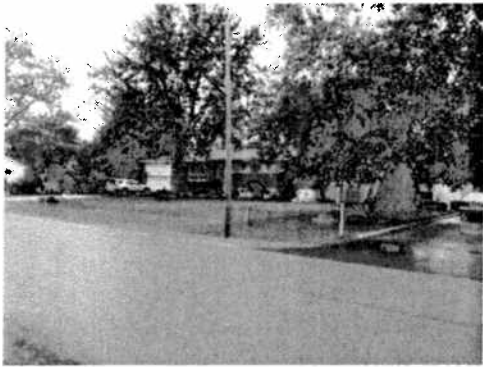


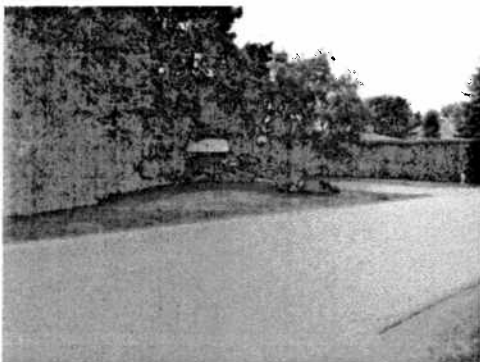
APPENDIX

A



LAND USE PLANNING REPORT OAKCREST/SABISTON RIVER BEND STUDY AREA - SOUTH UNIONVILLE

Town of Markham



Final Version

January 5, 2010





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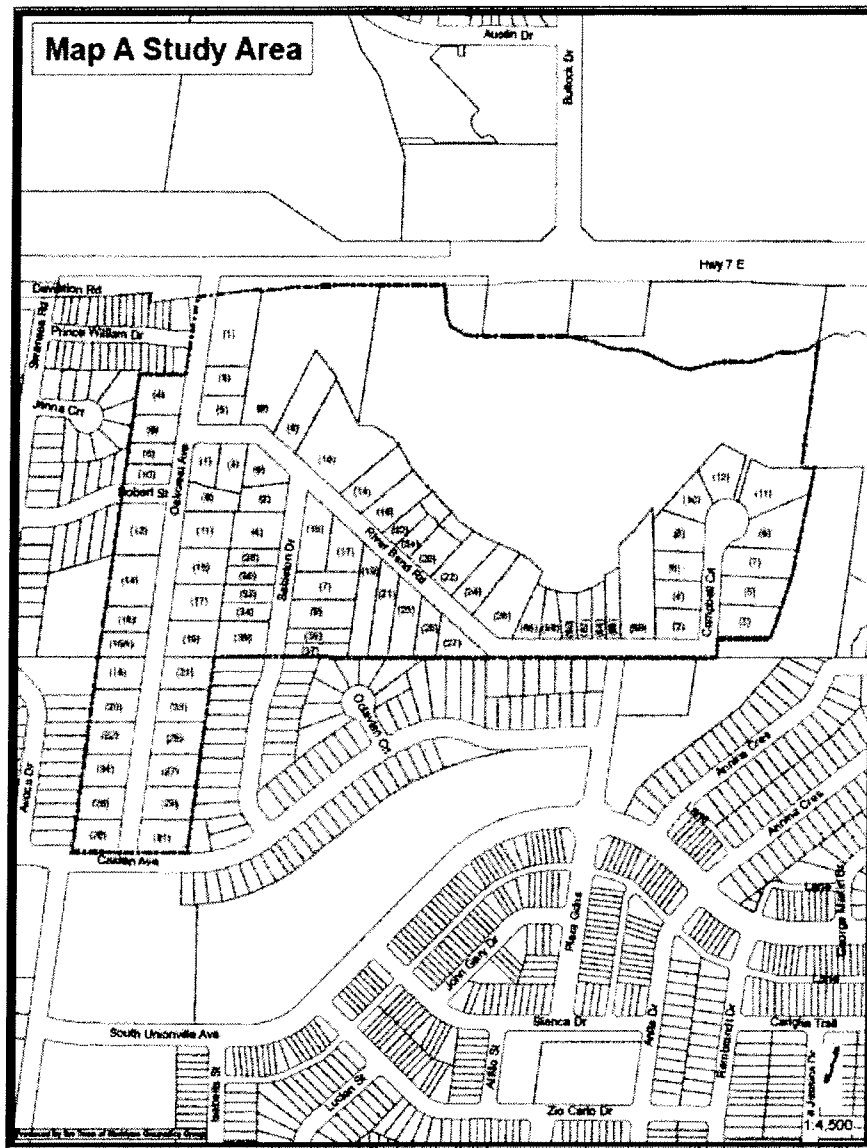
EXECUTIVE SUMMARY

The intent of this report is to make a recommendation on whether additional lot creation should be permitted in the Oakcrest/Sabiston and River Bend area (the 'Study Area') in South Unionville. Based on a review of the history of development in the area, the current policy and regulatory framework that applies and a decision of the Ontario Municipal Board respecting 19 Oakcrest Avenue released on September 1, 2009, this report recommends that additional lot creation be conditionally permitted in the Study Area, subject to certain criteria being met.

In addition, and given the increasing encouragement for intensification at the Provincial level, this report also recommends that the policies of the Official Plan be amended to provide some additional guidance on the factors that need to be considered when applications to create new lots in 'established' residential neighbourhoods are submitted. These updated policies are also intended to provide the basis for the updating of the Town's Site Plan Guidelines. Lastly, this report also recommends that the Town's zoning by-laws dealing with infilling be amended to establish some updated ground rules that are intended to regulate the massing and scale of new development on existing and new lots in relation to lot lines and adjacent development.

1.0 STUDY AREA CONTEXT

The Study Area is located in South Unionville as shown on **Map A**. The Study Area includes almost all of Oakcrest Avenue between Highway 7 and Castan Avenue with the exception of lands on the west side of Oakcrest immediately to the south of Highway 7 where townhouses have been recently constructed on both sides of Prince William Drive. The Study Area also includes the entire length of River Bend Road with the exception of the lots on the south side of River Bend Road immediately to the west of Piera Gardens. The Study Area includes the northern portion of Sabiston Drive and all of Campbell Court. All of the lands within the Rouge River floodplain located to the rear of the lots of River Bend Road and Campbell Court are also included within the Study Area.



The Study Area is the site of 79 lots, of which all except one lot at 10 Oakcrest Avenue (which is vacant) are developed with single detached dwellings. The first lots within the Study Area were created in 1949 (upper Oakcrest and Sabiston and River Bend Road), then in 1963 (Campbell Court) and 1965 (lower Oakcrest) as shown on Map B.



All of the lots were created in a manner that would provide for the development of individual septic systems and wells. On this basis, all of the lots on Oakcrest Avenue originally had frontages that ranged between 30 and 38 metres. On River Bend Road, all of the lots originally had frontages of between 25.6 metres and 36.5 metres. On the northern portion of Sabiston Drive, all of the lots originally had frontages of between 30 metres and 38 metres. Lastly, all of the lots on Campbell Court had a minimum lot frontage of 30 metres.

2.0 INTEREST IN LOT CREATION

As a result of the rapid urbanization of the South Unionville area and particularly to the west of Oakcrest Avenue and to the south of River Bend Road, municipal water and sewer services were installed in the area in the 1990's.

Once services were installed, a strong interest was expressed by some landowners to create additional lots in the area. Since the entire Study Area had already been subdivided, the only way in which new lots could be created was if a single lot is divided into two or more lots or if adjacent lots were combined to provide for the creation of a greater number of lots.

The first application for severance to take advantage of the installation of municipal services was submitted in 1998 and applied to a property located at 16 Oakcrest Avenue. At the time of the original application, it was proposed to divide the lot, which had a frontage of 53.4 metres, into three lots with frontages of 16.7 metres, 16.7 metres and 20 metres respectively. At a public meeting on the rezoning application held on October 20, 1998, a number of residents attended the meeting and voiced their objections.

On the basis of these objections, the Town delayed the consideration of the application to review the implications of the installation of services in the area on the potential to create additional lots within the Study Area. A sub-committee was struck at the time and a number of meetings were held to determine how best to develop guidelines for the Study Area. The product of this work and the work of the residents in the area resulted in the preparation of site development guidelines for the Sabiston/Oakcrest Community dated January 1999. These guidelines are attached as **Appendix 'A'** to this report and as noted on the title page of the guidelines, the intent of the guidelines was at the time to *"outline the general principles which shall be considered by the Town in the context of all future development applications."* It is further indicated that *"these guidelines are non-statutory and are intended to complement existing Town policy and regulations."*

The guidelines contained four objectives as reproduced below:

- "1. Urban Development Objective**
To protect, to the extent possible, valued physical and visual characteristics which, collectively, define the distinctive community and landscape character of the area, and of individual streets in the area.
- 2. Natural Heritage Preservation Objective**
To preserve and protect, to the extent possible, mature and/or significant vegetation which contributes to the natural biological diversity and visual character of the area.
- 3. Open Spaces and Scenic Views Objective**
To preserve and protect, to the extent possible, significant open spaces and important public scenic views and vistas.
- 4. Transportation and Servicing Objective**
To ensure that infrastructure improvements are made in a manner consistent with the recommendations of the South Unionville Transportation Study, standard municipal practices, and Town policies".

It is noted that three of the above objectives consistently include the words “*to the extent possible*”, which ultimately has an impact on the ability of these objectives to be implemented, since a considerable amount of discretion has been built into the objectives themselves.

