



SUBJECT: MEMORANDUM
Proposed Revocation of Minister's Zoning Order (MZO),
Ontario Regulation 104/72 (Airport Freeze), on lands
generally located west of Highway 48, south of 19th Avenue,
east of Kennedy Road and north of Major Mackenzie Drive

PREPARED BY: Anna Henriques, MCIP, RPP, Senior Planner – Zoning
Special Projects, ext. 7922

REVIEWED BY: Tom Villella, MCIP, RPP, Manager – Zoning & Special
Projects, ext. 2758

RECOMMENDATION:

- 1) THAT the memorandum entitled, "MEMORANDUM: Proposed Revocation of Minister's Zoning Order (MZO), Ontario Regulation 104/72 (Airport Freeze), on lands generally located west of Highway 48, south of 19th Avenue, east of Kennedy Road and north of Major Mackenzie Drive" be received;
- 2) THAT a copy of this memo be forwarded to the Ministry of Municipal Affairs and Housing (MMAH), along with a covering letter informing the Ministry:
 - i) That the City of Markham has no objection to the revocation of the MZO on the lands generally located west of Highway 48, south of 19th Avenue, east of Kennedy Road and north of Major Mackenzie Drive (Figure 1), and;
 - ii) That the City of Markham requests a comprehensive list of all MZO amendments approved by the Ministry affecting the subject lands;
- 3) AND that Staff be authorized and directed to do all things necessary to give effect to this resolution.

PURPOSE:

The purpose of this memo is to inform Development Services Committee (DSC) of a proposed Ministry of Municipal Affairs and Housing (MMAH) initiated amendment to revoke the MZO on lands generally located west of Highway 48, south of 19th Avenue, east of Kennedy Road and north of Major Mackenzie Drive (the "subject lands") (Figure 1) and to provide comments to MMAH with respect to the proposed MZO revocation.

BACKGROUND:

Minister's Zoning Order, Ontario Regulation 104/72

The MZO generally applies to lands east of Kennedy Road, south of 19th Avenue, west of York-Durham Line and north of Major Mackenzie Drive (Figure 1). The MZO was enacted by the Province in 1972 to protect lands for a future airport in the City of Pickering. Land uses permitted by the MZO are generally restricted to agricultural uses and related accessory uses.

Official Plan and Zoning

The subject lands are predominately designated "Countryside" and "Greenway" in the 2014 Official Plan (not in force). In addition, a small portion of the lands, east of Kennedy Rd, south of Elgin Mills Road and north of Major Mackenzie Drive is designated "Future Neighbourhood Area". It is also noted that a portion of the subject

lands is located within the Greenbelt. The subject lands are predominately designated "Agricultural" in the 1987 Official Plan (in effect) with some portions also designated "Open Space" and "Hazard Lands."

The subject lands are all zoned pursuant to By-law 304-87, as amended, and are predominately zoned agricultural, open space and rural residential. In addition, there are two (2) properties zoned institutional; one at the south east corner of Elgin Mills Road and McCowan Road and the other on Major Mackenzie Drive, just east of McCowan Road. A commercially zoned property is also located at the north east corner of Kennedy Road and Elgin Mills Road.

Ontario Municipal Board (OMB) Decision

In 2012 and 2013 several landowners submitted applications to MMAH to revoke the MZO on twenty-two (22) properties in the City of Markham (Figure 1). These applications were referred to the OMB (case numbers MM130016, MM130063 & MM130087). A decision was issued on October 28, 2014 and the Board ordered that the MZO be revoked for twenty (20) properties (Figure 1 & 2) as the lands were no longer required for the Pickering Airport.

MMAH initiated amendment to revoke MZO on subject lands

Notice of a MMAH initiated amendment to revoke the MZO on the subject lands was provided by MMAH in the Markham Economist and Sun on Thursday May 28, 2015. The intent of the proposed amendment is to implement the OMB decision, dated October 28, 2014, to revoke the MZO on twenty (20) properties in Markham. In addition, the amendment also proposes to revoke the MZO on additional lands west of Highway 48 (Figure 1). Comments to MMAH respecting the proposed amendment to revoke the MZO on the subject lands are required by June 17, 2015.

OPTIONS/DISCUSSION:

Staff have no objection to the proposed amendment to revoke the MZO on the subject lands

Should MMAH decide to revoke the MZO on the subject lands, the City's zoning by-laws will be applicable to guide and regulate land use and development. In Staff's view, the subject lands are appropriately dealt with, from a local land use planning perspective, under Markham's Official Plan and zoning by-laws. Therefore, Staff have no objection to the proposed amendment to revoke the MZO on the subject lands.

