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## Public Hearings Committee – November 05, 2024

Subject: Development Applications 28TPL2024288 and ZNPL2024331 to facilitate a Draft Plan of Subdivision for a 6 Lot Residential Subdivision in the Hamlet of Nixon, currently municipally known as 2328 Nixon Road.

Report Number: CD-24-130  
Division: Community Development  
Department: Planning  
Ward: Ward 4  
Purpose: For Information

### Recommendation(s):

That staff report CD-24-130 for development applications 28TPL2024288 and ZNPL2024331 be received for information; and

That any comments received as part of the statutory public meeting be considered in a future recommendation report.

### Public Meeting Notification:

A public meeting is a statutory requirement in accordance with the Planning Act, and is intended to allow members of the public to submit written or oral comments in relation to the proposed development. Additionally, any person may make written submissions at any time prior to County Council making its final decision on the application.

Pursuant to the requirements of the Planning Act R.S.O. 1990, C. P. 13 (“Planning Act”), a notice of the statutory public meeting was posted 20 days in advance of the Public Meeting. Notifications were mailed to neighbors within 120 m of the subject lands; and a yellow notification sign was posted on the site on October 16<sup>th</sup>, 2024.

### Discussion -

The subject lands are located in the Hamlet of Nixon and have a split Official Plan Designation (Hamlet and Agricultural) and are currently zoned Agricultural in the Norfolk County Zoning By-Law 1-Z-2014. The subject lands are roughly 22 acres in size and consist of an existing single detached dwelling, a crop field and a large forested area. The surrounding land uses consists of residential and agricultural land uses.

The applicant is proposing a Draft Plan of Subdivision to facilitate the development of 6 single detached dwellings in the Hamlet of Nixon. The Zoning By-Law amendment is required in order to change a portion of the subject lands from Agricultural (A) Zone to Hamlet Residential Zone (RH) in order to conform to the Official Plan to facilitate the subdivision.

An overview summary of the development application(s) that have been submitted for the subject property at 2328 Nixon Road is contained within Attachment A. This includes an outline of the site context, the applications and technical reports, any technical or public feedback to date and overview of development considerations. The submitted or draft by-law amendment is included as Attachment D.

### **Strategic Plan Linkage:**

This report aligns with the 2022-2026 Council Strategic Priority "Foster Vibrant, Creative Communities"

Explanation: The proposed development will provide additional residential dwellings within the urban boundary of Courtland including semi-detached dwellings to increase housing options in Courtland.

### **Conclusion:**

A recommendation report will be provided on this matter following review of the circulation, planning considerations and this statutory public hearing meeting regarding the submitted, "complete" development applications.

### **Attachment(s):**

Attachment A Development Application Overview  
Attachment B Existing Planning Policy and Zoning  
Attachment C Technical Comments  
Attachment D Proposed Zoning Bylaw Amendment

### **Approval:**

Approved By:  
Brandon Sloan, BES, MCIP, RPP  
General Manager  
Community Development Division

Reviewed By:  
Mohammad Alam, BArch, MPL, MUD, RPP, MCIP  
Development Planning Supervisor  
Community Development Division  
Planning Department

Prepared By:  
Fabian Serra, MSc. (PL)  
Planner  
Community Development Division  
Planning Department

**Attachment A - Report CD 24-130  
Development Application Overview**

# **2328 Nixon Road, Simcoe**

Application File Numbers: 28TPL2024288 & ZNPL2024331

Applicant: Peter Horvath

Agent: R. W. Phillips J H Cohoon Engineering Limited

**Statutory Public Hearing**

Date: November 5<sup>th</sup>, 2024

# Site Context

MAP A  
CONTEXT MAP  
Geographic Township of WINDHAM  
28TPL2024288  
ZNPL2024331



## Site Characteristics:

- Roughly 22 Acres (8 Hectares)
- Located at the intersection of Nixon Road and Windham Road 13.
- The subject lands currently consist of a single detached dwelling, a farm field and a large forested area.

