



## MEMORANDUM

From: Arvin Prasad, Commissioner of Development Services

To: Members of Council

Prepared by: Stephen Corr, Senior Planner, East District

Date: April 16, 2019

**Re: F.J. Homes Limited  
Draft Plan of Subdivision and Zoning By-law Amendment Applications  
Files OP/ZA 17 155326  
Supplementary Information**

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At their meeting on March 18, 2019, Development Services Committee (DSC) resolved to approve the Draft Plan of Subdivision and Zoning By-law Amendment applications submitted by F.J. Homes Ltd, to permit 14 single detached dwellings on the lands located at the southwest corner of Country Ridge Drive and Roy Rainey Avenue (See Figures 1 and 2). As part of the resolution and discussion, Committee requested the following information:

- Confirmation on whether adjustments could be made to the irregular shaped lots (Figure 1 to 3);
- That the Zoning By-law only permit reduced rear yard setbacks for Lots 1 and 2, and that each of the 14 homes not exceed a height of 2-storeys; and
- Clarification on how the proposed walkway along the south edge of the subject lands would interface with an existing walkway to the northwest.

The purpose of this memorandum is to provide Council with an update on these matters prior to the Zoning By-law Amendment being enacted.

### **Lot Configuration**

As shown on Figures 1 and 2, the subject lands are irregularly shaped, particularly along the southwest (rear) lot line. This irregular lot line abuts a 10 m (32.8 ft) wide City owned natural heritage buffer separating the subject lands from the Robinson Creek valley. The irregular shaped lot lines and buffer essentially follow the meander course of Robinson Creek. Consequently, there are 'pinch points' at the west and south portions of the site, resulting in shallower lots within these areas (See Lots 1, 2 and 14, Figures 1 and 2) in comparison to other lots on the proposed draft plan. Figure 3 shows a more detailed perspective of the irregular shape of Lots 1 and 2 where reduced rear yards are proposed through the zoning by-law amendment.

Block 16 on Figure 2 shows a triangular parcel of land, which is intended to be conveyed to the City and added to the adjacent natural heritage buffer. The conveyance of this land serves three purposes:

- To expand the existing natural heritage buffer;
- To provide additional room for a naturalized walkway, as detailed in the March 18, 2019 staff recommendation report; and
- Ensures that the developable portion of the subject lands, including any proposed rear yards, is entirely outside of the 30 m Robinson Creek Meander belt.

Block 16 was initially part of the rear yard for Lot 1. However, the Toronto Region Conservation Authority (TRCA) and Ministry of Natural Resources and Forestry (MNRF) identified that MNRF approval is required to permit any development within the 30 m Robinson Creek Meander belt, including proposed rear yards. MNRF further confirmed that such approval is not certain, and is dependent on the applicant submitting a needs assessment for development within the meander belt. Further, MNRF advised the ministry review could take up to 2 years. The applicant therefore revised the draft plan to remove Block 16 from the meander belt and conveying it into public ownership, eliminating the need for MNRF approval while improving the setback between the lot and the natural feature.

There is limited ability for the draft plan to be revised to add lot depth to Lots 1, 2 and 14 and the irregular shape of lot 1 cannot be adjusted without requiring the applicant to obtain MNRF approval. As shown on Figure 3, approximately 86.6 m<sup>2</sup> (932 ft<sup>2</sup>) and 160.4 m<sup>2</sup> (1727 ft<sup>2</sup>) of rear yard amenity space can be provided on Lots 1 and 2, respectively. Staff are of the opinion that the proposed lot depths and shapes provide sufficient rear yard amenity space to accommodate the proposed development. Staff are also of the opinion that the shallow lots and irregular shape of Lot 1 has no impact on neighbouring properties on Country Ridge Drive.

### **Zoning By-law Revisions**

As part of the proposed zoning by-law amendment, the applicant requested reduced rear yard setbacks of 6.0 m (19.7 ft) for Lots 1 and 2 (Figures 4 and 5), whereas the R2 zone in By-law 177-96, as amended requires a minimum rear yard setback of 7.5 m (24.6ft). Staff can confirm that Exception\*624 in the Draft Zoning By-law (Appendix 'A') permits the reduced 6.0 m rear yard setbacks for Lots 1 and 2 only.

The DSC resolution to approve the zoning by-law amendment, required the draft by-law presented in the March 18, 2019 Staff Recommendation Report be revised to include a provision to only permit two-storey homes for each of the 14 detached dwellings. The attached Draft Zoning By-law in Appendix 'A' has been revised to reflect this resolution.

