

Planning Justification Report

Zoning By-law Amendment Application for Project Eagle
5088 Highway 140, Port Colborne, ON

September 22, 2025

Prepared for:

Asahi KASEI Battery Separator Canada Corporation

Prepared by:

Stantec Consulting Ltd.

400-1305 Riverbend Rd

London, ON N6K 0J5

Project/File:

161500301



Revision Schedule

Revision	Description	Author	Date	Quality Check	Date	Independent Review	Date
0	Draft #1	SY	06/18/25	MS	06/20/25		
1	Draft #2	SY	07/02/25	AS	07/09/25		
2	Draft #3	SY	07/10/25				
3	Final	SY	09/03/25	AS	09/12/25		

Disclaimer

The conclusions in the Report titled Planning Justification Report are Stantec's professional opinion, as of the time of the Report, and concerning the scope described in the Report. The opinions in the document are based on conditions and information existing at the time the scope of work was conducted and do not take into account any subsequent changes. The Report relates solely to the specific project for which Stantec was retained and the stated purpose for which the Report was prepared. The Report is not to be used or relied on for any variation or extension of the project, or for any other project or purpose, and any unauthorized use or reliance is at the recipient's own risk.

Stantec has assumed all information received from Asahi KASEI Battery Separator Canada Corporation (the "Client") and third parties in the preparation of the Report to be correct. While Stantec has exercised a customary level of judgment or due diligence in the use of such information, Stantec assumes no responsibility for the consequences of any error or omission contained therein.

This Report is intended solely for use by the Client in accordance with Stantec's contract with the Client. While the Report may be provided by the Client to applicable authorities having jurisdiction and to other third parties in connection with the project, Stantec disclaims any legal duty based upon warranty, reliance or any other theory to any third party, and will not be liable to such third party for any damages or losses of any kind that may result.

Prepared by:


Signature

Sharon Yin, B.A., Planner

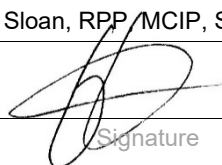
Printed Name

Reviewed by:


Signature

Amelia Sloan, RPP/MCIP, Senior Planner

Approved by:


Signature

Brian Blackwell, Senior Project Manager, Senior Associate

Printed Name

Table of Contents

Executive Summary	3
1 Introduction	4
1.1 Site & Project History	4
2 Site Description	5
2.1 Surrounding Land Use	6
3 Development Proposal	7
4 Land Use Policy Framework	8
4.1 Ontario Planning Act	9
4.2 Provincial Planning Statement (PPS, 2024)	9
4.3 Local Planning Framework	13
4.3.1 Niagara Official Plan, 2022	13
4.3.2 City of Port Colborne Official Plan, 2017	16
4.3.3 City of Port Colborne Zoning By-law 6575/30/18	20
5 Proposed Zoning By-law Amendment (ZBA)	24
6 Planning Justification	28
6.1 Provincial Considerations	28
6.2 Local Considerations	28
7 Supporting Studies	29
7.1 Stage 1 & 2 Archaeological Assessment	29
7.2 Hydrogeological Information Review	30
7.3 Functional Servicing Report (FSR)	30
7.4 Stormwater Management (SWM) Report	31
7.5 Environmental Impact Assessment (EIS)	32
7.6 Headwater Drainage Feature Assessment (HDFA)	32
7.7 Noise Impact Assessment	33
8 Conclusion	33



Planning Justification Report

Table of Contents

List of Tables

Table 1: Permitted Uses in the Heavy Industrial (HI) and Industrial Development (ID) Zone.....	21
Table 2: Special Provisions and Conditions for Holding Symbol.....	22
Table 3: Existing Zoning Regulations & Requested Site-Specific Zoning Provisions.....	25

List of Figures

Figure 1: Site Context	6
Figure 2: Development Concept.....	7
Figure 3: Planning Framework Hierarchy.....	9
Figure 4: Schedule G – Employment Areas, Niagara Official Plan (2022)	14
Figure 5: Appendix 2 – Urban Expansion Areas and Future Employment Areas, Niagara Official Plan (2022).....	15
Figure 6: Schedule A – City-Wide Land Use, City of Port Colborne Official Plan (2017)	17
Figure 7: Schedule B – Natural Heritage, City of Port Colborne Official Plan (2017)	19
Figure 8: Schedule A2 – City of Port Colborne Zoning By-law No. 6575/30/18	20

List of Appendices

Appendix A Site Plan

Appendix B Property Index Map

Appendix C Minister’s Zoning Order on Adjacent Portions of the Property



Executive Summary

Stantec Consulting Ltd. (Stantec) was retained by Asahi KASEI Battery Separator Canada Corporation (the “Client”), to complete a Planning Justification Report in support of a Zoning By-law Amendment (ZBA) application for their property at 5088 Highway 140, in the City of Port Colborne. The proposed ZBA will apply exclusively to the western portion of the property, as shown in **Figure 1** (hereon referred to as ‘Subject Lands’ or ‘West Lands’), as the remainder of the site is subject to a previously approved Minister’s Zoning Order (MZO).

The intent of this ZBA is to establish a new Site-Specific Zone to support the development of a high voltage electric substation and a stormwater management pond on the Subject Lands. The applicant is also proposing to remove the two existing Holding provisions on the Subject Lands as part of this ZBA application. The proposed development serves as critical infrastructure that is necessary to support the operation of a major industrial facility, which is proposed on the eastern, MZO-regulated portion of the site. The special provisions requested for the new Site-Specific Zone are intended to mirror the provisions granted by the MZO, with the exception of a more restrictive maximum height allowance, to establish consistent zoning provisions across the entire site.

This Planning Justification Report demonstrates how the proposed Zoning By-law Amendment is consistent with the Provincial Planning Statement, Niagara Official Plan, as well as the goals and objectives of the City of Port Colborne Official Plan.



1 Introduction

Stantec Consulting Ltd. (“Stantec”) has been retained by Asahi KASEI Battery Separator Canada Corporation, to complete a Planning Justification Report for a Zoning By-law Amendment (ZBA) for the western portion of their property located at 5088 Highway 140, in the City of Port Colborne, Ontario (Subject Lands). Prior discussions have been held with City Staff regarding the overall vision for the development of this property. A summary of this vision, as well as details regarding project history, are provided under Section 1.1 of this report.

This Planning Justification Report is part of a comprehensive and complete application package that collectively supports the requested ZBA application. The intent of the proposed ZBA is to remove the two existing Holding provisions on the Subject Lands, and to establish a Site-Specific Zone with special provisions, which would mirror those granted by the previously approved Minister’s Zoning Order (MZO) that currently regulates the eastern portion of the property. Ultimately, the goal is to ensure that zoning provisions are consistent across the entire site. The proposed amendments will help facilitate the development of critical infrastructure to support the operation of a large, heavy-industrial manufacturing facility that is being proposed on the MZO-regulated portion of the site. This report provides a review and analysis of relevant land use policies as they pertain to the proposed development on the Subject Lands. The most up-to-date version of the proposed site plan is shown as **Figure 2** under Section 3 of this report and in **Appendix A**.

1.1 Site & Project History

A portion of the Subject Lands were formerly owned by Nyon Oil Inc., and it is subject to an Ontario Municipal Board (OMB) decision made in 2013 to permit the development of a petrochemical storage and distribution facility. While the proposed petrochemical storage tanks/facility was never developed, the City’s Official Plan (OP) and Zoning By-law still reflects the OMB decision (OMB File No. PL090828 & OMB File No. PL090829).

In August 2024, a Minister’s Zoning Order (MZO), under O.Reg. 337/24, was made for the eastern portion of the property located at 5088 Highway 140 (see **Figure 2**), to support the development of a heavy-industrial facility. When the MZO was approved, the West Lands were not yet owned by the proponent.

The portion of the property that is subject to this MZO, is shown as the ‘Site Limit’ on the site plan shown in **Figure 2** and **Appendix A** of this report. The proponent has since acquired the additional West Lands, with the intent of incorporating these lands into the overall development of the 5088 Highway 140 property. As of June 4, 2025, the West Lands have been consolidated with the MZO-regulated lands to the east and are now legally considered to be one parcel (see **Appendix B**, which contains the Property Index Map information).

To support the integration of the West Lands into the overall development of the 5088 Highway 140 property, the proponent is seeking site-specific provisions on the West Lands that mirror those granted by the MZO, as to establish consistent zoning permissions across the entire property. This ZBA application will apply exclusively to the West Lands.



A Site Plan Control application has been submitted for the MZO-regulated portions of the site, and it is close to receiving Site Plan Control Approval with a nearly finalized Site Plan Agreement. As to not cause delays in the approval process, the Subject Lands (i.e., newly acquired West Lands) will be integrated with the eastern portions of the property through a future Amendment to the Site Plan Agreement (SPA), once consistent zoning provisions are in place. This approach has been endorsed by municipal staff during previous discussions and meetings with the City and the Region.

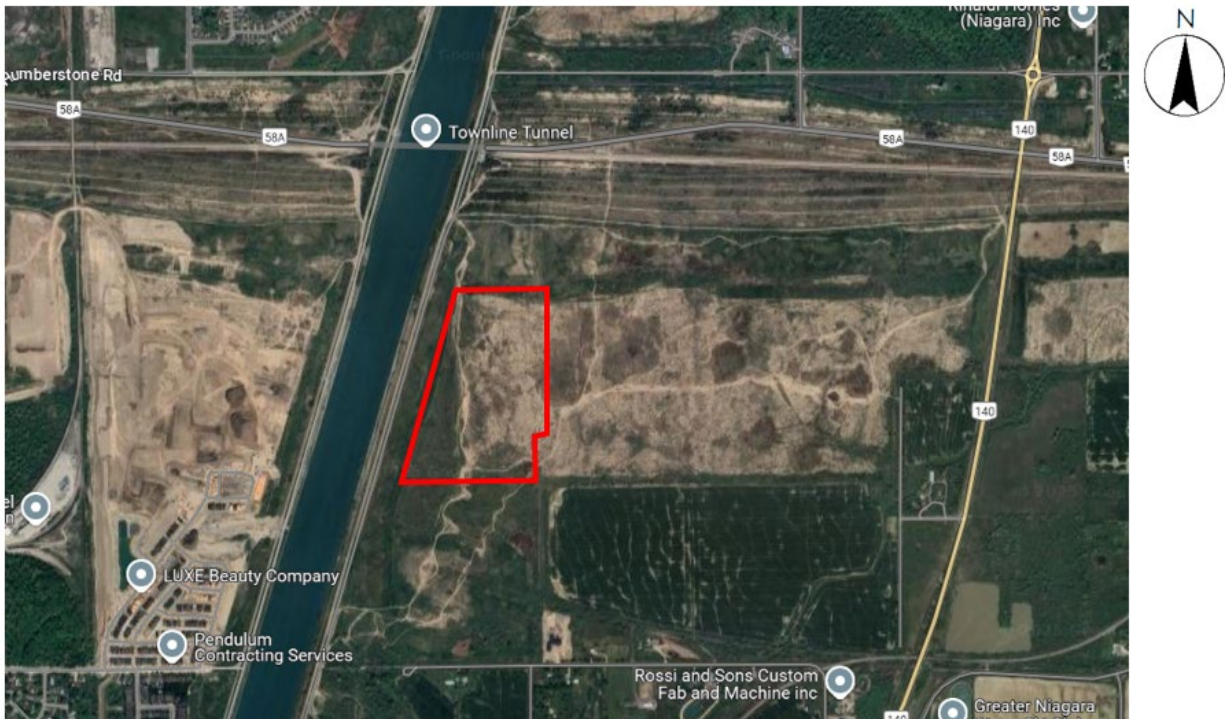
Furthermore, the Subject Lands and MZO-regulated lands were formerly part of a larger property and held under different ownership, before being severed and subsequently acquired by the Client. It is delineated by the 'Property Boundary' line shown on the site plan in **Figure 2** and attached as **Appendix A**. The former property boundary included the Subject Lands, MZO-regulated lands, as well as lands located immediately south and southeast of the Subject Lands. These lands contain natural heritage features, areas designated Environmental Protection Area (EPA) and Environmental Conservation Area (ECA), as per Schedule B in the City's Official Plan. As such, an Environmental Impact Study (EIS) for lands within the former property boundary was required by the City and Region. The Subject Lands are within the delineated Study Area of the EIS (EIS Figure 1, 'Project Location'), which was prepared by MTE Consultants Inc. ('MTE') (dated June 23, 2025).

2 Site Description

The Subject Lands form a portion of the property municipally known as 5088 Highway 140, in the City of Port Colborne, Ontario (**Figure 1**). It is legally described as Parts 16 & 20 on Lot 19, and Part of the Road Allowance Between Lots 18 and 19, on Concession 5, in the Geographic Township of Humberstone, in the City of Port Colborne, in the Regional Municipality of Niagara.

The Subject Lands are approximately 14 ha (34.6 acres) in size and are located east of the Welland Canal. It is located south of the CN railway, west of Highway 140, and are located on vacant rural lands north of the City's Urban Area Boundary. A Headwater Drainage Feature (HDF) and a Habitat of Endangered or Threatened Species has also been identified on the Subject Lands, as per the EIS prepared by MTE (EIS Figure 7, 'Natural Heritage Features'). The delineated Species at Risk (SAR) Habitat is located along the western property limits of the Subject Lands. The HDF on the Subject Lands were evaluated as indirect fish habitat, as per the EIS, and no direct or critical fish habitat was identified on the Subject Lands.





