



C5
COMMUNICATION
SP CW – October 29, 2020
ITEM # 1 & 2

memorandum

COMMUNICATION

DATE: October 28, 2020
TO: Hon. Mayor and Members of Council
FROM: Jim Harnum, City Manager
**RE: STAFF COMMUNICATION
SPECIAL COMMITTEE OF THE WHOLE
OCTOBER 29, 2020 – ITEMS 1 and 2**

Please find attached a chart containing questions/issues with corresponding answers/commentaries with respect to Minister's Zoning Order under s. 47 of the Planning Act and the two proposed orders as contained in the Member's Resolutions before the Special Committee of the Whole on October 29, 2020:

1. REQUESTS FROM BRACOR LIMITED AND CRINKLEWOOD DEVELOPMENT INC. FOR A MINISTER'S ZONING ORDER FOR LANDS LOCATED ON THE NORTH SIDE OF HIGHWAY 7 BETWEEN KEELE STREET AND BOWES ROAD (REFERRED FROM THE COUNCIL MEETING OF OCTOBER 21, 2020)
2. REQUEST FROM JANE STREET NOMINEE INC. AND 1406979 ONTARIO LIMITED FOR A MINISTER'S ZONING ORDER FOR LANDS IN BLOCK 34 EAST MUNICIPALLY KNOWN AS 11260 & 11424 JANE STREET (REFERRED FROM THE COUNCIL MEETING OF OCTOBER 21, 2020).

A handwritten signature in black ink, appearing to read 'Jim Harnum'.

Respectfully submitted by
Jim Harnum
City Manager

Attachments

Attachment 1 – Questions & Answers Minister's Zoning Order

Questions & Answers Minister's Zoning Order's

Attachment 1

	Question	Response
General		
1.	What is a Minister's Zoning Order ("MZO")?	<p>An MZO is a decision made by the Minister of Municipal Affairs and Housing as a regulation made under the <i>Planning Act</i>.</p> <p>The Minister is empowered pursuant to Section 47 of the <i>Planning Act</i> to do a number of things, including exercise any of the powers conferred upon by councils by Sections 34 (Zoning By-laws), 38 (Interim Control By-law), or 39 (Temporary Use Provisions) of the <i>Planning Act</i>, with respect to any land in Ontario.</p> <p>The Minister is afforded a great deal of autonomy to issue such orders whenever s/he deems appropriate, without the necessity of consulting either the public or the municipality in question. The Minister's discretion is unfettered with respect to MZO's enacted pursuant to s. 47 of the <i>Planning Act</i>.</p> <p>Where there is a zoning by-law in effect for the lands subject to the MZO, s. 47(3) of the <i>Planning Act</i> clarifies that the MZO applies (prevails) in cases of a conflict. If there is no conflict, the zoning by-law applies.</p>
2.	Is the Minister required to give notice or hold a hearing prior to making an Order?	<p>No - The Minister is not required to give notice or to hold a hearing prior to making an Order.</p> <p>However, the Minister is required to give notice within 30 days of making an Order (<i>Planning Act</i> ss. 47(5)).</p>
3.	Can an MZO be appealed?	<p>There is no provision in the <i>Planning Act</i> that allows for the appeal or the review of a Minister's decision to enact an Order.</p>

		<p>However, the Minister, on his or her own initiative, or at the request of any person or public body, may amend the Order (<i>Planning Act</i> ss. 47(8)). If the Minister decides to amend an Order notice is required to be given.</p>
4.	Does an MZO need to conform to the Official Plan?	<p>There is no statutory requirement for an MZO to conform with an official plan in effect with respect to the lands subject to the order. This is unlike the <i>Planning Act</i> requirement that all municipal by-laws, including zoning by-laws, must conform with the official plan.</p> <p>However, an MZO, as a decision of a Minister of the Crown, must be consistent with the Provincial Policy Statement, and, generally, must conform or not conflict with provincial plans. A notable exception is that an MZO is not required to conform with a growth plan (<i>Places to Grow Act, 2005</i>, ss. 14(3)).</p>
5.	Can a subsequent approval contravene an MZO?	<p>No. Pursuant to s. 48 of the <i>Planning Act</i>, a licence, permit, approval or permission may not be issued or granted for any land, building or structure where the proposed use of the land or the erection or proposed use of the building or structure would be in contravention of an order made under s. 47.</p>
6.	Who asks for an MZO in the present case?	<p>The current MZO requests were made by the respective applicants. The applicants reached out to us on October 13th, with an official request for Council to support their application. We assisted the Mayor in preparing the Member's Resolutions as we would support any Member of Council on preparing similar or other Member's Resolutions.</p>
7.	Concern re: no public process.	<p>Notice of this meeting has been posted on the City's website and a social media campaign promoting the meeting was undertaken by Corporate Communications.</p>
8.	Bill 197 Changes to the <i>Planning Act</i> regarding MZOs	<p>Bill 197 amended section 47 of the <i>Planning Act</i> to give the Minister enhanced order-making powers relating to "specified land".</p> <p>"Specified land" is defined as land other than land in the Greenbelt Area within the meaning of the <i>Greenbelt Act, 2005</i> (e.g. areas covered by the Oak Ridges Moraine Conservation Plan).</p>