### **Walkway Configuration**

As detailed in the Recommendation Report dated March 18, 2019, approval of the draft plan of subdivision requires the applicant to convey lands at the rear of the subject site to expand the City-owned natural heritage buffer and construct walkway behind the proposed single detached lots (See Figure 2). In responding to Committee's questions about how this walkway would interface with existing walkways and sidewalks staff note that the proposed walkway will:

- Connect the existing sidewalk on the west side of Roy Rainey Avenue, at the southeast corner of the subject lands;
- Traverse along the south edge of the subject lands through portions of the City owned natural heritage buffer and additional lands to be conveyed to expand the buffer;

- Connect to a realigned walkway in Bruce Boyd Parkette to the west of the subject lands, which currently ends abruptly at a curb edge on the south side of Country Ridge Drive.
- The existing pathway then continues further northwest for approximately 520 m (1700 ft) along the south side of Country Ridge Drive ultimately connecting to the south side of Bur Oak Avenue.

In response to Committee's questions on the treatment of the walkway, Staff can confirm that the walkway will be asphalt paved to match the existing condition of the connecting walkway to the northwest. The applicant will be responsible for additional landscape plantings within the natural heritage buffer on both sides of the proposed walkway in accordance with landscape plans to be submitted for review and approval by staff, in coordination with the technical review following draft subdivision approval.