There are 13 separate guidelines within the site development guideline document. Two of the guidelines established the information required at the time an application is submitted (Guidelines 1.1 and 3.1). These guidelines require the submission of a site survey, tree inventory, tree preservation plan and building location plan. Two of the guidelines deal specifically with the Rouge River (1.3 and 1.4). These two guidelines collectively require that where a lot includes lands that are the site of the Rouge River and its associated valleyland, such lands shall be conveyed into public ownership. These guidelines also require that appropriate setbacks from the Rouge River valley edge and corridor be achieved in the Study Area.

The remaining guidelines were initially intended to provide the basis for the consideration of applications for consent. On this basis, the guidelines identify a number of site and contextual conditions that need to be considered with every application. With respect to lot frontage and lot area, the guidelines require the protection of significant and healthy vegetation and natural features and that the valued physical characteristics of the area be protected. In addition, the existing and emerging lot size characteristics in the area need to be considered as well as the proposal's compatibility with adjoining and nearby properties with respect to existing and potential lot frontage, overall lot size, lot configuration and building setbacks.

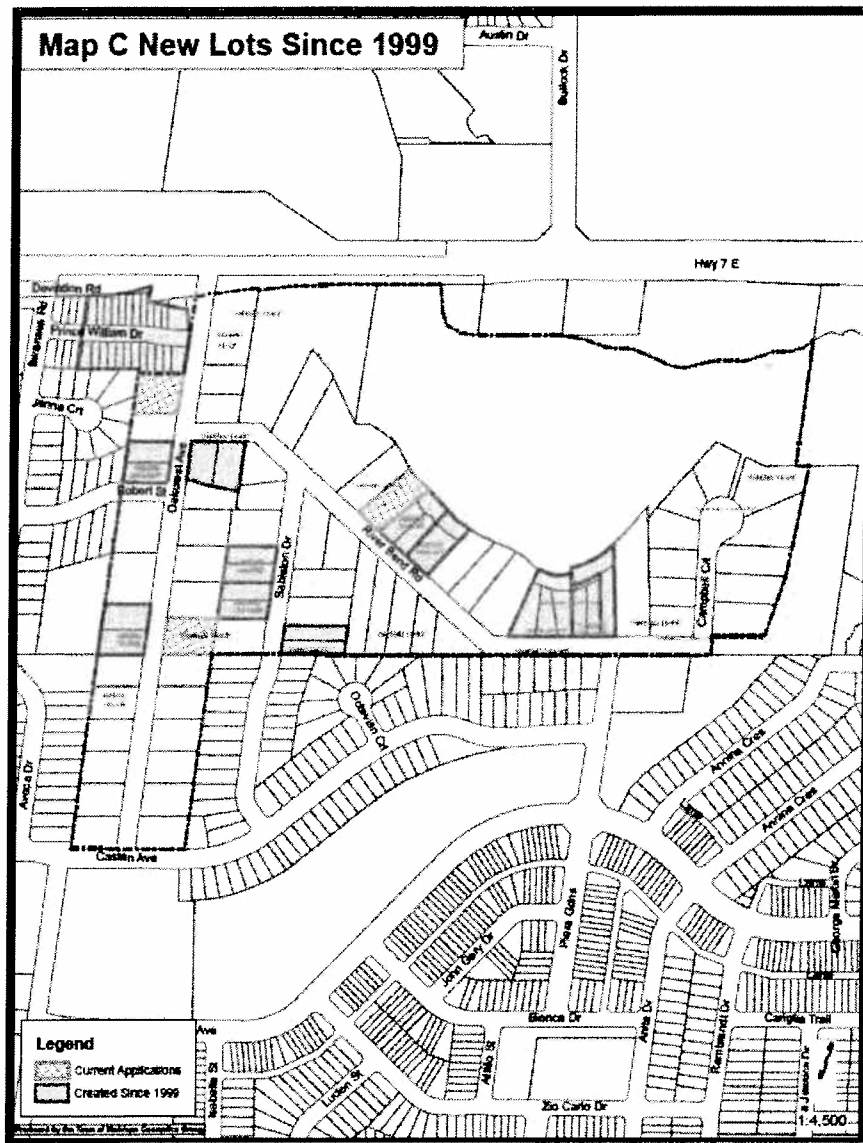
With respect to built form, the guidelines require again, the consideration of how significant, mature and healthy vegetation and natural features can be protected, as well as important scenic public views and significant open spaces. In addition, the built form guidelines speak to the consideration of the protection of the open, larger lot character of the neighbourhood and how proposed development, from a built form perspective, will be compatible with development on adjoining and nearby properties.

While the guidelines do identify the factors and contextual elements that need to be considered in the context of any development application, the guidelines do not provide any guidance on what is compatible and what is considered to be appropriate development. Instead, the guidelines, while speaking of what needs to be protected, relies on the site-specific consideration of each contextual condition at the time of an application. However, the guidelines do provide decision makers with some additional context when making decisions.

3.0 HISTORY OF LOT CREATION IN STUDY AREA SINCE 1999

Since 1999, ten of the original lots were subdivided through the consent process in the Study Area. The subdivision of these ten lots had the effect of creating 22 new building lots or 12 more than existed previously. The location of these new buildings lots is shown on **Map C**. Each of these building lots was created following the Council adoption in January 1999 of the development guidelines discussed above. It should be noted that it is the practice of the Town to require applicants to obtain zoning approval from Council first, before pursuing the approval of the lot creation

application at the Committee of Adjustment. A description of the lots created in the Study Area is contained within **Appendix B** to this report.



Figures 1 and 2 below show how new lot creation has changed the pattern of development.

Figure 1: Lot Creation at 1 and 3 River Bend Road

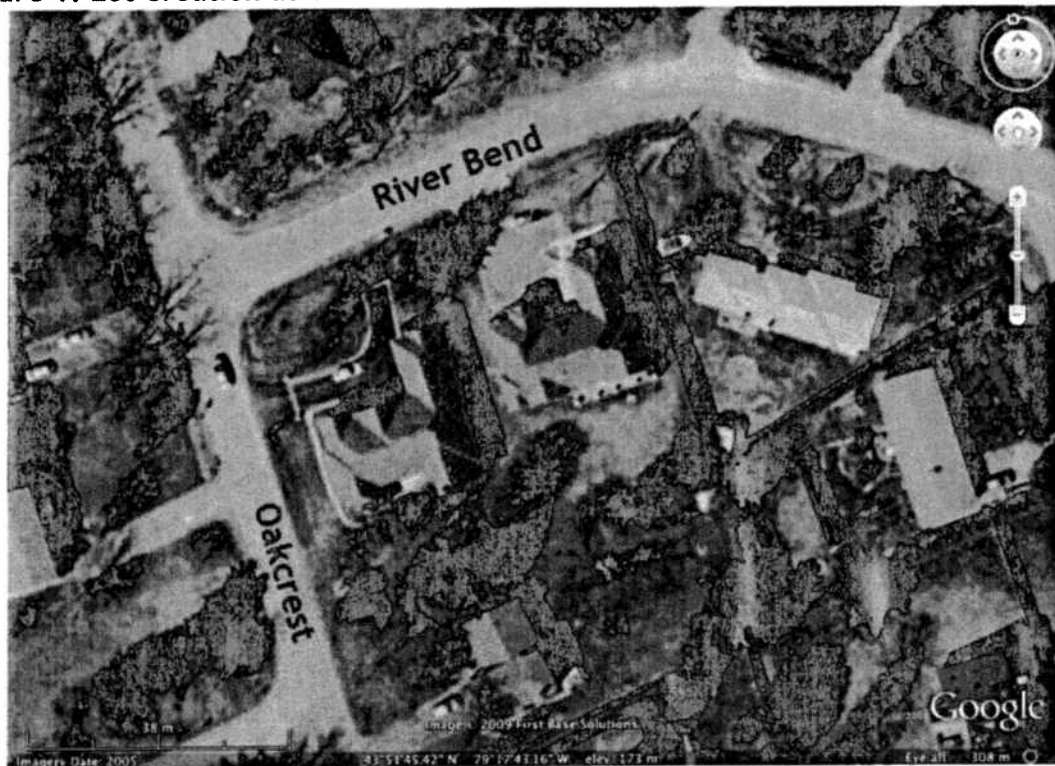


Figure 2: Lot Creation on North Side of River Bend Road



Prior to the initiation of the writing of this report, there were three separate applications to develop new lots in the neighbourhood. The location of each is also shown on **Map C**. The application applying to 16 River Bend Road proposes to create two lots having frontages of 15.24 metres. The application (as revised) applying to 4 Oakcrest Avenue proposes the creation of two lots having frontages of 21.3 metres. The third application applies to 19 Oakcrest Avenue and it proposes to create two lots having frontages of 19.52 metres each.

In December 2007, a public meeting was held to discuss the rezoning application for 4 Oakcrest Avenue. In March 2008, public meetings were held to discuss the rezoning applications for 16 River Bend Road and 19 Oakcrest Avenue. It was noted in a staff report prepared following the holding of the public meetings discussed above that Meridian Planning was retained by the Town to review infill development guidelines on a Town wide basis and was asked specifically to review the Sabiston/Oakcrest/River Bend neighbourhood to determine what infill development guidelines should apply in this area. The intent of this review was to reflect the Development Committee's concerns about the continuing appropriateness of the 1999 Site Development Guidelines.

