

Bill No. 96
2017

By-law No. Z.-1-17 _____

A by-law to amend By-law No. Z.-1 to amend regulations for Minimum Distance Separation.

WHEREAS The Corporation of the City of London has applied to amend regulations for Minimum Distance Separation;

AND WHEREAS this rezoning conforms to the Official Plan;

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

1. Section Number 4.32 of the General Provisions is amended by deleting the current 4.32 MINIMUM DISTANCE SEPARATION (MDS) and replacing it with the following”

“4.32 MINIMUM DISTANCE SEPARATION (MDS)

The Minimum Distance Separation regulations are provided by the Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA). The regulations provide formulas which are used to calculate and establish separation distances between odour producing uses (livestock facilities, manure storages and anaerobic digestors) and urban and sensitive land uses. The regulations are applied in the Agricultural (AG) Zone, and in other zones such as Rural Settlement Commercial (RRC), Agricultural Commercial (AGC) or Urban Reserve (UR) where there is the potential for agriculturally generate odour impacts. Lands to be rezoned from an Agricultural (AG) or Urban Reserve (UR) Zone to any other zone to permit a residential, facility, commercial, industrial or recreational use will comply with the MDS I formula.

Expansions to existing livestock facilities will need to comply with setbacks calculated under the MDS II formula when they are located close to zones permitting residential, commercial, or other urban and sensitive land uses.

The setbacks calculated under the MDS I formula will apply to development proposed through building permit on existing lots of record only in the following Zone variations: Agricultural (AG) Zone, Rural Settlement Commercial (RRC) zone or Urban Reserve (UR) Zone. The MDS II regulations shall apply to all lots of record.”

2. Section Number 45.1 of the Agricultural (AG) Zone is amended by deleting the current second paragraph and replacing it with the following:

“The Minimum Distance Separation (MDS) regulations, provided by the Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA), are used to determine an appropriate setback distance between a livestock facility, manure storage or anaerobic digester and sensitive land uses. The objective is to prevent land use conflicts and minimize nuisance complaints from odour. The MDS I formula is to be used for development which expands the potential for sensitive land uses. The MDS II formula is be used for development of new or expanding odour sources including, livestock facilities, manure storage and anaerobic digestors. The setbacks are to be calculated in accordance with the regulations in place at the time an application is made.”

3. Section Number 45.3 of the Agricultural (AG) Zone is amended by deleting the current 8) MINIMUM DISTANCE SEPARATION (MDS) and replacing it with:

“8) MINIMUM DISTANCE SEPARATION (MDS)

All new agricultural and non-agricultural uses shall comply with the appropriate Minimum Distance Separation formulae as determined by the Ontario Ministry of Agriculture, Food and Rural Affairs regulations.”

4. Section Number 45.3 of the Agricultural (AG) Zone is amended by deleting *Schedule "C" Minimum Distance Separation I (MDS I)* and associated tables in their entirety.

5. Section Number 45.3 of the Agricultural (AG) Zone is amended by deleting *SCHEDULE "D" MINIMUM DISTANCE SEPARATION II (MDS II)* and associated tables in their entirety.

6. This By-law shall come into force and be deemed to come into force in accordance with Section 34 of the *Planning Act, R.S.O. 1990, c. P13*, either upon the date of the passage of this by-law or as otherwise provided by the said section.

PASSED in Open Council on February 14, 2017.

Matt Brown
Mayor

Catharine Saunders
City Clerk

First Reading - February 14, 2017
Second Reading - February 14, 2017
Third Reading - February 14, 2017