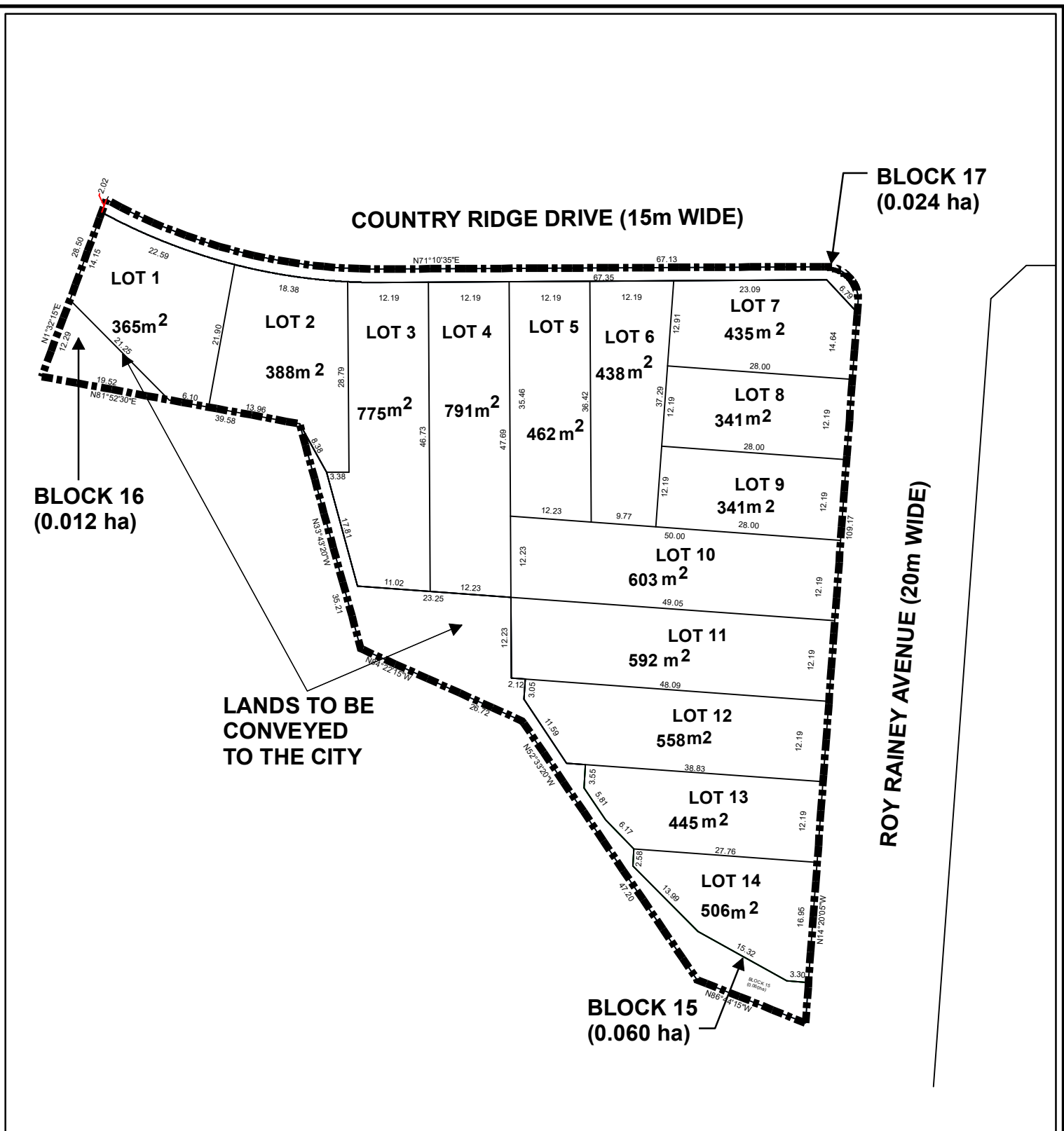
**Attachments:**

Figure 1 – Proposed Draft Plan of Subdivision

Figure 2 – Conceptual Siting Plan

Figure 3 – Conceptual Lot 1 and 2 Siting and Rear Yard Amenity Area

Appendix 'A' – Zoning By-law Amendment



# PROPOSED DRAFT PLAN OF SUBDIVISION

APPLICANT: F.J. HOMES LIMITED

FILE No: SU\_ZA17155326 (SC)

