

## Nanticoke Minister's Zoning Order – Frequently Asked Questions

### **What is a Minister's Zoning Order (MZO)?**

Under the *Planning Act*, the Minister of Municipal Affairs and Housing (MMAH) has the authority to issue a minister's zoning order (MZO) over any property in the province, determining the development plan for that property even if it overrules (is not consistent with) a municipal Official Plan and/or zoning by-law.

The MZO planning tool allows the Minister to directly zone lands for a specific purpose, without the usual public planning application process or appeal period.

In its early days, the use of MZOs was reserved mostly for emergency situations. In the last decade or so, MZO use was broadened to also support proposals for affordable housing, long-term care homes, and similar developments. In more recent years, the Province has again expanded its use of MZOs and the types of developments considered which now include residential, commercial, and industrial projects.

### **What are the key details of the Nanticoke development that is covered by the MZO?**

The Nanticoke development is a privately initiated project (by Empire Communities) that includes the following details:

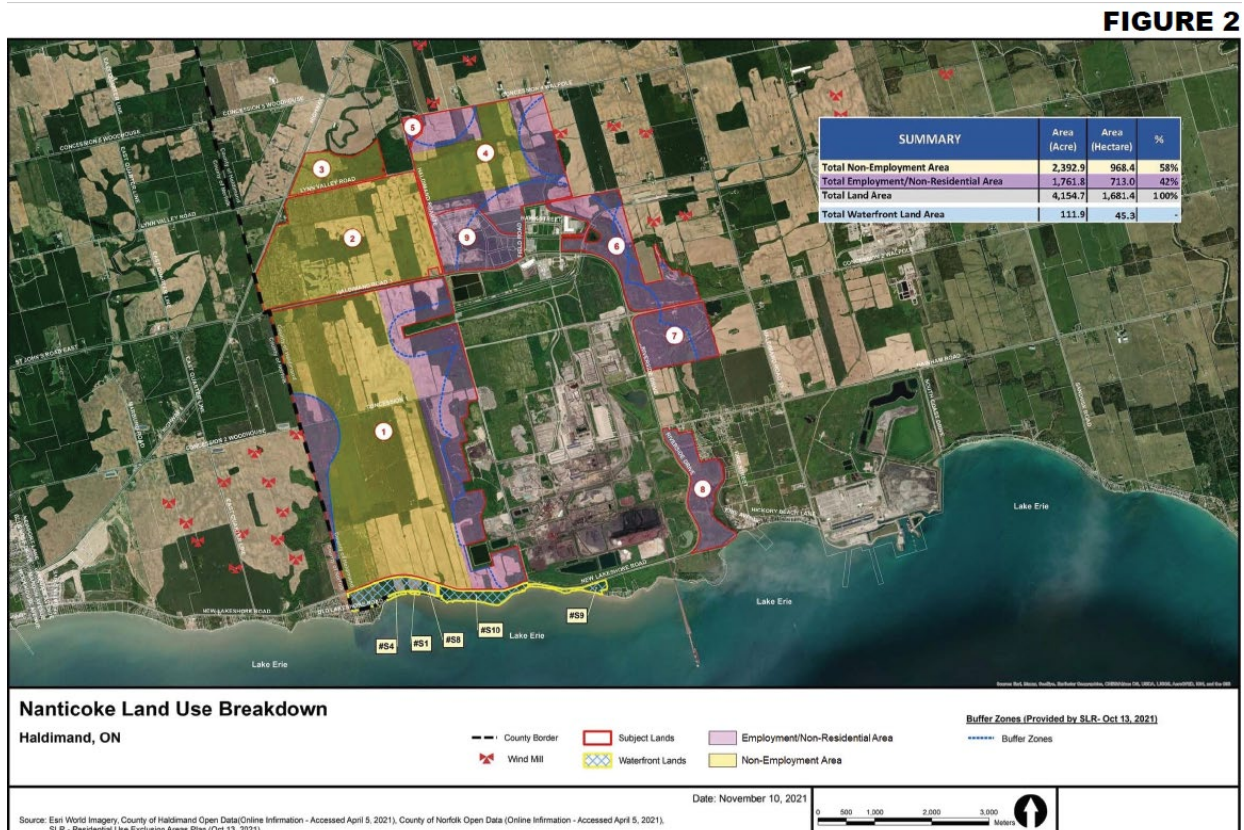
- 1,700 hectares (4,200 acres) of total land area
- 1,010 hectares (2,500 acres) or 60% of the total land area to be used for **residential development** – this part of the project has the potential for 15,000 residential units and 40,000 new residents. A total of 2,000 (15%) of the new residential units would be dedicated to affordable housing
- 690 hectares (1,700 acres) or 40% of the total land area to be used for **employment development** – this part of the project has the potential for 7,500 to 11,000 jobs on these lands
  - There is potential for an additional 7,000 to 8,000 commercial retail and service jobs to support the new community (to be intermixed within the residential and employment areas)
- 40 hectares (100 acres) of waterfront lands to be dedicated (provided to) Haldimand County for purposes of **recreational development** (parks, trails, etc.)
- development of new **wastewater treatment plant** which could also accommodate / service the communities of Hagersville, Jarvis and Townsend in the long term
- extension of **natural gas infrastructure** and capacity to the area