 **Subject Lands**

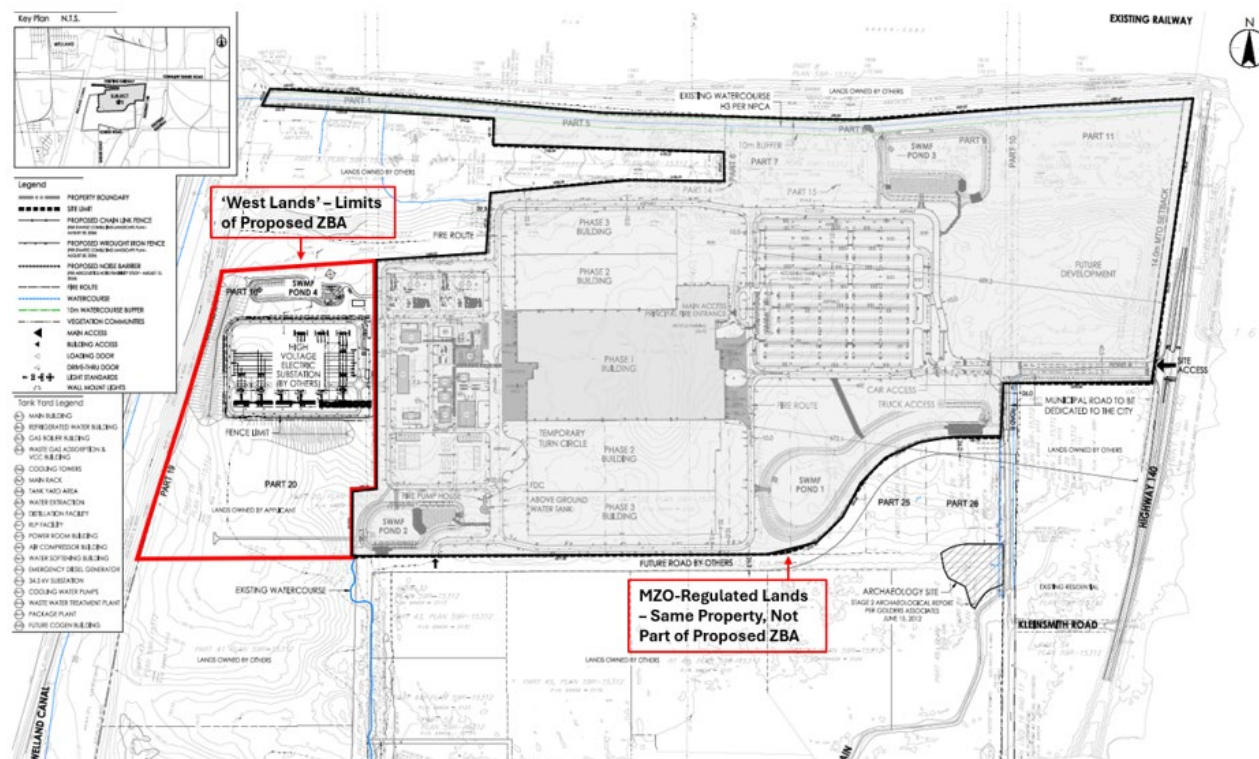
Figure 1: Site Context

2.1 Surrounding Land Use

The Subject Lands are surrounded by vacant, rural lands to the north, east, and south. There are a few residential dwellings located to the far south (>300m) and far east (>600m) of the Subject Lands, as well as a CN railway to the north. The lands immediately east of the Subject Lands are subject to an MZO (**Figure 2**), and it is slated for future heavy industrial development. The Subject Lands are also in proximity to the Welland Canal, which is approximately 110m west from the closest lot line of the Subject Lands.



3 Development Proposal



Subject Lands

Figure 2: Development Concept

A ZBA application is being submitted to support the proposed development of a high voltage electric substation, a stormwater management pond, and two berms – one surrounding the high voltage electric substation and one along the west property limit, close to the Welland Canal.

The proposed development on the Subject Lands will serve as critical infrastructure to support the operations of a future heavy-industrial, manufacturing facility that has been proposed on the adjacent MZO-regulated lands, which is located immediately east of the Subject Lands (**Figure 2**). The proposed heavy-industrial use on the MZO-regulated lands is a lithium-ion separator manufacturing facility, which will be developed through multiple phases. The proposed infrastructure development on the Subject Lands will form part of the overall major industrial development that is envisioned for 5088 Highway 140. As the two areas (Subject Lands and MZO-regulated lands) identified in **Figure 2** form part of the same parcel, they are legally considered to be one property and will be developed as such. Road frontage and site access will be provided from Highway 140, and it will be provided on the MZO-regulated portion of the property. Access to the Subject Lands will be provided using the internal road network on the MZO lands, which will be connected to the access driveway along Highway 140. Required parking spaces for this site will be located on the MZO-regulated portions of the property, and the proposed fire route on the



MZO lands will be connected to the internal road network on the Subject Lands – which surrounds the proposed high voltage electric substation. The proposed landscaping for the Subject Lands will be finalized through the Site Plan Agreement process.

There are two berms proposed on the Subject Lands, with noise walls to be installed along the top – one located along the western property boundary (approx. 193.5 MASL in height and 200m in length), and the other is located south of the proposed high voltage electric substation (approx. 193 MASL in height and 155m in length). The proposed berms are in accordance with the noise control measures recommended by Aeroustics, in the Acoustic Assessment Report they have prepared (dated January 29, 2025).

Furthermore, the Species-At-Risk (SAR) Habitat and Headwater Drainage Feature (HDF) on the Subject Lands will be removed. In the Headwater Drainage Feature Assessment (HDFA) report prepared by MTE (dated July 8, 2024), it was determined that the HDF on the Subject Lands (H2S3A) occurs “within sparsely vegetated meadow habitats where bare soils have resulted in a high degree of erosion and the subsequent entrenchment of several swale features”. In the HDFA report, HDF H2S3A was identified as a rural drainage feature with ephemeral flows, and it was assigned the “Mitigation” management recommendation, as per the Credit Valley Conservation and Toronto Conservation Authority’s Evaluation, Classification, and Management of Headwater Drainage Features Guidelines (2014). HDFs that are assigned a “Mitigation” management recommendation may be removed, but their function and on-site flow and outlet flows should be replicated through other constructed drainage features – including but not limited to vegetated swales.

In a Site Alteration Addendum to the Stormwater Management Report, prepared by Stantec (dated July 19, 2024), HDF H2S3A was not listed as one of the watercourses to be retained. This is further confirmed in a Site Alteration Addendum for the West Lands that was prepared by Stantec (dated March 4, 2025), which was submitted as part of an amended Site Alteration Permit application that has ultimately been approved by the Niagara Peninsula Conservation Authority (NPCA) on May 28, 2025 (PLPER202301267 (A)).

The removal of the SAR Habitat on the Subject Lands, will be executed under the authority of Ontario Regulation (*O.Reg.*) 830/21, which outlines an exemption from the *Endangered Species Act (ESA)* (2007). Further details are provided under Section 4.2 of this report and within the Environmental Impact Statement (EIS) prepared by MTE.

4 Land Use Policy Framework

Planning policies exist within a hierarchy of plans directed by the Ontario Planning Act. **Figure 3** provides an overview of the current hierarchy for planning policies that are relevant for the proposed development. There are several additional frameworks which exist in parallel to the planning policies and legislation shown below. As such, this list is not exhaustive, but rather, it provides an overview with respect to the primary planning policies applicable to this development proposal.



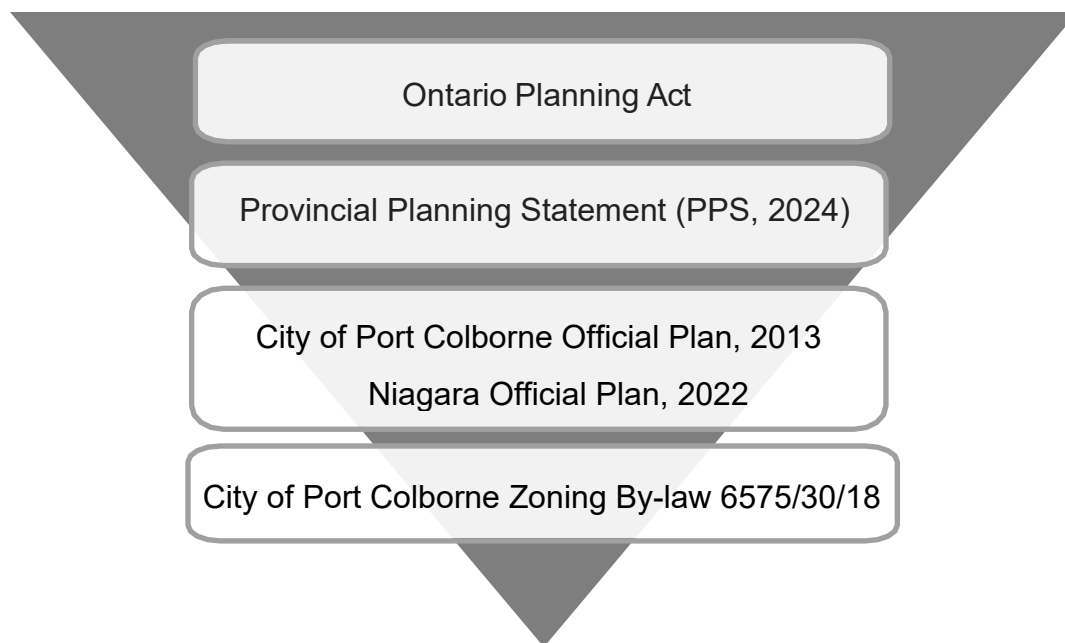


Figure 3: Planning Framework Hierarchy

4.1 Ontario Planning Act

The *Planning Act* is provincial legislation that establishes the foundation and ground rules for land use planning in Ontario. It regulates the means by which land use planning may be controlled, and by whom it may be controlled by. All land use planning decisions made within the Province must have regard for matter of Provincial interest, which are listed under Section 2 of the *Planning Act*. Zoning By-laws may be passed by the councils of local municipalities under Section 34 of the *Planning Act*, to regulate matters related to the location, height, and use of buildings and structures on land within the Municipality. Section 34(10) of the *Planning Act* permits the amendment of any by-law passed under Section 34 of the *Planning Act*.

It is our professional opinion that the proposed development and ZBA has regard for matters of Provincial interest, including the adequate provision of employment opportunities (S.2.k), and the protection of the financial and economic well-being of the Province and its municipalities (S.2.l). It is our professional opinion that the proposed development and ZBA abides by the regulations of the *Planning Act*.

4.2 Provincial Planning Statement (PPS, 2024)

The Provincial Planning Statement, 2024 (PPS) is issued under Section 3 of the Planning Act, and replaces the Provincial Policy Statement, 2020 (PPS, 2020) and A Place to Grow: Growth Plan for the Greater Golden Horseshoe. The merging of these planning documents creates a comprehensive, streamlined provincial planning document to guide matters related to land use planning and development. The Planning Act requires all land use planning matters “be consistent” with the PPS.



As per PPS definitions, the Subject Lands are considered rural lands within a rural area, as they are located outside of the Port Colborne Settlement Area Boundary (**Figure 6**). The PPS states that healthy, integrated and viable rural areas should be supported by (S.2.5.1):

- e) promoting diversification of the economic base and employment opportunities through goods and services, including value-added products and the sustainable management or use of resources.*

Response: The proposed development on the Subject Lands will support the operations of a large manufacturing facility on adjacent MZO-regulated lands under the same ownership. The lithium-ion separator manufacturing facility will be a major employer and is expected to generate a significant number of employment opportunities. The proposed manufacturing facility will produce goods, including value-added products, which will support the local and regional economy. The proposed development represents a diversification of the City and Region's economic base, which is anticipated to promote economic development and prosperity in the City and Region.

The PPS directs planning authorities to plan for, protect and preserve employment areas for current and future uses, while ensuring that the necessary infrastructure is provided to support current and projected needs (S.2.8.2.1). Employment areas that are in proximity to major goods movement facilities and corridors, are to be protected for employment area uses that require such locations (S.2.8.2.2). Further, to promote economic development and competitiveness across the Province, the PPS directs planning authorities to (S.2.8.1.1):

- b) provide opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses; and*
- e) address land use compatibility adjacent to employment areas by providing an appropriate transition to sensitive land uses.*

Response: The Subject Lands are within an employment area that is in proximity to major goods movement facilities and corridors, including a Provincial Highway, an existing CN railway, and the Welland Canal – which forms a part of the St. Lawrence Seaway, providing connection to the wider inter-regional, inter-provincial, and international goods movement network. Its location offers great connectivity and access to various transportation and goods movement networks, making the Subject Lands and overall property, suitable for the proposed manufacturing facility and the infrastructure required to support it. The proposed development will support the diversification of the Province's economic base, by providing the necessary infrastructure for the operation of the proposed manufacturing facility on the MZO-regulated lands. Approval of the proposed ZBA would account for, and support, the needs of existing and future businesses.

Additionally, the site layout for the proposed development has been designed with regard for land use compatibility. The proposed high voltage electric substation is located in the northern portion of the Subject Lands, and in the northwestern corner of the overall property. This places the high voltage electric substation closer to the existing railway, and furthest away from the existing sensitive land uses located east and south of the Subject Lands. A berm (approx. 193m in height) that will be located south of the high voltage electric substation, is also being proposed, and it will serve as a noise barrier between



the proposed substation and the surrounding residential uses south of the Subject Lands – which are located approximately 350m away from the closest lot line of the Subject Lands. The vast amount of land between the proposed high voltage electric substation, and the existing sensitive land uses, will provide an appropriate land use transition and separation distance between the two land uses.

