

NOTE TO READER:

This version of proposed the Draft Zoning By-law is a redline version to assist the reader in understanding the revisions to the amendment arising from the public meeting of January 18, 2022 and the comments received from Niagara Region dated January 18, 2022.

Text that is deleted will have a strikethrough as follows:

~~Deleted text~~

Text that is added will be in red and underlined as follows:

Added text

DRAFT

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~~

~~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 500 300 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.~~

~~c) Provision 29.3 a) and b) do not apply to Portable Asphalt Plants and Portable Concrete Plants used on public authority projects.~~

1. That subsection 2.2 a) is amended by adding “portable asphalt plant, portable concrete plan” immediately following “water or electrical power or energy,”.
2. That Section 2 is amended to add a new subsection 2.27, as follows:

2.27 Uses Related to Mineral Aggregate Operations

- a) Aggregate Depot, Permanent Asphalt Plant, Permanent Concrete Plant and Mineral Aggregate Resource Conservation Use, as a principal use on a lot, shall be subject to a site-specific amendment to the Zoning By-law and to the following provisions:
 - i. The use, excluding offices and parking, shall be located a minimum of 300 metres from any residential use
 - ii. The use shall be enclosed by a security fence or located within a fireproof building
 - iii. The use shall be subject to site plan control

- b) Subsection 2.27 shall not apply to Wayside Pits and Quarries, Portable Asphalt Plants and Portable Concrete Plants used for public authority contracts.

3. That Section 28 is amended by adding a new subsection 28.4, as follows:

28.4 Permitted Uses – Accessory

- a) Aggregate Depot
- b) Asphalt Plant, Permanent
- c) Asphalt Plant, Temporary
- d) Concrete Plant, Permanent
- e) Concrete Plant, Temporary
- f) Mineral Aggregate Resource Conservation Use

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.~~ A facility with equipment designed to heat and dry aggregate and to mix aggregate with bituminous asphalt to produce asphalt paving material, and includes stockpiling and storage of bulk materials used in the process, which is not of permanent construction, but which is to be dismantled at the completion of the construction project.
- d) **Cement Concrete Plant, Permanent:** 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) **Concrete Plant, Portable:** A building or structure with equipment designed to mix cementing materials, aggregate, water and admixtures to produce concrete, and includes stockpiling and storage of bulk materials used in the process which is not of permanent construction, but

which is designed to be dismantled at the completion of the construction project.

f) **Mineral Aggregate Resource Conservation Use:** a facility for the recovery and recycling of manufactured materials derived from mineral aggregates, such as glass, porcelain, brick, concrete, asphalt or slag, for re-use as a substitute for new mineral aggregates.

~~g) **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.~~

~~4. That the existing Sections 29 to 39 are renumbered accordingly.~~

5. 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*.

6. 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