



MEMORANDUM

To: Mayor and Members of Council

From: Arvin Prasad, MCIP, RPP, Commissioner of Development Services

Prepared by: Giulio Cescato, MCIP, RPP, Director of Planning and Urban Design

Date: July 16, 2024

Re: **City Support for Municipal Zoning Order, 11120 and 11274 Highway 48 (Proposed Treasure Hill Development)**

RECOMMENDATION:

1. That the July 16, 2024 memorandum titled “City Support for Municipal Zoning Order 11120 and 11274 Highway 48 (Proposed Treasure Hill Development)” be received;
2. That, subject to and conditional upon the City and Treasure Hill entering into certain commercial and real estate agreements, Council provide its endorsement to the proposed Minister's Zoning Order shown in Attachment "A" of this report; and
3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

BACKGROUND:

At the Development Services Committee meeting on May 7, 2024, Treasure Hill made a deputation on a proposal for a community concept for lands at 11120 and 11274 Highway 48 which includes conveyances of 16.33 hectares (40.35 acres) of parkland for a City-wide Community Sports Park, approximately 29 hectares (69 acres) of Greenbelt lands, and 2.6 hectares (6.5 acres) of additional lands to the City. The proposal also contemplates approximately 2087 homes at various levels of affordability and form, and a potential 6-acre school site.

Markham City Council directed Staff to work with the applicant to finalize a draft Municipal Zoning Order (“MZO”).

Location and Area Context

The subject lands are in the southwest quadrant of 19th Avenue and Highway 48, less than 3km from the intersection of Major Mackenzie Drive and Highway 48, with 1221 m of frontage on Highway 48. The lands are municipally known as 11120 and 11274 Highway 48. Major Mackenzie Drive is one of two critical east west “Rapid Transit Corridors” in Markham identified in York Region’s Official Plan.

A potential GO rail station is being considered for a site northeast of the intersection of Highway 48 and Major Mackenzie Drive. The subject lands are outside of the City’s current urban boundary and immediately south of an approved residential MZO and Stouffville’s commercial gateway. The portion of the subject lands that fall within the Greenbelt are proposed to be conveyed to the City. The balance of the subject lands are proposed to be zoned for residential uses, parkland and a school site.

Planning Process to Date

Treasure Hill approached the City in Fall of 2023 seeking to further this development proposal through the Community Infrastructure and Housing Accelerator (CIHA) tool from the Planning Act. This tool, which was introduced in the More Homes for Everyone Act, 2022 (Bill 109) and was similar to a MZO, was used by municipalities to expedite zoning requests while securing important pieces of community infrastructure.

In Spring, 2024, the Cutting Red Tape to Build More Homes Act, 2023 (Bill 185) repealed the CIHA provisions in the Planning Act and released a [Zoning Order Framework](#) that sets out a process and criteria for how MZO requests will be considered. The framework outlines that the Minister will consider requests for MZOs that meet one of the following intake thresholds:

- requests that deliver on a provincial priority that is supported by a minister (for example, long-term care, hospitals, transit-oriented communities, educational facilities, housing priorities, economic development, manufacturing, etc.)
- requests that are supported by a single-tier or lower-tier municipality (for example, through a municipal council resolution or a letter from a mayor where the municipality has been designated with strong mayor powers)

Due to the removal of the CIHA tool, Treasure Hill has come forward seeking municipal support for a MZO that proposes to expedite housing, convey parkland and Greenbelt lands into municipal ownership, and develop a potential school site.

Treasure Hill made a presentation to the Development Services Committee on May 7, 2024, detailing the community plan. At that meeting, Council directed Staff to:

1. Report back to Development Services Committee for finalization of the MZO; and
2. Prepare a commercial agreement with respect to the conveyance of the 40.35 acres for the parkland and the 69 acres of the Greenbelt into public ownership next year.