Land use compatibility must be maintained between sensitive land uses and employment areas in order to preserve the long-term operational and economic viability of the planned employment uses, and to maintain the function of these areas (S.2.8.2.4). To that end,

- 3.5.1 *Major facilities and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities in accordance with provincial guidelines, standards and procedures; and*
- 3.5.2 *Where avoidance is not possible in accordance with policy 3.5.1, planning authorities shall protect the long-term viability of existing or planned industrial, manufacturing or other major facilities that are vulnerable to encroachment by ensuring that the planning and development of proposed adjacent sensitive land uses is only permitted if potential adverse effects to the proposed sensitive land use are minimized and mitigated, and potential impacts to industrial, manufacturing or other major facilities are minimized and mitigated in accordance with provincial guidelines, standards and procedures.*

Response: As discussed above, the site layout and design help increase the separation distance between the proposed high voltage electric substation, and the existing sensitive land uses to the south and east of the Subject Lands. Additional mitigation measures, including acoustic barriers such as noise walls and berms (one along the west property limit, and one located south of the substation), are also proposed to help maintain land use compatibility. An EASR Acoustic Assessment Report prepared by Aercoustics (January 29, 2025) is submitted with this application, providing recommended noise controls. The report determined that with the implementation of recommended noise controls, the sound levels discharged from the proposed facility would be less than, or equal to, the sound level limits that are acceptable by provincial guidelines and standards. It was determined in the Emission Summary and Dispersion Modelling (ESDM) Report prepared by ERM (March 19, 2025), that predictions for POI concentrations of the assessed airborne contaminants would not exceed Ministry standards. The same report also determined that further odour assessment would not be required, based on the results of the Odour Screening Assessment that was completed using Ministry guidelines.

As per Section 4.1 in the PPS, development and site alteration shall not be permitted in:

- S.4.1.4 *a) significant wetlands in Ecoregions 5E, 6E and 7E1; and*
b) significant coastal wetlands.
- S.4.1.6 *Fish habitat, except in accordance with provincial and federal requirements.*



Planning Justification Report

Table of Contents

- S.4.1.7 *Habitat of endangered species and threatened species, except in accordance with provincial and federal requirements.*
- S.4.1.8 *On adjacent lands to the natural heritage features and areas identified in policies 4.1.4, 4.1.5, and 4.1.6 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.*

Response: There is no development or site alteration being proposed within a significant wetland or significant coastal wetland. Based on the findings of the EIS, there are no provincially significant wetlands located on, or adjacent to the Subject Lands.

As previously noted in Section 1 of this report, the EIS determined that the Subject Lands contain suitable and confirmed Habitat of Endangered or Threatened Species, as well as HDFs characterized as contributing (indirect) fish habitat. As there are no direct fish habitat on the Subject Lands, the proposed development and site alteration will not occur in a direct fish habitat. Further, as per the impact assessment and mitigation recommendations of the EIS, the proposed development “is not anticipated to negatively impact fish habitat if flows are maintained downstream, given that the primary impact of indirect fish habitat is the supply of nutrients and/or food downstream”. There are no anticipated impacts to the indirect fish habitat on the Subject Lands from the proposed development, “provided that standard erosion and sediment control (ESC) measures are adhered to”.

The EIS found that there are SAR habitat (Eastern Meadowlark and Bobolink) identified on the Subject Lands and within the proposed development footprint. However, it is noted in the EIS that Subsection 13 (1) of Ontario Regulation (O.Reg.) 830/21 outlines an exemption from the *Endangered Species Act, 2007*, where “an activity that is likely to damage or destroy Eastern Meadowlark and/or Bobolink habitat less than 30 ha is not considered to be in contravention of the *Endangered Species Act, 2007*”, if the following conditions are met (ESA, 2007, S.13.1):

- The size of the area of habitat of bobolinks or eastern meadowlarks that is damaged or destroyed is equal to or less than 30 hectares;
- The person pays a species conservation charge to the Species at Risk Conservation Trust; and,
- The person completes the submission of a notice of study, mitigation measures (outlined within Section 15 of O. Reg. 830/21), and an Eastern Meadowlark and Bobolink Management Plan.

At the time of writing this report, a Bobolink and Eastern Meadowlark Management Plan has been prepared by MTE (dated March 7, 2025), and a payment has been made to the Species at Risk Conservation Trust (receipt dated February 27, 2025). Additional details can be found within the EIS report, which will be submitted under separate cover. A comprehensive review and analysis of environmental features and applicable policies and legislation, as well as an assessment of policy conformity, will be provided in the EIS report prepared by MTE.



As per Schedule K in the Niagara Official Plan, the Subject Lands have been identified as an area of archaeological potential. To sufficiently protect cultural and archaeological resources, Provincial policies state that:

- S.4.6.2 *Planning authorities shall not permit development and site alteration on lands containing archaeological resources or areas of archaeological potential unless the significant archaeological resources have been conserved.*
- S.4.6.5 *Planning authorities shall engage early with Indigenous communities and ensure their interests are considered when identifying, protecting and managing archaeological resources, built heritage resources and cultural heritage landscapes.*

Response: A Stage 1 & 2 Archaeological Assessment was completed for a previous development proposal on the Subject Lands. The study area for the Stage 1 & 2 Archaeological Assessment consisted of a larger site, which included the Subject Lands. The Stage 1 & 2 Archaeological Assessments determined that the Subject Lands contain low archaeological potential, with no further archaeological concern. As such, no further archaeological assessment was recommended for the Subject Lands.

4.3 Local Planning Framework

4.3.1 Niagara Official Plan, 2022

Bill 23 (2022) introduced changes to Niagara Region's role in land use planning. As of March 31, 2025, the Regional Municipality of Niagara is considered, as per the *Planning Act*, to be an upper-tier municipality without planning responsibilities. In accordance with Section 70.13(2) in the *Planning Act*, the Niagara Official Plan is no longer a Regional Official Plan. It is now deemed to constitute an Official Plan of each of the twelve lower-tier municipalities in Niagara, and it will remain in effect until a lower-tier municipality revokes or amends it.

The Subject Lands are designated Rural Employment Area in the Niagara Economic Centre, as per Schedule G in the Niagara Official Plan (**Figure 4**). It has also been identified as a Future Employment Centre, as per Appendix 2 in the Niagara OP (**Figure 5**).

Schedule C1 in the Niagara Official Plan delineates the Natural Heritage System Overlay and Provincial Natural Heritage Systems – which comprises the Natural Heritage System for the Growth Plan, as well as the Greenbelt Plan Natural Heritage System. While the Provincial Natural Heritage System forms a part of the Region's Natural Environment System, the mapping and policies of the Provincial Natural Heritage System within the Niagara Official Plan, apply outside of settlement areas only in accordance with Provincial policy (p.38). Figure 2 in the EIS provides a more focused map of the Niagara Region Natural Environment System Overlay, delineation of the Provincial Natural Heritage System, and NPCA Regulation Limits. Based on this figure, the Subject Lands do not contain areas that are part of the Provincial Natural Heritage System, nor does it contain areas within the Region's Natural Environment System Overlay. The watercourse on the Subject Lands will be removed, as permitted through a Site Alteration Permit approved by the NPCA, and the SAR Habitat will also be removed, as permitted by Ontario Regulation (O.Reg.) 830/21.



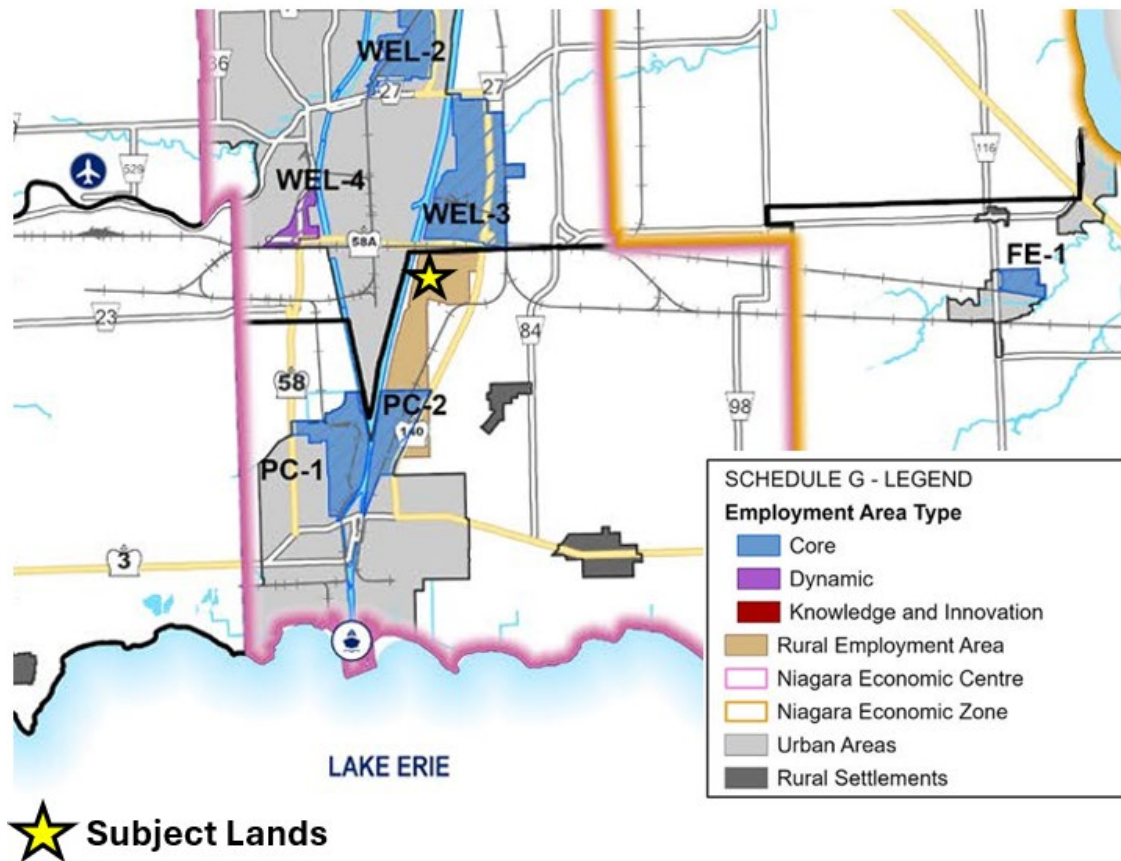


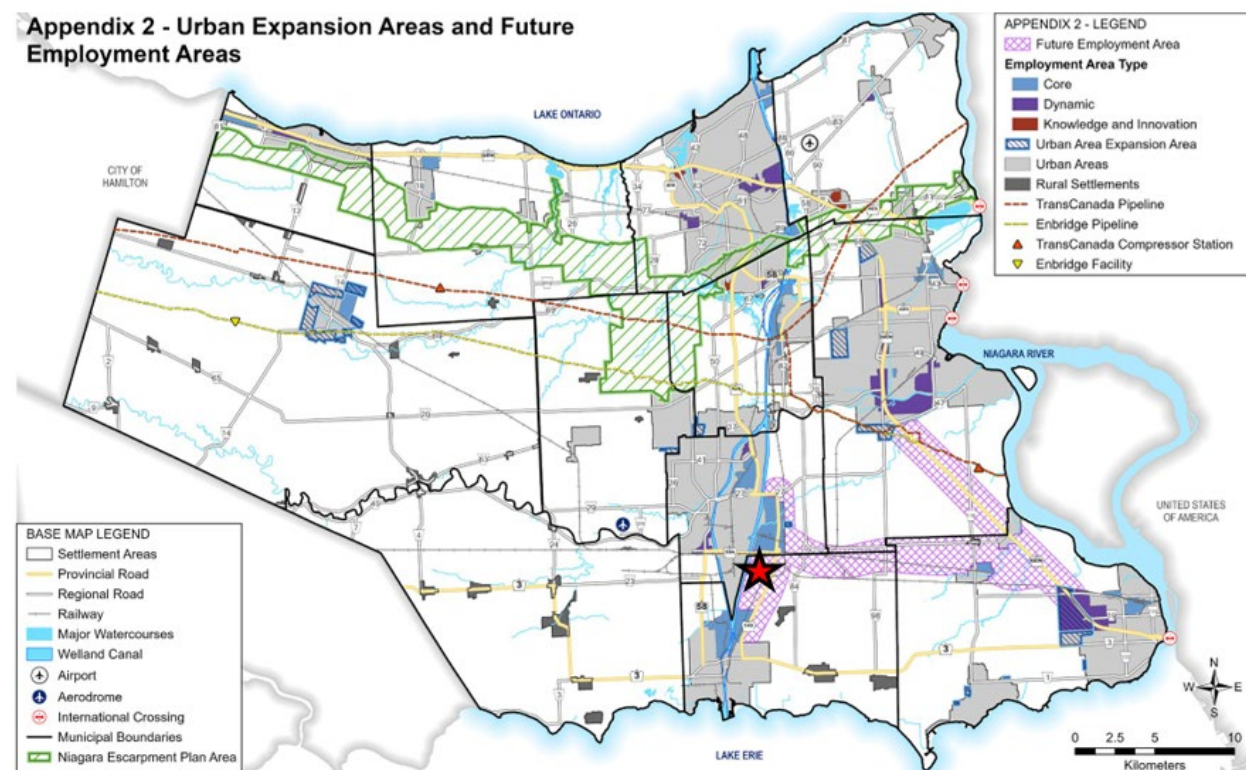
Figure 4: Schedule G – Employment Areas, Niagara Official Plan (2022)

4.3.1.1 Planning for Employment

Section 4.2 – Planning for Employment in the OP identifies the Region’s objectives for employment areas. The OP places an emphasis on fostering communities that attract people, jobs, and investment, while protecting employment uses for the long-term. The commentary in this section discusses the relevant OP policies and objectives for Employment lands within the Region.

The Region will consider opportunities for employment investment that will diversify Niagara’s economic base and enhance its local, national and global competitiveness (S.4.5.1.4). It is the objective of the Region to maximize its economic development potential and strengthen its economic resilience. To do so, the Region will protect employment areas and support the development of employment lands, to attract employers and workers to the region and retain investment (S.4.5.2.1.a.iii). The proposed ZBA would permit the development of necessary infrastructure that will support the operations of a new, major industrial facility, which would help diversify Niagara’s economic base and strengthen its economic resilience.





