

THE CORPORATION OF THE TOWNSHIP OF MELANCTHON

BY-LAW NO. 56-2020

Being a By-law to amend By-law No. 12-79, as amended, the Zoning By-law for the Township of Melancthon to implement the OMAFRA Minimum Distance Separation Formulae

WHEREAS the Council of the Corporation of the Township of Melancthon is empowered to pass By-laws to regulate the use of land pursuant to Section 34 of the Planning Act, 1990;

AND WHEREAS Council of the Corporation of the Township of Melancthon wishes to implement the Minimum Distance Separation Formulae as prepared and amended by the Ministry of Agriculture and Food and Rural Affairs;

AND WHEREAS the Council of the Corporation of the Township of Melancthon deems it advisable to amend By-Law 12-79, as amended;

NOW THEREFORE the Council of the Corporation of the Township of Melancthon enacts as follows:

1. Zoning By-law 12-79 as amended, is further amended in the following manner:

a) Section 2 is amended by adding the following new definitions after sub-section 2.50:

2.50a Minimum Distance Separation Formulae (MDS) means formulae and guidelines developed by the Province, as amended from time to time, to separate uses so as to reduce incompatibility concerns about odour from livestock facilities.

b) Section 3 is amended by adding the following new sub-section after sub-section 3.24:

3.25 Minimum Distance Separation

a) Notwithstanding anything contained in the foregoing or any other yard or setback provisions of this By-law to the contrary, no residential, institutional, commercial, industrial or recreational use, building or structure located on a separate lot and permitted within a zone, shall be established or expanded unless it complies with the Minimum Distance Separation (MDS I) setback from a livestock facility, manure storage or anaerobic digester, calculated using the Formulas published by the Ontario Ministry of Agricultural, Food and Rural Affairs (OMAFRA), as may be amended from time to time.

b) Notwithstanding anything contained in the foregoing or any other yard or setback provisions of this By-law to the contrary, no new or expanding odour sources including, livestock facilities, manure storage and anaerobic digestors shall be erected or expanded unless it complies with the Minimum Distance Separation (MDS II) setback, calculated using the Formulas published by the Ontario Ministry of Agricultural, Food and Rural Affairs (OMAFRA), as may be amended from time to time.

c) In accordance with the Minimum Distance Separation (MDS) guidelines, and in addition to 3.25 a) and 3.25 b) above, the following shall also apply:


- i. *MDS I setbacks do not apply to any new or expanding industrial Agricultural Related Use, or any industrial On-Farm Diversified Use. MDS I setbacks will apply to any non-industrial On-Farm Diversified Use.*
- ii. *MDS I setbacks will not apply to any closed cemetery, any cemetery with no place of worship present, and any cemetery associated with the community relying on horse drawn transportation.*
- iii. *MDS II setbacks do not apply to any existing Agricultural Related Use, or any existing industrial On-Farm Diversified Use.*
- iv. *MDS II setbacks apply to all existing cemeteries, as Type B land uses, except for those associated with the community relying on horse drawn transportation where the MDS Type A Land Use requirements shall apply.*
- v. *MDS II setbacks apply to all churches as Type B land uses, except those associated with the community relying on horse drawn transportation which shall meet the Type A Land Use requirements.*
- vi. *MDS II setbacks apply to all existing settlement boundaries as Type B land uses.*
- vii. *The construction of a new dwelling on a vacant lot of record that existed prior to March 1, 2017 shall not be subject to MDS I setbacks but such dwelling shall maintain a minimum setback of 100 metres from any existing livestock facility or manure storage.*
- viii. *The reconstruction, renovation or addition to an existing dwelling or the construction of an accessory building or structure shall not be subject to MDS I setback requirements.*

2. In all other respects, the provisions of By-law 12-79, as amended shall apply.

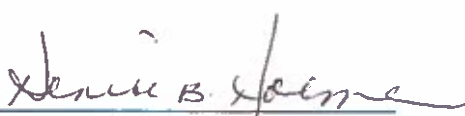
This By-law shall come into effect upon the date of passage hereof, subject to the provisions of Section 34 (30) and (31) of the Planning Act (Ontario).

READ A FIRST AND SECOND TIME on the 19th day of November, 2020.

READ A THIRD TIME and finally passed this 19th day of November, 2020.



Mayor



Clerk