

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 Operation Zone Provisions, Definitions and Uses in the Highly Vulnerable Aquifer

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 Section 28.2 Permitted Uses in the Mineral Aggregate Operation zone be amended by deleting the following:

- a) Mineral Aggregate Operations
- b) Making or establishment of pits and quarries for the purpose of extracting natural materials from the earth including soil, clay, sand, gravel, stone, rock, shale and minerals;

And replacing it with the following:

- a) Aggregate Extraction Operation

2. That Section 28.2 Permitted Uses be amended by adding the following:

28.21 Prohibited Uses

- a) Asphalt manufacturing plant
- b) Cement manufacturing plant
- c) Aggregate transfer station

3. That the definition of Mineral Aggregate Operation be deleted from Section 38.
4. That the following definitions be added to Section 38:

Aggregate Extraction Operation: means a site including accessory buildings and structures used for the removal, refinement and / or processing or storage of sand, gravel, stone or other aggregate resources, and may include borrow pits, gravel pits and stone quarries, but does not include an asphalt plant or a concrete plant.

Natural Ground Water Table: means the natural upper surface of the zone of complete groundwater saturation within pores in the subsurface. The zone of saturation is where the pores and fractures of the ground are saturated with water.

Wet Pit: means a man made open depression in the earth's surface that will retain water to the natural ground water table if not artificially kept dewatered.

Dry Pit: means a man made open depression in the earth's surface that is above the natural ground water table that does not retain water or have to be artificially dewatered.

Highly Vulnerable Aquifer: Is the water-bearing formation of permeable rock within the boundaries of the City which can contain or transmit groundwater that has been assessed by the Niagara Peninsula Source Protection Authority to be highly susceptible to contamination due to the physical characteristics of the geology of land subsurfaces and the land use.

5. That Schedule A10 Highly Vulnerable Aquifer Overlay be added to Section 39: Zone Schedules as shown on as Schedule A attached to and forming part of this by-law.

6. That Section 2.3.1 Source Water Protection be amended by adding the following:

2.3.2 Highly Vulnerable Aquifer:

- a) Notwithstanding any other provisions of the by-law to the contrary, the following uses shall be prohibited within the High Vulnerable Aquifer as shown on Schedules A10 in Section 39 of this By-law:
- i) Waste disposal site;
  - ii) Pesticide storage greater than 2,500 kg;
  - iii) Open storage of road salt greater than 5,000 tonnes;
  - iv) Storage of snow greater than 1 hectare;
  - v) Underground fuel storage tanks;
  - vi) Any commercial or industrial use in the Hamlet zone that pose a significant threat and can't be mitigated or managed are not permitted;
  - vii) Agriculture farm related industrial;
  - viii) Storage of materials that do not meet Table 1 of Provincial Excess Soil Quality Standards.

7. 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*.

8. 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 8th day of March, 2021.

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William C. Steele  
Mayor

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Amber LaPointe  
City Clerk