 SUBJECT LANDS

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DATE: 09/04/2019

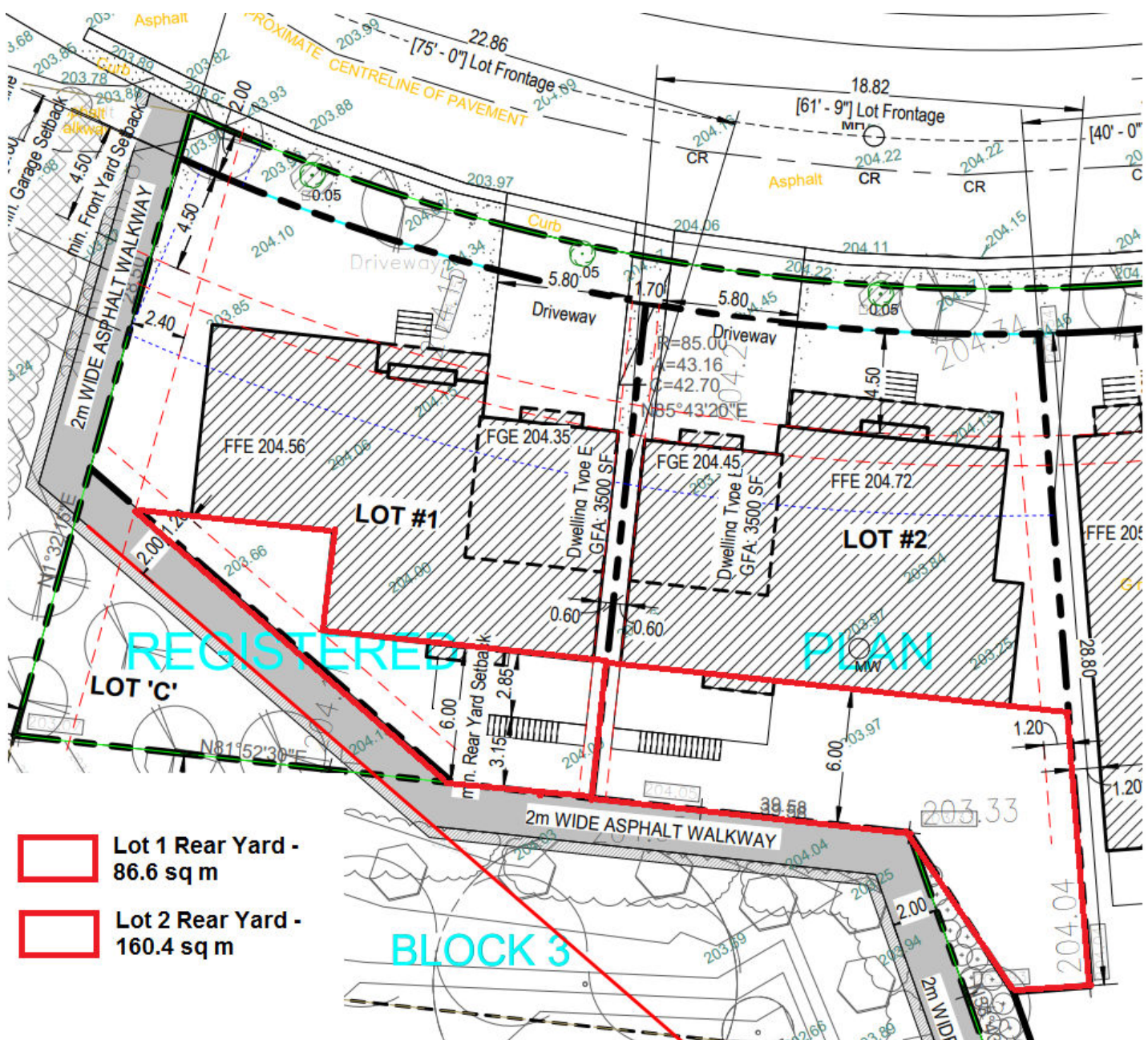


DEVELOPMENT SERVICES COMMISSION

Drawn By: CPW Checked By: SC

**FIGURE No. 1**





# LOT 1 and LOT 2 REAR YARD AMENITY SPACE

APPLICANT: F.J. HOMES LIMITED

FILE No: SU\_ZA17155326 (SC)

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DATE: 09/04/2019





# BY-LAW 2019-\_\_\_\_\_

## A By-law to amend By-law 177-96, as amended

The Council of the Corporation of the City of Markham hereby enacts as follows:

1. That By-law 177-96, as amended, is hereby further amended by zoning the lands outlined on Schedule ‘A’ attached hereto as follows:

from:

**Open Space Two \*94 (OS2\*94) Zone**

to:

**Residential Two\*624 (R2\*624) Zone**

**Residential Two\*624\*626 (R2\*624\*626) Zone**

**Open Space One (OS1) Zone**

3. By adding the following subsection to Section 7- EXCEPTIONS

Exception 7.624	F.J. Homes Limited West side of Roy Rainey Avenue, south side of Country Ridge Drive	Parent Zone R2
File ZA 17 152211		Amending By-law 2019-
Notwithstanding any other provisions of this By-law, the provisions in this Section shall apply to the land denoted by the symbol *624 on the schedule to this By-law.		
<b>7.624.1 Special Zone Standards</b>		
The following special zone standards shall apply:		
a)	Minimum required <i>rear yard</i> – 6.0 m	

Exception 7.626	F.J. Homes Limited West side of Roy Rainey Avenue, south side of Country Ridge Drive	Parent Zone R2
File ZA 17 152211		Amending By-law 2019-
Notwithstanding any other provisions of this By-law, the provisions in this Section shall apply to the land denoted by the symbol *624 on the schedule to this By-law.		
<b>7.626.1 Special Zone Standards</b>		
The following special zone standards shall apply:		
a)	Maximum number of <i>storeys</i> – 2	

4. SECTION 37 CONTRIBUTION

- 4.1 A contribution by the Owner to the City for the purposes of public art, in the amount of \$32,200.00 in 2019 dollars, to be indexed to the Ontario rate of inflation as per the consumer price index (CPI), in accordance with Section 37 of the Planning Act, as amended, shall be required. Payments shall be collected in accordance with the terms of an agreement to secure for the Section 37 contribution.

Read a first, second and third time and passed on \_\_\_\_\_,  
2019

\_\_\_\_\_  
Kimberley Kitteringham  
City Clerk

\_\_\_\_\_  
Frank Scarpitti  
Mayor





## **EXPLANATORY NOTE**

**BY-LAW 2019-\_\_\_\_\_**

**A By-law to amend By-law 177-96, as amended**

**F.J. Homes Limited**

**West side of Roy Rainey Avenue and south side of Country Ridge Drive.**

**File No. ZA 18 155326**

### **Lands Affected**

The proposed by-law amendment applies to a parcel of land with an approximate area of 0.74 hectares (1.8 acres) located on the west side of Roy Rainey Avenue and south side of Country Ridge Drive, within the Wismer Commons community.