In December 2009, the owner of 19 Oakcrest Avenue appealed the lack of decision on the rezoning application to the Ontario Municipal Board (OMB). On September 1, 2009 the Ontario Municipal Board (OMB) approved the rezoning of 19 Oakcrest, which had the effect of permitting the division of 19 Oakcrest into two 19 metre frontage lots (PL081563). In rendering its decision, the OMB indicated that, based on a preliminary staff report prepared on the application, the proposed rezoning would be consistent with the policies of the Official Plan with respect to the creation of new lots within the urban area. In addition, the OMB indicated that the previous decisions of Council with respect to every other application in the area was also a factor. Lastly, the OMB noted that the proposal is generally consistent with the Provincial Policy Statement (PPS), which does encourage the intensification of land within existing built up areas. The decision of the OMB is attached to this report as **Appendix C**. Figure 3 below shows the relationship between 19 Oakcrest and adjacent lots.

Figure 3: 19 Oakcrest and Adjacent Lots



4.0 THE IMPLICATIONS OF PROVINCIAL AND TOWN POLICY ON THE STUDY AREA

4.1 Provincial Policy Framework

Increasing the amount of development within an already urbanized area has become a prevalent theme in planning reform in Ontario. With the release of the Provincial Policy Statement (PPS) in 2005, the concept of intensification has become a required component of municipal planning programs:

“Planning authorities shall identify and promote opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs” (PPS (2005), Section 1.1.3.3).

“Planning authorities shall establish and implement minimum targets for intensification and redevelopment within built-up areas. However, where provincial targets are established through provincial plans, the provincial target shall represent the minimum target for affected areas” (PPS (2005), Section 1.1.3.5).

“Planning authorities shall provide for an appropriate range of housing types and densities to meet projected requirements of current and future residents of the regional market area by:

- e) establishing development standards for residential intensification, redevelopment and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety” (PPS (2005), Section 1.4.3(e)).*

“Intensification” itself is also defined in the 2005 PPS as:

“...the development of a property, site or area at a higher density than currently exists through:

- a) redevelopment, including the reuse of brownfield sites;*
- b) the development of vacant and/or underutilized lots within previously developed areas;*
- c) infill development; and*
- d) the expansion or conversion of existing buildings” (PPS (2005), Section 6.0).*

Clearly, the Province is expecting municipalities to place greater emphasis on promoting intensification in urban areas across Ontario. In the GTA, this policy requirement is translated in the Growth Plan for the Greater Golden Horseshoe into a general target for upper-tier municipalities to meet:

“By the year 2015 and for each year thereafter, a minimum of 40 per cent of all residential development occurring annually within each upper-tier municipality will be within the built-up area. (Growth Plan, Section 2.2.3.1”).

Given the current Provincial policy framework, which directs that significant changes occur in existing urban areas to make more efficient use of infrastructure, there is now an expectation that municipal Official Plans establish the basis and context for where change is expected and encouraged and where change is not expected and therefore discouraged.

One of the components of any decision on the identification of change/no change areas is the character of an existing neighbourhood or area and the impact change may have on that character. Once the character has been identified, the test in determining whether change can occur in an area is the degree to which change is or can be made compatible with existing development and the character of existing development. This character issue in the Study Area is reviewed in more detail in Section 5.0 of this report.

A further component that has an impact on where change is appropriate is location. For example, encouraging intensification in downtown areas and along major transit

corridors is generally considered to be appropriate, since it is in these areas where there is a higher expectation that development and redevelopment which utilizes infrastructure will occur. In addition, these areas have generally been in transition for many years as a result of their location. Other areas away from downtowns and major roads have generally been resistant to change and as a result have remained relatively 'stable'.

4.2 Town of Markham Official Plan

The Town of Markham Official Plan was partially approved by the Province on April 5, 1993 with further approvals granted later that year, also by the Province.

The southern portion of Oakcrest Avenue and the lots on Campbell Court are subject to the South Unionville Secondary Plan (PD34-1), which was incorporated into the Official Plan by Amendment # 22. The remainder of the Study Area is not subject to a Secondary Plan and is therefore subject to the policies in the parent Official Plan.

Section 2 of the Markham Official Plan contains the general policies that apply to all land uses in the Town. In this regard, Section 2.1 a) contains the four goals which collectively provide the basis for the policies in the Official Plan. These four goals are set out below:

- "i) to accommodate the population and development anticipated for the Town in the planning period;*
- ii) to provide the necessary services and facilities required by the present and future population;*
- iii) to maintain and strengthen individual community identities and the identity of the Town community as a whole;*
- iv) to provide for anticipated future growth within the confines of a compact urban envelope"*

The above goals recognize that the population of the Town of Markham will continue to expand and that the services required for that population will need to be provided. Goal iii) does have an impact on the Study Area, since it indicates that one of the goals of the Town is to *"maintain and strengthen individual community identities."*

The policies within later sections of the Official Plan are intended to implement the goals identified above. In this regard, Section 2.1.1. d) indicates that *"the Town shall endeavour to maintain and improve a physical character and appearance of existing communities"*. It is further noted in Section 2.1.1 e) that *"it will be an objective of Council to foster the development of an environment that will enhance the state of well being and the quality of life for residents of the Town"* With the implementation of these goals, Section 2.1.2 b) indicates that *"Council will study ways and means of improving existing communities."* The planning and design work being carried out for the Study Area in the context of this Planning Report is one

example of a process that is designed to improve or maintain existing communities or neighbourhoods in the Town.

Section 2.2 of the Official Plan contains policies on the environment and natural resources. Within this section, it is stated in Section 2.2 c) i) that *“every effort will be made to enhance urban amenity through appropriate location of various land uses, performance standards, and site plan control approval.”* To some extent, the development guidelines approved by Council in 1999 for the study area implement this general direction in the Official Plan. The use of specific performance standards to control built form in the area (the 1999 guideline for example) would also implement this policy in the Official Plan as well. The Town’s infilling by-laws (discussed later in this report) are also examples of how the Town has attempted to implement the Official Plan in this regard.

Section 2.3 of the Official Plan deals with visual appearance. One of the Town’s objectives in this regard is *“to encourage good building and landscape design in sympathy with the distinct character of the communities and within the natural features of the landscape.”* There are also a number of policies in Section 2.3.1 that indicate that the Town may establish design objectives and guidelines for any part of the urban area and that the emerging character of the surrounding area and the location characteristics of the site be considerations when applications for development are submitted. In implementing this section, Section 2.3.2. b) indicates that *“in applying the policies of this subsection in any given area, the Town may consult and seek the co-operation of local residents, ratepayers associations, local business associations etc. as appropriate.”* The policy then concludes with a requirement that site plan control be applied to implement the policies of this section. To some extent, the process initiated by Council in 1998 and then again in 2008 in the Study Area are examples of neighbourhood specific planning processes.

Section 2.7 of the Official Plan deals with land severances. It is indicated in this section that the provisions of Section 51(24) of the Planning Act are to be considered in the context of any application for consent. While this section of the Planning Act is relatively general and focuses on the health, safety, convenience and welfare of present and future inhabitants of the municipality, it does indicate that regard should be had to:

- “f) *the dimensions and shapes of the proposed lots; and,*
- g) *the restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures to be erected on it and the restrictions, if any, on adjoining land.”*

Both of the above sections of the Planning Act are relevant in the consideration of applications to create new lots in the Study Area, since the sizes and dimensions of any new lots in the Study Area will be significantly different from the sizes and dimensions of lots established originally in the Study Area beginning in 1949. These Planning Act provisions have the effect of requiring decision makers to:

- Determine whether the lot frontage and area is appropriate for the use proposed; and,
- Determine whether the lot frontage and area is compatible with the lot frontages and areas of other lots in the area.

Since lot frontage and area have an impact on the number of buildings and their size, the determination of whether the lot frontage and area proposed is consistent with other lots in the area is another factor in determining what impact a proposal may have on the character of the area.

It is noted in Section 2.7.1 b) i) of the Official Plan also deals with the same subject matter as the Planning Act since it states that *“regard shall be had to the compatibility of the size, shape and proposed use of the lot to be created with the present and proposed uses in the adjacent areas.”* This policy is intended to assist the approval authority in making decisions on whether a new lot and its size and configuration is compatible with other lots adjacent to the lands under application.

Section 2.7.2 of the Official Plan contains special provisions for land severances in the urban area. The policies in this section indicate that *“where a severance is proposed, and it has the potential to lead to further severance applications on the same lot, a Plan of Subdivision is required”*. In addition, these policies indicate that severances, if approved should not have the effect of compromising the development of other adjacent lands. However, there is one policy in Section 2.7.2 b) that has an impact on the current land use study for the Study Area. This section indicates that *“severances will be considered for the purpose of infilling in an existing urban area, but shall not extend the existing urbanized areas. Infilling which economizes the use of urban space without disturbing the pattern of the existing development, or perpetuating an undesirable pattern of development, or prejudicing the pattern of future development, shall be considered acceptable.”*

This section (Section 2.7.2 b) has the effect of establishing the acceptability of proposals which *“economize the use of urban space”* provided certain conditions are met. It is also further noted that the policy includes the term ‘shall’, which establishes that such proposals are acceptable provided the conditions are met. Of the three conditions, the condition indicating that such a severance should not *“disturb the pattern of the existing development”* has an impact on any planning process or development application that proposes a pattern of development that is different from what exists in the area. One possible interpretation of what a ‘disturbance’ is in the context of this policy is a circumstance where the sizing of the proposed lots and the nature of the use proposed is not consistent with the sizes of adjacent lots and existing uses. However, it is noted that this policy is one of many to consider in making a decision on an application.