**Surrounding Land:** Predominantly residential and agricultural land uses.

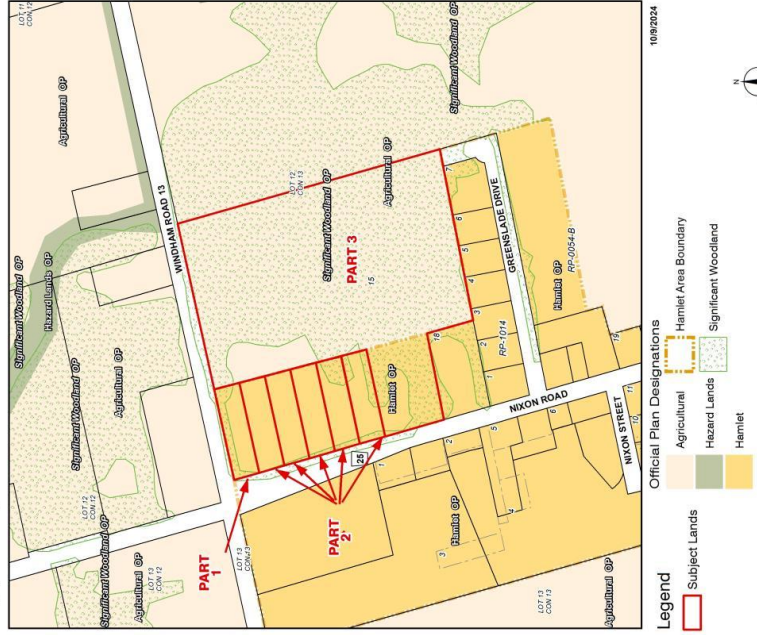
- North:** Residential
- East:** Agricultural/Forest
- South:** Residential
- West:** Brewery, Residential, Agricultural

