

HUGHSON DRIVE STUDY AREA WITH MUNICIPAL ADDRESSES

HUGHSON DRIVE LAND USE STUDY FILE No. SD. 10110091 (AH)



SUBJECT LANDS

MARKHAM DEVELOPMENT SERVICES COMMISSION

Drawn By: CPW

Checked By: AH

DATE: 09/05/11 FIGURE No.1

Figure 2: Hughson Drive Study Area – Approximate Lot Area and Frontage by Municipal Address

Municipal Address	Lot Area	Lot Frontage
2 Hughson Drive	1,461.5m ²	35m
3 Hughson Drive	1,808.1m ²	38.2m
4 Hughson Drive	1,494.2m ²	31m
6 Hughson Drive	2,512m²	34.6m
8 Hughson Drive	1,656.6m ²	29.7m
9 Hughson Drive	1,393.2m²	28.7m
10 Hughson Drive	1,390.7m ²	30.5m
11 Hughson Drive	1,430.2m²	31.7m
12 Hughson Drive	1,391.3m²	30.5m
14 Hughson Drive	1,385.9m²	30.5m
15 Hughson Drive	1,432.3m²	32.9m
17 Hughson Drive	1,415.7m²	33.3m
18 Hughson Drive	1,387.2m²	30.5m
19 Hughson Drive	1,424m²	35.8m
20 Hughson Drive	1,693.9m²	34.9m
22 Hughson Drive	2,235.3m²	29.3m
24 Hughson Drive	2,248.8m ²	29.6m
25 Hughson Drive	1,392m²	37.3m
26 Hughson Drive	1,755m²	36.4m
27 Hughson Drive	1,392.4m²	32.7m
28 Hughson Drive	1,554.6m ²	35.4m
29 Hughson Drive	1,393m²	30.5m
31 Hughson Drive	1,393m²	30.5m
32 Hughson Drive	1,565m²	35.5m
33 Hughson Drive	1,432.2m ²	30.5m
38 Hughson Drive	2,188.8m ²	29.4m
40 Hughson Drive	1,410.4m ²	30m
42 Hughson Drive	1,408.5m ²	30.4m
43 Hughson Drive	1,481.2m²	30.6m
44 Hughson Drive	1,409m²	38.8m
	4	
3 Lunar Crescent	1,579.8m ²	38.9m
5 Lunar Crescent	1,609.7m ²	37.6m
6 Lunar Crescent	1,663.5m ²	35.2m
7 Lunar Crescent	1,565m ²	37.1m
9 Lunar Crescent	1,481.1m ²	36.6m
10 Lunar Crescent	1,459.5m ²	32.5m
11 Lunar Crescent	1,566.2m ²	36.6m
12 Lunar Crescent	1,498.1m ²	25.6m
13 Lunar Crescent	1,354.6m ²	34.8m
4 Ankara Court	1,446.1m ²	28.1m
6 Ankara Court	1,613m ²	35.9m
8 Ankara Court	1,653.7m ²	28.8m
10 Ankara Court	1,489.6m ²	20.4m
AVERAGE	1,567.2m ²	32.5m
AVERAGE	1,307.4111	32.3M

APPENDIX

A



Report to: Development Service Committee

Report Date: February 1, 2011

SUBJECT:

RECOMMENDATION REPORT

Land Use Study

Hughson Drive, Lunar Crescent, Ankara Court, Polaris

Drive and Athens Drive (west end)

SD 10 110091

PREPARED BY:

Anna Henriques, Senior Planner Central District, Extension 7922

RECOMMENDATION:

1) That the Staff report dated February 1, 2011 entitled "RECOMMENDATION REPORT, Land Use Study, Hughson Drive, Lunar Crescent, Ankara Court, Polaris Drive and Athens Drive (west end) (SD 10 110091)," be received;

- That the Land Use Planning report prepared by Meridian Planning Consultants for the Hughson/Lunar/Ankara Study Area, Brown's Corners be received;
- That the record of the Public Meeting held on November 2, 2010, to obtain comments on the proposed recommendations of the Land Use Planning Report prepared by Meridian Planning Consultants, and proposed zoning by-law amendments to By-laws 1507 and 221-81, as amended, implementing new zoning standards for the study area, be received;
- That the Draft Zoning By-law amendments to implement the recommendations of the Land Use Planning report prepared by Meridian Planning Consultants be approved and the draft by-laws attached as Appendix 'B' be finalized and enacted without further notice;
- 5) That Council confirms, as per Section 34(17) of the Planning Act, that no further Public Notice is required;
- And that Staff be authorized and directed to do all things necessary to give effect to this resolution.