The subject lands and land use development concept are shown in the following figures:

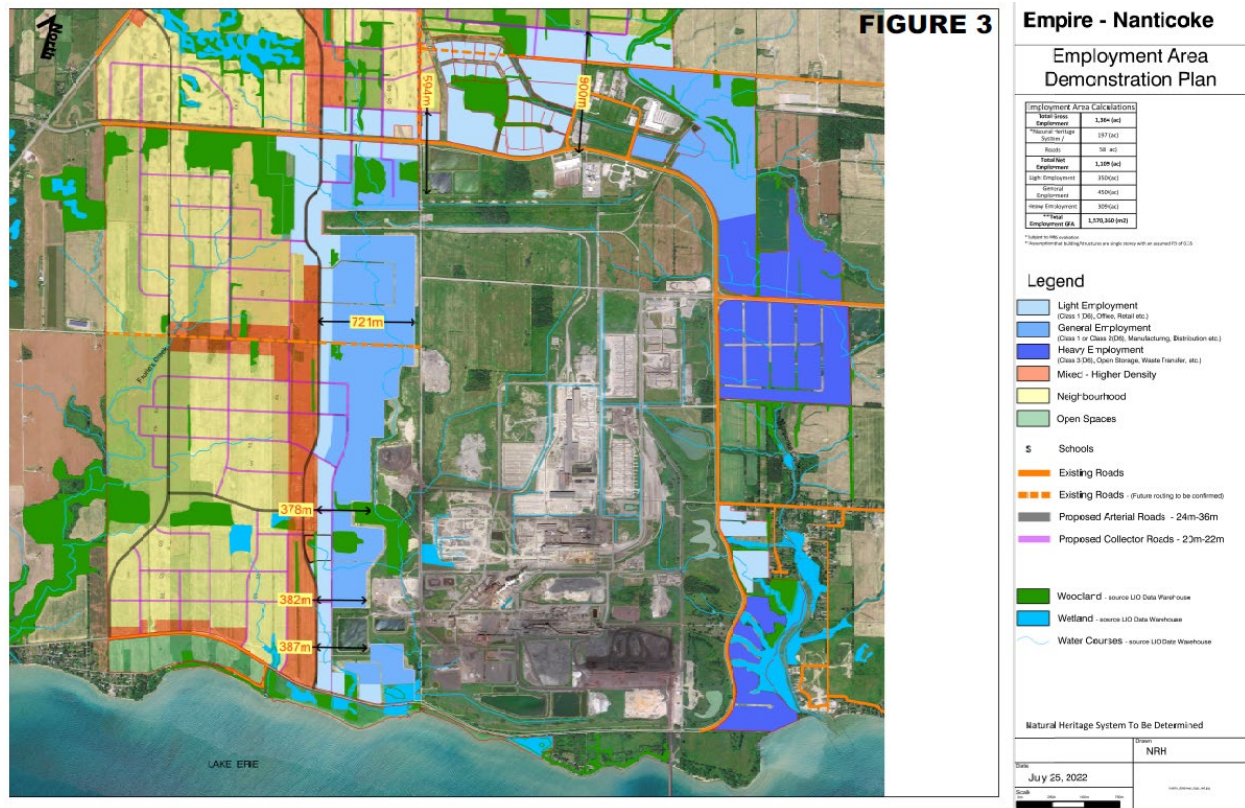
- Context Map (produced / provided by Armstrong Planning & Project Management for Empire):