Subject Lands

Figure 5: Appendix 2 – Urban Expansion Areas and Future Employment Areas, Niagara Official Plan (2022)

The proposal aligns with the Region's economic development goals and objectives, by supporting the following policies in Section 4.2:

- 4.2.1.14 *Employment areas near major goods movement facilities and corridors associated with the movement of goods, such as international border crossings, the Welland Canal, rail and marine facilities, and Provincial highways, shall be protected and planned for employment uses.*
- 4.2.1.15 *The Region and Local Area Municipalities may support employment development and redevelopment serviced through sustainable private services, including dry industrial development, within employment areas where there are constraints to municipal water and wastewater systems/services.*
- 4.2.4.9 *Local Area Municipalities should encourage intensification on designated employment lands, where appropriate, through zoning and economic development initiatives, including a) expansion to employment uses and/or land operations.*



The proposed development includes critical infrastructure to support the operation of a large-scale manufacturing facility that will be constructed on adjacent MZO lands. The overall property that is owned by the proponent (i.e., Subject Lands and MZO lands) and planned for heavy-industrial use, is appropriately located within the Niagara Economic Gateway, and within a Future Employment Area. The Niagara Economic Gateway is comprised of all lands within the Niagara Economic Centre and the Niagara Economic Zone – including all major goods movement facilities and corridors as delineated on Schedule G of the Niagara OP (S.4.2.2.1). Within the Niagara Economic Gateway, the development of major facilities, manufacturing, as well as manufacturing-related and supply chain facilities is a priority for Niagara (S.4.2.2.2). These strategic locations are well-positioned to support increased economic diversity, as well as promote opportunities for international trade and the movement of goods (S.4.2.2.2). Lands within the Niagara Economic Gateway are the preferred location of future employment areas (S.4.2.2.4) due to their proximity to major goods movement facilities and corridors (S.4.2.3.1). The proposed ZBA is consistent with these policies, considering that the proposed infrastructure is critical for the operation of the future manufacturing facility on MZO lands, and that an amendment to the Zoning By-law is required to permit this infrastructural development on the Subject Lands.

The new heavy-industrial manufacturing facility will be located on a future employment area. Such areas may be considered for inclusion within the urban area (S.4.2.3.3) through a future urban area boundary expansion. The proposed manufacturing facility on adjacent MZO lands, will eventually be serviced through full municipal water and wastewater services. However, private, on-site water and wastewater services will be provided in the interim, as per Section 4.2.8.2 in the Niagara Official Plan. Further details regarding the functional servicing requirements for the proposed manufacturing facility, is provided in the Functional Servicing Report (FSR) prepared by Stantec (dated December 16, 2024). This report provides an assessment of servicing feasibility, and it outlines the proposed servicing strategy for the proposed use – which includes a phased implementation. Water and wastewater servicing requirements for the proposed industrial facility, is being addressed through the Site Plan Agreement (SPA) approval process that is underway for the MZO-regulated lands. There are no additional water and wastewater servicing requirements for the proposed infrastructural development on the Subject Lands.

Based on these considerations, it is our professional opinion that the proposed development is consistent with the Niagara Official Plan. The proposed development conforms to the general intent and development policies of the Rural Employment Area land use designation. Based on the above, an Official Plan Amendment (OPA) is not required at this time.

4.3.2 City of Port Colborne Official Plan, 2017

Through recent changes in Provincial legislation (*Bill 23*, 2022), the Regional Municipality of Niagara is now considered to be an upper-tier municipality without planning responsibilities. As noted in the previous subsection, the Niagara Official Plan is no longer a Regional Official Plan. It is now deemed to constitute an Official Plan of each of the twelve lower-tier municipalities in Niagara, including the City of Port Colborne, and it will remain in effect until the City revokes or amends it. As such, while the City of Port Colborne is now the approval authority for *Planning Act* applications (e.g., ZBA, OPA, etc.), the policies of both the Niagara Official Plan and the City of Port Colborne Official Plan remain in effect and will apply to this proposal.



The City of Port Colborne's Official Plan (OP) (updated 2017) regulates the extent, type and pattern of development within the City, and provides direction regarding the management of resources and land use in efforts to achieve and maintain a high quality of life for residents. The proposed development conforms to the general intent of Port Colborne's OP and the relevant policies of the applicable designation.

4.3.2.1 Rural Employment and Special Study Area

The Subject Lands are located outside of the Urban Area Boundary and are designated 'Rural Employment' and 'Special Study Area', as per Schedule A in the OP (**Figure 6**). According to Schedule A and Section 3.15.1 in the City's OP, the delineated 'Special Study Area' is further identified as the Niagara to GTA Corridor Special Study Area. Lands within this Special Study Area will be subject to comprehensive planning through a future Secondary Plan and will be reserved by the City to prevent intervening land uses from being established (S.3.15.1.b). As the proposed development is consistent with the general intent of the existing land use designation, it would not be considered an intervening land use.

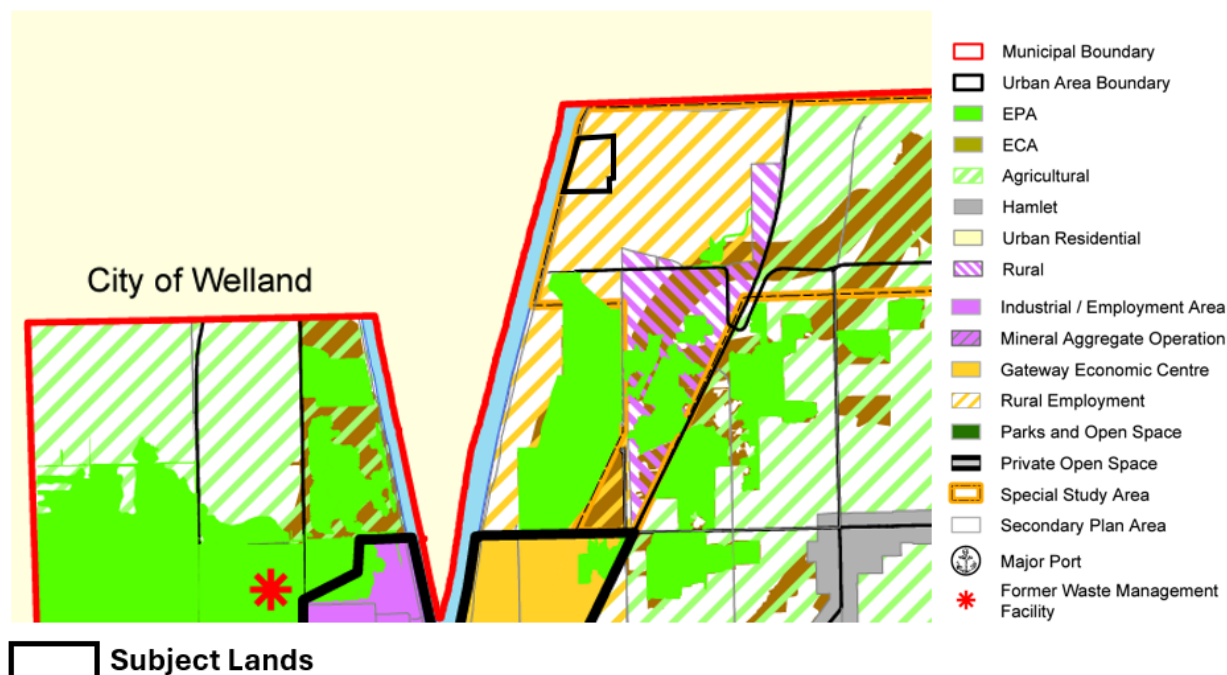


Figure 6: Schedule A – City-Wide Land Use, City of Port Colborne Official Plan (2017)

The City of Port Colborne recognizes its position as a provincial economic gateway. To support economic diversity and strengthen this position, it is determined to work collaboratively with all levels of government to support growth in key sectors – such as advanced manufacturing and logistics (S.2.3.2.c). The City promotes the utilization of existing industrial lands along the east and west side of the Welland Canal, and lands adjacent to the proposed Niagara to GTA Corridor, which is delineated on Schedule 'A' as a Special Study Area (S.2.3.2.e). As a commitment to economic development and diversity, the City intends to work with all industries to retain and foster their growth (S.2.4.6.3.b). The proposed development would support

the operations of an advanced manufacturing facility, to support economic diversification and strengthen the City's position as a provincial economic gateway. The Subject Lands are also located on existing industrial lands along the east side of the Welland Canal.

Land uses permitted within Rural Employment Areas will primarily consist of, but are not limited to, uses that are dry industrial in nature – which means that they are considered to have minimal water and wastewater requirements, in that they are capable of being serviced through sustainable private servicing (S.3.12). To that end, new or expanding development are required to complete functioning service reports and hydrogeological reports, at minimum, to support the new or expanding use (S.3.12.1.e). Further, an Environmental Compliance Approval (ECA) for the overall development of the proposed manufacturing facility, will be required as a condition of Site Plan Control (S.3.12.1.g). In all cases, new or expanding development on Rural Employment lands must demonstrate that the use cannot be located within the urban area – either due to land use compatibility issues, and/or specific locational requirements such as proximity to key transportation networks and infrastructure (S.3.12).

While it is intended that the proposed manufacturing facility will eventually be serviced through municipal servicing, which will be implemented through a phased approach, the FSR has demonstrated that the proposed facility is capable of being serviced through private, on-site services in the meantime. No additional water and wastewater servicing requirements are anticipated to be necessary for the proposed infrastructural development on the Subject Lands. An ECA process is currently underway for the manufacturing facility that is being proposed on the MZO-regulated portion of the property. A Hydrogeological Information Review (dated October 31, 2023), which includes an assessment of the Subject Lands, has also been prepared as per Section 3.12.1 e). Due to land use compatibility concerns and the need for access to key transportation networks and infrastructure, including railways, the Canal, and Provincial highways, the proposed manufacturing facility on MZO lands and the associated supportive infrastructure on the Subject Lands, cannot be located within the urban area. The land requirements (i.e., size) for a proposed manufacturing facility of this scale and size, is another reason why it cannot be located within the urban area.

Within the Rural Employment designation, proposed uses must be compatible with existing and/or planned agricultural uses on adjacent lands (S.3.12), and buffering is required between industrial/employment area uses and residential uses – including but not limited to, increased setbacks, a high degree of landscaping, screening and fencing (S.3.12.1.h). Any proposed use that has the potential for negative impacts (e.g., noise, vibration, dust/debris, odour, traffic, etc.), must demonstrate how all relevant federal, provincial and/or regional guidelines will be met and maintained (S.3.12.1.j).

At the time of writing this report, and to the best of our knowledge, there are no known existing or planned agricultural uses on adjacent lands. A minimum separation distance between the Subject Lands and the nearest residential property, which is located south of the Subject Lands, is approximately 350m from property line to property line. While landscaping plans will be confirmed at the SPA stage, screening and fencing, including noise control measures such as berms, are proposed on the Subject Lands. Supporting studies have been completed to address any potential negative impacts that may result from the proposed infrastructural development, which are able to demonstrate how relevant federal, provincial and/or regional guidelines can be met and maintained. The findings of relevant studies and reports are summarized under Section 7 of this report below.



Notwithstanding the policies of the Rural Employment designation, the Subject Lands form part of an area that is subject to a former OMB decision, as previously noted in Section 1.1 of this report above. As per Section 3.12.1 n) in the City's Official Plan, the uses permitted on these lands, and the policies that are applicable to these lands, are determined by an OMB decision made on July 11, 2013. The OMB decision, attached as Appendix 'A' to the City's Official Plan, granted the approval of a 56-tank petrochemical storage and distribution facility to be permitted as an additional use, for the area delineated as 'Special Policy Area' on Schedule A of the Official Plan Amendment that was subject to this OMB decision (shown in Appendix 'A' to the City's Official Plan). While a portion of the Subject Lands are contained within an area that is subject to this OMB decision, the permission of the additional use granted through this OMB decision is not relevant for this proposal.

4.3.2.2 Fish Habitat & Stream Corridors

Schedule B in the City's Official Plan (**Figure 7**), indicates that there is a stream corridor on the Subject Lands, and Fish Habitat on adjacent lands west of the Subject Lands. Through the EIS, the presence of one stream corridor (HDF) was confirmed. This stream corridor was classified as an indirect fish habitat. The EIS determined that there are no direct fish habitat present on the Subject Lands, and that there are no critical fish habitat present within the greater Study Area of the EIS.