DISCUSSION:

At the Development Services Committee Meeting of May 7, 2024 Treasure Hill also submitted a draft MZO for review. City Staff, with direction from Council, reviewed the Draft MZO and revised it in a number of ways, including:

1. Bringing the language and permissions of the MZO into the new Comprehensive Zoning By-law;
2. Adding a provision for the protection of servicing within the MZO;
3. Removing the request for an enhanced MZO which would have removed site plan authority from the City;
4. Extending the mixed-use permissions along the southern boundary of the residential zone to protect for more service retail and commercial adjacent to the park;
5. Adding the provision for a minimum 16 ha park; and
6. Removing the exemptions for applicability of provincial policy statements and plans

Staff are satisfied that the attached MZO protects the city's interests to the extent possible to implement Council direction in this regard.

CONCLUSION:

Staff have worked with the applicant to produce a draft MZO that protects the City's interests and implements Council direction regarding the lands known municipally as 11120 and 11274 Highway 48. Should Markham City Council endorse the recommendations in this memorandum, the draft MZO would be included in a zoning order request to the Minister of Municipal Affairs and Housing by Treasure Hill, along with the other required information in the zoning framework.

ATTACHMENTS:

Appendix A - Draft Minister's Zoning Order

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ONTARIO REGULATION XXX/24

made under the
PLANNING ACT

Made: XXX
Filed: XXX
Published on e-Laws: XXX
Printed in The Ontario Gazette: XXX

ZONING ORDER – CITY OF MARKHAM, REGIONAL MUNICIPALITY OF YORK

Definitions

1. In this Order,
“Zoning By-law” means Zoning By-law 2024-19 of the City of Markham.

Application

2. (1) This Order applies to lands in the City of Markham in the Regional Municipality of York, in the Province of Ontario, being the lands outlined in red on the map numbered xxx and filed at the Toronto office of the Ministry of Municipal Affairs and Housing located at 777 Bay Street.

Condition, municipal services

3. No person may use the lands described in section 2 or erect or use buildings or structures on those lands unless the following conditions respecting municipal services are met, if applicable:
 - (1) New public or private streets required for the erection or use of a building or structure shall be constructed to a minimum of base curb and base asphalt or concrete and shall be connected to an existing public highway.
 - (2) Municipal water mains and sewers, and their appurtenances, that are required for the erection or use of a building or structure shall be installed and operational before the use or erection begins

Permitted Uses

4. (1) Every use of land and every erection, location or use of any building or structure is prohibited on the lands identified as Residential Low Rise Two (RES-LR2) Zone on the map referred to in Section 2(1), except for,
 - (a) The uses identified for the Residential Low Rise Two (RES-LR2) Zone in Table 6.3.4.1 of the Zoning By-law;

- (b) Townhouse Dwellings;
- (c) Back to back Townhouse Dwellings;
- (d) Public Uses;
- (e) Retail Stores;
- (f) Personal Service Establishments;
- (g) Child Care Centres;
- (h) Public Parks; and,
- (i) Public Schools.

(2) Every use of land and every erection, location or use of any building or structure is prohibited on the lands identified as Residential Low Rise Six (RES-LR6) Zone on the map referred to in Section 2(1), except for,

- (a) Back to back Townhouse Dwellings;
- (b) Multiple Dwellings;
- (c) Home Child Care;
- (d) Home Occupation;
- (e) Shared Housing – Small Scale;
- (f) Art Galleries;
- (g) Artist Studios;
- (h) Business Offices;
- (i) Child Care Centres;
- (j) Commercial Schools;
- (k) Financial Institutions;
- (l) Medical Offices;
- (m) Personal Service Establishments;
- (n) Non-profit Private Clubs;
- (o) Restaurants;
- (p) Retail Stores;
- (q) Fitness Centres, Studio; and,
- (r) Service and Repair Establishments.