EXECUTIVE SUMMARY:

Not applicable

PURPOSE:

The purpose of this report is to provide an overview of the recommendations for zoning by-law amendments contained in the Land Use Planning Report prepared by Meridian Planning Consultants for the Hughson/Lunar/Ankara/Polaris/Athens Study Area. This report also recommends approval of draft zoning by-law amendments to By-laws 1507, as amended, and By-law 221-81, as amended. The proposed zoning by-law amendments will delete the lands within the Study Area from the designated area of By-law 1507, as amended, and incorporate them within the designated area of By-law 221-81, as amended, implementing new zoning standards for the area.

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BACKGROUND:

Study area and context

The Hughson Drive, Lunar Crescent, Ankara Court, Polaris Drive and west end of Athens Drive study area (the "study area"), is a single detached residential neighbourhood located north of Highway 7 and east of Woodbine Avenue. The Study Area is adjacent to existing commercial/retail/restaurant development which includes the Michaelangelos Supermarket at the north-east corner of Highway 7 and Woodbine Avenue (Figure 2). Immediately north of the study area is a residential development with conventional lots that was built in the 1990s.

The study area is characterized by large lots, generous setbacks, openness and mature trees. The area has remained relatively stable since its development in the 1950s and severances have not occurred within this neighbourhood, with the exception of 10 Hughson Drive.

Severance and minor variance applications submitted for 10 Hughson Drive in 2009 In December, 2009, the owner of 10 Hughson Drive submitted applications for severance and minor variance. The applicant was seeking to sever the existing 30.48m (100 ft) lot into two (2) 15.24m (50ft) lots. Minor variances were also requested to reduce the side yard setbacks from 3m (10ft) to 1.2m (4ft), to accommodate the proposed two (2) new single detached dwellings. These applications were denied by the Committee of Adjustment on February 17, 2010.

Interim control by-law passed February 9, 2010

On February 9, 2010 Council passed an interim control by-law (2010-6) for the Study Area, and directed a study to be undertaken to review the land use policies and zoning standards as they relate to new residential development, redevelopment and severances. Meridian Planning Consultants were retained to undertake the study and, as discussed later in this report, have proposed new land use and development regulations for residential properties within the study area. The interim control by-law (2010-6) expires on February 9, 2011.

Severance, minor variance applications and Interim Control By-law appealed Subsequent to the adoption of the interim control by-law and the denial of the severance and minor variance applications, the owner of 10 Hughson Drive appealed these matters to the Ontario Municipal Board (OMB). The OMB subsequently held the hearing and issued its decision, ruling in favour of the owner of 10 Hughson Drive and granted the severance and associated minor variances. The interim control by-law remains in effect for the balance of the neighbourhood and expires on February 9, 2011.

OPTIONS/ DISCUSSION:

Land use study has been completed

Meridian Consultants have undertaken a detailed review of the policy framework related to the study area, the history of the community, the existing built form and character of the area.

While the Study recognizes that Provincial policy generally supports intensification and maximizing the use of existing infrastructure, the Study indicates that these policies do not require that municipalities consider the redevelopment of existing stable neighbourhoods to meet these Provincial goals. Their report concludes that there is a public interest in maintaining the quality of place through the protection of a stable and mature neighbourhood such as the Study Area. In their opinion, the granting of permissions to create lots which are half the size of other lots in the Study Area will have the effect of destabilizing the neighbourhood and initiating a process of transition from one character to another.

With respect to zone standards, the Study identifies the need to modernize the standards so that they are more consistent with other by-law provisions in the Town, for similar neighbourhoods. On this basis, the Study recommends retaining the existing lot fabric and introducing new zone standards for the Study Area. The implementing by-law would serve to regulate severances by recognizing lot frontages and lot areas existing as of the effective date of Council passing a zoning by-law amendment to implement new zone standards for the study area. The effect of the proposed zone standards is to protect and maintain the open space character of the neighbourhood, while providing for opportunities for appropriate development and redevelopment on existing lots.

Public input received and taken into consideration

Staff have prepared an implementing zoning by-law (Appendix 'B') based on the zone standards recommended in the Land Use Planning Report (Appendix 'A'). The recommended zone standards were considered by area residents at two (2) Community Information Meetings held by the local Councillor, on April 15, 2010 and October 12, 2010 and at the statutory Public Meeting held on November 2, 2010. Staff and Meridian Planning Consultants were in attendance for all three (3) meetings. Comments were heard at the meetings both in favour and in opposition to the recommended zone standards. In addition, written submissions were received and taken into consideration.