# Site Context

## Official Plan Map

MAP B  
OFFICIAL PLAN MAP  
Geographic Township of WINDHAM

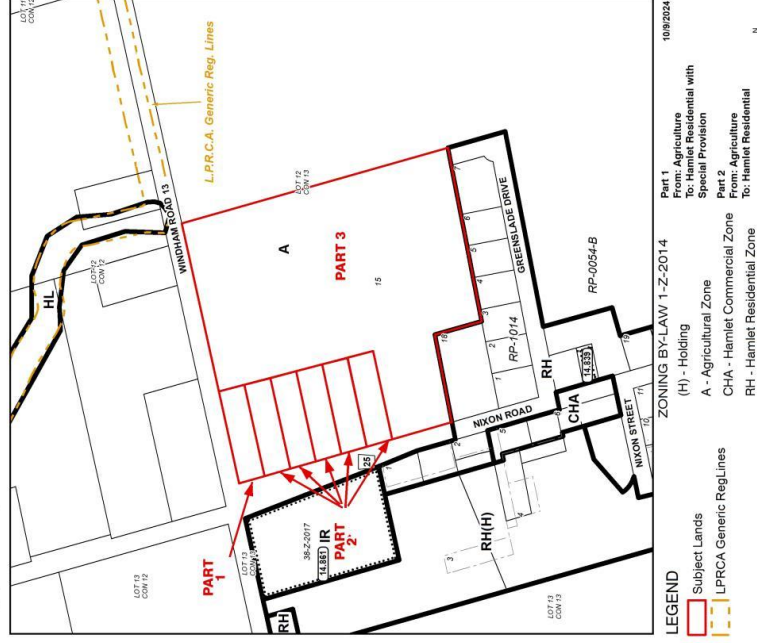
28TPL2024288  
ZNPL2024331



## Proposed Zoning By-law Amendment Map

MAP C  
PROPOSED ZONING BY-LAW AMENDMENT MAP  
Geographic Township of WINDHAM

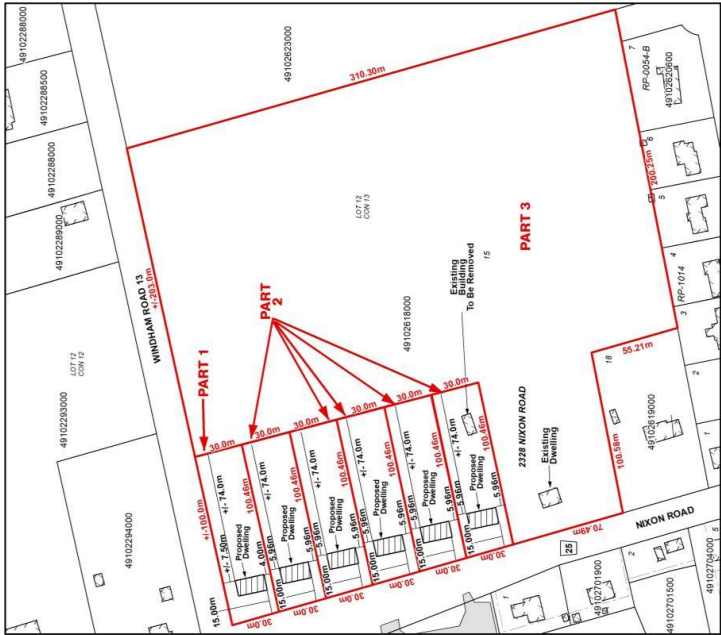
28TPL2024288  
ZNPL2024331





# Development Proposal

## Concept Plan



**Key Features/Proposed Development:**  
**Development Proposal:** A Draft Plan of Subdivision for the development of a 6 lot Residential Subdivision.

### Proposed Zoning Amendment:

- The applicant is proposing a Draft Plan of Subdivision to facilitate the development of 6 single detached dwellings in the Hamlet of Nixon.
- The Zoning By-Law amendment is required in order to change a portion of the subject lands from Agricultural (A) Zone to Hamlet Residential Zone (RH) in order to conform to the Official Plan to facilitate the subdivision. A special provision will also be applied to the corner lot for a exterior yard setback.

# Preliminary Review

## Technical Reports:

- Planning Justification Report (the Angrish Group, June 2023)
- Traffic Impact Brief (J.H. Cohoon Engineering Limited, December 2022).
- Site Plan Drawing (J.H. Cohoon Engineering Limited, December 2022).
- Draft Plan of Subdivision (J.H. Cohoon Engineering Limited, December 2022).
- Environmental Impact Study (Sumac Environmental Consulting, July 2024).
- Stage 1 Archeological Study, Irvin Heritage, February 2024).
- Functional Servicing Report, February 2024).
- Tree Survey, March, 2024).



## Technical Comments:

Staff received few technical comments and some are still pending. No concerns are identified yet.

**Public Input:** Public input has not been received at this time.



# Preliminary Considerations

Key Items		Preliminary Review
Housing		The subject lands are currently consist of a single detached dwelling. The applicant is proposing to construct 6 Single Detached Residential Dwellings (6 units).
Parking		The proposed development meets the parking requirements outlined in Section 4 of the Norfolk County Zoning By-Law 1-Z-2014.
Servicing		The proposed 6 Single Detached Dwellings are proposed to be serviced through private well and septic systems.

## Next Steps & Recommendation

- Consideration of Public Hearing Input
- Review of all Technical Comments
- Recommendation Report

### Public Hearing Committee Report Recommendation:

*THAT staff Report CD 24-130 for development applications 28TPL2024288 & ZNPL2024331 be received for information;*

*AND FURTHER THAT any comments received as part of the statutory public meeting be considered in a future recommendation staff report.*

**Attachment B - Planning Policy and Zoning Considerations**

**Planning Act**

Section 2 of the Planning Act outlines those land use matters that are of provincial interest and for which all county planning decisions shall have regard. The provincial interests that apply to development on this site are:

- (f) the adequate provision and efficient use of communication, transportation sewage and water services and waste management systems
- (h) the orderly development of safe and healthy communities;
- (j) the adequate provision of a full range of housing, including affordable housing;
- (p) the appropriate location of growth and development and

Section 3 of the Planning Act requires that, in exercising any authority that affects a planning matter, planning authorities “shall be consistent with the policy statements” issued under the Act and “shall conform with the provincial plans that are in effect on that date, or shall not conflict with them, as the case may be”.

Section 34 of the Planning Act permits amendments to the zoning by-law by Councils of local municipalities.

**Provincial Policy Statement, 2020**

The Provincial Policy Statement is intended to be read in its entirety, and the relevant policies are to be applied in each situation. Part IV: Vision for Ontario’s Land Use Planning System provides the overall context for Ontario’s long-term prosperity and social well-being. It states that efficient development patterns optimize the use of land, resources and public investment in infrastructure and public service facilities.

The subject land is within the settlement area as defined in the Provincial Policy Statement. Section 1.1.3.1 states that Settlement areas shall be the focus of growth and development. Section 1.1.3.4 states that appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.

Policy 1.1.3.6 of the PPS states, “New development taking place in designated growth areas should occur adjacent to the existing built-up area and should have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.”

Section 1.1.3.8. states, “1.1.3.8 A planning authority may identify a settlement area or allow the expansion of a settlement area boundary only at the time of a comprehensive review”. This section continues by outlining criteria which must be met to permit the expansion of a settlement area boundary at time of comprehensive review.