Zoning Requirements

5. (1) The zoning requirements set out for the Residential Low Rise Two (RES-LR2) Zone in Table 6.3.4.2 of the Zoning By-law apply to the uses set out in

subsection 3(1) with the following exceptions:

- (a) Retail Stores, personal service establishments, and child care centres shall only be permitted within a Heritage Building;
- (b) Townhouse dwellings not accessed by a lane shall comply with the provisions of Table 6.3.5.2;
- (c) Detached, and semi-detached dwellings accessed by a lane shall comply with the provisions of Table 6.3.6.2;
- (d) Townhouse dwellings accessed by a lane shall comply with the provisions of Table 6.3.7.2;
- (e) Back to back townhouse dwellings shall comply with the provisions of Table 6.3.13.2;
- (f) Public Schools shall comply with the provisions of Table 6.3.10.2;
- (g) Despite Table 6.3.4 the minimum required lot frontage is 9.1 metres;
- (h) Despite Table 6.3.4 and 6.3.5 the minimum required rear yard on a lot not accessed by a lane is 6.0 metres;
- (i) Despite Table 6.3.4 and 6.3.5 the maximum garage door width on a lot that is not accessed by a lane with a lot frontage of 10.7 metres to 12.19 metres is 5.5 metres;
- (j) Despite Table 6.3.7, the minimum required lot frontage is 4.5 metres per unit on an interior lot, 5.8 metres for an end unit on an interior lot, and 7.0 metres for an end unit on a corner lot;
- (k) Despite Table 6.3.7, the maximum height shall be 12.5 metres;
- (l) Stairs are permitted to encroach into an interior side yard provided that no part of a stair is located closer than 0.75 metres from an interior side lot line;
- (m) Maximum number of detached, semi-detached or townhouse dwellings east of the lands zoned Greenway One (GWY1) zone under the zoning by-law is 1178;
- (n) Minimum combined area of all public parks is 16.72 hectares;
- (o) One public park shall have a minimum contiguous area of 16 hectares;
- (p) Despite any setback provision identified in Section 4 of this Order, a minimum 7.0 metre setback is required for all main buildings or structures, roads, driveways, parking spaces and parking areas from the edge of the TransCanada PipeLines Limited (TCPL) right-of-way; and,
- (q) All accessory buildings or structures shall be located a minimum of 3.0 metres from the edge of the TransCanada PipeLines Limited (TCPL) right-of-way.

(2) The zoning requirements set out for the Residential Low Rise Six (RES-LR6) Zone in Table 6.3.8.2 of the Zoning By-law apply to the uses set out in subsection 3(2) with the following exceptions:

- (a) For the purposes of this By-law, 19th Avenue shall be deemed to be the front lot line;
- (b) The minimum setback between buildings is 3 metres;
- (c) The maximum number of multiple dwellings, or back to back townhouses is 1140;
- (d) The minimum parking space required per dwelling unit is 1.0 parking space; and,
- (e) The minimum visitor parking space required per dwelling unit is 0.15 parking spaces.

Matters that may be dealt with in agreement

- 6. (1) Each person who owns all or any part of the lands described in subsection 2 (1) shall enter into one or more agreements with the City of Markham dealing with matters listed in subsection 47 (4.4) of the Act.

Terms of Use

- 7. (1) Every use of land and every erection, location and use of buildings or structures shall be in accordance with this Order
- (2) Nothing in this Order prevents the use of any land, building or structure for any use prohibited by this Order if the land, building or structure is lawfully so used on the day this Order comes into force

- (3) Nothing in this Order prevents the reconstruction of any building or structure that is damaged or destroyed by causes beyond the control of the owner if the dimensions of the original building or structure are not increased and its original use is not altered.

- (4) Nothing in this Order prevents the strengthening or restoration to a safe condition of any building or structure.