Section 3.0 contains the land use policies for each of the land use designations established by the Official Plan. Section 3.1 b) contains the objectives of the Town in this regard and two objectives in particular have an impact on the land use study being prepared for the Study Area. These objectives are to *“obtain the most desirable, orderly and efficient pattern of land uses possible for the Town”* and *“to provide adequate land for the anticipated future population and its supporting uses”*

and employment areas including the more efficient use of developed land through the process of intensification.”

All of the lands in the Study Area, with the exception of those lands within the valley system associated with the Rouge River are designated Urban Residential and are therefore subject to Section 3.3 of the Official Plan. The predominant use of land in this designation shall be for housing and related purposes, including accessory apartments. Within the low density residential category a full range of low density housing forms are permitted, including single detached dwellings, semi-detached dwellings and townhouse dwellings.

Section 3.3.3 of the Official Plan contains the general urban residential policies and it is in this section where it is indicated in sub-section a) that *“the Town shall seek to maintain and improve the quality of the existing residential development in areas which are designated for continued residential use in this Plan.”* The lands subject to this land use study are designated for continued residential use.

On the basis of the above, it is clear that there are a number of policies within the Official Plan that combine to indicate that there is a public interest in maintaining the character of existing communities, while providing for opportunities for intensification.

4.3 Zoning By-law

The Town initiated a review of the Infill Development By-laws in 2007. These By-laws passed pursuant to the Planning Act were initially passed in 1993 and were applied to a number of neighbourhoods in the Town. In the case of the Study Area, the Infill By-law is known as By-law 16-93 and was passed on January 26, 1993. However, By-law 16-93 only applies to a portion of the Study Area as shown on **Map D**. This is because the Infill By-laws were not applied to rural areas in the Town and therefore not to By-law 304-87 which generally applies to the Town's rural area. Since By-law 304-87 applies to the six most southern lots on both on the west and east sides of Oakcrest Avenue, By-law 16-93 does not apply. **Map D** identifies the nature of the existing zoning in the Study Area.

As noted on **Map D**, the majority of the lands in the Study Area are subject to By-law 122-72. Lots that have not been subdivided since their creation in 1949 are zoned Single Family Rural Residential (RRH). The RRH Zone requires that lots have a minimum frontage of 30.4 metres and a minimum lot area of 2,043 square metres. These provisions are typical for rural areas where no municipal services are provided.



The new lots that have been created since 1999 have been placed in the R3 Zone with one exception. It is noted however that each of these new lots are subject to site-specific zone standards. It is further noted as discussed later in this report that 8 of the 9 site-specific by-laws passed by Council to provide for the severances exempted these lots from the infilling by-law (By-law 16-93). The remainder of the Study Area is subject to By-law 304-87 as described above and is zoned accordingly as A-1. Only the most southern six lots on either side of Oakcrest are subject to By-law 304-87 as noted previously and are therefore not subject to the provisions of the infill by-law. **Table A** below sets out what the various standards are in the by-laws that currently apply in the Study Area.

Table A: Current Zoning in Study Area

Standard	Current Zone Standards			
	RRH (122-72)	R3 (122-72)	Infilling By-law 16-93 (only applies to RRH and R3 Zones)	A-1 (304-87)
Minimum lot area	2043.8 m ² (22,000 sq.ft)	696.0 m ² (1) (7,500 sq.ft) or 2043.8 m ² if no sewers	--	10.0 ha
Minimum lot frontage	30.5 m	18.3 m	--	120.0 m
Min. req. front yard	7.6 m	7.6 m	--	12.0 m
Min. req. exterior side yard	5.4 m (half of height)	4.0 m	--	6.0 m
Min. req. interior side yard	3.0 m	1.2 m for one storey and 1.8 m for two storey	--	6.0 m
Min. req. rear yard	7.6 m	7.6 m	--	7.5 m
Maximum height	(n/a since By-law 16-93 takes precedence)	(n/a since By-law 16-93 takes precedence)	9.8 m and two storeys	10.7 m
Max. lot coverage	n/a	33.3%	--	n/a
Maximum floor area ratio	--	--	47%	--
Maximum depth of dwelling	--	--	16.8 m - can be increased to 18.9 m if extra depth is one storey and less than 4.6 m in height and not more than 1/2 the width of dwelling at widest point	--
Maximum garage projection	n/a	n/a	2.1 metres beyond main front wall	n/a

As noted above, almost all of the lots created since 1999 were placed within the R3 Zone. These lots would have also been subject to the provisions of By-law 16-93, however 8 of the 9 site-specific by-laws passed by Council in the Study Area exempted the new lots from the Infill By-law. **Appendix D** attached sets out what the zone standards are in the R3 Zone as well as the modified zone standards as set out in By-law 16-93 and then compares those “parent standards” against the site-specific standards applied to each of the applications considered within the Study Area.

As noted previously, the standards for the R3 Zone deal with minimum lot area, minimum lot frontage and minimum yards, maximum height and maximum lot coverage. The provisions of By-law 16-93 (the Infill By-law) modify the maximum height permission and include additional provisions that deal with maximum floor area ratio, the maximum depth of dwelling and the maximum garage projection. The only overlap between the two By-laws however, is that both By-law 16-93 and the provisions of the parent R3 Zone both contain a maximum height permission. In the case of the parent R3 Zone, the maximum height is set at 10.7 metres and in By-law 16-93, it is set at 9.8 metres. This means that the 9.8 metre height maximum prevails.

On the basis of an analysis of the site specific By-laws passed by Council in the Study Area since 1999, the following conclusions have been reached:

1. The minimum lot area and minimum lot frontage provisions in each of the site specific by-laws were tailor-made to the particular application. In every case, the minimum lot area required for the new lots was greater than the minimum established by the R3 zone. With respect to lot frontage, the majority of the lots created had lot frontages that were greater than the minimum established by the R3 Zone. However, there were a number of lots created that had a lesser lot frontage, with the smallest lot frontage being 15 metres.
2. The minimum front yard required by the R3 zone was increased in almost every circumstance. The only site specific by-law that did not increase the minimum front yard was By-law 76-2000 which applied to 16 and 16a Oakcrest. In every other by-law, the minimum front yard was increased to between 10 metres and up to 20 metres.
3. The exterior side requirement of 4 metres in the R3 Zone was not varied in any of the site specific by-laws in the Study Area. (It is noted that only one lot had an exterior side yard that is subject to this 4.0 metre yard requirement).
4. The interior side yard requirement of 1.2 and 1.8 metres in the R3 Zone was maintained in most of the site-specific by-laws with a few exceptions. These exceptions are By-law 48-2000, By-law 76-2000, By-law 2002-256 and 2003-213. In those cases, the interior side yards were increased marginally to provide for a larger yard.
5. The rear yard of 7.6 metres set out in the R3 Zone was varied significantly in some of the by-laws. For example, By-law 2002-257 (35 and 37 Sabiston) increased the rear yard from 7.6 metres to 32 metres and 35 metres.

6. The maximum height permitted with each of the site specific by-laws was set at 10.7 metres, which is the standard in the R3 Zone. This is notwithstanding the reduced maximum height permission in By-law 16-93 of 9.8 metres that did not apply to any of the lots that were rezoned except in By-law 2002-256. The one exception was in By-law 2006-239 (36 and 38 River Bend Road) where the maximum height was established at 7.5 metres to provide only for a one-storey bungalow. However, even this by-law was also not subject to By-law 16-93.
7. The lot coverage maximum of 33.3% in the R3 Zone was not varied in any of the site specific by-laws with the exception of By-law 2006-239, which increased the maximum lot coverage to 46%. This increase was included within the By-law presumably to make up for the restriction on the maximum height in terms of being able to provide an appropriate amount of floor area for a new dwelling.
8. The floor area ratio standard established in By-law 16-93 of 47% was only applied in one circumstance (By-law 2002-213).

An analysis of all of the minor variances passed in the Study Area since 1999 was also carried out to determine if the effect of the minor variance was to reduce any of the standards applied to the new lots that were created in the Study Area. **Appendix E** summarizes our findings in this regard.

Appendix E indicates that 8 out of the 22 lots created were also subject to minor variances. In one case (1 and 3 River Bend), the variance was considered at the same time as the lot creation. In the other cases, the variances were considered following the passage of the site-specific by-law. While some of the variances in this regard were required to reflect the actual lot area and lot frontage on the new lot after the survey had been completed, the majority had the effect of reducing the standards established in the site specific by-laws. The most common variances in this regard had the effect of reducing the front yard, increasing the depth of the dwelling and permitting greater encroachments into required yards.

On the basis of the above analysis of the history of lot creation of the area since 1999, the Town has approved:

- Nine applications for rezoning;
- Nine applications for severance which had the effect of replacing ten of the existing lots with twenty-two lots; and,
- Thirteen applications for minor variance.

The effect of the above approvals provided for the development of 22 new homes.

5.0 CURRENT NEIGHBOURHOOD CHARACTER

Decisions on whether new lots should be created in existing residential areas are often based on whether the proposed development is compatible with adjacent development and whether the character of the adjacent development and area is affected. These are factors that are also considered when applications to replace an existing dwelling with a larger dwelling are submitted and to a large extent, the Town's current infilling by-laws were prepared to deal with this latter circumstance.