- Land Use Map (produced / provided by Armstrong Planning & Project Management for Empire):



- Demonstration Plan (produced / provided by Armstrong Planning & Project Management for Empire):



**Why was the Minister's Zoning Order needed for this project and why did it not go through a planning application process?**

The Nanticoke proposal deviates from Provincial planning policy. A proposal of this size and scale requires Provincial support in terms of allowing deviations from the Province's planning frameworks that are currently in effect. Without such deviations, County Planning staff could not recommend the proposal as it would conflict with Provincial policy. In other words, there was/is no public application process that is suitable for this proposal. The MZO was the only process to initiate the evaluation of the proposal to consider it on its merits.

**If the MZO were to be approved by the Minister, does it mean that there is no municipal control or oversight of the development and the public has no opportunity to be involved?**

In short, no – the MZO request by the County has been predicated on the incorporation of conditions requiring technical evaluation, financial impact analysis, public consultation and subsequent Council support of detailed plans. More specifically, the MZO – if approved by the Province as submitted - would be conditional upon the completion and local approval of:

- a master plan, which is fully informed by public consultation, that lays out the series of streets, residential / commercial / institutional blocks, leisure and recreation areas (trails, parks), protected natural environment areas and significant servicing blocks (stormwater ponds, pumping stations);
- Detailed technical studies, including land use compatibility (i.e. air emission - noise, dust, odour), archaeology, environmental impact, hydrogeological, stormwater management, servicing, traffic impact and geotechnical;
- plan(s) of subdivision; and,
- refined site-specific zoning that is informed by the master plan details.

The above conditions would seek to ensure that:

- all stakeholders (Provincial, local and Indigenous communities) have an opportunity to be involved through stakeholder and public consultations and be heard before any final design is approved – specifically that measures to ensure compatibility and the long-term prosperity of existing heavy industry is maintained;
- all required technical review studies and analyses are undertaken to demonstrate that the proposal is functional and that any infrastructure improvements required (water, sewer and roads) are identified and incorporated into any approvals and that archeological investigations are completed;
- all municipal community design criteria to provide for well designed, complete and attractive communities are met and that appropriate community amenities are provided;
- all necessary agreements and other mechanisms including fiscal tools are in place to require that all development conditions are satisfied.

### What has transpired to date?

- Empire Communities made a presentation to County Council on **February 14, 2022** regarding its vision for developing 1,700 hectares (4,200 acres) in the Nanticoke area. As part of this presentation, Empire expressed its interest in County Council considering support for a MZO.
- County Council in Committee received a report from the County CAO on **March 1, 2022** (link: <https://pub-haldimandcounty.escribemeetings.com/filestream.ashx?DocumentId=21246> ) which outlined the Empire proposal, the factors for the County to consider (potential benefits, process required, consultation) and a draft MZO. Council considered and unanimously endorsed a proposal for an MZO.
- A resolution (decision) of Council to support the request for a MZO, and submit its request to the Province, was made on **March 7, 2022**.
- On **March 8, 2022**, the formal request for a MZO was submitted by the County to the Minister of Municipal Affairs and Housing.
- On **February 28, 2023**, Council supported a motion that directed staff to organize public consultation on the MZO matter. The main direction of the resolution of Council was as follows: *“NOW THEREFORE BE IT RESOLVED THAT staff be directed to organize public consultation on the matter including community meeting(s) to obtain input for Council relative to its current resolution requesting a MZO for a new community in Nanticoke”*.

### Where do things currently stand?

The MZO, as submitted by the County on March 8, 2022, currently sits with the Minister of Municipal Affairs and Housing awaiting a decision. There has been no signal to the County of a decision forthcoming nor any direct consultation by the Province with County staff as it relates to its' decision-making process.

### What happens next?

County Council will receive public input as part of a series of special meetings being held on **April 13, 2023** (in person) and **April 19, 2023** (virtual). The input received through this consultation is to be considered by Council relative to its current resolution requesting the MZO.