

THE CORPORATION OF THE COUNTY OF PRINCE EDWARD
By-Law No. XXXX-2019

A By-law to Amend County Comprehensive Zoning By-law
No. 1816-2006, as amended

WHEREAS By-law No. 1816-2006, as amended, is the Comprehensive Zoning By-law governing the lands located within the Corporation of the County of Prince Edward in the Ward of Hallowell;

AND WHEREAS the Council of the Corporation of the County of Prince Edward, having received and reviewed an application to amend By-law No. 1816-2006 for the Corporation of the County of Prince Edward, is in agreement with the proposed changes;

AND WHEREAS authority is granted under Section 34 of the Planning Act, R.S.O. 1990, c.P.13, as amended;

NOW THEREFORE the Council of the Corporation of the County of Prince Edward enacts as follows:

1. **THAT** By-law No. 1816-2006, as amended, is hereby amended by the addition of the following to subsection 27.5 of Section 27 entitled "Extractive Industrial (MX) Zones" immediately after item 27.5.6 thereof:

"27.5.7 MX-7-H (Sandi and Paul Greer) Part Lot 6-7, Concession 1 Military Tract, Ward of Hallowell, 1002 Ridge Road)

1. Notwithstanding any provisions of By-law No. 1816-2006 to the contrary, within the MX-7-H Zone, the following special provisions shall apply:
 - a. The lands shall be developed in accordance with a Class 'B' licence issued under the Aggregate Resources Act by the Ministry of Natural Resources
 - b. The maximum depth of extraction activities shall be limited to a minimum of 1.5 metre above the ground water table.
 - c. One portable office or equipment storage building ancillary to the extractive operations is permitted.
 - d. Notwithstanding Section 27.3.1, processing of aggregates may occur no closer than 15 metres to a lot line or within 90 metres of a residential use.
 - e. Notwithstanding Section 27.3.2 no setback requirement shall apply wherever the MX-7 Zone abuts another MX or MX-Special Zone.
 - f. Notwithstanding Section 4.26.3 of Comprehensive Zoning By-law 1816-2006 to the contrary, existing homes within 150 m of the MX-7 Zone may be expanded and new second dwelling units added, as permitted, with appropriate soundproofing measures.

2. Prior to the removal of the Holding (H) symbol from the MX-7-H Zone, the following shall be satisfied:
- That the licensee's Aggregate License and/or Site Plan contains the following provisions:
 - The elevation of the farm pond and the elevation of the water table shall be identified on the Site Plan,
 - An Adaptive Management Plan shall be implemented to ensure ground water separation from extraction activities. Specifically, at extraction near elevation 83 masl, the licensee shall periodically excavate observation pits to confirm that the required 1.5 m separation distance from the active pit floor to the established groundwater is being maintained. Should this separation not exist an adjustment to the mining depth of the pit floor shall be made to ensure the minimum 1.5 metre separation distance is being maintained,
 - Removal of Note 1.23 – *Aggregate Stockpiles* from the Site Plan that would otherwise permit concrete recycling activities.
 - That extractive activities are to maintain a separation distance of 30 m from Bank Swallow nests during the nesting season,
 - That the Licensee shall register the pit activity if it occurs within 120 m of a Bank Swallow nest,
 - A 30 m or greater vegetated buffer zone shall be maintained on the downslope side internal to the extraction area,
 - Require runoff be contained onsite by grading the perimeter of the extraction area towards the centre of the pit during excavation stages,
 - Grades within and adjacent to excavated areas are to direct post-excitation stormwater flow at pre-excitation flow rates,
 - A 30 m or greater buffer zone of vegetated land will be maintained between the extraction area and the downslope edge of the property (i.e., western edge),
 - Approval of a commercial entrance having a minimum intersection sight distance of 238m, or as accepted by the Director,
 - If trucking is to occur during dark hours, illumination shall be required at the entrance to a design satisfactory to the County,
 - The installation of a truck entrance warning sign on Ridge Road,
 - The construction of a mud/debris control mat, millings or other controls shall be established prior to commencing excavation,
 - Conveyance to the County of a road widening for Ridge Road to a minimum of 10 m from the centerline of the road occupation, if required
 - The County may not have clear title to the lands for Ridge Road that abuts the subject lands. The applicant will be responsible for all costs to provide clear title to the lands for Ridge Road to the

County, including any additional width needed to accommodate the existing travelled roads, shoulders and drainage works, and

- A revised Acoustical Assessment Report prepared by Fairfield Ltd shall be provided to, and approved by, the County.
3. All other provisions of the MX Zone and By-law No. 1816-2006, as amended, shall apply to the lands zoned MX-7-H.”
 4. **THAT Schedule ‘A6 - West’** for the Ward of Hallowell to By-law 1816-2006, as amended, is hereby amended by changing the zone category thereon from RU2 Zone and EP Zone to the MX-7-H Zone and the EP Zone, in accordance with Schedule ‘1’ attached hereto.
 5. **THAT** Schedule ‘1’ attached hereto forms part of this by-law.
 6. **THAT** this by-law shall come into force and take effect upon OPA No.74 coming into force and effect pursuant to the provisions and regulations made under the Planning Act, R.S.O., 1990, c.P.13, as amended.

Read a first, second and third time and finally passed this ___ day of _____, 2019.

Catalina Blumenberg, Clerk

Steven Ferguson, Mayor

CORPORATION OF THE COUNTY OF PRINCE EDWARD
WARD OF BLOOMFIELD/HALLOWELL
SCHEDULE '1'

BY-LAW NO. _____

THIS IS SCHEDULE '1' TO BY-LAW NO. _____ AMENDING
COMPREHENSIVE ZONING BY-LAW NO.1816-2006, AS AMENDED, FOR
THE COUNTY OF PRINCE EDWARD

PASSED THIS _____ DAY OF _____ 2019

Catalina Blumenberg, Clerk

Steve Ferguson, Mayor

Part Lot 6 & 7, Concession 1 Military Tract, 1002 Ridge Road, Ward of Bloomfield/Hallowell