Section 1.1.3.8. c) clarifies a comprehensive review must demonstrate for prime agricultural areas that:

1. the lands do not comprise specialty crop areas;
2. alternative locations have been evaluated, and i. there are no reasonable alternatives which avoid prime agricultural areas; and ii. there are no reasonable alternatives on lower priority agricultural lands in prime agricultural areas;

Policy 1.4.3 of the PPS states, “Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market through subsections a), b), c) d) e) and f).

The PPS defines Special needs as “any housing, including dedicated facilities, in whole or in part, that is used by people who have specific needs beyond economic needs, including but not limited to, needs such as mobility requirements or support functions required for daily living. Examples of special needs housing may include, but are not limited to long-term care homes, adaptable and accessible housing, and housing for persons with disabilities such as physical, sensory or mental health disabilities, and housing for older persons.”

Section 1.6 of the PPS outlines policies surrounding Infrastructure and Public Service Facilities. Policy 1.6.1 b) states that infrastructure and public service facilities are to be integrated with land use planning and growth management while meeting current and projected needs.

Section 1.6.6 of the PPS outlines policies surrounding Sewage, Water and Stormwater.

Policy 1.6.6.1 a) outlines that planning for sewage and water services shall accommodate forecasted growth in a manner that promotes the efficient use and optimization of existing:

- 1) Municipal sewage and municipal water services; and
- 2) Private communal sewage services and private communal water services, where municipal sewage services and municipal water services are not available or feasible;

Subsection d) outlines that sewage and water services shall be integrated and considered throughout all stages of the planning process.

Policy 1.6.6.2 of the PPS states, that municipal sewage and water services are the preferred form of servicing for settlement areas to minimize potential risks to human

health and safety. Within settlement areas existing municipal sewage and water services, intensification and redevelopment shall be promoted wherever feasible to optimize the use of services.

Policy 1.6.6.3 of the PPS states, that where municipal sewage and water services are not available, planned or feasible, private communal sewage services and private communal *water services* are the preferred form of servicing for multi-unit/lot development to support protection of the environment and minimize potential risks to human health and safety.

Section 2.3. outlines policies pertaining to Agriculture.

Section 2.3.1. states, “Prime agricultural areas shall be protected for long-term use for agriculture. Prime agricultural areas are areas where prime agricultural lands predominate. Specialty crop areas shall be given the highest priority for protection, followed by Canada Land Inventory Class 1, 2, and 3 lands, and any associated Class 4 through 7 lands within the prime agricultural area, in this order of priority.”

Section 2.4.4. outlines policies pertaining to lot creation and lot adjustment in prime agricultural areas.

Section 2.3.4.3 states, “The creation of new residential lots in prime agricultural areas shall not be permitted, except in accordance with policy 2.3.4.1(c)”.

Section 2.3.4.1.c.2. requires “the planning authority ensures that new residential dwellings are prohibited on any remnant parcel of farmland created by the severance. The approach used to ensure that no new residential dwellings are permitted on the remnant parcel may be recommended by the Province, or based on municipal approaches which achieve the same objective”.

Section 2.3.5.1 states, “Planning authorities may only exclude land from prime agricultural areas for expansions of or identification of settlement areas in accordance with policy 1.1.3.8.”

### **Norfolk County Official Plan**

The subject lands are currently designated “Hamlet” and Agriculture in the Norfolk County Official Plan. There is an overlay of significant woodlands.

Section 2.2.3.2 of the Official Plan outlines objectives surrounding Maintaining and Enhancing the Rural and Small Town Character, in which policy e) states that “Develop land use patterns in the Urban Areas that are compact and efficient”.

Section 2.2.4.2 outlines the objectives of maintaining a high quality of life in that the County must provide a variety of housing forms, tenures and levels of affordability through development, redevelopment, intensification and infilling projects.

Section 5.3.a) related to Housing states that “the County shall maintain the ability to accommodate residential growth for a minimum of 10 years through land which is designated and available for residential development. Additionally, the County shall ensure that where new development is to occur, land with servicing capacity sufficient to provide at least a 3-year supply of residential units in draft approved and registered plans, or in cases of residential intensification and redevelopment, land appropriately zoned in the Zoning By-law and available for development or redevelopment”.

