

June 12, 2023

MGP File: 21-3071

City of Markham
101 Town Centre Boulevard
Markham, ON L3R 9W3

via email: clerkspublic@markham.ca

Dear Members of Council:

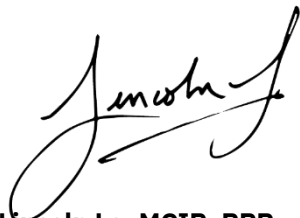
**RE: CF/OT Buttonville Properties Inc.
Preliminary Comments on City of Markham Draft New Zoning By-law (May 2023)**

Malone Given Parsons Ltd. ("MGP") are the land use planners for CF/OT Buttonville Properties Inc. ("CF Buttonville"), the owner of the lands currently occupied by the Buttonville Municipal Airport at 2833 16th Avenue in the City of Markham (the "Subject Lands"). On behalf of CF Buttonville, we have reviewed the staff report and the Draft New Zoning By-law (the "Draft ZBL") that is being recommended for approval at the June 14 Council Meeting.

We note that since the submission of our previous comments on behalf of CF Buttonville, staff have revised the Draft ZBL to reflect most of our comments. We would like to thank City staff on their hard work in preparing the Draft ZBL and for considering our comments as part of this latest draft. This letter is being submitted to protect CF Buttonville's appeal rights, should any changes be made to the Draft ZBL that may impact CF Buttonville's redevelopment plans. We ask that we be notified of any such changes and reserve the right to make further comments.

If you have any questions, please do not hesitate to contact the undersigned.

Yours very truly,
Malone Given Parsons Ltd.



Lincoln Lo, MCIP, RPP
Principal

cc. Client

June 12, 2023

MGP File: 13-2185

City of Markham
101 Town Centre Boulevard
Markham, ON L3R 9W3

via email: broberts@markham.ca / clerkspublic@markham.ca

Dear Members of Council:

**RE: Dorsay Development Corporation
 Comments on City of Markham Draft New Comprehensive Zoning By-law**

Malone Given Parsons Ltd. ("MGP") are the land use planners for Dorsay Development Corporation ("Dorsay"), the owner of the lands located on the east and west sides of Circa Drive, north of Highway 7 in the City of Markham, legally referred to as Part of Lot 11, Concession 4 and Part of Block 3 of 65M-2503 (the "Subject Lands"). On behalf of Dorsay, we have reviewed the staff report and the Draft New Zoning By-law (the "Draft ZBL") that is being recommended for approval at the June 14 Council Meeting.

The purpose of this letter is to provide our comments regarding the Draft ZBL as it relates to the Subject Lands. We note that the Subject Lands, as well as the remainder of the Markham Centre Secondary Plan lands, are excluded from and not subject to the Draft ZBL, due to the 1987 Official Plan remaining in force until a secondary plan or official plan amendment is approved and the lands become subject to the 2014 Official Plan.

We agree with staff that it would be premature to enact new zoning standards on lands where the existing policy framework has not been updated through new secondary plans or official plan amendments. Furthermore, Dorsay has appealed both the City-wide Official Plan, as it relates to its site and its site-specific official plan and zoning by-law amendment applications on the Subject Lands to the Ontario Land Tribunal, which will establish the appropriate policy and zoning framework on a site-specific basis for the development of the Subject Lands. Accordingly, we support the exclusion of the Subject Lands from the Draft ZBL.

We would like to thank City staff on their hard work preparing the Draft ZBL, and for giving us the opportunity to provide comments. Should the exclusion change, we ask that we be notified and reserve the right to make further comments.

If you have any questions, please do not hesitate to contact the undersigned.

Yours very truly,
Malone Given Parsons Ltd.

A handwritten signature in blue ink, appearing to read 'Matthew Cory', is written over a blue circular stamp or seal.

Matthew Cory, MCIP, RPP, PLE, PMP
Principal

cc. Client
S. Rosenthal



June 21, 2023

Legislative Department
Markham Civic Centre
101 Town Centre Boulevard
Markham, Ontario L3R 9W3

Attn: Laura Gold, City Clerk's Office

**RE: Comments Regarding Draft Comprehensive Zoning By-law
BRL Realty Limited
7604/7620 Woodbine Avenue**

Evans Planning acts on behalf of BRL Realty Limited, the Owner of the property legally described as 'Part of Lot 5, Concession 5, Town of Markham', and municipally known as 7604/7620 Woodbine Avenue (the 'subject property'). The subject property is located on the west side of Woodbine Avenue, south of 14th Avenue, and is immediately north of the Rail Corridor.