In response to concerns raised by area residents, the recommended zone standards have been slightly revised since the Public Meeting, as they relate to the exterior side yard setback, the maximum height and the maximum permitted garage projection. These revisions are discussed further in this report.

New zoning standards recommended

Presently, only the following development standards apply to the study area, as per Bylaw 1507, as amended, which was adopted by Council on August 16th, 1954.

Minimum ground floor area – 1 storey building 2 storey building	$\begin{array}{c} 92.9 \text{ m}^2 (1,000 \text{ ft}^2) \\ 65.0 \text{ m}^2 (700 \text{ ft}^2) \end{array}$
Minimum front yard setback	9 m (30 ft)
Minimum setback to other lot lines	3 m (9.8 ft)

The zoning standards for the study area only deal with minimum ground floor area and setbacks. The By-law does not contain regulations that deal with lot area, lot frontage,

building height, floor space index, etc., that would typically be found in other residential areas in the Town.

To address these deficiencies, the recommendations of the Study propose new zone standards that control the amount of the front lot line that is faced by a building. This would recognize the varying lot frontage conditions that exist in the Study Area and would provide for more open space on larger lots, in a manner that is proportionate to the lot frontage. The table below is a revised extract from the Study (Table 3) summarizing all of the recommended zone standards for the proposed Zoning By-law amendment to By-law 221-81, as amended, including revised standards as discussed further in this report.

Table 3 – Summary of Recommendations for Zoning By-law Regulations (Revised)

Minimum required front yard	9 metres	
Minimum required interior side yard	30% of the lot frontage provided that in no	
Milliam reduites interest	case shall the yard be less than 3.0 metres	
Minimum required exterior side yard	3.0 metres	
Minimum required rear yard	10.0 metres	
Maximum height	9.8 metres and two storeys.	
AVAILABILITY SALVES	Notwithstanding the above, the maximum	
	height is 45 metres and one storey within	
	4.8 metres of the interior side lot line.	
Maximum depth of dwelling	16.8 metres, can be increased to 18.9	
Maximum depen of a serial-	metres if the additional depth is one storey	
	and less than 4.6 metres in height and not	
	more than 1/2 the width of dwelling at	
	widest point.	
Maximum garage projection	Garage cannot project any closer to the	
Maximum garage projection	front lot line than 2.1 metres beyond the	
•	point of the main building closest to the	
	front lot line.	
Minimum lot frontage	Existing as of the effective date of passing	
Milliam for it offende	of By-law Amendment by Council to	
	implement the recommendations of the	
	Study.	
Minimum lot area	Existing as of the effective date of passing	
Minimum for area	of By-law Amendment by Council to	
	implement the recommendations of the	
	Study.	
	Judy.	

The Study recommends that the minimum required lot frontage and area remain as existing on the date of passing of the By-law amendment by Council, to maintain the existing character of the area.

On the basis of an analysis carried out in the area, the Study recommends that the percentage of front lot line faced by building be no more than 70%. The study recommends that the minimum required combined **interior** side yard setbacks be 30% of the lot frontage, provided that the side yard is not less than 3.0 metres (9.8 feet). The recommended exterior side yard setback was initially proposed to be 4.0 metres (13 feet), however, after receiving comments from area residents, the recommended exterior side yard setback has been revised to 3.0 metres (9.8 feet), consistent with the current standard in the By-law. The Study further suggests that if the front lot line massing relationship tool is used, there would be no requirement to include a Floor Area Ratio (FAR) provision in the by-law.

With respect to the front yard, the Study recommends that the required **front yard** setback remain at 9 metres (29.5 feet), allowing for some flexibility given that the current average front yard setback is approximately 11.4 metres (37.4 feet). It is also recommended that the current restriction on **garage projections** from the Town's Infill By-laws be applied to the Study Area. Initially, it was proposed that a garage cannot project any closer to the front lot line than 2.1 metres (6.9 feet) beyond the point of the main building or porch closest to the front lot line. This standard has been revised to delete the word 'porch', to be more consistent with other by-laws in the Town that permit the projection from the main building wall.

Regarding the **rear yard setback**, it is recommended that the new standard be a minimum of 10.0 metres (32.8 feet). The recommended rear yard setback is more generous than what would typically be required elsewhere in Markham, however, the Study Area has an average rear yard setback of approximately 36.9 metres (121 feet).