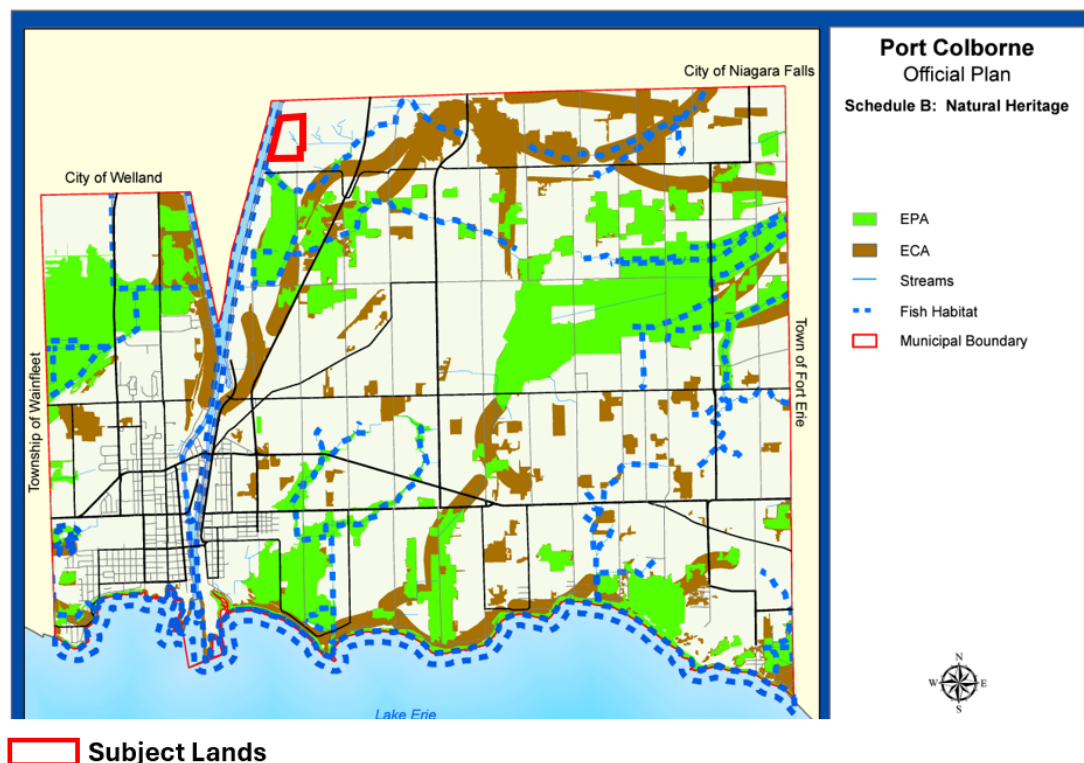


Figure 7: Schedule B – Natural Heritage, City of Port Colborne Official Plan (2017)

A naturally vegetated buffer area of at least 30 metres in width is required from the stable top of bank of a Critical Fish Habitat, and a minimum 15 metre vegetative buffer from the stable top of bank of an important or Marginal Fish Habitat (S.4.3.7.1.g). No direct fish habitat was identified on the Subject Lands, and no critical fish habitat was identified within the Study Area. However, the stream corridor adjacent to the Welland Canal, as shown in the EIS and HDFA reports, is identified as a Fish Habitat on Schedule B of the City Official Plan (**Figure 7**). Nevertheless, this stream corridor is located approximately 76m from the western property boundary of the Subject Lands, which significantly exceeds the minimum 15m buffer that is required for important or Marginal Fish Habitat.

As previously noted, the stream corridor on the Subject Lands will be removed, as approved by the NPCA through the issuance of a Site Alteration Permit that includes the West Lands (i.e., Subject Lands). Therefore, setback distances for watercourses will not be applicable for the Subject Lands.

Based on these considerations, it is our professional opinion that the proposed development is consistent with the City of Port Colborne Official Plan. The proposed development conforms to the general intent and development policies of the Rural Employment land use designation and the Special Study Area, and do not contravene the applicable Natural Heritage policies of the Official Plan. Therefore, based on the above, an Official Plan Amendment (OPA) is not required at this time.

4.3.3 City of Port Colborne Zoning By-law 6575/30/18

The Subject Lands are split zoned HI-46-H and ID-47-H (Heavy Industrial, Special Provision 46, Hold and Industrial Development, Special Provision 47, Hold), as per Schedule A2 in the City of Port Colborne's Zoning By-law 6575/30/18 (**Figure 8**).

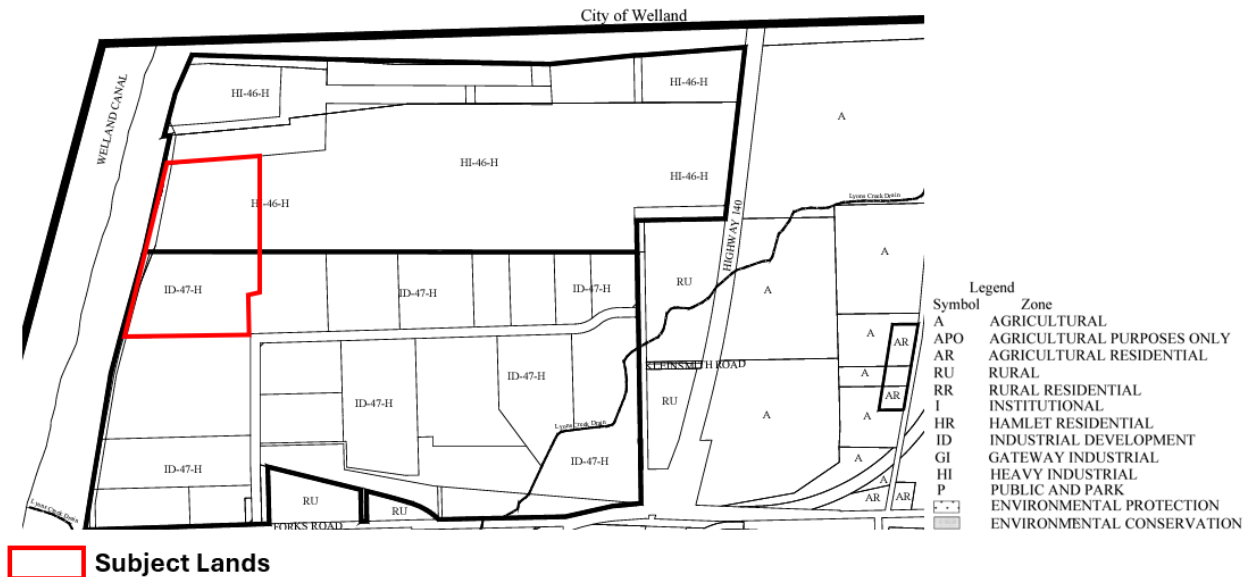


Figure 8: Schedule A2 – City of Port Colborne Zoning By-law No. 6575/30/18

Table 1 provides a summary of the uses permitted in each existing parent zone of the Zoning By-law, and **Table 3** in the next section, provides a summary of site provisions under the Heavy Industrial Zone.

Table 1: Permitted Uses in the Heavy Industrial (HI) and Industrial Development (ID) Zone

Heavy Industrial (HI) Zone (S.27.2) & (S.27.3)	Industrial Development (ID) Zone (S.30.2)
<u>Permitted Uses - Principal</u>	<u>Permitted Uses</u>
• Adult Entertainment Establishment • Bulk Fuel Depot • Cannabis Production Facility • Car Wash • Contractor's Yard • Crematorium • Education Facility • Heavy Equipment Sales and Service • Industry, Heavy • Industry, Light • Motor Vehicle Repair Garage • Public Uses • Research Facility • Transportation Depot; and • Uses, structures and buildings accessory thereto and does not include obnoxious, dangerous or offensive trades	• Agricultural Farm Related Commercial or Industrial • Contractor's Yard • Heavy Equipment Sales and Service • Multi-modal Storage Facility • Research Facility • Transportation Depot • Warehouse; and • Uses, structures and buildings accessory thereto and does not include obnoxious, dangerous or offensive trades
<u>Permitted Uses – Accessory</u>	N/A
• Food Vehicle • Office • Retail Store • Restaurant, Fast-Food • Restaurant, Full-Service; and • Restaurant, Take-Out	

Currently, the City's Zoning By-law defines 'Heavy Industry' as premises used for:

- The manufacture or processing of products from raw materials; and
- Outdoor processing of products and materials.

And 'Light Industry' is defined in the City's Zoning By-law as premises used for:

- The manufacture, processing, assembly, disassembly or packaging of finished parts or products from previously prepared materials;
- The repair or servicing of products;



Planning Justification Report

Table of Contents

- c) Building supply storage and wholesale; and
- d) Warehouse and storage

The proposed use on the Subject Lands represents supportive infrastructure for a facility that manufactures and processes products from raw materials. As such, based on the definitions provided above, the proposed use on the Subject Lands in conjunction with the manufacturing facility proposed on the MZO lands, would be classified as a “Heavy Industry” use.

Within the HI Zone, outdoor storage is permitted only in the rear and interior side yard (S.27.4.j), and the gross floor area (GFA) of the permitted accessory use(s) may not exceed 15% of the total GFA of the principal use(s) on the lot.

Within the ID Zone, outside storage may not exceed 10% of the total GFA on the lot, and it is only permitted in the rear and interior side yard (S.30.3.k). The GFA of the permitted accessory use(s) may not exceed 30% of the total GFA of the principal use(s) on the lot (S.30.3.l).

There is no outdoor storage being proposed on the Subject Lands. While the proposed high voltage electric substation will be an accessory use to the main manufacturing use on the MZO-regulated lands, the substation, and all other development being proposed on the Subject Lands, will be uncovered structures. Thus, the zoning regulations that speak to outdoor storage and GFA coverage within the HI and ID zones, as noted above, will not be relevant for the specific uses and development being proposed on the Subject Lands.

Notwithstanding the provisions of the HI and ID Zones, the Subject Lands are regulated by the following site-specific provisions as per the HI-46-H and ID-47-H Zones, as shown in **Table 2** below.

Table 2: Special Provisions and Conditions for Holding Symbol

Site-Specific Zone / Special Provisions (S.37)		
	HI-46-H Zone	ID-47-H Zone
Special Provisions	<i>a) The provisions in Section 23 (HI – Heavy Industrial) of the City of Port Colborne former Zoning By-law 1150/97/81 will continue to apply to the lands zoned HI-46-H (Heavy Industrial - Holding). The permitted uses will be restricted to a 56-tank petrochemical storage facility.</i>	<i>a) Prior to any dry industrial development of lands zoned ID-47-H, a Zoning By-law Amendment is required to establish the permitted uses and zone requirements.</i>
Conditions for the Removal of the Holding Provision Symbol	<i>b) The uses permitted in this By-law shall not occur until the Holding Symbol (H) on the HI-46-H (Heavy Industrial – Holding) zone is removed through an amending By-law enacted by the City of Port Colborne. The Holding Provision will be administered to provide Council with the authority to ensure a Phase 2 Archaeological Study, a Geotechnical Study, a Noise Study, an Air Quality Study, Site Access and Traffic Study, a Vibration Study, a Tree</i>	<i>b) Development on the subject lands shall not occur until the Holding Symbol (H) on the ID-47-H (Dry Industrial Development – Holding) zone is removed through an amending By-law enacted by the City of Port Colborne. Removal of the Holding Symbol (H) may only occur when:</i> <i>i) The Owner enters into and registers on title a Site Plan Agreement with the City of Port Colborne which will include recommendations made in the supporting</i>



Site-Specific Zone / Special Provisions (S.37)	
<i>Preservation Plan, an Environmental Impact Statement, and a Risk Assessment Report have been undertaken to the satisfaction of the City and appropriate approval authorities.</i> <i>Removal of the Holding Symbol (H) may only occur when:</i> i) <i>The Owner enters into and registers on title a Site Plan Agreement with the City of Port Colborne which will include recommendations</i>	<i>technical studies conducted in association with the development application</i> ii) <i>Appropriate technical studies are submitted including a Phase 2 Archaeological Study, a Geotechnical Study, a Noise Study, an Air Quality Study, Site Access and Traffic Study, a Vibration Study, a Tree Preservation Plan, an Environmental Impact Statement, and a Risk Assessment Report dependent upon the use proposed. A pre-consultation meeting will be held to identify which studies are required and to scope the extent of the studies. The above mentioned technical studies and their recommendations are to be satisfactory to the City of Port Colborne; and</i> iii) <i>Prior to the City entering to the Site Plan Agreement, approval shall be obtained from the applicable approval authority which identifies an appropriate location and design for a private sewage disposal system and private water supply system to adequately and appropriately service the proposed use.</i>

To date, many of the supporting studies that are required to remove the Holding provision on the Subject Lands, as shown in **Table 2** above, have been completed for the proposed manufacturing facility on the MZO lands. These studies have included the Subject Lands within their assessment, and many of which includes a study area that consists of the entire former property boundary, as described in Section 1.1 and shown as 'Property Boundary' on the site plan (**Appendix A**), which includes the Subject Lands, the MZO lands (shown as 'Site Limit' on the site plan), as well as lands owned by others to the south. At the time of writing this report, the following studies have been completed, as per conditions for Holding (H) removal:

- Phase 2 Archaeological Study
- Geotechnical Study
- Noise Study
- Air Quality/Emissions Study
- Traffic Impact Study
- Environmental Impact Study/Statement

The conclusions of relevant studies that are specifically applicable to the proposed development on the Subject Lands, are summarized under Section 7 of this report below.



As per the special provisions listed under the HI-46-H and ID-47-H Zones (**Table 2**), the Owner is required to enter into, and register on title, a Site Plan Agreement with the City of Port Colborne prior to the removal of the Holding (H) provision on the Subject Lands. However, on August 20, 2025, a virtual meeting was held with the City's Chief Planner. During the meeting, the City advised that the two existing Holding provisions on the Subject Lands may be removed concurrently as part of this ZBA application, given that the existing Holding (H) provisions reflect a previous OMB decision associated with a different development proposal. Following directions provided by the City, it is the applicant's intent to lift the two existing Holding provisions from the Subject Lands as part of this ZBA application.

Holding (H) provision removal aside, a Zoning By-law Amendment (ZBA) is also necessary to establish the proposed development as a permitted use on the Subject Lands. Currently, the proposed development of supportive infrastructure for the future heavy-industrial manufacturing facility, would not be permitted on the Subject Lands based on existing zoning regulations. The special provisions for the HI-46-H Zone states that the permitted use is restricted to a 56-tank petrochemical storage facility, and special provisions under the ID-47-H Zone, states that a ZBA is required to establish the permitted uses and zone requirements. As the proposed use is not a 56-tank petrochemical storage facility, a ZBA is required to establish the proposed development as a permitted use on the Subject Lands, as well as establish the zone requirements to mirror the provisions granted by the MZO.

5 Proposed Zoning By-law Amendment (ZBA)

The proposed ZBA will apply exclusively to the area identified as the Subject Lands, as the remainder of the property is subject to a previously approved MZO (**Figure 2**). The primary objective of this ZBA is to establish consistent zoning provisions across the entire property, with the intent of integrating the new West Lands with the remaining, MZO-regulated portions of the site. A new Site-Specific Zone is proposed to achieve this, with special provisions that are intended to mirror the ones granted by the in-effect MZO.