Within the City of Markham Official Plan (2014), the property is located within the *Service Employment* land use designation, which permits a variety of industrial, employment, and service uses. City of Markham Zoning By-law 2284-68 further identifies the subject property within the *Agricultural (A1)* and *Rural Industrial (M4)* Zones. Of these Zones, it is noted that the A1 Zone permits only Agricultural Uses, and that the M4 Zone permits only industrial uses, or ancillary commercial uses, on private services.

In reviewing the draft Comprehensive Zoning By-law we note that it is proposed to place the subject property within the *Employment - Service Employment (EMP-SE)* Zone. On this basis, we appreciate the opportunity to review the proposed Comprehensive By-law in advance of consideration by City Council, and provide the following comments:

Accessory Outdoor Storage

One of the special use provisions in the proposed EMP-SE Zone prohibits accessory outdoor storage for industrial uses. Many properties in the immediate vicinity, including the subject property, currently have accessory outdoor storage. This accessory use is currently permitted under the existing Zoning By-laws that are applicable to the subject property and surrounding properties:

- Zoning By-law 2284-68 Section 5.2.2 allows "open storage of new materials and products" in the M4 zone.
- Zoning By-law 28-82 Section 4.8.2, which applies to many surrounding properties, allows "accessory industrial equipment" outside in the rear yard in conjunction with industrial uses.

We object to the removal of the explicit permission for outdoor storage. Outdoor storage is often necessary for industrial uses, something which is recognized in these existing By-laws.

If there is a desire to control the storage to avoid negative impacts on abutting properties, provisions could be included to limit outdoor storage to ensure compatibility with existing and future uses. By-law 28-82 already provides sample text in Section 6.2.4, which lists the following special provisions for accessory open storage:

- i. An open storage area shall be permitted only in a rear yard and not closer than 9 metres to any street line.
- ii. An open storage area shall be located so that it is not visible from a street along any line that is perpendicular to such street.
- iii. An open storage area shall not extend over more than thirty percent (30%) of the lot area and such area shall be exclusive of parking spaces required by Section 4.4.
- iv. An open storage area shall be used only for the temporary storage of products manufactured, assembled or used on the premises and the storage of materials used in an industrial operation on the same lot.
- v. The height of stored materials shall not exceed the height of the lowest building on the same lot.
- vi. In addition to the landscaping adjacent to a street as required under Section 4.7.1, a 3 metre wide strip shall also be landscaped along the other lot boundaries.
- vii. An open storage area shall be screened with a solid fence.

These provisions are reasonable restrictions that would ensure that accessory outdoor storage is not a nuisance to surrounding properties. We suggest that industrial uses be permitted to have accessory outdoor storage subject to the provisions listed above, or a similar list of special provisions.

Discretionary Uses:

We note that the EMP-SE Zone is proposed to permit the following uses: business office, cannabis establishment, service and repair establishment, commercial parking lot or garage (with stepback requirement), commercial school, film studio, financial institution (drive-through not permitted), hotel, industrial use (with no accessory outdoor storage), craft brewery (with restrictions), motor vehicle repair and body shop (with no accessory outdoor storage), motor vehicle maintenance shop use (with no accessory outdoor storage), personal service establishment (with restrictions), retail store (with restrictions), and retail brewery (with restrictions). Many of these uses have special use provisions which limit what can be done on properties within the EMP-SE zone.

The *Service Employment* land use designation in the City of Markham Official Plan (2014) (MOP) generally has the same permitted uses as the proposed EMP-SE zone. However, the Official Plan specifically mentions twenty discretionary uses which may be permitted, subject to review of a site-specific development application for zoning approval. Discretionary uses include manufacturing, processing and warehousing use, with accessory outdoor storage; sports and fitness recreation; community college or university; commercial storage facility; motor vehicle service station; car wash; motor vehicle body shop and repair facility with outdoor storage; motor vehicle retail sales with limited accessory outdoor storage or display of motor vehicles; plus 12 other uses.

Since the discretionary uses require a site-specific development application for Zoning Approval per the Official Plan, we understand that they are not listed as permitted uses in the proposed EMP-SE zone. However, it would be helpful to have them listed specifically as discretionary uses in the Zoning By-law in



order to match the Official Plan. The discretionary uses section of the MOP indicates that City Council and City Staff are aware that these may be appropriate uses for lands in the *Service Employment* designation, subject to review on a case-by-case basis. We request that the EMP-SE Zone include a reference to these discretionary uses to align with the MOP.