Land use compatibility has been an issue under consideration at numerous Ontario Municipal Board hearings. In a decision of the OMB dated August 11, 2006 (Decision/Order # 2263), a reference is made on page 7 of that decision to the language in another Decision: "*when he said being compatible with is not the same as being the same as. Being compatible with is not even the same thing as being similar to. Being similar to implies having a resemblance to another thing; they are like one another, but not completely identical. Being compatible with implies nothing more than being capable of existing together in harmony.*"

On the basis of the above, the criteria that could potentially assist in determining whether uses can 'exist together in harmony' when change is proposed include:

- The relationship between the massing and height of existing and proposed buildings;
- The location of established building lines (the average setback of existing development from the street);
- The placement of existing and proposed buildings on a lot;
- The lot coverage of existing and proposed development;
- The nature of existing and proposed building materials; and,
- The location of driveways, garages and trees.

With the above factors in mind, using a 'character index' to determine the character rating of an area can be developed. The intent of such a 'character index' is to determine whether there is a high degree of consistency between the elements that define the character of an area. In our opinion, there is a higher feeling of 'quality of place' if there is high degree of consistency between those elements that define the character of an area. In addition, the more consistency amongst the main defining elements, the more obvious the character and the higher the neighbourhood will rank on a character index. Figures 4, 5 and 6 below show what types of homes exist along Oakcrest at the present time.



On the basis of the above, we have spent some time identifying how character is to be defined and then determining how that character can be affected by change. Based on our analysis, we then attempted to define the character of the three streets in the Study Area.

It is noted that at the outset there are many kinds of communities and many kinds of character. It is not our intent to indicate that one character is “better” than another, since each neighbourhood is potentially unique from a character perspective. In our view, the character of a neighbourhood is a reflection of how the defining elements of the built form and setting are consistent (or not).

The main defining elements of character are below:

1. Lot size;
2. Vegetation - size, location, age, variety;
3. Buildings - size, location, orientation, materials;
4. Architectural style;
5. Age of neighbourhood;
6. Right-of-way treatment; and,
7. Proximity of significant natural features.

In our view, the more consistency there is amongst the above main defining elements, the more obvious the character is and the higher a neighbourhood will rank on a “character index”.

Notwithstanding the above, in neighbourhoods where there is no consistency in terms of the elements identified above, that neighbourhood also has a certain character, however, that character would be considered to be more “eclectic”. It is for this reason that many older neighbourhoods developed before the Second World War in urban areas are more eclectic in nature as a result. To some extent the more eclectic a neighbourhood is, the more able it is from a compatibility perspective to experience change in the form of different building types and styles.

Once the character of a community is identified, the challenge is then to determine how that community character can be affected by new development. In cases where there is a strong consistency amongst the defining elements, new development that affects that consistency will then affect the character of that neighbourhood. The challenge then is to determine how significant that change is and then to determine whether the potential change is significant enough to not permit the proposed change.

In some cases, changing the character of a neighbourhood may be appropriate if there are certain public interest objectives being met as a result. For example, in a neighbourhood with a number of dwellings that are beyond repair, renewal would be encouraged to improve quality of life. However, in cases where that change affects the character to an extent that there is a perceived decrease in the quality of life and sense of place in an area, then that change is not appropriate.

As noted above, we do not believe and we are not making a judgement that any character is “good” or “bad”. Instead, it is our view that in a circumstance where it has been determined that an area or neighbourhood rates high on a character index, the time it takes for the character of an area to change will have the effect of decreasing the quality of place since these consistent elements of the character are being slowly lost. Based on the above, the character and the character index of each of the three streets in the Study Area has been reviewed.

Based on the defining elements above, it is our view that the character index ranking for River Bend Road is high, particularly on that portion of River Bend Road located between Oakcrest and the curve in the road located to the east. The character of River Bend Road changes on the curve and to the east of that curve as a result of the development of new homes on lots created through the severance process. For that portion of River Bend Road located immediately to the east of Oakcrest, there is a definite character with that character being defined by the large lot sizes, the mature vegetation, the single-storey ranch bungalows and the dwellings generous setbacks from the street.

On Sabiston Drive, it is our view that the character index ranking is low, primarily because the lower portion of Sabiston Drive has been developed with large homes on small lots. While four of the seven original large lots still exist on the upper portion of Sabiston Drive, the character of this street has already been changed by the development of six new homes on the three other large lots that have been subdivided and the 22 other lots that have been created on Lower Sabiston. In contrast, only 12 large lots exist on Oakcrest located to the west on a similar length of road. In fact, if the road length and configuration of lower Sabiston and lower Oakcrest were the same, the magnitude of the difference would be even greater, with 26 fifteen metre frontage lots being located on lower Sabiston versus 12 larger lots on lower Oakcrest. As a result, the character of upper Sabiston Drive has already changed significantly.

On Oakcrest Avenue, it is our view that the overall character index ranking is high, since all but one of the 19 original lots south of Robert Street/River Bend Road remains as they were created. The only exception is 16 and 16a Oakcrest, which were new lots created through the severance process. In addition, there is a considerable amount of mature vegetation in the area and most of the dwellings are ranch style bungalows with generous side yards on both sides. In addition, the amount of front yard that is not the site of a driveway is significant and consistent as is the setback of the homes from the street. In addition, the rural right-of-way treatment adds to the character. In an effort to understand the relationship between the amount of building facing a lot line and the amount of open space between existing dwellings On Oakcrest, a review of this relationship between the portion of Oakcrest between Robert/River Bend and Caston has been carried out. In this regard, it has been determined that the percentage of the front lot line that is faced by a building averages about 66% on this portion of Oakcrest as shown on **Table B**.

Table B - Percentage of Lot Line Occupied by Building on Oakcrest between Robert/River Bend and Caston

	House #	Frontage (m)	Lot Area (m2)	Date Built	% Front Lot line occupied by building
West Side	12	54.81	2670.88	1992	56.37%
	14	54.76	2670.88	1952	49.45%
	16	26.79	1308.87	2007	73.69%
	16A	26.78	1308.87	2006	62.86%
	18	34.44	1699.61	1965	68.08%
	20	34.44	1699.61	1992	63.50%
	22	34.44	1659.19	1965	66.06%
	24	34.75	1659.19	1973	86.53%
	26	34.75	1659.19	1969	71.68%
	28	34.75	1659.19	1969	52.50%
East Side	9	30.48	1416.35	1970	65.24%
	11	38.61	2063.87	1991	69.14%
	15	38.61	2063.87	1954	58.26%
	17	38.61	2063.87	1990	79.37%
	19	39.05	2044.45	1954	26.36%
	21	34.44	1821.03	1965/2005	67.48%
	23	34.44	1821.03	1965	69.49%
	25	34.44	1821.03	1965	83.76%
	27	34.75	1861.53	1974	78.93%
	28	34.75	1659.19	1969	52.50%
	29	34.75	1861.53	1968	89.32%
	31	34.75	1861.53	1967/1970	67.07%
	AVERAGE	36.29	1,834.31	N/A	66.26%

Note: The side yards were estimated using air photography and are considered approximate.

In our view, the character of this portion of Oakcrest would potentially be affected if new lots were created, since larger homes on smaller lots would be built, the homes would be two storey instead of one, the percentage of the frontage devoted to garage and driveway would significantly increase (since two of each would be required) and some of the existing mature vegetation would be lost.

6.0 SHOULD LOT CREATION BE PERMITTED?

6.1 River Bend Road

Based on the character analysis, it is clear that the western portion of River Bend Road has a distinct character and that many of the defining elements that make-up that character are intact. On the five lots fronting on the north side of River Bend Road located immediately to the east of Oakcrest Avenue, the defining elements of the character are very much intact (6, 8, 10, 14 and 16 River Bend). Beyond this point

going east, the character changes considerably as the result of the creation of 10 new smaller lots since 1999.

However, the current zoning by-laws applying to these five properties would permit a considerable amount of development and redevelopment as-of-right. For example, a lot coverage of 33.3% is permitted, along with a floor area ratio of 47%. The permissions would permit the development of a very large single-detached dwelling. Given the large sizes of the five remaining large lots on the north-side of River Bend Road, the amount of floor area that could be developed is significant. For example, the largest lot at 10 River Bend Road has a potential useable lot area of about 6,000 square metres. Based on the definition of floor area ratio and net lot area in By-law 16-93, a maximum of about 1,980 square metres of ground floor space could be developed on this lot. If the maximum FAR in terms of floor area was developed on two floors, the ground floor could have an area of 1,410 square metres ($6,000 \times 47\%/2$).

Notwithstanding all of the above however, the previous applications for consent that have been considered and supported by the Town do have an impact on the appropriateness of creating additional lots on the north side of River Bend Road. The majority of the applications for consent in the Study Area were considered at the time of application to be consistent with the policy framework established in the Town of Markham Official Plan. To a very large extent, the approval of the first application in 1999 was somewhat based on the existence of the then recently created lots on the south side of River Bend Road and to the west of Piera Gardens which had lot frontages of 16.5 metres.

Once the first application was approved, subsequent applications were similarly approved given that a precedent was established previously. As a result, it is my opinion that the recent approvals granted for the other new lots on River Bend Road have established the principle of creating additional lots on all of the north side of River Bend Road.