Existing zoning regulations and provisions are shown in **Table 3** below. **Table 3** also provides a summary of the special provisions granted by the in-effect MZO (**Appendix C**), which applies to the adjacent, eastern portions of the property. As shown in **Table 3**, the site-specific zoning provisions being requested as part of this ZBA, are intended to mirror those granted by the MZO – except for the maximum building height, which is proposed to be maintained at 15 m. A maximum height of 15 m would be equivalent to what is currently permitted in a Heavy Industrial (HI) Zone.



Planning Justification Report
Table of Contents

Table 3: Existing Zoning Regulations & Requested Site-Specific Zoning Provisions.

Heavy Industrial (HI) Zone	Required	Site-Specific Provisions Granted by MZO (on Eastern Portions of Property)	Site-Specific Provisions Requested for Subject Lands (Western Portions of Property)
Zoning Requirements (S.27.4)			
Minimum Lot Frontage	30 m	30 m, which may be along an unopened or future road allowance.	30 m, which may be along an unopened or future road allowance.
Minimum Front Yard	7.5 m	7.5 m	7.5 m
Minimum Front Yard abutting a Residential or Agricultural Zone	15 m	N/A	N/A
Minimum Side Yard	10% of lot frontage or 3 metres, whichever is less	Interior Side Yard Setback 3 m Corner Exterior Side Yard Setback 7.5 m	Interior Side Yard Setback 3 m Corner Exterior Side Yard Setback 7.5 m
Minimum Interior Side Yard abutting a Residential or Agricultural Zone	15 m	N/A	N/A
Minimum Interior Side Yard abutting a Railroad or Hydro Right-of-Way	1.5 m	N/A	N/A
Minimum Rear Yard	8 m	8 m	8 m
Maximum Building Height	15 m	35 m	15 m
Maximum Building Height abutting a Residential Zone	8 m	N/A	N/A
Minimum Parking – Total on Site	1 space per 100 square metres GFA = 1,859 spaces	1,400	1,400
Minimum Accessibility Parking (Local Zoning Requirement)	2% of required parking = 38 spaces	27	27
Minimum Accessibility Parking (Provincial Requirement)	11 Spaces + 1% of required parking = 27		
Minimum Bicycle Parking	1 space per 1,000 square metres of GFA = 186	30 Outdoor Bicycle Parking Spaces	30 Outdoor Bicycle Parking Spaces
Loading Space	Located in an interior side yard or rear yard	Loading areas are permitted to be located in all yards.	Loading areas are permitted to be located in all yards.
Outside Storage	Permitted only in the rear and interior side yard	Outdoor storage and outdoor processing is permitted in all yards, including yards abutting highways or arterial collector roads.	Outdoor storage and outdoor processing is permitted in all yards, including yards abutting



Planning Justification Report
Table of Contents

Heavy Industrial (HI) Zone	Required	Site-Specific Provisions Granted by MZO (on Eastern Portions of Property)	Site-Specific Provisions Requested for Subject Lands (Western Portions of Property)
Zoning Requirements (S.27.4)			
			highways or arterial collector roads.
GFA of Permitted Accessory Use(s)	The gross floor area of the permitted accessory use(s) shall not exceed 15% of the total gross floor area of the principal use(s) on the lot.	Accessory uses may account for up to 20% of the total gross floor area of the principal use.	Accessory uses may account for up to 20% of the total gross floor area of the principal use.
Parking Landscaped Open Space within Parking Areas	10% of the parking area	Equal to 10% of the Parking Area and shall be provided within the parking area, or within 10 m of the parking area limit.	Equal to 10% of the Parking Area and shall be provided within the parking area, or within 10 m of the parking area limit.

The proposed ZBA seeks to establish a blanket zone across the Subject Lands, by removing the two existing Holding provisions and rezoning it to the Heavy Industrial (HI) Zone with special provisions (HI-X Zone). This would involve an amendment to the Zoning By-law's text (Section 37), as well as to its zoning maps (Schedule A2) to show the new Site-Specific Zone on the Subject Lands. The draft amendment would read as follows:

Special Provision: HI-X

Notwithstanding the provisions of the Heavy Industrial (HI) Zone, the following shall apply:

- a) For the purposes of this Site-Specific Zone, the lands zoned as HI-X in this Zoning By-law shall be deemed to be a single lot, and despite any future severance, partition or division of these lands, the special provisions provided under this section for HI-X, shall apply to all of these lands as if no severance, partition or division occurred.
- b) Every use of land and every erection, location or use of any building or structure is prohibited on the Subject Lands, except for the following uses:
 - i. Heavy industrial uses.
 - ii. Detached buildings or structures that are accessory to the principal use on the same lot.
 - iii. Accessory uses, including but not limited to a high-voltage electric substation.



- c) The following zoning requirements apply to the uses permitted on lands zoned HI-X:
- i. The minimum lot frontage is 30 metres, which may be along an unopened or future road allowance.
 - ii. The minimum front yard setback is 7.5 metres.
 - iii. The minimum corner exterior side yard setback is 7.5 metres.
 - iv. The minimum interior side yard setback is 3 metres.
 - v. The minimum rear yard setback is 8 metres.
 - vi. The maximum building height is 15 metres.
 - vii. The minimum number of parking spaces is 1,400.
 - viii. The minimum number of accessible parking spaces is 27.
 - ix. The minimum number of outdoor bicycle parking spaces is 30.
 - x. The minimum landscaped open space within a parking area shall be equal to 10 per cent of the parking area and shall be provided within the parking area or within 10 metres of the parking area limit.
 - xi. Loading areas are permitted to be located in all yards.
 - xii. Outdoor storage and outdoor processing is permitted in all yards, including yards abutting highways or arterial collector roads.
 - xiii. Accessory uses may account for up to 20 per cent of the total gross floor area of the principal use.



6 Planning Justification

6.1 Provincial Considerations

The proposed ZBA is consistent with PPS policies and has consideration for Provincial interests. The proposed infrastructural development on the Subject Lands, will support the operations of a large battery separator manufacturing facility on the adjacent, MZO-regulated portions of the property. The proposed development is a critical ancillary use to the future heavy-industrial facility, which provides opportunities for a diversified economic base (PPS, S.2.8.1.1.c). In supporting the operations of a major industrial use, the proposed development will support a viable rural area through the creation of jobs and employment opportunities (PPS, S.2.5.1.e). The proposed development will support economic development and help sustain the economic prosperity and vitality of the Province.

The Subject Lands provide a suitable size and location for the proposed development, and the overall property exists in a strategic location. It is within an employment area that is in proximity to major goods movement facilities and corridors, including a Provincial Highway, an existing CN railway, and the Welland Canal (PPS, S.2.8.2.2). Connection and access to these facilities and corridors are required for employment uses like the manufacturing facility that has been proposed. Furthermore, assessments for noise and emissions have been conducted to assess the potential adverse impacts of the proposed development, with regard for sensitive land uses within its vicinity. Based on the reports' findings and conclusions, provincial standards and requirements for noise and emissions can be achieved, provided that the associated recommendations are followed. For instance, noise controls, including the construction of two (2) berms with noise walls are proposed on the Subject Lands, and they will be located to the west and south of the proposed high voltage electric substation. This will create a noise barrier between the proposed substation, and the residential uses to the south. With the implementation of these recommended noise control measures, along with a separation distance of approximately 350m between the Subject Lands and the property boundary of the existing residential uses to the south (which is greater than the minimum separation distance of 300m, as recommended by the Ministry for the worst-case-scenario of a Class III facility), it is our professional opinion that land use compatibility may be achieved between the proposed development, and the residential uses to the south (PPS, S.3.5.1).

6.2 Local Considerations

The proposed ZBA would facilitate the proposed development, allowing for the future manufacturing facility to be operational. The development of this heavy-industrial facility represents growth in one of the City's key sectors – advanced manufacturing (City Official Plan, S.2.3.2.c). The proposed development represents an expansion to an employment use, to support the immediate needs of an existing business (Niagara Official Plan, S.4.2.8.4). By supporting this major employment use, the proposed development would support economic development, resilience, and growth in the City (City Official Plan, S.2.4.6.3.b), and within the Region, by diversifying Niagara's economic base to enhance its local, national and global competitiveness (Niagara Official Plan, S.4.5.1.4). As the future employment use is anticipated to be a major employer in the Region, it is likely to attract workers to the region (Niagara Official Plan,



S.4.5.2.1.a.iii). The proposed development, and the associated manufacturing facility, will help sustain the long-term economic vitality of the City and Region.

The Subject Lands are located within the Niagara Economic Centre, and it is identified as a Future Employment Area. It is strategically situated near major goods movement facilities and corridors, including a Provincial highway, rail corridors, and the Welland Canal (Niagara Official Plan, S.4.2.1.14) – making it ideal for the development of major facilities, manufacturing, as well as manufacturing-related and supply chain facilities (Niagara Official Plan, S.4.2.2.2), such as what is being proposed. This site is a strategic location that is well-positioned to support increased economic diversity, as well as promote opportunities for international trade and the movement of goods (Niagara Official Plan, S.4.2.2.2). Given the scale and nature of the overall development, the proposed heavy-industrial use cannot be located within the urban area (City Official Plan, S.3.12).

The future manufacturing facility will eventually be serviced through municipal services. However, private, on-site water and wastewater services will be provided in the interim (Niagara Official Plan, S. 4.2.8.2; City Official Plan, S.3.12). The feasibility and details of the proposed servicing strategy are provided within the FSR prepared by Stantec, as required to support new or expanding uses in the Rural Employment Area (City Official Plan, S.3.12.1.e). However, no additional water or wastewater servicing requirements are anticipated for the high voltage electric substation proposed on the Subject Lands. Nonetheless, the overall development of the property and proposed manufacturing facility will be subject to an Environmental Compliance Approval (ECA) at the SPA stage, which is currently underway for the MZO-regulated portion of the property. A Hydrogeological Information Review (dated October 31, 2023) was prepared by MTE, which includes an assessment of the Subject Lands. This assessment may address Section 3.12.1.e in the City Official Plan, which also requires that a hydrogeological report be completed to support new or expanding uses in the Rural Employment Area. Noise and emission studies have also been conducted, and it has been determined that the noise and emission levels generated from the Subject Lands and the adjacent, MZO-regulated area of the property due to the proposed development, would meet Provincial standards and guidelines (City Official Plan, S.3.12.1.j).

7 Supporting Studies

7.1 Stage 1 & 2 Archaeological Assessment

A Stage 1 Archaeology Assessment was prepared by Golder Associates (January 23, 2012), for the previous owner of the Subject Lands, Nyon Oil Inc. The Archaeological Assessment was prepared to support an OPA and ZBA application for the Nyon Energy Park that was previously proposed and approved for the Subject Lands but was never developed. The Stage 1 Archaeological Assessment involved background research, to compile all available information in accordance with Ministry standards, regarding the known and potential cultural heritage resources that may be present within the study area. The Assessment was completed for a larger site, which included the Subject Lands.

While a Stage 2 Archaeological Assessment was recommended for a portion of this larger study area, it was determined that the Subject Lands contain low archaeological potential. On Map 5 in the Stage 2



Archaeological Assessment prepared by Golder Associates (June 15, 2015), the Subject Lands were delineated as an “Area of No Further Archaeological Concern”. The Stage 2 Archaeological Assessment was entered into the Register with the Ministry of Tourism, Culture and Sport on June 26, 2015.

7.2 Hydrogeological Information Review

A Hydrogeological Information Review was completed by MTE Consultants Inc. (MTE) (dated October 31, 2023), for a Study Area that includes the Subject Lands. The Hydrogeological Information Review includes a review of existing geological and hydrogeological information, and particularly, it includes a review of relevant subsurface information for the property to assess the possible hydrogeological impacts on future development. The Hydrogeological Information Review concluded that:

- The stratigraphic conditions encountered in the boreholes typically consisted of topsoil and/or fill materials overlying silty clay deposits. The fill was generally comprised of clayey silt;
- The MECP WWIS was queried for data pertaining to all wells located within an approximate 500 m radius of the Site and resulted in data for 23 wells. Three records were for wells reportedly used as a water supply;
- The site is not located within any WHPA, IPZ, ICA, SGRA or HVA;
- Based on the encountered subsurface conditions, it is MTE’s opinion that passive dewatering in the form of sumps would be sufficient to maintain dry site conditions.

7.3 Functional Servicing Report (FSR)

A Functional Servicing Report was prepared by Stantec, dated December 16, 2024, to prepare a detailed assessment of the functional servicing requirements for the proposed battery separator manufacturing facility on the MZO-regulated portions of the property. The report provides an assessment of the water, wastewater, and stormwater networks to ensure compliance with municipal and provincial standards. The FSR also outlines the servicing strategy, including phased implementation, and identifies the capacity and location of the infrastructure required to support the development. The FSR determined that the site is serviceable from a water, wastewater, and stormwater perspective.

The report determined the following conclusions and recommendations for the overall manufacturing facility proposed:

- On-site sanitary treatment and disposal in the interim is required until municipal infrastructure is available.
- Industrial flows generated within the development will be conveyed via above-ground pipe racks to the proposed on-site wastewater treatment plant (WWTP). After treatment at the WWTP, the industrial flows will be directed via gravity to Stormwater Management Facility #4 (SWMF #4), which is located on the Subject Lands (i.e., West Lands). The SWMF is not intended for containment and shall receive treated water only. The WWTP includes a containment dike and is



to discharge treated clean water. The SWMF #4 will ultimately discharge into the Welland Canal via an underground gravity storm sewer.

- On-site water storage is required for interim water supply as well as to supply water for redundancy purposes during ultimate build-out conditions.
- Booster pumping should be provided to overcome elevation related pressure deficiencies in the water system.
- Controls at the firehouse pump should be optimized to better control flows and pressures within the building and tank yard fire loops.
- Water quality limits are achieved under ultimate condition with proposed backflow preventers in the system to eliminate the risk of water deterioration.
- Hydrant testing should be completed on all new hydrants to further confirm the results achieved from the hydraulic model.
- Three wet ponds and one wetland facility, along with oil and grit separators, are able to provide stormwater quantity and quality control.