Thank you for the opportunity to comment on this matter. We request to be informed of any future activities or reporting related to the proposed By-law. Should you have any other questions regarding this matter, please do not hesitate to contact the undersigned.

Yours truly,

Dafne Gokcen

cc. BRL Realty Limited

June 13, 2023

By E-Mail to clerkspublic@markham.ca

City of Markham
Markham Civic Centre
101 Town Centre Boulevard
Markham, Ontario
L3R 9W3

Dear Mayor and Members of Council,

**Re: Submissions on Draft Comprehensive Zoning By-law
249 Main Street North, Markham**

We are writing on behalf of Leena Kim, the registered owner of the lands municipally known as 249 Main Street North in the City Markham and assigned property identification number 02919-0066 (LT) (the “Property”).

The purpose of this letter is to make submissions on the City’s proposed Comprehensive Zoning By-law as it applies to the Property.

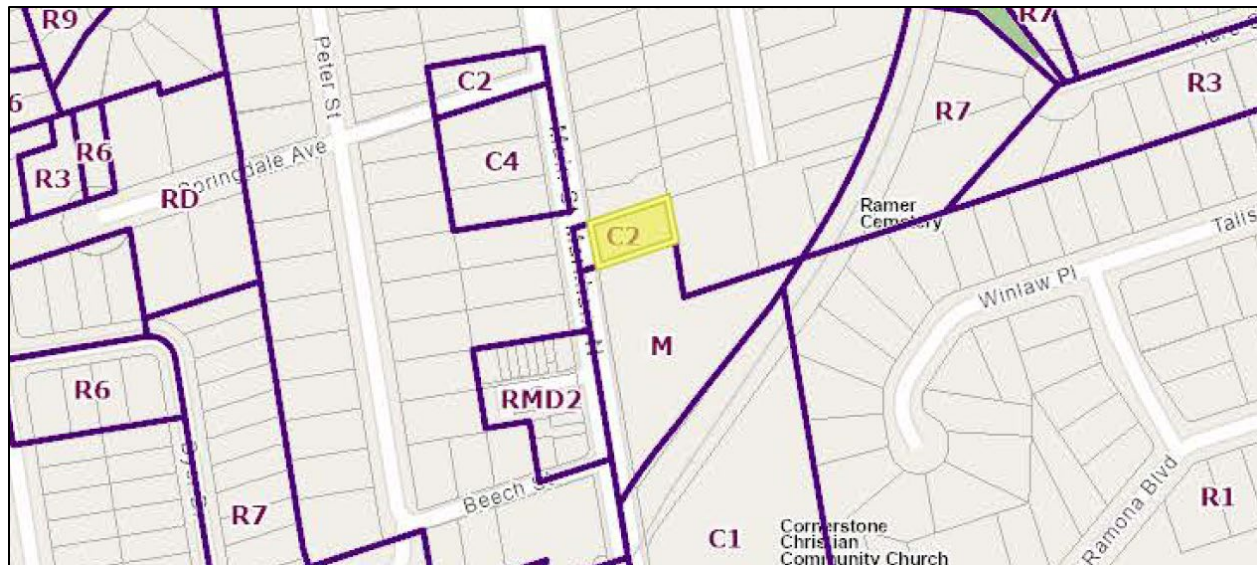
The Property

The Property is located immediately north of the Markham GO Station parking lot, and is otherwise surrounded by residential neighbourhoods and certain commercial uses to the west.

We understand that the detached dwelling on the Property has been used as a residential triplex for many decades, with one unit on the main and second floor, one unit in the basement, and one unit in a structure on the northern side of the house.

