

Township of Southgate

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Staff Report CAO2022-004 - Addendum

Title of Report: Southgate Ministers Zoning Order and Flato-Southgate
MZO Development Agreement Approval Report

Department: Administration

Council Date: February 16, 2022

Council Recommendations:

Be it resolved that Council receive staff report CAO2022-004 as information; and

That Council approve Township of Southgate support resolution for a Participating Provincial Municipal Zoning Order for Flato Lands proposed around Dundalk settlement area identified as Flato Northeast, Flato Northwest and Flato Southeast development projects by By-law 2022-020; and

That Council approve the Township of Southgate Draft MZO Provincial document for the Ministers consideration, review and approval; and

That Council approve the Southgate Mayor John Woodbury's letter requesting Minister of Municipal Affairs and Housing Steve Clark request Ministry of Transportation to provide Provincial Highway #10 access from the Dundalk Northeast and the Dundalk Southeast development properties; and

That Council approve the Flato-Southgate Municipal Zoning Order Development Agreement by Municipal By-law 2022-020 at the February 16, 2022 Council meeting.

Background:

Flato Developments and their Planning Consultant MHBC presented as a delegation at the January 19, 2022 Council meeting. Flato and their Planning consultant staff met with the Affordable Attainable Housing Committee on January 25, 2022 and they also hosted a Virtual Public Meeting on January 27th, 2022 at 6:00pm to discuss the process and actions with the community. Flato also attended the February 2nd, 2022 Council Committee of the Whole meeting to support Council and staff discussions on their MZO proposal and Flato's commitments to a Development agree with the Township for a Province of Ontario Municipal Zoning Order (MZO) approval by the Minister of Municipal Affairs & Housing Steve Clark to consider approving.

Staff presented staff report CAO2022-003 for discussion of the Flato proposal request for support to seek a Ministry Zoning Order and Draft MZO Development Agreement Report for Council to discuss in a COW meeting of February 2nd, 2022 with the following motion being approved.

Mayor Woodbury requested a recorded vote on the main motion.

Moved By Deputy Mayor Milne; **Seconded By** Councillor Shipston;

Be it resolved that Council receive staff report CAO2022-003 as information; and
That Council approve to proceed with a Township of Southgate support resolution for a Participating Provincial Municipal Zoning Order for Flato Lands proposed around Dundalk settlement area identified as Flato Northeast, Flato Northwest and Flato Southeast development projects; and

That Council approve the draft Southgate Municipal Zoning Order Development Agreement for Flato projects identified as Flato Northeast, Flato Northwest and Flato Southeast as presented and for possible further amendments; and

That Council consider approval of supporting the Participating Provincial Municipal Zoning Order for Flato Lands proposed around Dundalk settlement area and the Southgate Municipal Zoning Order Development Agreement by Municipal By-law 2022-020 at the February 16, 2022 Council meeting.

Yay (6): Mayor Woodbury, Deputy Mayor Milne, Councillor Dobreen, Councillor Rice, Councillor Frew, and Councillor Shipston

Nay (1): Councillor Sherson

Carried (6 to 1) No. 2022-043

Staff Comments:

Staff since the February 2nd, 2022 Council meeting have received correspondence from the Bluewater District School Board (Attachment #1) and finalized the Flato-Southgate MZO Development Agreement. The latest discussion to seek input of the Development Agreement was with Municipal Affairs & Housing (MMAH) Regional Planners, as well as Grey and Southgate planners in the virtual meeting to refine the Schedule B section of the agreement document. Following MMAH meeting we moved 6 sections from Schedule B to Schedule C. Southgate staff also reviewed the document with Triton, adding one sentence at the end of Section 9 in Schedule C.

The latest changes in the Flato-Southgate MZO Development Agreement (Attachment #2) is dated February 9th, 2022 with all the changes or additions reflected in red type.

The changes we have made to the Development Agreement are:

1. Schedule B Section 6 moved to create new Schedule C Section 1 condition.
2. Schedule B Section 1 moved to create new Schedule C Section 2 condition.
3. Schedule B Section 7 moved to create new Schedule C Section 4 condition.

4. Schedule B Section 10 moved to create new Schedule C Section 5 condition.
5. Schedule B Section 3 moved to create new Schedule C Section 6 Subsection (i) condition.
6. Schedule B Section 4 moved to create new Schedule C Section 6 Subsection (ii) condition.
7. Added a sentence to Section 9 to reflect on a requirement for the Developer and their consultant that they shall pre-consult with Township's Engineers in relation to the future servicing strategy for the 3 projects.
8. Create a new Section 12 condition to deal with MZO Amendments and Revoking an MZO if required.

The Township has also received from Flato's Planners a draft Southgate Municipal Zoning Order Regulation document and is also included as Attachment #3 in this report.

