

The Corporation of the City of Port Colborne

By-law No. _____

Being a By-law to Amend Zoning By-law 6575/30/18
Regarding Mineral Aggregate Accessory Use Provisions

Whereas By-law 6575/30/18 is a By-law of The Corporation of the City of Port Colborne restricting the use of land and the location and use of buildings and structures; and

Whereas the Council of The Corporation of the City of Port Colborne desires to amend the said by-law.

Now therefore and pursuant to the provisions of Section 34 of the *Planning Act, R.S.O. 1990*, The Corporation of the City of Port Colborne enacts as follows:

1. That the following be added to Section 4.1:

MAAU	Mineral Aggregate Ancillary Use
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2. That the following is added as Section 29 – Mineral Aggregate Ancillary Use Zone (MAAU):

29.1 General

- a) No person shall make or establish any pit or quarry, or use any lot or erect, alter or use any building or structure in any Mineral Aggregate Ancillary Use (MAAU) Zone except in accordance with the applicable provisions of Sections 2, 3 and 29.
- b) In addition to Section 29.1 (a), any lot may be subject to additional regulations or restrictions by the City, upper tier government or agencies as indicated in Section 1.3.

29.2 Permitted Uses

- a) Asphalt Plant, Permanent
- b) Asphalt Plant, Portable
- c) Cement Concrete Plants
- d) Aggregate Depots

29.3 Zone Requirements

- a) Applications for uses in Clause 29.2 may only be considered for lots which are within current Mineral Aggregate Operations (MAO), Gateway

Industrial (GI) and/or Heavy Industrial (HI) zones. The uses may only be undertaken subsequent to a successful zoning amendment (subject to additional approvals) following a comprehensive analysis which demonstrates:

- a. Comprehensive analysis through appropriate studies;
- b. The demand for the type and scope of development proposed in relation to the demographics of the City;
- c. The long-term impacts on municipal servicing;
- d. The long-term impacts on the environment including the quality and quantity of surface water and ground water, impacts on significant environmental features and impacts on areas of significant cultural resources;
- e. The impact of the proposed development on surrounding existing and proposed developments;
- f. That the designated truck access routes will not be primarily through residential areas; and,
- g. That all operations shall adhere to applicable federal, provincial and local regulations, including but not limited to emissions and noise.

- b) New uses will be placed under site plan control and will only be permitted where the plant operations area (excluding offices and parking) is at least 500 metres from any residential use, where the use will be totally enclosed by a security fence or within a fireproof building, and where adequate stormwater drainage can be provided.

3. That the following is removed from the current Section 38:

Mineral Aggregate Operation: means:

- a) An operation other than wayside pits and quarries, conducted under a license or permit under the Aggregate Resources Act or successors thereto; and
- b) Associated accessory facilities used in extraction, transport, beneficiation, processing or recycling of mineral aggregate resources and derived products such as asphalt and concrete, or the production of secondary related products.

4. That the following is added to Section 39:

- a) **Aggregate Depot:** A place where gravel, rock, sand, earth, clay, or fill is stored prior to sales and/or distribution. An aggregate depot may include the blending of aggregate with salt.
- b) **Asphalt Plant, Permanent:** A facility for the mixing of asphalt components, including hot mix asphalt, for transfer to a job site.
- c) **Asphalt Plant, Portable:** Equipment that is used to produce asphalt and which is capable of being readily drawn by a motor vehicle and which is not

- permanently affixed to the ground.
- d) **Cement Concrete Plant:** A facility manufacturing concrete from any combination of cement, cement supplement, fine aggregate, coarse aggregate and water. The concrete plant includes associated bins, weigh hoppers, and cement silos.
 - e) **Mineral Aggregate Operation:** means:
 - a) An operation other than wayside pits and quarries, conducted under a license or permit under the Aggregate Resources Act or successors thereto; and
 - b) Does not include accessory uses/facilities used in processing or recycling of mineral aggregate resources and derived products such as asphalt and concrete, or the production of secondary related aggregate products.
5. That the existing Sections 29 to 39 are renumbered accordingly.
6. That this By-law shall come into force and take effect on the day that it is passed by Council, subject to the provisions of the *Planning Act*.
7. The City Clerk is hereby authorized and directed to proceed with the giving notice of the passing of this by-law, in accordance with the *Planning Act*.

Enacted and passed this ____ day of _____, 2022.

William C. Steele
Mayor

Amber LaPointe
City Clerk