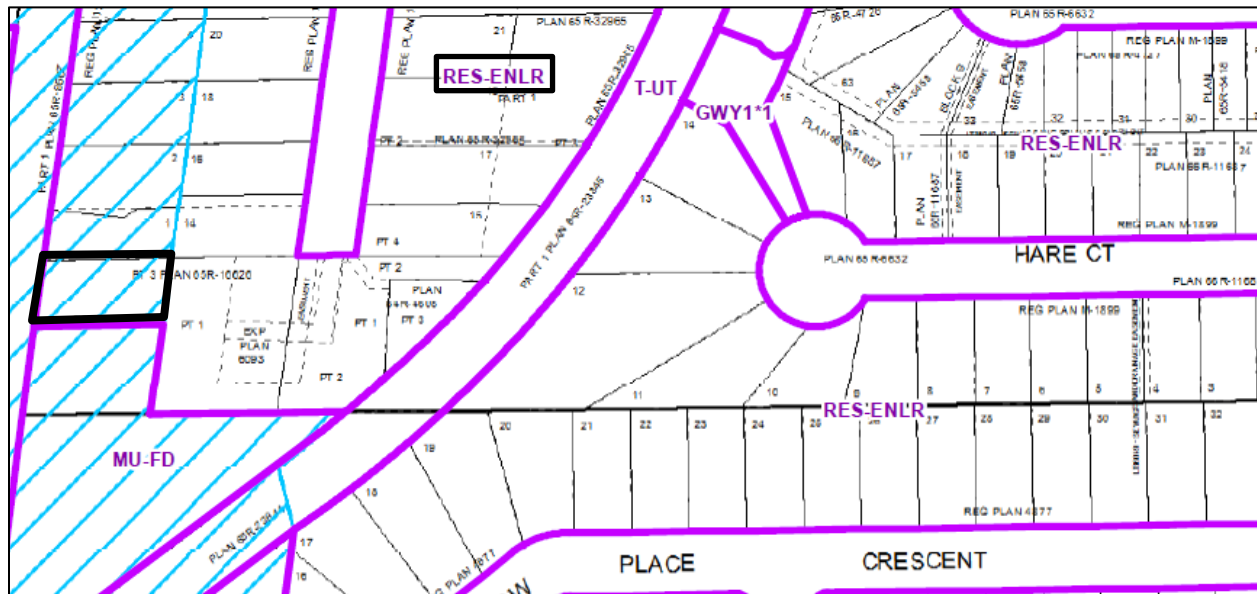
Current Zoning

The Property is currently zoned Central Area Commercial (C2) under Zoning By-law 1229, as shown on the map below:



Proposed Zoning

The draft Comprehensive Zoning By-law proposes to rezone the Property to Residential Established Neighbourhood Low Rise (RES-ENLR), as shown on the map below:



Among other things, the proposed rezoning would:

1. Remove most of the Property's existing commercial permissions; and

2. Through Section 4.9.9, impose new requirements when a detached dwelling is proposed to contain more than one dwelling unit, including the requirement that only “one dwelling unit entrance is contained in any main wall facing a street”.

The rezoning of the Property is inappropriate, does not constitute good planning and is not in the public interest, including for the following reasons:

First, the removal of commercial use permissions is inappropriate since the Property is at a point of transition to mixed uses and is in the vicinity of commercial uses. Further, the Property is immediately next to the GO Station, within a major transit station area and a transit node. The removal of commercial use permissions on the Property is not consistent with the *Provincial Policy Statement, 2020*, does not conform with *A Place to Grow: Growth Plan for the Greater Golden Horseshoe*, and does not conform with the *Region of York Official Plan* or the *City of Markham Official Plan*.

Second, the owner of the Property conducts her personal naturopathy practice from an accessory building on the Property. The draft Comprehensive Zoning By-law, proposed Section 4.9.1, and the proposed definitions of “home occupation” and “medical office” could restrict that use.

Third, the longstanding use of the Property for a residential triplex should be recognized without imposing new requirements or standards.

Fourth, some of the requirements for additional units in a detached dwelling could be ambiguous in their application to the Property. For example, it is not clear how the City would interpret the terms “main wall” and “building” in relation to the structure on the northern side of the house.

Notwithstanding the above, it is our position that the use of the Property as a residential triplex is currently permitted, because:

1. Section 35.1 of the *Planning Act* permits “three residential units in a detached house ... on a parcel of urban residential land, if no building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units”. The Property is on a “parcel of urban residential land” because the current C2 zoning permits residential uses and the Property is served by sewage works and a municipal drinking water system; and/or
2. The use of the Property as a residential triplex qualifies as a legal non-conforming use under the *Planning Act* and Zoning By-law 1229.

This submission and any future appeal of the Comprehensive Zoning By-law is made without prejudice to our position regarding the uses that are currently permitted on the Property.

We request that the Comprehensive Zoning By-law permit both the residential triplex use (without new requirements) and the currently-permitted commercial uses on the Property.

Please provide us with notice of any decision made by Council in relation to this matter, including notice of the passing of the Comprehensive Zoning By-law.

Sincerely,
DAVIES HOWE LLP



Kyle Gossen

KG:ok