guidelines are also intended to ensure that agriculture/livestock operations remain viable over the longer term.

To ensure appropriate separations, the MDS guidelines identify sensitive (Type 'B') and non-sensitive (Type 'A') land uses. The intent of the proposed Urban Growth Boundary expansion is to provide for long-term industrial uses. These are considered as non-sensitive land uses in the MDS guidelines.

The MDS guidelines, however, require the use of sensitive land use calculations for MDS separation distances for applications to expand the settlement area boundary (Urban Growth Boundary) or for expansion of existing livestock operations in adjacency to urban uses within the Urban Growth Boundary.

As the intent of the Urban Growth Boundary expansion is to provide for industrial (non-sensitive) land uses, the following policy shall apply to lands designated 'Urban Reserve - Industrial Growth' in areas:

(1) north and south of Highway 401 near the Veterans' Memorial Parkway; and
(2) lands south and east of "Forest City Industrial Park", including lands south of Wilton Grove Road near the Highbury Avenue interchange and south of Highway 401 east of Cheese Factory Road as identified in Schedule "A", Minimum Distance Separation (MDS) arcs of influence will be based on an MDS Type 'A' land classification including for the properties identified in the list below.

D. THE AMENDMENT

Section 9.2.10 of the Official Plan for the City of London is amended by adding the following subsection 9.2.10.1:

For the lands within the expanded Urban Growth Boundary and lands adjacent to that area, as shown on Schedule 1, the following applies with respect to calculations undertaken to satisfy minimum distance separation (MDS) guidelines for MDS I and MDS II:

The City will apply Type 'A' land use classification for the purposes of MDS I, and only Industrial Uses will be permitted within the Type 'B' MDS setback. All other land uses or applications for changes in land use to designations other than for Industrial Uses will be calculated on the basis of MDS Type 'B' land classification.

For expansions of existing livestock operations within the area identified on Schedule 1, the City will apply a Type 'A' land use classification to existing, adjacent urban and industrial uses, Official Plan designations and Zones, for the purposes of MDS II calculations.

If, in future, any of the livestock facilities ceases to exist, there would no longer be a trigger for MDS calculations and the site specific policy area will be removed for that particular area that was affected.

For the purposes of this policy, livestock facilities are one or more barns or permanent structures with livestock-occupied portions, intended for keeping or housing of livestock. A livestock facility also includes all manure or materials storage and anaerobic digestors.

Schedule 1