### **Existing Zoning**

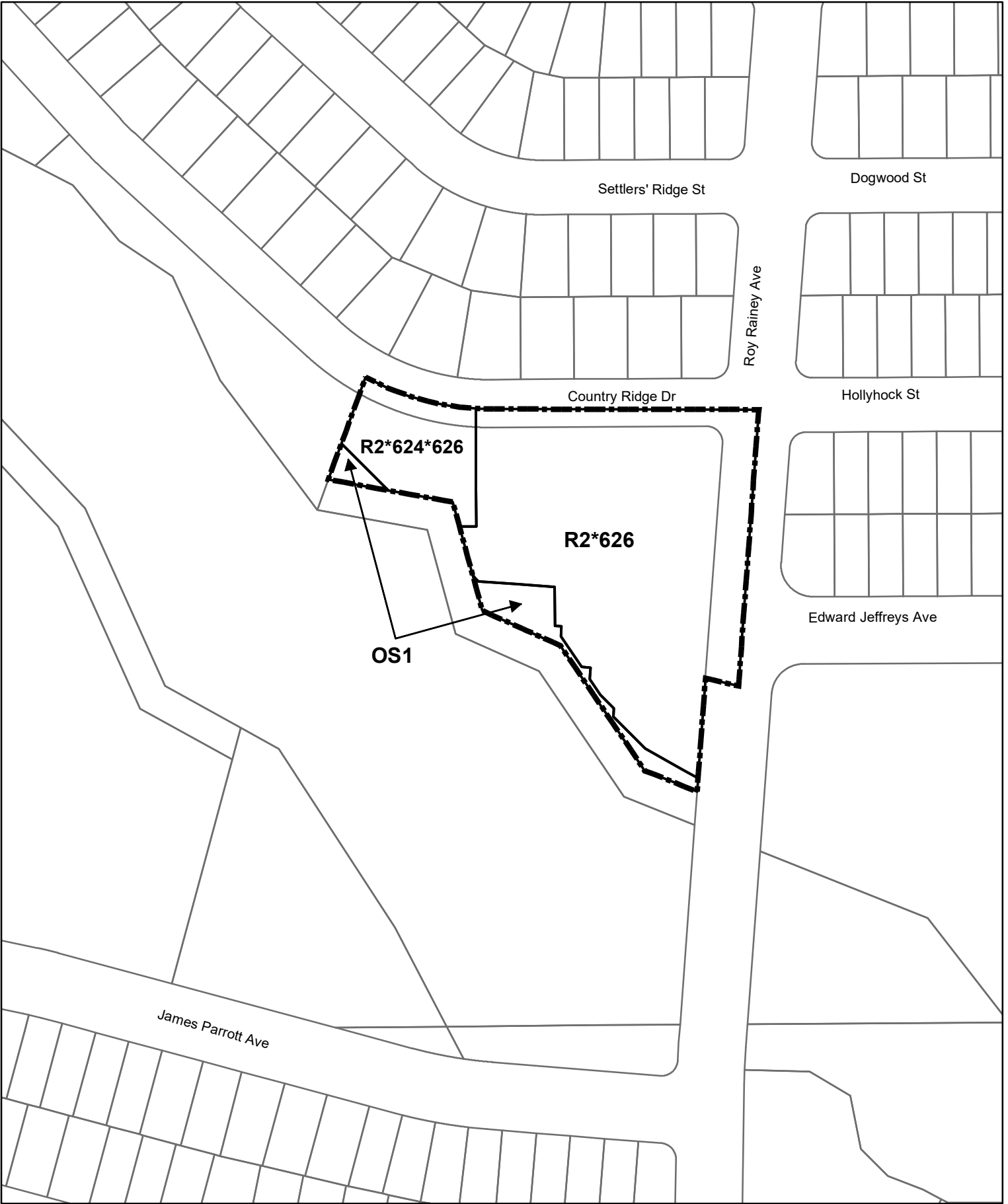
The subject lands are zoned Open Space Two\*94 (OS2\*94) under By-law 177-96, as amended.

### **Purpose and Effect**


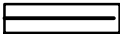


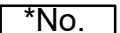
The purpose and effect of this By-law is to rezone the lands from the “Open Space Two\*94 (OS2\*94)” zone to a “Residential Two\*624 (R2\*624)” and “Residential Two\*624\*626 (R2\*624\*626)” zone under By-law 177-96, as amended, to permit the development of 14 single detached dwellings. It will also zone portions of the site to an Open Space One (OS1) zone under By-law 177-96, as amended, for lands intended to be conveyed to the City and added to an adjacent natural heritage buffer.

### **Notice Regarding Further Planning Applications on this Property**

In accordance with Section 45(1.3) and 45(1.4) of the Planning Act, R.S.O. 1990, c.P.13, as amended on July 1, 2016 through the enactment of Bill 73, no person shall apply for a minor variance from the provisions of the by-law in respect of land, building or structure before the second anniversary of the day on which the by-law was amended, unless Council has declared by resolution that such an application is permitted.



# SCHEDULE " A " TO BY-LAW AMENDING BY-LAW 177-96 DATED

-  BOUNDARY OF AREA COVERED BY THIS SCHEDULE
-  BOUNDARY OF ZONE DESIGNATION(S)
-  Residential Two
-  Open Space One
-  Exception Section Number

THIS IS NOT A PLAN OF SURVEY. Zoning information presented in this Schedule is a representation sourced from Geographic Information Systems. In the event of a discrepancy between the zoning information contained on this Schedule and the text of zoning by-law, the information contained in the text of the zoning by-law of the municipality shall be deemed accurate.

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NOTE: This Schedule should be read in conjunction with the signed original By-Law filed with the City of Markham Clerk's Office