The proposed infrastructural development on the Subject Lands, and particularly the fourth Stormwater Management Facility, will support this servicing strategy for the overall industrial development. Additional demand for functional services are not anticipated for the proposed infrastructural development (i.e., high voltage electric substation) on the Subject Lands.

7.4 Stormwater Management (SWM) Report

A Stormwater Management (SWM) Report was prepared by Stantec (dated March 7, 2025), to address the stormwater management strategy for the proposed industrial development. The SWM report discusses the stormwater management strategy that has been developed for the entire property, to mitigate potential impacts of the proposed development on adjacent water features.

Based on the analysis provided in the report, the following conclusion and recommendations are provided:

- The proposed wet pond SWMFs No. 2, 3, and 4 as well as wetland SWMF No. 1 provide both water quantity and water quality control for the proposed industrial development.
- Sufficient permanent pools in SWMFs No. 1, 2, 3 and 4 are provided to achieve an 'Enhanced' water quality control for the Site in order to meet MECP water quality requirements.
- The proposed SWMFs provide sufficient storage to attenuate post-development discharges to maintain required target flow rates.
- It is recommended that the erosion and sediment control measures documented within this report be implemented.



- A monitoring, maintenance, and mitigation plan will be developed in consultation with NPCA and the City.

7.5 Environmental Impact Assessment (EIS)

An Environmental Impact Study (EIS) was prepared by MTE Consultants Inc. (MTE) (dated June 23, 2025), to provide an analysis of ecological constraints and opportunities to ensure the proposed development and site alteration is consistent with the Provincial Planning Statement, the Niagara Official Plan (consolidated 2024), the City of Port Colborne Official Plan (2017), and Niagara Peninsula Conservation Authority (NPCA) policy (i.e., *Ontario Regulation 41/24*). Further, the EIS report provides an evaluation of potential impacts to natural heritage features and functions, as well as recommendations for avoidance, mitigation and compensation measures to address potential impacts as a result of the proposed development.

The conclusions and recommendations of the EIS determined that direct impacts can be mitigated using construction timing windows and with the implementation of an erosion and sediment control plan. The loss of suitable habitat for Eastern Meadowlark (confirmed SAR habitat), has been compensated for in accordance with Provincial requirements outlined within *Ontario Regulation 830/21*. It was determined that the proposed development can proceed, provided that the recommendations of the EIS are followed.

7.6 Headwater Drainage Feature Assessment (HDFA)

A Headwater Drainage Feature Assessment (HDFA) was prepared by MTE Consultants Inc. (MTE) (dated July 8, 2024), to provide an assessment of the existing headwater drainage features and identify their importance for the watershed. The assessment was conducted to identify which features are required to be maintained as part of the proposed development. Based on the assessment's findings, two features were recommended for "Protection" (i.e., to be retained) and the remaining features, including the HDF on the Subject Lands, were all recommended for "Mitigation".

Recommendations for the "Mitigation" classification of management, as per the Evaluation, Classification and Management of Headwater Drainage Features Guidelines (CVC & TRCA 2014), include the following:

- Replicate or enhance functions through enhanced lot level conveyance measures, such as well-vegetated swales (herbaceous, shrub and tree material) to mimic online wet vegetation pockets, or replicate through constructed wetland features connected to downstream;
- Replicate on-site flow and outlet flows at the top end of system to maintain feature functions with vegetated swales, bioswales, etc. If catchment drainage has been previously removed due to diversion of stormwater flows, restore lost functions through enhanced lot level controls (i.e. restore original catchment using clean roof drainage);
- Replicate functions by lot level conveyance measures (e.g. vegetated swales) connected to the natural heritage system, as feasible and/or Low Impact Development (LID) stormwater options (refer to Conservation Authority Water Management Guidelines for details).



7.7 Noise Impact Assessment

An Acoustic Assessment Report was prepared by Aercoustics Engineering Limited (Aercoustics) (dated January 29, 2025), as required by the Ministry of the Environment, Conservation and Parks (MECP), to support an application for registration under the Environmental Activity and Sector Registry (EASR) for the proposed Battery Separator Manufacturing Facility. The study includes an assessment of the noise impact of proposed noise sources – including the proposed high-voltage electric substation, as well as an outline of noise mitigation measures that are required to satisfy the applicable MECP sound level limits. Where sound levels are predicted to exceed the MECP sound level limits, the Acoustic Assessment Report provides recommendations for noise control measures to satisfy these sound level limits. The existing residential dwellings located to the south and southeast of the proposed development, have been accounted for within this noise impact assessment.

With the incorporation and implementation of the recommended noise control measures, including noise barriers such as the two berms being proposed, it was determined that the noise level discharged from the facility at each affected point of noise reception, would be less than or equal to the applicable sound level limit as per Provincial guidelines and thresholds.

8 Conclusion

This report and the accompanying studies are part of a comprehensive and complete application package necessary to support the proposed Zoning By-law Amendment. These supporting studies provide a thorough review of the potential impacts that the proposed development may have on the Subject Lands and the surrounding area. The proposed infrastructural development on the Subject Lands will support a future heavy industrial employment use, which is situated in a suitable location in proximity to major goods movement facilities and corridors, with adequate separation distances from sensitive land uses to meet land use compatibility requirements. Based on the review and analysis provided in previous sections of this report, the lands in question will provide a feasible and appropriate location for the proposed infrastructure, which is intended to support the future industrial development and employment use on the same property. In our professional opinion, the proposed development represents sound planning and aligns with provincial and local interests.

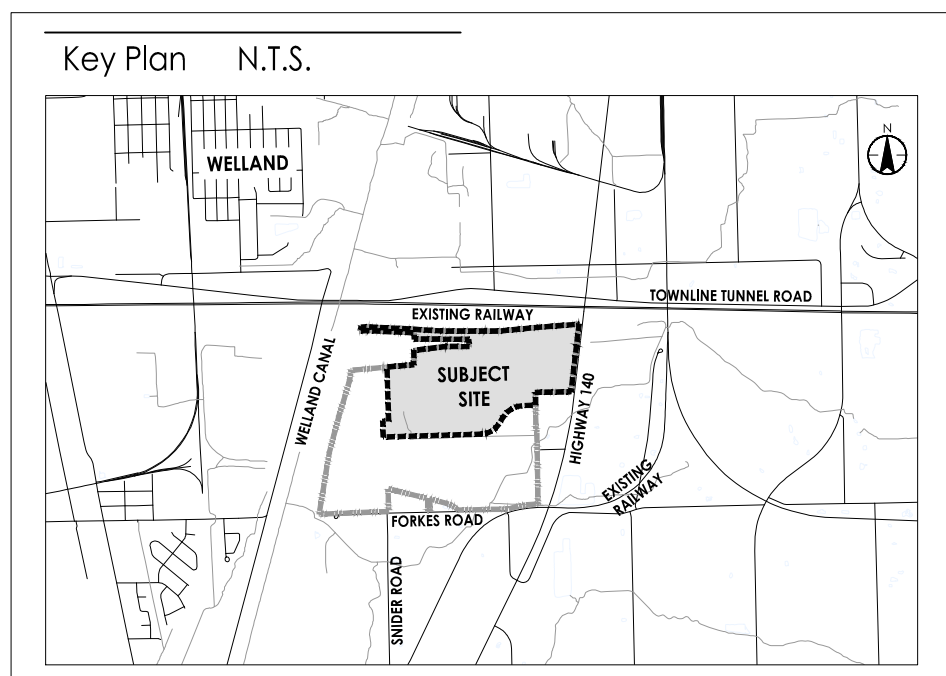
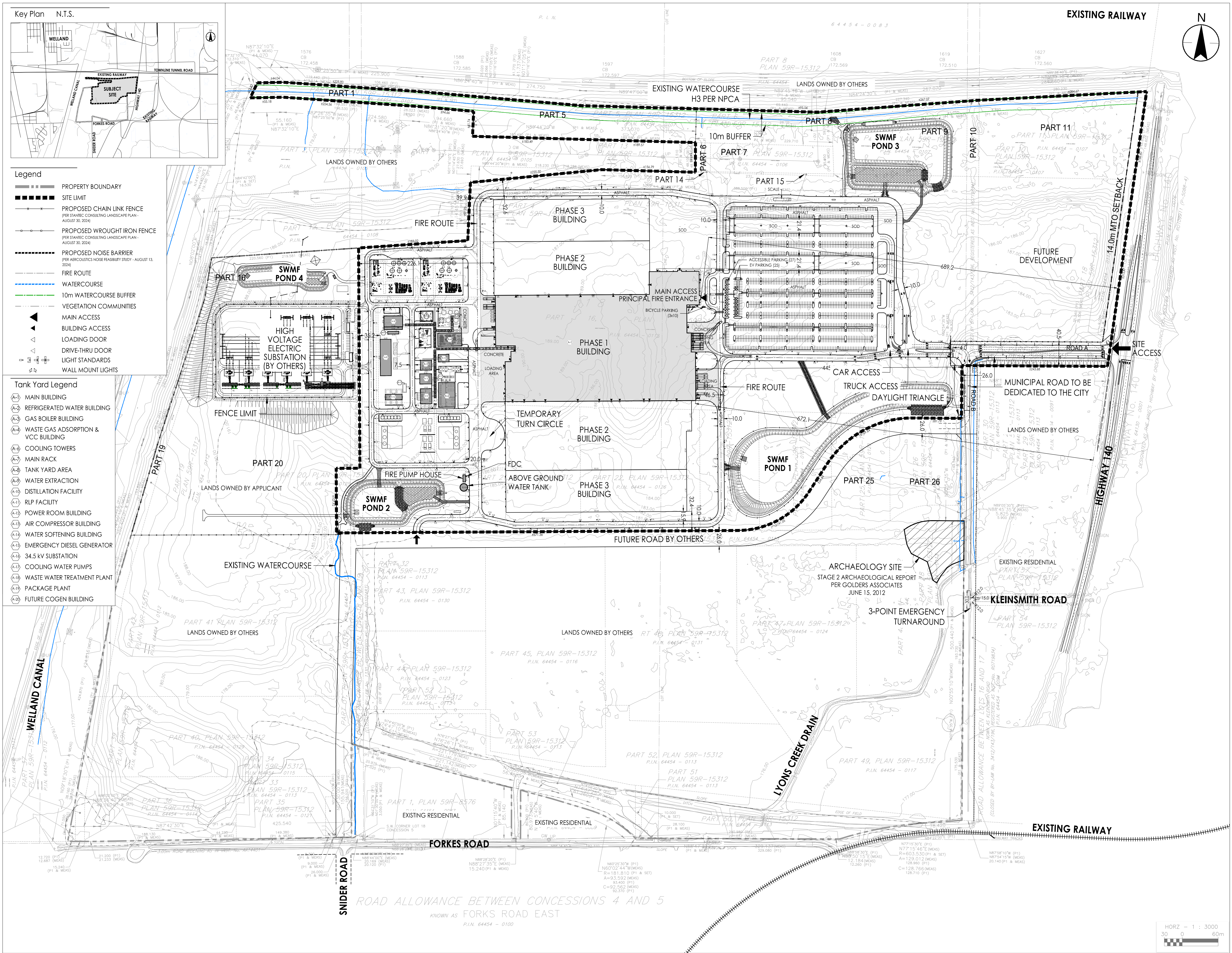


Appendix



Appendix A Site Plan





- Legend**
- PROPERTY BOUNDARY
 - SITE LIMIT
 - PROPOSED CHAIN LINK FENCE (PER STANTEC CONSULTING LANDSCAPE PLAN - AUGUST 30, 2024)
 - PROPOSED WROUGHT IRON FENCE (PER STANTEC CONSULTING LANDSCAPE PLAN - AUGUST 30, 2024)
 - PROPOSED NOISE BARRIER (PER ACOUSTICS NOISE FEASIBILITY STUDY - AUGUST 13, 2024)
 - FIRE ROUTE
 - WATERCOURSE
 - 10m WATERCOURSE BUFFER
 - VEGETATION COMMUNITIES
 - MAIN ACCESS
 - BUILDING ACCESS
 - LOADING DOOR
 - DRIVE-THRU DOOR
 - LIGHT STANDARDS
 - WALL MOUNT LIGHTS

- Tank Yard Legend**
- MAIN BUILDING
 - REFRIGERATED WATER BUILDING
 - GAS BOILER BUILDING
 - WASTE GAS ADSORPTION & VCC BUILDING
 - COOLING TOWERS
 - MAIN RACK
 - TANK YARD AREA
 - WATER EXTRACTION
 - RLP FACILITY
 - DISTILLATION FACILITY
 - POWER ROOM BUILDING
 - AIR COMPRESSOR BUILDING
 - WATER SOFTENING BUILDING
 - EMERGENCY DIESEL GENERATOR
 - 34.5 kV SUBSTATION
 - COOLING WATER PUMPS
 - WASTE WATER TREATMENT PLANT
 - PACKAGE PLANT
 - FUTURE COGEN BUILDING



Stantec
400-1305 Riverbend Road
London ON N6K 0J5
Tel. 519-645-2007
www.stantec.com

Liability Note
The Contractor shall verify and be responsible for all dimensions. DO NOT scale the drawing - any errors or omissions shall be reported to Stantec without delay.