It has been recommended that the Township request from the Minister of Municipal Fairs & Housing access to Hwy #10 by sending a letter from Southgate's Mayor with our MZO submission. The Mayor's letter is included as Attachment #4 in this report. Provincial Planning staff have been very clear during the discussions with Township staff that the Hwy #10 access request is not part of the MZO process.

Addendum Report Information

The information below are the changes made as a result of the legal review by Southgate's lawyer to the Flato-Southgate MZO Development Agreement that are reflected in the new Attachment #2 and reflect in the newly posted By-law 2022-020. The version 14 document still reflect the changes made to the agreement since February 2, 2022 document version in red and the most recent legal changes suggested in blue type. The latest changes are:

1. In the title section correct the legal name for Flato to "Flato Developments Inc."
2. Delete Section 1.2 as a redundant clause.
3. In Section 2 Subsection (b) add the word "or" at the end of that statement.
4. In Section 2 Subsection (c) point (iii) delete the semi-colon and ended the statement with a period.
5. In Section 12 made the following 4 changes:
 - i. In the second paragraph corrected the legal name to "Flato Developments Inc."
 - ii. In the second paragraph removed the reference to (the "Lands") as it was properly reference earlier in the agreement document.

- iii. In the fourth paragraph deleted the word “also”.
 - iv. In the fourth paragraph deleted the semi-colon and ended the statement with a period.
6. In Section 13 made the following 2 changes:
- i. Added in the first sentence after Schedules “A, B, C and D”.
 - ii. Added a sentence that reference schedule conditions and the requirement to be completed or released by the Township of a condition(s) prior to subdivision agreement approval.
7. New Schedule D Northwest map included to reflect minor changes around the cemetery.
8. New Schedule D composite map included because of change to Northwest map.

Financial Impact or Long Term Implications

There is no financial impact as a result of this report as Flato will be required to complete the work to support the MZO request, the Planning work and the costs related to any Public Meeting(s).

Communications & Community Action Plan Impact:

This report has been written and presented to Council to communicate accurate information to the public. Southgate CAP Goal – Trusted, Timely, Transparent, Decision Making.

Goal 1-Attracting New and Supporting Existing Businesses & Farms

Action 1: The residents and businesses of Southgate envision a growing and diverse local economy, which respects our agricultural background while also attracting new businesses and new employment opportunities in keeping with the renewed growth of our population.

Strategic Initiatives 1-A (2019-2023):

By 2023, together with existing businesses and other partners, the Township will have identified the types of new business opportunities that are likely to have emerged when Dundalk's 10-15 year growth has taken place and the Dundalk population approaches 4500 people. This business opportunity projection should project the likely demographic make-up of that future population and its likely work, travel, and shopping patterns. It should also identify possible municipal incentives that could facilitate the emergence of these future business opportunities

Strategic Initiatives 1-C (2019-2023):

By 2023, the Township will have entered into an appropriate agreement to sell its Hwy 10 frontage for the purposes of commercial development, and development will be underway.

Strategic Initiatives 1-E (2019-2023):

By 2023, the Township will have updated the Official Plan and zoning bylaw to provide flexibility for business, help to reduce processing requirements, and help to provide more opportunity for success.

Action 3:

The residents and businesses of Southgate envision a caring community which meets the needs of all ages and incomes for a healthy and comfortable life, even as our population grows and changes.

Strategic Initiatives 3-A (2019-2023):

By means of appropriate policies, incentives and development partners, the Township will facilitated a significant increase in the supply and variety of both rental and purchase housing/accommodation within Southgate.

Concluding Comments

1. That Council receive this report as information.
2. That Council approve the resolution of support for a Participating MZO for the 3 Flato Development properties referred to as Flato North East, Flato North West and Flato South East by Municipal By-law 2022-020.
3. That Council approve the Township of Southgate the Draft MZO Provincial document for the Ministers approval.
4. That Council approve the Flato-Southgate Municipal Zoning Order Development Agreement by Municipal By-law 2022-020.

Respectfully Submitted,

Planner approval: Original Signed By Clint Stredwick – Municipal Planner
cstredwick@southgate.ca 519-923-2110 x235

CAO approval: Original Signed By Dave Milliner – CAO
dmilliner@southgate.ca 519-923-2110 x210

- Attachment #1 – Bluewater District School Board Correspondence
- Attachment #2 – Southgate Municipal Zoning Order Development Agreement, dated February 9, 2022 -*Addendum*
- Attachment #3 – Draft Southgate Provincial MZO document
- Attachment #4 – Southgate Mayor John Woodbury Letter to the Minister of Municipal Affairs & Housing Steve Clark to request support for MTO access to Highway #10