With respect to height, it is recommended that the maximum **height** be 9.8 metres or two storeys, with the exception that within 4.8 metres of an interior side yard, the maximum height is 4.6 metres (14.8 feet) and one storey. Initially, it was proposed that the maximum height be 9.8 metres or two storeys, with the exception that within 4.6 metres of an interior side yard, the maximum height is 4.5 metres. This standard was revised to be more consistent with the Study's recommendation that no more than 70% of the front lot line be faced by a building [two (2) 4.8 metre setbacks equals 30% on a 100 foot lot].

The study also recommends that the maximum depth of dwelling provision from the Town's Infill By-laws be applied in this area. Consistent with infilling areas in the Town, the maximum depth of dwelling is proposed to be 16.8 meres (55.1 feet). The maximum depth of dwelling may be increased to 18.9 metres (62 feet) if the additional depth is one storey and less than 4.6 metres (15 feet) in height and not more than ½ the width of the dwelling, at its widest point.

New definitions, consistent with those contained in the Town's Infill By-laws, are also proposed to be introduced into the draft Zoning By-law for the area, to ensure consistent interpretation of the proposed development standards.

Site specific exception provided for 10 Hughson Drive

A site specific exception was incorporated into the By-law to recognize the OMB decision for 10 Hughson Drive. The exception permits reduced lot frontage, lot area and side yard setbacks, consistent with the OMB decision permitting the consent and proposed new dwellings. The draft by-law also includes a height restriction of 13 metres to reflect the Owner's proposed building program. In addition, the site specific exception deletes other by-law requirements that are inconsistent with the OMB decision and the development standards found in By-law 1507, as amended.

CONCLUSION:

Staff endorse the concept of introducing zoning standards which are more in keeping with the approach used in other communities in the Town, particularly in infilling areas. The new zoning standards will help maintain and protect the existing character of the neighbourhood while providing opportunities for appropriate development and redevelopment on existing lots.

On this basis, staff recommend that the draft zoning by-law amendments to By-laws 1507 and 221-81, as amended, to implement the recommendations outlined in the Land Use Planning Report for the Study Area, be approved.

FINANCIAL CONSIDERATIONS AND TEMPLATE: (external link) Not applicable.

HUMAN RESOURCES CONSIDERATIONS

Not applicable.

ALIGNMENT WITH STRATEGIC PRIORITIES:

Recommendation aligns with Growth Management Strategy and protection of residential neighbourhoods.

BUSINESS UNITS CONSULTED AND AFFECTED:

Development Services Commission Departments and Legal Department provided support to Interim Control By-law and related OMB process.

RECOMMENDED BY:

Biju Karumanchery, M.C.I.P.,

Senior Development Manager

James Baird, M.C.I.P., R.P.P

Commissioner, Development Services

ATTACHMENTS:

Figure 1:

Location Map

Figure 2:

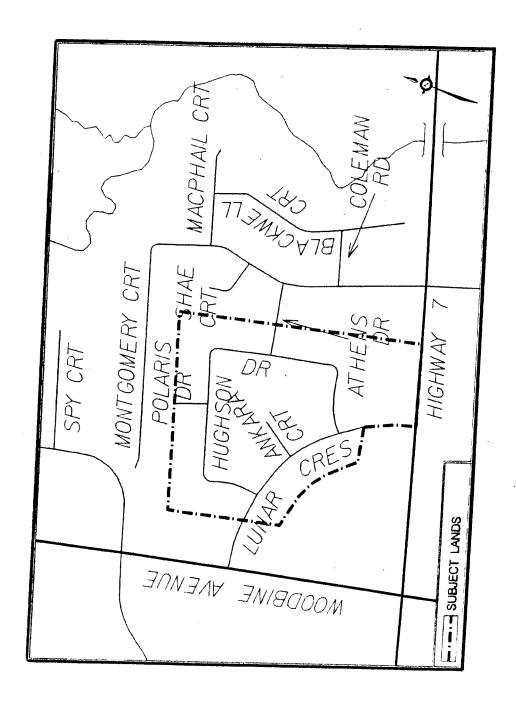
Aerial Photo

Appendix 'A':

Land Use Planning Report

Appendix 'B':

Proposed Draft Zoning By-law Amendments



HUGHSON LUNAR ANKARA STUDY AREA. OGN 20/05/2010 8:44:32 AM



PHOTO 2009

HUGHSON /LUNAR /ANKARA STUDY AREA

SUBJECT LANDS

DATE: 05/19/10

FIGURE No 2



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APPENDIX

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EXPLANATORY NOTE:

By-law No. 2011-XXXX A By-law to amend By-law 1507, as amended.