Design Data		
Proposed Zone:	Heavy Industrial with Special Provisions (H1...)	
Site Area (m ²)	74,446 ha / 183.96 ac	
Gross Floor Area		
Phase 1	±650,000 m ² / ±60,387 m ²	
Phase 2	±700,000 m ² / ±65,032 m ²	
Phase 3	±650,000 m ² / ±60,387 m ²	
Total	±2,000,000 m ² / ±183,806 m ²	
Zone Provisions	Requirement	Proposed
Minimum Lot Frontage	30 m	464.07 m (Hwy 140)
Minimum Front Yard	7.5 m	444.4 m
Minimum Front Yard abutting a Residential or Agricultural Zone	15 m	N/A
Minimum Side Yard	10% of lot frontage or 3m, whichever is less = 3m	North = 32.6 m South = 32.4 m
Minimum Side Yard abutting a Residential or Agricultural Zone	15 m	N/A
Minimum Interior Side Yard abutting a Railroad or Hydro Right-of-Way	1.5 m	32.6 m
Minimum Rear Yard	8 m	35.2 m
Maximum Building Height	15 m	35 m *
Maximum Building Height abutting a Residential Zone	8 m	35 m *
Minimum Parking - Total On Site (Includes EV and Accessible Parking)	1 space per 100 square metres GFA = 1,859	1,525 *
Minimum Accessibility Parking (Local Zoning Requirement)	2% of required parking = 38	27 * Included in total
Minimum Accessibility Parking (Provincial Requirement)	11 Spaces + 1% of required parking = 27	
Minimum Bicycle Parking	1 space per 1,000 square metres of GFA = 186	30 * (outdoor only)
EV Parking	N/A	25 Included in total
Loading Spaces	Located in an interior side yard or rear yard	Loading spaces permitted in all yards *
Outside Storage	Permitted only in the rear and interior side yards	Outside storage to be permitted in all yards *
The gross floor area of the permitted accessory use(s) shall not exceed 15% of the total gross floor area of the principal use(s) on the lot	15%	20% *
Parking Landscaped Open Space within Parking Areas	10% of the parking area	Landscaped Open Space within parking areas and/or within 10m of paved area to equal 10% *

* SPECIAL PROVISIONS APPROVED THROUGH MUNICIPAL ZONING ORDER, ONTARIO REGULATION #437/24
** GARBAGE TO BE PRIVATE PICKUP

9 FOR SITE PLAN APPROVAL - SUBMISSION 3 (100% CD)	RT	BB	2025.03.31
8 FOR SITE PLAN APPROVAL - SUBMISSION 2	RT	BB	2024.12.13
7 80% CD	RT	BB	2024.11.29
6 50% CD	RT	BB	2024.08.30
5 100% DD	RT	BB	2024.07.26
4 80% DD	RT	BB	2024.06.28
Issued/Revision	By	Appd	YYYY.MM.DD

Permit/Seal

Client/Project Logo
AsahiKASEI

Client/Project
MANUFACTURING FACILITY

PROJECT EAGLE
5088 HIGHWAY 140

PORT COLBORNE, ON
CANADA

Title
SITE PLAN
JULY 2, 2025

Project No.
161500301

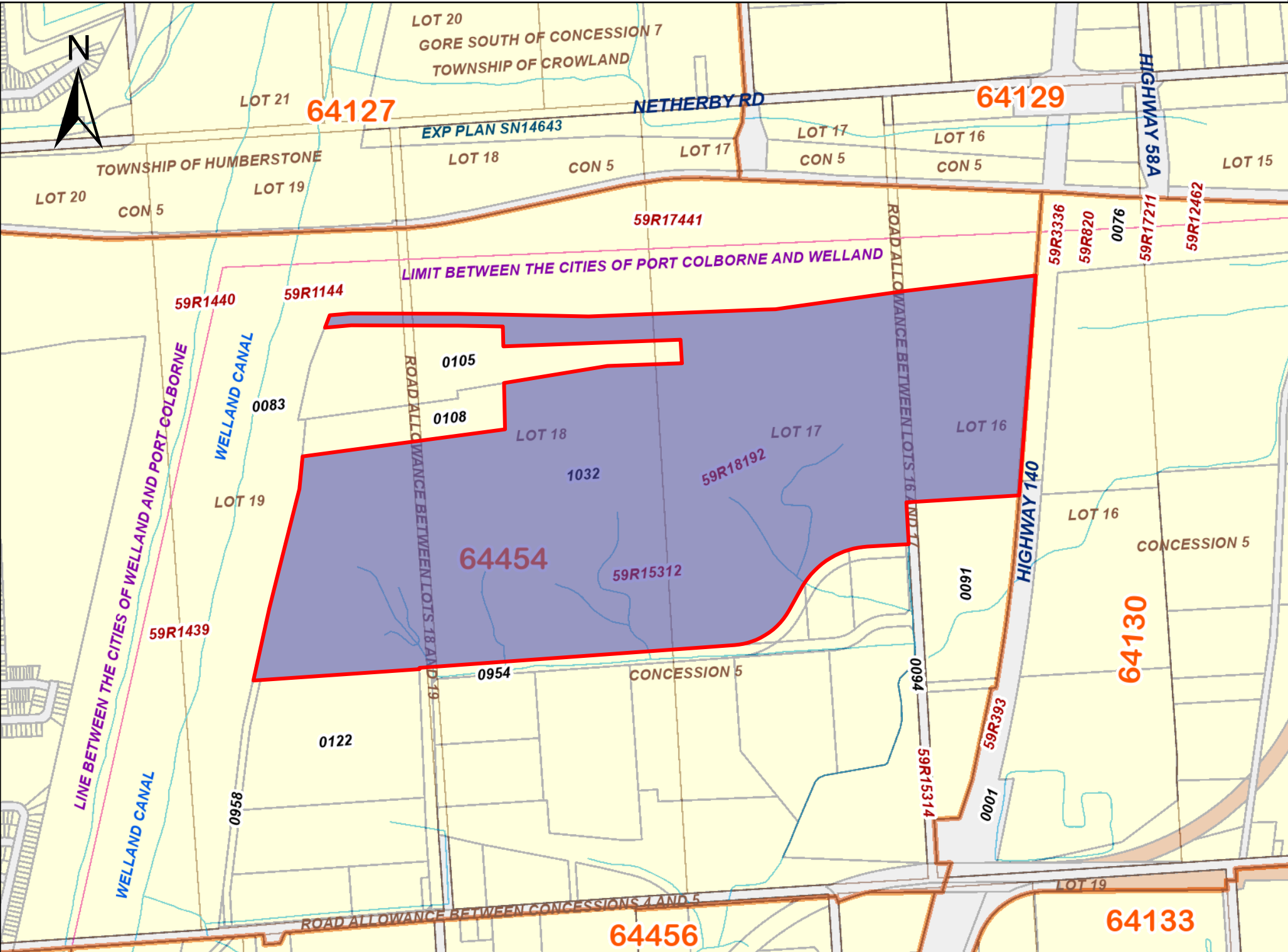
Revision Drawing No.

Scale
1:3000

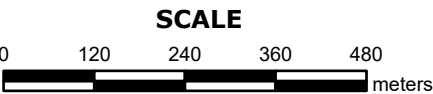
SP-101

Appendix B Property Index Map





PRINTED ON 04 JUN, 2025 AT 08:37:08
FOR YSCOTT12



PROPERTY INDEX MAP
NIAGARA SOUTH(No. 59)

LEGEND

FREEHOLD PROPERTY	
LEASEHOLD PROPERTY	
LIMITED INTEREST PROPERTY	
CONDOMINIUM PROPERTY	
RETIRED PIN (MAP UPDATE PENDING)	
PROPERTY NUMBER	0449
BLOCK NUMBER	08050
GEOGRAPHIC FABRIC	
EASEMENT	

THIS IS NOT A PLAN OF SURVEY

NOTES

REVIEW THE TITLE RECORDS FOR COMPLETE
PROPERTY INFORMATION AS THIS MAP MAY
NOT REFLECT RECENT REGISTRATIONS

THIS MAP WAS COMPILED FROM PLANS AND
DOCUMENTS RECORDED IN THE LAND
REGISTRATION SYSTEM AND HAS BEEN PREPARED
FOR PROPERTY INDEXING PURPOSES ONLY

FOR DIMENSIONS OF PROPERTIES BOUNDARIES SEE
RECORDED PLANS AND DOCUMENTS

ONLY MAJOR EASEMENTS ARE SHOWN

REFERENCE PLANS UNDERLYING MORE RECENT
REFERENCE PLANS ARE NOT ILLUSTRATED



Appendix C Minister's Zoning Order on Adjacent Portions of the Property





Important: This version of the e-Laws website will be upgraded to a new version in the coming weeks. You can try the beta version of the new e-Laws at ontario.ca/laws-beta.



ONTARIO REGULATION 337/24

made under the

PLANNING ACT

Made: August 30, 2024

Filed: August 30, 2024

Published on e-Laws: August 30, 2024

Published in The Ontario Gazette: September 14, 2024

ZONING ORDER — CITY OF PORT COLBORNE, REGIONAL MUNICIPALITY OF NIAGARA

Definitions

1. In this Order,

“accessory use” means a use subordinate and incidental to the principal use on the same lot;

“building height” means the vertical distance between the average grade around the building or structure to the upper most limit of the building, and excludes roof top mechanical equipment, elevator enclosures, stair enclosures, chimneys, antennas, communication towers, electrical transmission equipment, spires, flag poles, silos or tanks;

“heavy industrial use” means,

- (a) the manufacturing or processing of products from raw or semi-raw materials,
- (b) outdoor storage and processing of products and materials,
- (c) the manufacturing, processing, assembly, disassembly or packaging of finished parts or products from previously prepared materials,
- (d) the repairing or servicing of products,
- (e) warehousing and storage,
- (f) office and administration, or
- (g) utility facilities including electrical substations, wastewater treatment facilities, sanitary pumping stations, fire pump houses and water tanks;

“landscaped open space” means a space used for the growth and maintenance of grass, flowers, shrubs, trees or similar landscape material and includes landscape buffers, walkways, hard surface landscaping, patios, fences, amenity areas and similar facilities, but excludes driveways, parking areas, loading areas, ramps and curbs;

“loading areas” means an off-street space for loading and unloading persons, goods, wares, supplies, equipment, materials or merchandise, and may include an open or covered area used to provide access to a loading door, platform or bay;

“lot frontage” means the distance measured six metres from the front lot line and parallel to the front lot line, and where the front lot line is curved, measured six metres from the chord and parallel to the chord;

“outdoor processing” means the manufacturing, production, assembly, disassembly, packaging of products, supply of materials, or use of materials in an unroofed area;

“outdoor storage” means the keeping of any goods, junk, material, equipment, merchandise or vehicles in an unroofed area in the same place for more than 24 hours;

“parking area” means an area of land used for parking motor vehicles that is located on the same lot as the principal use, and includes parking spaces and all drive aisles, manoeuvring areas, entrances, exits and similar areas used to enter a parking area or to exit from it, but excludes internal road networks not directly related to parking spaces, laybys, fire routes, vehicle scales, maintenance areas, loading areas, connections to municipal roads, outdoor storage, and outdoor processing.

Application

2. (1) This Order applies to lands in the City of Port Colborne, in the Regional Municipality of Niagara, in the Province of Ontario, being the lands identified on a map numbered 353 and filed at the Toronto office of the Ministry of Municipal Affairs and Housing located at 777 Bay Street.

(2) For the purposes of this Order, the lands described in subsection (1) are deemed to be a single lot, and despite any future severance, partition or division of those lands, the Order shall apply to all of those lands as if no severance, partition or division occurred.

Non-application of policy statements, etc.

3. Policy statements issued under subsection 3 (1) of the Act, provincial plans and official plans do not apply in respect of a licence, permit, approval, permission or other matter required before a use permitted by this Order may be established on the lands described in subsection 2 (1).

Permitted uses

4. Every use of land and every erection, location or use of any building or structure is prohibited on the lands described in subsection 2 (1), except for the following uses:

1. Heavy industrial uses.
2. Detached buildings or structures that are accessory to the principal use on the same lot.
3. Accessory uses.

Zoning requirements

5. The following zoning requirements apply to the uses permitted on the lands referred to in subsection 2 (1):

1. The minimum lot frontage is 30 metres, which may be along an unopened or future road allowance.
2. The minimum front yard setback is 7.5 metres.
3. The minimum corner exterior side yard setback is 7.5 metres.
4. The minimum interior side yard setback is 3 metres.
5. The minimum rear yard setback is 8 metres.
6. The maximum building height is 35 metres.

7. The minimum number of parking spaces is 1,400.
8. The minimum number of accessible parking spaces is 27.
9. The minimum number of outdoor bicycle parking spaces is 30.
10. The minimum landscaped open space within a parking area shall be equal to 10 per cent of the parking area and shall be provided within the parking area or within 10 metres of the parking area limit.
11. Loading areas are permitted to be located in all yards.
12. Outdoor storage and outdoor processing is permitted in all yards, including yards abutting highways or arterial collector roads.
13. Accessory uses may account for up to 20 per cent of the total gross floor area of the principal use.

Terms of use

6. (1) Every use of land and every erection, location and use of buildings or structures shall be in accordance with this Order.

(2) Nothing in this Order prevents the use of any land, building or structure for any use prohibited by this Order if the land, building or structure is lawfully so used on the day this Order comes into force.

(3) Nothing in this Order prevents the reconstruction of any building or structure that is damaged or destroyed by causes beyond the control of the owner if the dimensions of the original building or structure are not increased and its original use is not altered.

(4) Nothing in this Order prevents the strengthening or restoration to a safe condition of any building or structure.

Deemed by-law

7. This Order is deemed for all purposes, except the purposes of section 24 of the Act, to be a by-law passed by the council of the City of Port Colborne.

Commencement

8. This Regulation comes into force on the day it is filed.

Made by:

PAUL CALANDRA

Minister of Municipal Affairs and Housing

Date made: August 30, 2024



Stantec is a global leader in sustainable engineering, architecture, and environmental consulting. The diverse perspectives of our partners and interested parties drive us to think beyond what's previously been done on critical issues like climate change, digital transformation, and future-proofing our cities and infrastructure. We innovate at the intersection of community, creativity, and client relationships to advance communities everywhere, so that together we can redefine what's possible.

Stantec Consulting Ltd.
400-1305 Riverbend Road
London ON N6K 0J5
stantec.com