Notwithstanding the above however, while the principle of creating new lots on River Bend Road has been established, there is still a need in my opinion to protect the character of the River Bend Road neighbourhood to the greatest extent possible through built form controls. Based on a review of the earlier approved applications, it would appear that a very basic premise was established with respect to dwelling unit size. That premise required that as large an envelope be established for dwelling unit purposes, given that large dwelling units are in demand. It is for this reason that the FAR restriction in By-law 16-93 was not applied on River Bend Road. It is my opinion that operating under this assumption in this circumstance is not appropriate and that the character of the area should be the prime determinant of dwelling unit size. On this basis, dwelling unit size should be restricted to the greatest extent possible on any new lot created on River Bend Road in the future. This is discussed further in Section 7.0 of this report.

6.2 Upper Sabiston

Given the character of Upper Sabiston and the existence of only three more large lots on this portion of Sabiston Drive, it is our opinion that further lot creation could be considered on upper Sabiston provided the lot sizes were consistent with previous approvals on the street. As with River Bend Road however, it is recommended that built form controls that reflect the character of the area be applied, as discussed in Section 7.0 of this report.

6.3 Oakcrest Avenue

On that portion of Oakcrest Avenue south of Robert Street/River Bend Road, all of the existing lots, with one exception, exist as they did when they were first created many years ago. As a result, this portion of Oakcrest Avenue has a very established character, with many of the defining elements of that character being consistently expressed along the street. It is recognized that some redevelopment has occurred and that it is generally not consistent with the character of the pre-existing development.

However, while the majority of the defining elements on this portion of Oakcrest are still intact, the Ontario Municipal Board approved a zoning application applying to 19 Oakcrest Avenue on September 1, 2009, which had the effect of permitting the existing lot to be divided into two lots (PL081563). On the basis of the above decision, it is not recommended that a policy framework be included within the Official Plan that would have the effect of prohibiting additional lot creation on Oakcrest. Such a policy framework would certainly be appealed to the Ontario Municipal Board and would be difficult to defend given the decision of the Ontario Municipal Board on 19 Oakcrest.

On that portion of Oakcrest Avenue north of Robert Street/River Bend Road, it is our also our opinion that additional lot creation should be permitted as well, subject to criteria, as discussed in Section 7.0 of this report.

7.0 MOVING FORWARD

7.1 Introduction

On the basis of the assessment of the Study Area contained in this report, and the decision of the OMB applying to 19 Oakcrest Avenue, this report supports additional lot creation throughout the Study Area.

However, all new lots should be sized in a manner that reflects both the nature of the existing lot sizes and the sizes of the new lots that have already been created. Given that it is not expected that all, or even the majority of the existing lots in the Study Area will be subdivided in the next twenty years, recognizing the pattern of existing development is a key planning principle that needs to be recognized on a go-forward basis. In addition, and given that the existing pattern and scale of development will

exist for some time, there is also a need to apply this planning principle to the sizing of new homes in the Study Area, and particularly to the relationship between the length of the front wall of the dwelling and the front lot line, since it is the space between dwellings on adjacent lots that greatly contribute to the current open space character of the Study Area.

It is my opinion that this planning principle needs to be included within the Official Plan to provide the basis for decision-making when responding to an infilling application in the Study Area and in any established residential neighbourhood in the Town. In addition, there is a need to implement this planning principle by updating the myriad of zoning provisions that apply in the Study Area and beyond, as required. The Town's site plan guidelines should also be updated to ensure that any proposed development of an infilling nature respects the character of existing neighbourhoods. If the Official Plan is updated as suggested and is detailed enough to provide the guidance required for decision makers, the existing guidelines applying to the Study Area since 1999 will no longer be necessary.

On the basis of the above, below are our recommendations.

7.2 Design Guidelines

On January 1, 2007 the Planning Act was amended to permit municipalities to consider design issues as part of a Site Plan Approval process. However, these design issues can only be dealt if the Official Plan contains some specific direction on these issues and what factors need to be considered. Prior to January 1, 2007, municipalities did routinely attempted to control design through the Site Plan Approval process, however there was a need for there to be some agreement on the part of the applicant to ensure that the municipality's objectives were being met. With the change to the Planning Act, that requirement can now be made mandatory, provided the rationale for reviewing design considerations is very clear.

At the present time, most Site Plan processes at the municipal level deal with primarily commercial and industrial developments. Multi-unit residential developments are also typically subject to Site Plan Control. At the present time, the Town of Markham Site Plan By-law 262-94 (as amended by By-law 158-98) does require that Site Plan Control be utilized in the Oakcrest/Sabiston area.

The focus of the current Site Plan Approval process is on the planning for the site in terms of the location of the building, driveway, landscaping and in some cases accessory buildings. While elevations are typically submitted with a Site Plan application, the style and treatment of the proposed dwelling is not the focus of the review of the Site Plan by Town of Markham staff. Notwithstanding the above, there may be circumstances where staff will suggest to the proponent that modifications be made to the front façade to better reflect the nature of adjacent development. The Site Plan process at the present time is also used to review the location of buildings and driveways in relation to existing trees, since there is a general desire to maintain existing vegetation wherever possible. The Site Plan process in this regard is a very useful tool since the location of buildings and driveways are clearly matters that can be dealt with through the Site Plan Approval process.

While the location of buildings, driveways and other elements of development on a site is an important consideration in existing low density residential neighbourhoods, it is quite often the architectural style and the bulk and massing of a proposed development that has the most impact on the character of a street, area or neighbourhood. For example, a street may generally be the site of low-rise one-storey ranch bungalows on fairly wide lots. As new homes are developed on existing or new lots, quite often the new homes are two-storey in nature, which in of itself is not problematic from a character perspective. However, the architectural style of a larger building is highlighted and magnified when the lot size is much smaller and two larger homes are sited on two lots instead of one. For example, 16A Oakcrest is the site of a significantly sized dwelling that has, as its main architectural feature, two columns that extend from the ground to the roofline which functions as an entrance feature. This feature in of itself, clearly distinguishes the dwelling from most of the other dwellings on the street and as a result, contributes to a disjointed character on this part of Oakcrest. Figure 7 below is of 16 Oakcrest.

Figure 7: 16 Oakcrest



While it should not be the intent of any municipality to control personal preferences and tastes, it is my opinion that there is an overall public interest in controlling the design of new dwellings if there is a public interest basis for protecting the existing character of a street, area or neighbourhood. This is certainly the case in new

greenfield neighbourhoods, where a considerable amount of time and effort is spent on the design and look of new development, in order to make sure it relates very well to adjacent development and future development. While the context is different, since this new development is being planned along side other new development, it is my opinion that there is also a need to consider the building relationship issues in existing neighbourhoods.

It is noted that a similar process is followed in Heritage Conservation Districts, where all new development is reviewed firstly to ensure that it reflects the historical character and nature of the existing buildings on the same lot, but also reflects the character of buildings on adjacent properties or in the neighbourhood generally. However, this process under the Ontario Heritage Act requires that a considerable amount of work be done upfront in terms of classifying each building and structure, identifying its architectural style and then developing building typologies to guide development proposals as they are submitted. In the case of existing residential neighbourhoods, the amount of work required to establish this basis is potentially significant, given the balance of development that already exists in established neighbourhoods across the Town.

Notwithstanding the above however, there are a few items that do need to be considered in the context of applications to develop single detached dwellings and existing residential neighbourhoods. The first has to do with identifying the defining elements of the architectural style of the existing dwellings in the vicinity of the proposed development. Elements of the architectural style that should be reviewed include:

- The height of buildings;
- The pitch of the roof and the location of the rooflines;
- The building materials used;
- The colour of the building materials;
- The level of floor of the front entrance in relation to the street;
- The nature of the architectural features, such as columns; and,
- The nature and colour of the roofing materials.

In an existing established neighbourhood, these are all important considerations since the planning principle being recommended in the Study Area is that new development should relate to both existing development and other new development as much as possible. In moving forward with the consideration of design issues, it is not proposed that the process be rigid, instead the process should be designed to require that new development complement existing development wherever possible to support its integration into an existing neighbourhood fabric.

Given that it is recommended that the Official Plan be amended to include policies to provide the basis for reviewing applications and for reviewing Site Plan Approval applications, it is recommended that the 1999 Guidelines adopted by Council no longer be relied upon when making decisions on future applications. Given that the Guidelines were endorsed by Town Council, it may be necessary for Council to resolve that the Official Plan is to be relied upon in the review of development applications in the Study Area in the future. While other reports similar to this one may be prepared

for other parts of the Town of Markham, the intent of these reports would be to only inform the decision making process which is already formalized through the Official Plan.