Further, section 5.3.g) states, “The County shall encourage that housing be considered when opportunities for redevelopment become available. This includes the redevelopment of existing single-use and underutilized areas with full municipal services, such as shopping plazas, business and employment sites and older commercial and residential areas, especially where the land is in close proximity to human services. Special attention shall be given to the design of buildings, the landscaping treatment and features of the site to ensure that the proposed redevelopment is physically compatible with the adjacent uses”.

Section 6.6 (Hamlet Areas) highlights that “Hamlet Areas are settlements that function as small clusters providing limited residential, institutional, recreational and small-scale commercial services to the surrounding agricultural community” and are characterized by a “built up area existing as a distinguishable cluster, with some form of commercial and public service available”.

Section 7.5. (Hamlet Designation) provides further information regarding land use policies for Hamlet areas. It specifies through section 75.2.b) that “designation of a

Hamlet Area does not mean that the Hamlet Area is suitable for further development” and outlines criteria to be addressed by development applications within designated Hamlet Area boundaries:

- i) availability of potable water;
- ii) a servicing feasibility study has been completed in accordance with the Ministry of the Environment and Climate Change guidelines which demonstrates that the proposal’s impact on ground and surface water will be within acceptable limits;
- iii) the proposed servicing will be appropriate for the proposed densities and land uses;
- iv) the pattern of new development will be a logical extension of the existing builtup area;
- v) the available community facilities, such as community centres, schools, convenience commercial, recreation or cultural facilities can accommodate the proposed development;
- vi) the area of the proposed development shall not be permitted in Provincially Significant Features or Hazard Lands, identified on Schedules “B” of this Plan;

- vii) the area of the proposed development shall not be permitted in or on adjacent land to the Natural Heritage Features identified on Schedule “C” and/or Tables 1 and 2 or on Schedule “G” and Table 6 of the Lakeshore Special Policy Area Secondary Plan, unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions, in accordance with the policies of Section 3.5 (Natural Heritage Systems) and Section 11 (Lakeshore Special Policy Area Secondary Plan) of this Plan;
- d) Additional residential development within a Hamlet Area shall be encouraged to occur through infilling or in-depth development. Provision shall be made at appropriate locations to provide access from the main road to an additional tier of lots behind existing development. The County shall strongly discourage linear development along roads.

Section 7.2. outlines policies pertaining to the Agricultural designation. Section 7.2.3 outlines agricultural lot creation and lot adjustment policies.

Section 3.5 outlines policies pertaining to Natural Heritage Systems. It is the policy of this Plan to conserve Natural Heritage Features and functions and protect such features and areas from incompatible development, wherever possible.

The Official Plan separates land-based environmental considerations into three categories:

- b) Natural Heritage Features, as described in Section 3.5.2 (Natural Heritage Features), and identified on Schedule “C” to this Plan; and
- c) Hazard Lands, as designated and described in Section 7.3 (Hazard Lands Designation) and designated on Schedule “B” to this Plan.

If development occurs without regard to these constraints and considerations, degradation of the natural environment may result and public safety may be jeopardized.

Section 3.5.2 (Natural Heritage Features) identifies that the following shall be the policy of the County:

- a) Natural Heritage Features identified on Schedule “C” and/or Table 2 to this Plan shall be subject to the policies of the underlying land use designation, as shown on Schedule “B”, and the policies of this Section of the Plan.
- b) Development or site alteration proposed in, or adjacent to, a Natural Heritage Feature(s), whether illustrated on Schedule “C” or only described in Table 2, shall be subject to the completion of an Environmental Impact Study, in accordance with Section 9.7.1 (Environmental Impact Study) of this Plan. Development or site alteration in, or adjacent to, such features shall not be permitted unless it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions that cannot be adequately mitigated. The extent of adjacent land shall be defined as indicated in Table 2.



Table 2: Extent of Land Adjacent to a Natural Heritage Feature

Natural Heritage Feature	Boundary Extension	Extent of Adjacent land	Conditions under which development and site alteration may be permitted.
Significant Woodlands	Based on evaluation criteria established and conducted by Norfolk County, as illustrated on Dripline plus 10 metres Conditions under which development and site alteration may be permitted Schedule "C".	Dripline plus 10 meters	EIS demonstrates there will be no negative impacts on the natural features of the woodlands and the ecological functions that sustain them.
Habitat of endangered species and threatened species	As defined by Provincial or Federal authorities.	100 meters	EIS demonstrates that there will be no negative impacts species and threatened species on the habitat values upon which the species depend directly and indirectly, and any related ecological and hydrological functions.