		<p>The enhanced order-making powers include powers in relation to site plan control and inclusionary zoning. Among other things, this provides the Minister with the ability to require the inclusion of affordable housing units in the development or redevelopment of specified lands, buildings or structures.</p> <p>Also, among other things, a MZO relating to specified land may require that the owner of the specified land enter into an agreement with the relevant municipality respecting specified matters related to development on the land and conditions required for the approval of plans and drawings in a site plan control area. The amendments provide that the Minister may give direction to the parties concerning the agreement. An agreement is of no effect to the extent that it does not comply with the Minister’s direction, whether the Minister’s direction is given before or after the agreement has been entered into.</p>
Bracor / Crinklewood Proposed MZO		
1.	How much time will the MZO save the applicant?	Staff estimates approximately 3 to 5 years, from the regular York Region’s Official Plan, the City’s processes including the City’s Municipal Comprehensive Review, Secondary Plan, Block Plan and development application process.
2.	Does the MZO reduce the studies typically required?	No. Staff will work to obtain the necessary studies through the Draft Plan of Subdivision and Site Plan Approval processes and in the MZO or separate agreements with the Owner should the Minister enact the MZO.
3.	Will the MZO allow this landowner to “leapfrog” other landowners in the area?	There are no other development applications along this stretch of Hwy 7 at this time. An MZO would allow for the lands subject to the MZO to proceed more quickly than other lands not subject to the MZO. However, landowners typically have different timing schedules for development regardless, such as existing lease obligations, and it is not likely all the lands would be developed at the same time. There are lands zoned on Hwy 7 east of the rail line (former Rose Garden site) that have been zoned and phases of the development are subject to Holding Symbols. The landowners in this area, including the applicant, would still be required to go through the Draft Plan of Subdivision and Site Plan approval processes that could take 6 months to a year to approve.

4.	Would the MZO result in “piecemeal” development along this section of Hwy 7?	The MZO will allow certain lands to be zoned in advance of other landowners and a Secondary Plan being prepared. Typical Secondary Plan requirements will be secured through the MZO language, the processing of the Draft Plan of Subdivision and Site Plans, and through separate agreements.
5.	How many units are proposed in this area?	The documents submitted in support of the MZO suggest approximately 3000 units.
Jane Street Nominee Inc. and 1406979 Ontario Limited		
1.	Are the proposed warehouse buildings permitted by the Official Plan?	The lands are subject to OPA 637 and permit warehouse buildings on the lands.
2.	Concern re Jane Street and the residential community to the east	The Subject Lands are already designated by VOP 2010 (former OPA 637) for employment uses and these uses would ultimately be developed on the subject lands whether they proceeded through a regular planning application process or through an MZO. Jane Street is a Regional Road under their jurisdiction. Under Schedule 9 of VOP 2010 Jane Street is shown as a major arterial and all required road widening will be secured through the draft plan of subdivision / site plan processes.
3.	Will a Draft Plan of Subdivision Application be required?	Yes, as a public road is included on the subject lands forming the midblock collector from Teston Road to Kirby Road.
4.	How are the Environmental features on these lands being considered?	<p>The Member’s Resolution contains 3 specific recommendations regarding environmental features to be secured through the MZO language and through the Subdivision and Site Development application processes:</p> <ol style="list-style-type: none"> 1. <i>That Council supports and has no objection to the Minister of Municipal Affairs and Housing enacting a Minister’s Zoning Order for the Subject Lands which would permit the lands to be developed for employment uses and provide for the protection of the environmental features; and</i> 2. <i>That the Owners work with the TRCA and the MRNF to undertake the appropriate studies to address the environmental considerations, including compensation, as may be appropriate; and</i>

		<p><i>3. That the Minister's Zoning Order be amended by the Owner through a future zoning amendment application, if necessary, to incorporate appropriate open space zone(s) to protect any environmental features as may be determined through the required technical reports;</i></p> <p>This is consistent with the requirements for the Conmar MZO for the lands to the immediate south.</p>
5.	How much time will the MZO save the applicant?	Staff estimates it to be approximately 1 to 2 years. These lands are subject to a Secondary Plan (OPA 637) and the lands have been designated for employment uses already, so the lands would have been subject to a Block Plan process and the typical development applications (Subdivision, Zoning, Site Plan)
6.	Does the MZO reduce the studies typically required?	No. Staff will work to obtain the necessary studies through the Draft Plan of Subdivision and Site Plan Approval processes and in the MZO or separate agreements with the Owner should the Minister approve the MZO.