7.3 Official Plan

It is recommended that the Markham Official Plan be amended by including the following new section:

"A INTENSIFICATION and REDEVELOPMENT WITHIN EXISTING NEIGHBOURHOODS

- A1 *This policy deals specifically with intensification in the form of lot creation through the consent to sever process and redevelopment in the form of replacing and/or enlarging homes on existing lots. These policies will be implemented by amendments to the Town's Zoning By-laws which specifically identify the affected lands.***
- A2 *The Town recognizes that existing residential neighbourhoods in the Town will continue to be attractive for intensification and redevelopment, because of their location near many amenities, such as schools, parks, transit and retail uses and because of their established character and quality of place, both of which contribute to the quality of life enjoyed by Markham residents.***
- A3 *It is expected that development in the form of new lot creation will generally be limited and that the majority of the existing lots in these neighbourhoods will not be further subdivided throughout the planning period and beyond compatible with. It is on this basis that this Plan requires that the size of new lots complement the sizes of existing lots.***
- A4 *It is expected that the redevelopment of existing lots will be common given the trend of building larger homes than in the past. However, since many of the existing lots in these neighbourhoods are larger than typical lots in newly developing areas, it is the intent of this Plan to ensure that the scale of any redevelopment is compatible with the scale of existing development.***
- A5 *It is the intent of this Plan to permit limited lot creation in existing neighbourhoods provided:***
 - a) *the frontages of new interior lots are generally no less than 15 metres and generally no less than 50% of the average lot frontages on the same side of the street to maximize, to the greatest extent possible, the separation between new and existing dwellings;***
 - b) *the frontages of new corner lots are no less than 17 metres and generally no less than 60% of the average lot frontages on the same side of the street to provide for an appropriate setback from the exterior side lot line;***

- c) *the trees and vegetation will be retained and enhanced where possible on the new lots and additional landscaping will be provided to integrate the proposed development with adjacent development and the existing neighbourhood;*
- d) *new driveways are sited to minimize tree loss;*
- e) *the width of new driveways are minimized;*
- f) *the new garages do not dominate the front of the new dwelling; and,*
- g) *the orientation and sizing of the new lots do not have a negative impact on significant views and vistas which help define a residential neighbourhood.*

In addition to the above, regard has to be had to Section A6 when making a decision on an application to create new lots.

A6 *It is the intent of this Plan to permit the reconstruction of single detached dwellings on existing lots in existing neighbourhoods provided:*

- a) *the setback between the new homes and the interior side lot line increases as the lot frontage increases;*
- b) *the front yard setback for the new homes is consistent with the front yards that exist on the same side of the street;*
- c) *the height of the new homes do not generally exceed two storeys;*
- d) *the depth of the new home provides for a generously sized rear yard amenity area and minimizes the potential impacts of the new home on the enjoyment of adjacent rear yards;*
- e) *the new buildings will have a complementary design relationship with existing buildings, while accommodating a diversity of architectural styles, building materials and colours, energy conservation techniques and innovative built forms;*
- f) *the colour of the building materials used shall generally be compatible with the colours used on adjacent buildings and in the surrounding area;*
- g) *existing trees and vegetation will be retained and enhanced where possible and additional landscaping will be provided to minimize the impacts of the new home on the enjoyment of adjacent lots;*
- h) *the width of garages and driveways is limited to ensure that the streetscape is not dominated by garages and driveways; and,*

- h) infiltration at source is encouraged by limiting the amount of new pavement and developing strategies to direct run-off from roofs and driveways into the ground rather than being directed to the storm sewer system through the use of permeable paving materials for example.*
- A7** *All new homes to be developed on lots created by consent shall be subject to Site Plan Control. In addition, the development of a new home on an existing lot, if it involves the replacement of an existing home, shall also be subject to Site Plan Control. All of the matters identified in Sections A5 and A6 shall be considered, as appropriate, in the Site Plan Control approval process.*
- A8** *The reconstruction of single detached dwellings on existing lots may also be subject to Site Plan Control, if the scale of the proposed development significantly exceeds the footprint and size of the existing home on the lot. The determination of when Site Plan Control will be applied will be made in the Site Plan Control By-law.*
- A9** *Given that this Plan requires that there be a positive design relationship between new and existing dwellings, proponents shall demonstrate as part of the Site Plan Approval process how the new dwelling is compatible from a design and architectural perspective with existing homes on adjacent lots. Factors to consider in this regard include:*
 - a) the nature of the building materials used;*
 - b) the nature of the architectural features proposed, such as columns and entry features;*
 - c) the elevation of the floor of the first storey;*
 - d) the pitch of the roof; and,*
 - e) the amount of the front wall occupied by the openings of the private garage.*
- A10** *The Town's zoning by-laws applying to existing residential neighbourhoods shall:*
 - a) establish minimum interior side yard setbacks that are proportionate to the lot frontage;*
 - b) require the sizes of front yards to be generally consistent with the sizes of the front yards on adjacent lots;*
 - c) cap the height of new homes to two storeys;*
 - d) establish a maximum dwelling unit depth;*

- e) *restrict the width of garages and their extension beyond the front of the dwelling or the porch;*
- f) *restrict the width of driveways; and,*
- g) *regulate the slope of driveways to prevent garages from being located below the first storey.*

A11 *All buildings that existed on the effective date of the by-law that implements this section of the Official Plan will be recognized in the by-law as being in compliance with the by-law. However, the replacement or enlargement of existing buildings shall comply with the provisions of the by-law and if the provisions of the by-law cannot be complied with, a minor variance to the by-law may be considered, provided the general intent of the Official Plan with respect to the compatibility of new and existing development is maintained.*

A12 *Since each area or neighbourhood in the Town of Markham has a different history and built form, land use considerations and zoning controls that are unique to each area may be considered by Council on an as-needed basis. The intent of these area/neighbourhood rules would be to inform the decision making process with respect to intensification and redevelopment.*

A13 *The policies of this section will be implemented by Amendments to the Town Zoning By-laws to specifically identify what areas are subject to these policies. The Site Plan Control By-law will also be amended to conform to the policies of this Section."*

7.4 Zoning Changes

7.4.1 Current Markham Provisions

Markham currently has four sets of zoning provisions for infill housing across 48 Zoning By-laws. The current zoning provisions for infill housing vary only slightly between the four standard sets of provisions. Some additional provisions are provided under By-law 2237, which relates specifically to the Thornhill area of Markham. **Appendix F** to this report contains these provisions. It is noted that the Study Area is subject to By-law 122-72 as amended by infilling By-law 16-93 although almost all of the new lots created in the Study Area were exempted from the infilling by-law.

In terms of height regulations, the main variation occurs between various zones. All Infilling By-laws differentiate between pitched roof and flat roof dwellings, however only By-laws 1229 and 122-72 as amended, provide a generic height restriction of 9.8 metres for pitched roof dwellings and 8.0 metres for flat roof dwellings. It is noted that height is measured between the level of the crown (i.e. high point) of the street at the mid-point of the front lot line, and either: in the case of a flat roof, the highest point of the roof surface or the parapet (whichever is the greater); or in the case of a pitched roof, the highest point of the ridge of a gable, hip, gambrel or other type of pitched roof.

Other variations on the height regulations include 8.6 metres for pitched roof dwellings in the R4 and R4S Zones under By-law 2237 as amended; and 11.3 metres for pitched roof dwellings in the SR1 and GR Zones under By-law 1767 as amended. The maximum number of storeys remains the same under all By-laws, being a maximum of 2 storeys within a single vertical plane.

The maximum garage projection provision contained in all By-laws (with the exception of By-law 2237 as amended) requires garages to be no closer to the front lot line than 2.1 metres beyond the point of the main building closest to the front lot line. The Heritage By-law (223-94) within By-law 2237 requires that no part of any garage shall project closer to the front lot line than 1.0 metre beyond the point of the main building closest to the front lot line. The maximum garage width is also the same under all By-laws (with the exception of By-law 122-72 as amended which does not contain this provision), being 7.7 metres for any lot having a frontage of less than 18.3 metres.

The maximum floor area ratio (FAR) permitted in the Town's numerous by-laws ranges between 42% and 50% for various residential zones, with the exception of properties in the Historic Core Area of the Markham Thornhill Heritage Conservation District that limits the floor area ratio at 33%. In the Study Area, By-law 16-93 sets the FAR at 47%. As set out in the definitions contained within the infilling by-laws, the FAR is calculated by taking the gross floor area of a one family detached dwelling, which is then expressed as a percentage of the net lot area, which in every case, except for very large lots, is the whole of the lot area.

The intent of the FAR standard is to control the mass and bulk of a building. However, it is noted that the FAR calculation is based on floor area and not volume. In other words, only the ground floor area of a two or three-storey atrium or court in the centre of a dwelling would be counted, for example. In addition, the lower floor level is not counted if it considered a cellar, which as defined, has more than 50% of its height below grade.

All By-laws excluding By-law the infilling by-law applying to lands subject to By-law 1229 restrict the depth of a dwelling on a lot to 16.8 metres. However, they also provide for an increase in the depth of a dwelling to 18.9 metres (from the initial 16.8 metres) by extension to the rear of the dwelling provided that the extension does not exceed 1 storey and 4.6 metres in height; and also provided that the extension is not wider than one-half ($\frac{1}{2}$) the width of the dwelling at its widest point. The infilling by-law within By-law 1229 is unique in that it provides only for a maximum depth of 16.8 metres and no extension is permitted.

The intent of this provision is to generally ensure that the rear walls of homes are consistently located in relation to the rear lot line. The effect of the provision is that windows in side walls of the back part of a home are not facing into adjacent backyards. A further intent is to control the length of the side wall so that neighbours on adjacent lots do not feel "walled-in".

The Heritage By-law (223-94) within By-law 2237 also provides a maximum floor area for properties in the Historic Core Area of the Thornhill-Markham Heritage Conservation District. In this regard, the maximum floor area permitted is 278.7 square metres (exclusive of garage) for single detached dwellings, and 41.8 square metres for garages.

The rationale for why there are differences in the provisions across the Town is mainly due to the historical pattern of development that existed in the separate communities that existed prior to the creation of the Town of Markham in 1974.