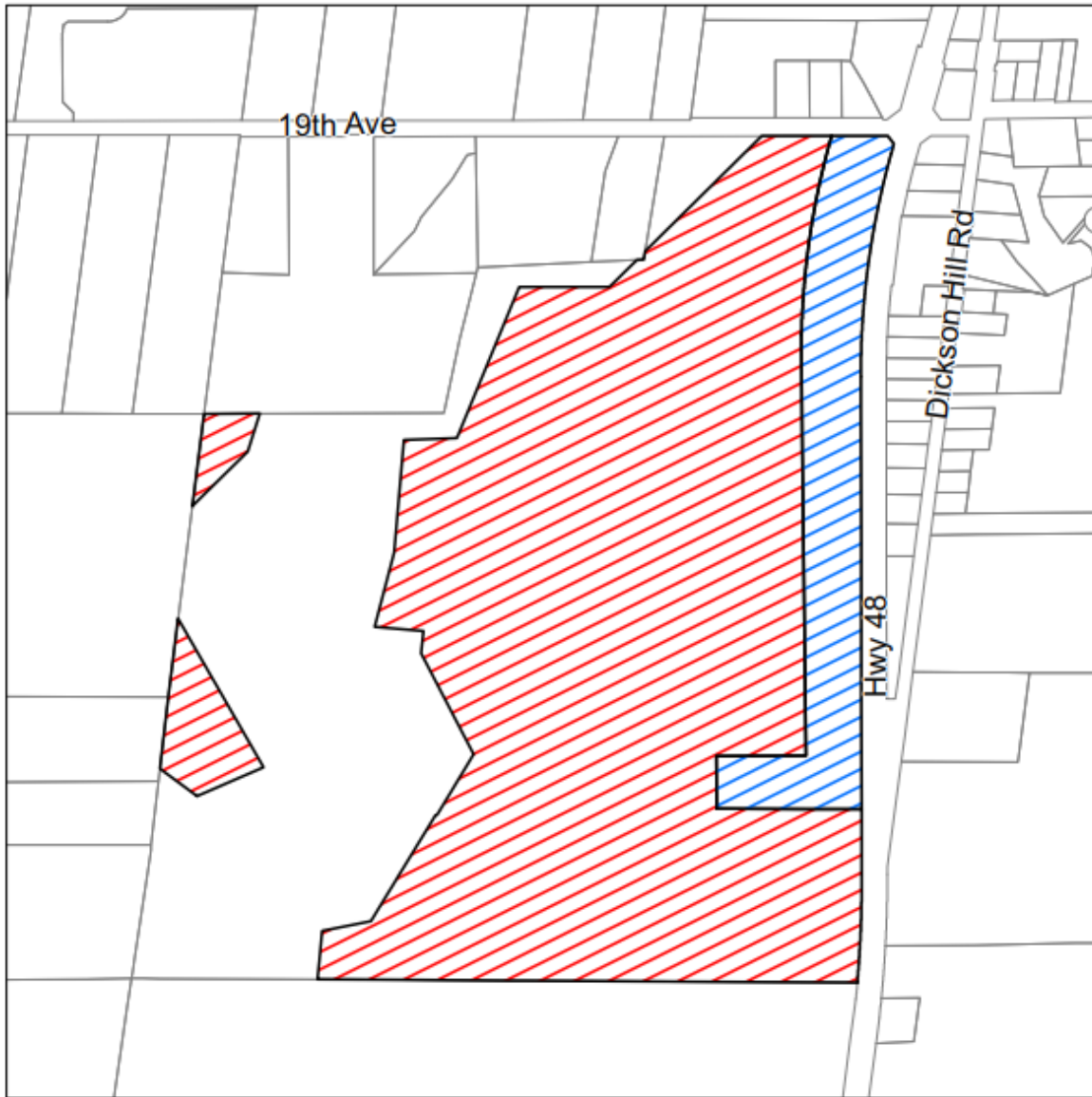
Deemed by-law

- 8. This Order is deemed for all purposes, except the purposes of section 24 of the Planning Act, to be a by-law passed by the council of the City of Markham

Commencement

9. This Regulation comes into force on the day it is filed.

Concession 7 Part of Lots 28 to 30
 City of Markham, Regional Municipality of York



MAP NO.





Map filed at the office of the Ontario Ministry of Municipal Affairs and Housing, 777 Bay Street, Toronto, Ontario, Planning Act

Ontario Regulation:


Date:

Original Signed By: Minister of Municipal Affairs and Housing

LEGEND

-  Lands Subject to Zoning Order
-  RES-LR2 - Residential Low Rise Two
-  RES-LR6 - Residential Low Rise Six
-  Parcels



Map North (Degrees): 18.75°E 

THIS IS NOT A PLAN OF SURVEY
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