Land Use Study

Hughson Drive, Lunar Crescent, Ankara Court, Polaris Drive and west end of Athens Drive

LANDS AFFECTED

The proposed zoning by-law amendment applies to the Hughson Drive, Lunar Crescent, Ankara Court, Polaris Drive and Athens Drive (west end). The homes on these streets are single detached residential and they are located north of Highway 7, east of Woodbine Avenue.

EXISTING ZONING

The lands are zoned in By-law 1507, as amended.

PURPOSE AND EFFECT

The purpose and effect of this By-law amendment is to delete the subject lands from By-law 1507, as amended. The lands will incorporated within the area of By-law 221-81, as amended, with appropriate zone standards, as recommended by the Land Use Study dated June 2, 2010, prepared by Meridian Planning Consultants.

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BY-LAW 2011-XXXX

A by-law to amend By-law 1507, as amended.

(To delete lands from the designated area of this By-law)

THE COUNCIL OF THE CORPORATION OF THE TOWN OF MARKHAM HEREBY ENACTS AS FOLLOWS:

- By-law 1507, as amended, is hereby further amended by deleting lands identified as Part of Lot 11, Concession 4, lots 1-46 inclusive, as shown on Schedule 'A' attached hereto, from the designated area of By-law 1507, as amended.
- 2. This By-law shall not come into effect until By-law 2011-XXXX amending By-law 221-81, as amended, comes into effect and the lands, as shown on Schedule 'A' attached hereto, are incorporated into the designated area of By-law 21-81, as amended.
- 3. All other provisions of By-law 1507, as amended, not inconsistent with the provisions of this By-law shall continue to apply.

READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS XXTH DAY OF XXXXXX, 2011.

KIMBERLEY KIFTERINGHAM TOWN CLERK FRANK SCRAPITTI MAYOR

EXPLANATORY NOTE

BY-LAW NO. XXXXX

A by-law to amend By-law 221-81, as amended.

Land Use Study

Hughson Drive, Lunar Crescent, Ankara Court, Polaris Drive and west end of Athens Drive

LANDS AFFECTED

The proposed by-law amendment applies to the Hughson Drive, Lunar Crescent, Ankara Court, Polaris Drive and Athens Drive (west end). The homes on these streets are single detached residential and they are located north of Highway 7, east of Woodbine Avenue.

EXISTING ZONING

The lands are zoned in By-law 1507, as amended

PURPOSE OF BY-LAW

The purpose of the by-law amendment is to implement the recommendations in the Land Use Planning Report dated June 2, 2010, prepared by Meridian Planning Consultants, for the Hughson Drive, Lunar Crescent, Ankara Court, Polaris Drive and Athens Drive (west end) Study Area.

EFFECT OF THE BY-LAW AMENDMENT

The effect of the By-law amendmen will be to introduce new zoning standards that are consistent with those applied to similar neighbourhoods in Markham and to help maintain the existing character of the study area.

BY-LAW 2011-XXXX

A by-law to amend By-law 221-81, as amended.

THE COUNCIL OF THE CORPORATION OF THE TOWN OF MARKHAM HEREBY ENACTS AS FOLLOWS:

- 1. That By-law 221-81, as amended, be and the same is hereby further amended as follows:
 - 1.1 By re-zoning the lands shown on Schedule 'A' attached hereto, to Single Family Residential Third Density (R3).
 - 1.2 By adding to section 3, the following new subsection:
 - "3.4 Where a Zone symbol on the attached schedule(s) is followed by one or more numbers following the asterisk (*) symbol, such as R3*2, the numbers following the asterisk (*) symbol refers to the subsections in Section 7 Exceptions of this By-law that apply to the lands noted."
 - 1.3 By adding to Section 7 Exceptions the following new subsection:
 - "7.2 Notwithstanding any other provisions of this By-law, the provisions in this Section shall apply to Part of Lot 11, Concession 4, lots 1-46 inclusive on Plan 4556, denoted by the symbol. 2 on the Schedules attached to this By-law. All other provisions of this By-law, unless specifically modified/amended by this section, continue to apply to the lands subject to this Section."
 - 7.2.1 For the purpose of this exception, the following definitions shall apply:
 - (i) HEIGHT means the vertical distance of a building or structure measured between the level of the crown (i.e. high point) of the street at the mid-point of the FRONT LOT LINE, and;
 - (a) The highest point of the roof surface or the parapet, whichever is the greater, of a flat roof, or
 - (b) The highest point of the ridge of a gable, hip, gambrel or other type of pitched roof.