**Norfolk County Zoning By-Law 1-Z-2014**

The Subject lands are currently zoned Agricultural (A) Zone in the Norfolk County Zoning By-Law. The applicant is proposing to change the zoning on the portion of the subject lands to conform to the Official Plan. Therefore, the applicant is proposing to change the zoning on a portion of the subject lands from Agricultural Zone to Hamlet Residential Zone with a special provision.

**Attachment C: Technical Comments**  
**28TPL2024288/ZNPL2024331 – 2328 Nixon Road**

**Norfolk GIS:** Reviewed – Comments are as follows:

Please contact NorfolkGIS for new civic addresses when building.

You can apply for a new civic address [here](#). If a green sign is required in order to issue you an address (generally anywhere outside of an urban area) you will have to call Norfolk County Customer Service after applying to make payment before the address is issued (519-426-5870 or 226-NORFOLK). If you would like to apply for a new Civic Address because you are planning to build on a vacant parcel of land, this is dealt with as part of the building permit process. The building inspector can provide you with a copy of a Civic Address Request Form or it can be downloaded below. On the form there are several areas that need to be filled out with information, and a sketch showing the lot layout of the property for which the Civic Address is being requested. A sample sketch will be included with the form.

**Building:** Reviewed – Comments are as follows:

The building department has reviewed the proposal and has NO comments or conditions.

No Ontario Building Code review has been completed at this time and will be done at permit application stage.

Please reach out to the building department as you get closer to having the planning and applicable approvals in place and staff will be happy to assist you with information on preparing for the building and septic permit stage of the project.

All general permitting inquires: by email: [permits@norfolkcounty.ca](mailto:permits@norfolkcounty.ca) or by phone: 226-NORFOLK (226-667-3655) Ext 6016

Please refer to our website for current forms, and fees.  
<https://www.norfolkcounty.ca/business/building/>

**Canada Post:** Reviewed – Comments are as follows:

Please be advised that these 6 new lots will have mail delivery service through a nearby Community mailbox in the area. Once the houses are built, please advise the customers to contact our Customer service department to set up mail delivery at 1-800-267-1177.

**Development Engineering:** Comments Pending.

**Paramedic Services:** Reviewed. No comments.

**Fire:** Reviewed. No comments.



## The Corporation of Norfolk County

### By-Law -Z-2024

**Being a By-Law to Amend Zoning By-Law 1-Z-2014, as amended, for property described as Part Lot 12, Wdm Concession 13, Norfolk County, known municipally as 2328 Nixon Road.**

**WHEREAS** Norfolk Council is empowered to enact this By-Law, by virtue of the provisions of Section 34 and Section 36(1) of the *Planning Act, R.S.O. 1990, CHAPTER P.13*, as amended;