Should MMAH decide to revoke the MZO on the subject lands, staff request that MMAH provide a comprehensive list of approved amendments to the MZO since enactment in 1972, for Staff review and consideration as part of the New Comprehensive Zoning By-law Project.

Staff also note, should the MZO be removed on the subject lands, a modification to Map 7 of the 2014 Official Plan will be required (this map is currently under OMB appeal).

FINANCIAL CONSIDERATIONS:

N/A

HUMAN RESOURCES CONSIDERATIONS:

N/A

ALIGNMENT WITH STRATEGIC PRIORITIES:


N/A.

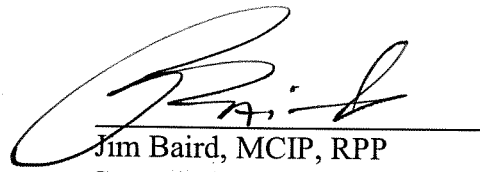
BUSINESS UNITS CONSULTED AND AFFECTED:

N/A

RECOMMENDED

BY:


Ron Blake, MCIP, RPP
Senior Development Manager,
Planning & Urban Design

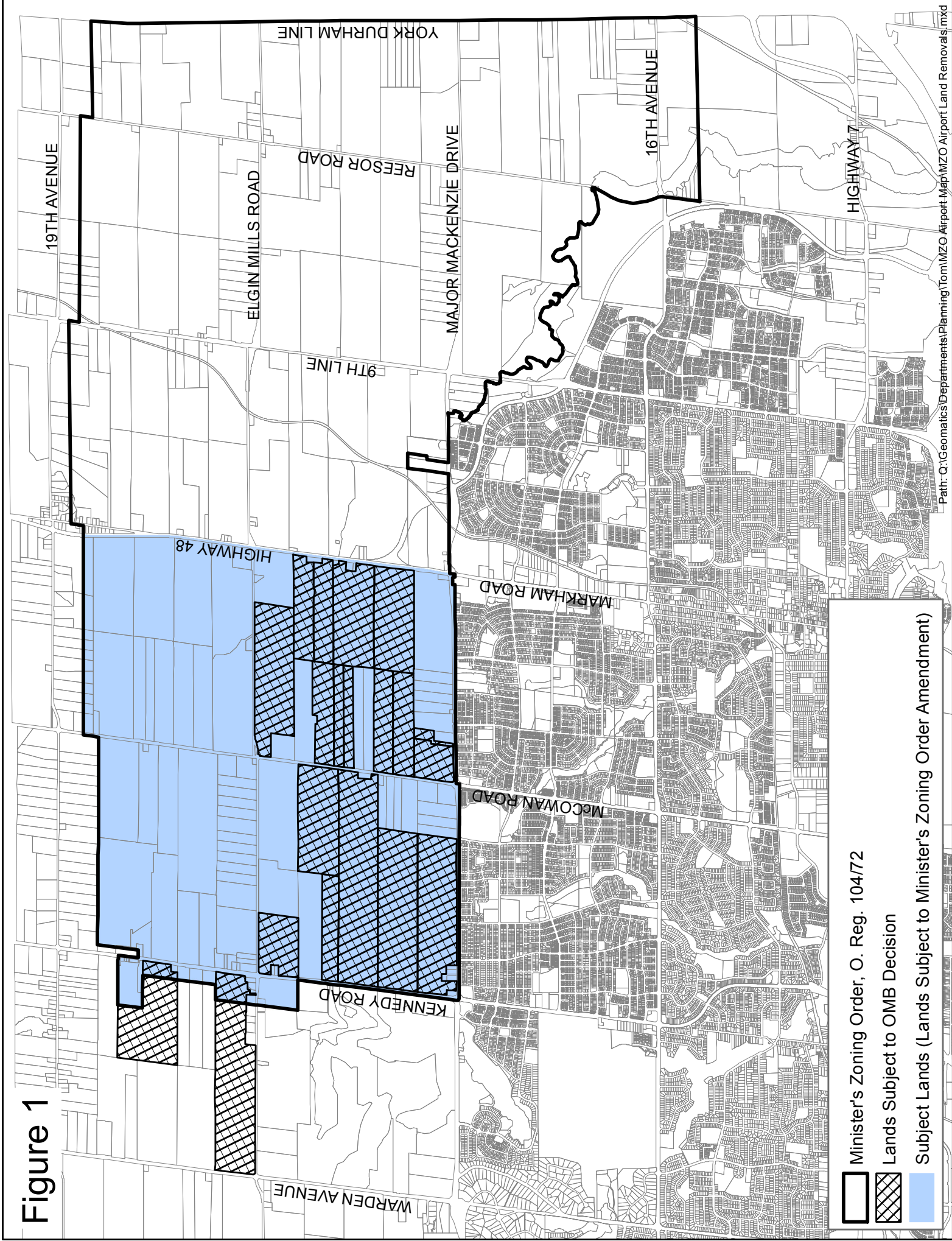

Jim Baird, MCIP, RPP
Commissioner, Development Services

ATTACHMENTS:

Figure 1: The "Subject Lands"

Figure 2: List of 20 properties where MZO revoked as per OMB decision (Oct 28, 2014)

Figure 1



ATTACHMENT 1

List of Twenty Properties for which Minister's Zoning Order, Ontario Regulation 104/72 is Revoked.