Notwithstanding (a) or (b) above, any ornamental roof construction features including towers, steeples or cupolas, and any mechanical features including skylights, vents or chimneys, shall be

- disregarded, provided such features do not project more than two (2) metres above the highest point of the building.
- (ii) DEPTH means the shortest distance between two lines, both parallel to the FRONT LOT LINE, one passing through the point on the DWELLING which is nearest and the other through the point on the DWELLING which is the farthest from the FRONT LOT LINE.
- (iii) STOREY means the portion of a DWELLING, other than a CELLAR or an unfinished attic, located between the surface of any floor and the surface of the floor or roof above, and shall include a BASEMENT.
- (iv) BASEMENT means that portion of a DWELLING, between two (2) floor levels, which is located partly underground and which has more than one-half (1/2) or its height from floor to underside of floor joists of the STOREY next above, above the ESTABLISHED GRADE.
- (v) CELLAR means that portion of a DWELLING, between two (2) floor levels, which is located partly or entirely underground and which has more than one-half (1/2) of its height from floor to underside of floor joists of the STOREY next above, below the ESTABLISHED GRADE
- (vi) ESTABLISHED GRADE means the finished surface elevation at the outside front walls of a building or structure, which is arrived at by taking the arithmetric means of the levels of the finished ground surface at every location of change of grade at those outside front walls of the building or structure.

7.2.2 Development Standards

- (i) Minimum required FRONT YARD 9 metres
- (ii) Minimum required INTERIOR SIDE and FLANKAGE SIDE YARDS the sum of the width of the SIDE YARDS provided shall not be less than 30% of the LOT FRONTAGE, provided that in no case shall a SIDE YARD be less than 3 metres
- (iii) Minimum required REAR YARD 10 metres
- (iv) Minimum LOT FRONTAGE as existing on the date of the passing of this By-law amendment by Council

- (v) Minimum LOT AREA as existing on the date of the passing of this by-law amendment by Council
- (vi) Maximum HEIGHT 9.8 metres
- (vii) Maximum number of STOREYS two (2) within a single vertical plane.
- (xiii) Within 4.8 metres of an interior side lot line:
 - a) the maximum height is 4.5 metres; and
 - b) the maximum number of storeys is one (1).
- (xiv) Maximum DEPTH of DWELLING, 16.8 metres, except that the DEPTH may be increased to 18.9 metres by an extension to the rear of the DWELLING provided such extension complies with all of the following criterion:
 - the extension does not exceed one (1) STOREY.
 - the extension does not exceed 4.6 metres in HEIGHT and
 - the extension is not wider than one-half (1/2) the width of the DWELLING at its widest point.
- (xv) Maximum garage projection garage shall not be located closer than 2.1 metres to the FRONT LOT LINE than the main building
- 7.3 Notwithstanding any other provisions of this By-law, the provisions in this section shall apply to Lot 5 on Plan 4556, as shown on Schedule 'B' attached hereto. All other provisions of this By-law, unless specifically modified/amended by this section, continue to apply to the lands subject to this Section.

7.3.1 Development Standards

- (i) Minimum LOT FRONTAGE 15 metres
- (ii) Minimum LOT AREA 600 square metres
- (iii) Minimum FRONT YARD setback 9 metres
- (iv) Minimum SIDE YARD setback 1.5 metres
- (v) Minimum REAR YARD setback 3 metres
- (vi) Maximum HEIGHT 13 metres

7.3.2 Special Site Provisions

- (i) The provisions with respect to the following do not apply:
 - a) maximum HEIGHT of 4.5 metres and one (1) storey within 4.8 metres of the interior side lot line
 - b) Maximum number of STOREYS
 - c) maximum DEPTH of DWELLING
 - d) LOT COVERAGE
 - e) ACCESSORY BUILDINGS
 - f) maximum garage projection."
- 1.4 By adding Schedule 'A', attached to By-law 2011-XXX, as Schedule 'B' to By-law 221-81, as amended.

2. All other provisions of By-law 221-81, as amended, not inconsistent with the provisions of this by-law shall continue to apply.

