

SUBJECT: MEMORANDUM
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.
ZA 12 126313

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: 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.

PURPOSE:

The purpose of this memo is to inform Development Services Committee (DSC) of a Ministry of Municipal Affairs and Housing (MMAH) initiated amendment which revoked the MZO on the subject lands, as described below.

BACKGROUND:**Subject lands**

The subject lands are 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).

Minister's Zoning Order, Ontario Regulation 104/72, as amended

In 1972, the Province enacted the MZO, to protect lands for a future airport in the City of Pickering. At the time, the MZO generally applied to lands east of Kennedy Road, south of 19th Avenue, west of York-Durham Line and north of Major Mackenzie Drive (Figure 1). 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 Markham Rural Area 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 several properties in the City of Markham within the subject lands. 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 on several properties in Markham as the lands were no longer required for the Pickering Airport.

MMAH initiated amendment to revoke MZO on subject lands

In May, 2015, the City was notified of a proposed MMAH initiated amendment to revoke the MZO on several properties in Markham, consistent with the OMB decision, dated October 28, 2014. In addition to the lands subject to the OMB decision, additional lands west of Highway 48 (subject lands, Figure 1) were also proposed by the Ministry to be removed from the MZO.

In June, 2015, Markham provided comments to MMAH indicating that the City had no objection to the proposed amendment to revoke the MZO from the subject lands, consistent with a staff recommendation endorsed by DSC in a memo dated June 15, 2015.

Ontario Regulation 247/15 – revocation of lands from MZO

On August 21, 2015, MMAH filed Ontario Regulation 247/15 which amends Ontario Regulation 104/72 by revoking the MZO on the subject lands. With the revocation of the MZO, the City's underlying zoning is now in effect for the subject lands.

OPTIONS/DISCUSSION:**Next Steps:**

Staff will work on the following next steps as a result of the MZO revocation on the subject lands:

- **Official Plan Map 7 – Provincial Policy Areas to be modified**

Consistent with a report to DSC dated April 11, 2016 titled, "2014 City of Markham Official Plan, Part 1 – Proposed Further Modifications Recommended for Approval by the OMB", Council endorsed a number of proposed modifications to the new Official Plan on April 19, 2016, including a revision to Map 7 (Provincial Policy Areas) to reflect the revised MZO boundary, consistent with O. Reg 247/15. The proposed modifications are scheduled to be considered at an OMB pre-hearing conference on Friday, April 29, 2016.

- **Underlying zoning for subject lands to be reviewed**

As part of Phase 3 of the New Comprehensive Zoning By-law Project, the City will be reviewing the existing underlying zoning for the subject lands to

determine if it is appropriate for the lands and consistent with the new Official Plan. Phase 3 is anticipated to begin in Fall 2016.

FINANCIAL CONSIDERATIONS:

N/A

HUMAN RESOURCES CONSIDERATIONS:

N/A

ALIGNMENT WITH STRATEGIC PRIORITIES:


N/A.

BUSINESS UNITS CONSULTED AND AFFECTED:

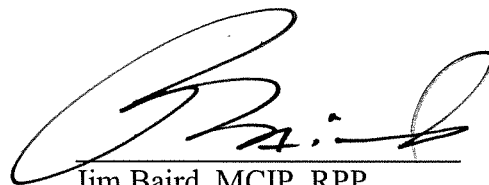
N/A

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 1