North Markham Landowners Group				
	PIN	Registered Ownership	Applicant	Property Details
1	03062-0072	Cavcoe Holdings Ltd.	Cavcoe Holdings	10466 Highway 48, PT LT 24, Con. 7, Markham as in R610197; Markham
2	03056-0143 (03056-9501)	Major Kennedy Developments Limited	Fieldgate Developments	10227 Kennedy Road, PT LT 22, Con. 6, Markham, PT 1, 65R19262; Markham
3	03056-0144	Major Kennedy South Developments Limited	Fieldgate Developments	4638 Major Mackenzie Drive East, PT LT 21, Con. 6, Markham PT 1, 65R14120; Markham
4	03056-0045	Kennedy Elgin Developments Limited	Fieldgate Developments	11162 Kennedy Road, PT LT 28, Con. 5 Markham; PT LT 29 Conc. 5 Markham as in MA68965 except PT 6 exprop. PL MA110019; Markham
5	03056-0423 (03056-0130)	4551 Elgin Mills Developments Limited	Fieldgate Developments	4551 Elgin Mills Road East, PT LT 25, Con. 6, Markham, as in MA109182 except PTS 8 & 9, exprop. PL MA110018; Markham
6	03056-0052	Framboresaux Developments Inc.; Romandale Farms Limited; First Elgin Mills Developments Inc.	Romandale Farms	4044 Elgin Mills Road East, PT LT 26, Con. 5 Markham as in MA56523 except PT 1 exprop. PL MA85695, PT 1 exprop. PL MA 110019; Markham
Trinison Management Corp.				
	PIN	Registered Ownership	Applicant	Property Details
7	03062-0408	Colebay Investments Inc.	Colebay Investments Inc.	PT E ½ & PT W ½ Lot 25, Con. 7 Markham; PTS 1 & 2, PL 65R29672; Markham, S/T Ease over PT 2, PL 65R29672 as in MA42142 & R72433 Markham
8	03062-0407	Highcove Investments Inc.	Highcove Investments Inc.	PT LT 24, Con. 7, Markham part I PL 65R-29434; Markham
9	03062-0388	Firwood Holdings Inc.	Firwood Holdings Inc.	PT W ½ LT 23 Con. 7, Markham; PT 1 65R29079; Markham

10	03063-0060	Major McCowan Developments Limited	Major McCowan Developments Limited	PT W ½ LT 22 Con. 7, Markham, as in R689122, Markham
11	03-62-0387	Summerlane Realty Corp.	Summerlane Realty Corp.	E ½ LT 22 Con. 7, Markham PT1 65R29062; Markham
12	N/A	Brentwood Estates Inc.	Brentwood Estates Inc.	Part of Lot 24, Con. 7, Markham
13	N/A	Cherokee Holdings Inc.	Cherokee Holdings Inc.	Part of the west half of lot 23, con. 7 Markham Part 1 Plan 65R-31610
14	N/A	Cor-Lots Development Inc.	Cor-Lots Development Inc.	Part of the west half of lot 23, conc. 7. Markham, being part 1 Plan 65R-31191
15	N/A	Carmark Investments	Carmark Investments	Con. 7 Pt. Lot 23, Markham
16	03062-0059	Markham MMM North Development Corp.	Markham MMM North Development Corp.	Part of the west half lot 22, conc. 7 Markham
17	03062-0428	Markham MMM South Development Corp.	Markham MMM South Development Corp.	Part of lot 21, concession 7, designated as parts 1 and 2 Plan 65R-33237, Markham
Kennedy McCowan Land Owner Group				
	PIN	Registered Ownership	Applicant	Property Details
18	03056-0136	Minotar Holdings Inc.	Minotar Holdings Inc.	Part of Lot 23, Concession 6, Markham, MA107023, except part 5 on expropriation plan MA110018
19	03056-0134	Halvan 5.5. Investments	Halvan 5.5. Investments	Part of the west ½ lot of lot 24, concession 6, Markham, designated as part 1, Plan 64R-3512 except part 6 on expropriation plan MA110018
20	03056-0135	Beechgrove Estates Inc.	Beechgrove Estates Inc.	Part of east ½ of lot 24, concession 6, Markham as in MA55388