**AND WHEREAS** this By-Law conforms to the Norfolk County Official Plan.

**NOW THEREFORE** the Council of the Corporation of Norfolk County hereby enacts as follows:

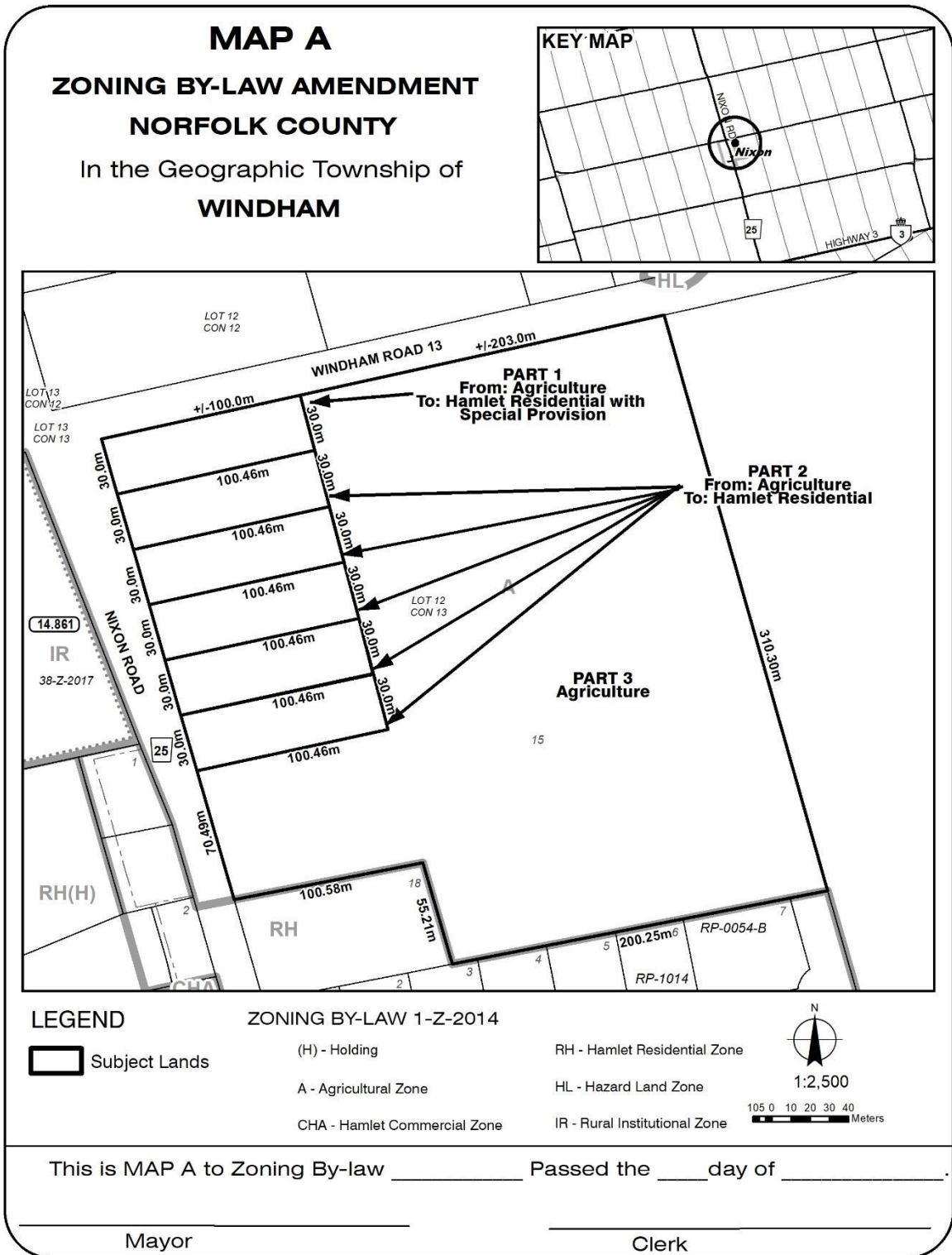
1. That Schedule A of By-Law 1-Z-2014, as amended, is hereby further amended by changing the zoning of the subject lands identified on Map A (attached to and forming part of this By-Law) from *Agricultural (A) Zone* to *Hamlet Residential (RH) Zone* with a Holding (H) and Special Provision 14.1066;
2. That Schedule A of By-Law 1-Z-2014, as amended, is hereby further amended by delineating the lands identified as the subject lands on Map A (attached to and forming part of this By-Law) as having reference to Subsection 14.1066;
3. That Schedule 14.1066, (attached to and forming part of this By-Law) be included and form part of By-Law 1-Z-2014;
4. That Subsection 14 Special Provisions is hereby further amended by adding the following:
  - 14.1066 In lieu of the corresponding provisions in the *Hamlet Residential (RH) Zone*, the following shall apply:
    - a) minimum *lot area*:
      - i. *interior lot* – 3006 square metres;
      - ii. *corner lot* – 3006 square meters;
    - b) minimum *exterior side yard*: 7.50 meters;

5. That the holding (H) provision of this By-Law shall be removed upon the registration of a Development agreement to the satisfaction of the General Manager of Community Development (or designate).
6. That the effective date of this By-Law shall be the date of passage thereof.

**ENACTED AND PASSED** this \_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
County Clerk



**Explanation of the Purpose and Effect of  
By-Law -Z-2024**

This By-Law affects a parcel of land described as Part Lot 12, Wdm Concession 13, Norfolk County, known municipally as 2328 Nixon Road.

The purpose of this By-Law is to change the zoning on the subject lands from *Agricultural (A) Zone* to *Hamlet Residential (RH) Zone* with a Holding (H) and Special Provision 14.1066 for amended exterior side yard setback of a corner lot.

The holding “(H)” provision will ensure a development agreement has been executed and registered on title to the satisfaction of the General Manager of Community Development (or designate).