The definitions related to infill housing contained within the Town of Markham Zoning By-laws are generally similar to one another throughout By-laws 1229 (amendment 99-90), 122-72 (amendment 16-93), 2237 (amendments 101-90 and 223-94) and 1767 (amendment 100-90). The definitions in these by-laws vary slightly between the four standard sets of definitions found in the 48 Zoning By-laws. **Appendix G** attached contains each of the above definitions within the Infill Zoning By-laws.

7.4.2 Other Municipal Provisions

A detailed review of the provisions relating to infill housing in North York, Oakville, Burlington, Oshawa, Vaughan and Richmond Hill was carried out and compared against the provisions described above in Markham. Given that the provisions reviewed in Markham are particularly applicable to older residential neighbourhood with large lots and smaller homes, the zoning provisions for similar areas in the other municipalities were reviewed.

Maximum Height

In terms of height regulations, aside from the Town of Markham, only the North York provisions differentiate between a sloped roof and a flat roof. The restriction depends on the zone, and ranges from 8.0 metres for flat roofs to 9.8 metres for sloped roofs.

Provisions in the Town of Oakville, North York, the City of Vaughan, and the City of Oshawa Zoning By-laws contain height restrictions generally within the above range, generally being 9.0 or 9.5 metres. In contrast, the City of Burlington provides a 2 and a half storey maximum height restriction rather than a measurement.

In terms of the infill housing provisions found in the Town of Richmond Hill By-laws, the zoning provisions for the older residential neighbourhood provide for a maximum height allowable for residential zones of either 6.0 or 8.5 metres, depending on the location of the site within the older residential neighbourhood.

Maximum Number of Storeys

The Town of Markham By-laws includes a maximum number of storeys, as does the City of Burlington. The maximum number of storeys permitted under the Markham zoning provisions is two (2) storeys, whereas in the City of Burlington, a maximum of 2 ½ storeys is allowed. All other municipalities maintain only a maximum height measurement, as described above. However, the effect of the maximum height

provision when measured in metres is to provide the permission for a maximum of two storeys.

Maximum Depth of Dwelling

In terms of the maximum depth of a dwelling, only the Town of Markham, the former City of North York and the Town of Oakville include restrictions on dwelling unit depth.

Markham controls this with a maximum of 16.8 metres for one family detached dwellings, except that the depth may be increased to 18.9 metres by an extension to the rear of the dwelling. In this case, the extension must not exceed one storey and 4.6 metres in height, and is to be set back from all lot lines a minimum distance of 3.0 metres of the minimum required setback (whichever is the greater). Further, the extension must not be wider than one-half (½) the width of the dwelling at its widest point.

As a contrast, dwellings in the older residential neighbourhoods in the Town of Oakville are permitted to have a maximum depth of 20 metres, except that a single storey structure may extend into a rear yard a further 3 metres provided the single storey extension maintains a 9 metre side yard setback.

The former City of North York also provides a restriction for the maximum length of a dwelling. These are either 15.3 metres or 16.8 metres within North York, depending on the zone, however it is noted that the R1 and R2 Zones do not contain a maximum dwelling length.

Maximum Garage Projection

The maximum garage projection is another regulation present in only the Town of Markham, the Town of Oakville, and the Town of Richmond Hill Zoning By-laws.

Markham provides that a garage cannot project any closer to the front lot line than 2.1 metres beyond the point of the main building closest to the front lot line.

The Town of Oakville regulates this item in the older residential neighbourhoods, being the R01 and R10 Zones. The restriction provides that a garage cannot project more than 1.8 metres (R10 Zone) or 2.0 metres (R01 Zone) beyond the wall adjacent to the portion of the floor area of the dwelling closest to the street.

The Town of Richmond Hill provides a standard maximum garage projection for their older residential neighbourhoods. In this regard, no garage is to project toward the front yard more than 2.1 metres (6.9 ft) beyond the main wall.

Maximum Garage Width

Markham and the Town of Richmond Hill are the only municipalities from those municipal provisions reviewed that regulates the garage width.

For the Town of Markham, the maximum garage width is to be 7.7 metres for any lot having a frontage of less than 18.3 metres. This provision is present in By-laws 1229, 1767 and 2237, but has been excluded from those set out in By-law 122-72 as amended by By-law 16-93. This means that this provision does not apply in the Study Area.

In the Town of Richmond Hill infill housing provisions, the maximum garage width is to be 6.5 metres for any lot having a frontage of less than 18.3 metres. For those lots having a lot frontage of 18.3 metres or greater, the maximum garage width is set at 9.7 metres.

Maximum Floor Area Ratio

As is a common theme throughout this comparison of zoning provisions, only the Town of Markham and the Town of Oakville provide controls on the maximum floor area ratio. The intent of such a provision is to control the mass and bulk of a building. However, it is noted that the FAR calculation is based on floor area and not volume. In other words, only the ground floor area of a two or three storey atrium or court in the centre of a dwelling would be counted, for example.

The Markham provisions allow for a maximum floor area ratio of 45% for the R1, R2, R3 and R4 Zones under By-law 1229, and between 42% and 50% under the provisions of By-laws 1767, 2237 and 122-72. As outlined in the definitions set out in Appendix D, the floor area ratio is calculated by taking the gross floor area of a one family detached dwelling, and expressed as a percentage of the net lot area, which in every case, except for very large lots, is the whole of the lot area. The provision also includes the basement in the calculation, provided the basement is not a cellar as defined (more than 50% of height below grade is a cellar).

The Town of Oakville's current provisions for floor area ratios vary according to lot sizes. These range from between 26% for lots over 1300 m² and 41% for lots less than 300 m².

None of the other municipalities surveyed provide regulations on floor area ratios.

Lot Coverage

Although not included within the infill housing provisions set out in the Markham By-laws, the four parent By-laws discussed throughout this report provide for lot coverage requirements of between 25% and 35%. In the Study Area, the maximum is 33.3%. It is noted that the lot area used for the purposes of calculating lot coverage is the lot area within the residential zone. As a result, lands within an environmental or open space zone on a lot, as is the case with some of the lots on the north side of River Bend, is not counted.

In terms of other municipal provisions, the lot coverage regulations vary considerably between the municipalities. Where North York caps a maximum of 25% for older residential neighbourhoods, the Town of Oakville sets a maximum of 30%, and both the City of Burlington and the City of Oshawa provide ranges of between 20% and 40%.

In contrast, the City of Vaughan provides maximum coverage requirements of between 35% and 50%, however in the R1V zone this is limited to 20%.

In the Town of Richmond Hill, the maximum lot coverage ranges between 30% and 40%, depending on the zone. These provisions are not contained within the additional infill housing provisions set out in the By-law amendments, but can be found in parent By-law 66-71.

It is noted that only the Town of Markham and the Town of Oakville Zoning By-laws contain both Lot Coverage and Floor Area Ratio regulations. All other municipal By-laws provide controls on only lot coverage.

7.4.3 Analysis

Markham's infilling By-laws were passed in the early 1990's to deal with concerns about individuals buying lots within established neighbourhoods, tearing down the existing home and replacing that home with a much larger home. As most of the homes built in neighbourhoods between the 1940's and 1960's were generally smaller than typical dwellings are today, the new homes that were being built at the time were in some cases twice or even three times larger than the existing homes on the same street. Virtually every municipality in the Greater Toronto Area passed similar by-laws in this time period in response to this trend.

It is my opinion that there continues to be a need to include provisions in the Town's by-laws that control the scale of development on lots within established residential neighbourhoods. These provisions should be crafted in a manner that provides for appropriate development on the smaller lots in such neighbourhoods, (between 15 and 20 metres wide) and the larger lots in these same neighbourhoods. It must also be recognized that the potential does exist in some circumstances for smaller lots to be located adjacent to larger lots, with the smaller lots being created through the severance process, as they have been created in the Study Area.

One of the challenges in crafting provisions that do provide for appropriate development in the manner described above is the determination of what the overall goal of including such provisions in a by-law would be in the Markham context. In a case where the lot pattern in a neighbourhood is established and is not expected to change, the overall goal in this regard would be to ensure that the rebuilding and replacement of homes on existing lots is generally compatible with development on adjacent lots in the same neighbourhood.

However, and as is the case with the Study Area, there are expectations that existing lots will be divided into two lots and that there will be circumstances where two lots occupy the same frontage as the adjacent lots which have not been divided in two.

Notwithstanding the above, it is not expected that every lot will be divided into two or more lots in the short to medium terms and on this basis, there is a need to consider appropriate provisions that recognize that a neighbourhood is in transition. These provisions should provide for appropriate development on new lots in a manner that recognizes existing development that may exist for some time on adjacent lots.

As with almost every zoning by-law in Ontario, the yard standards for dwellings are smaller on the smaller lots and are generally larger on the bigger lots. Generally speaking, the larger the lot, the greater the expectation that there will be more open space on that lot. As a result, any Infill By-law in Markham should be based on that principle on a go forward basis.

With respect to the maximum floor area ratio, the FAR could be higher on smaller lots and lower on larger lots in keeping with this principle. This is currently the case in the Town of Oakville where the floor area ratios vary from between 26% for lots over 1300 square metres and 41% for lots less than 300 square metres. There is no such 'sliding scale' in the Town of Markham.

Another standard that would provide for different sized buildings on lots is the lot coverage standard. Many of the other municipalities in the GTA have reduced lot coverage provisions on larger lots. In some circumstances, particularly in the older neighbourhoods, the maximum permitted lot coverage is 20%. There is no such distinction in terms of the size of a lot in relation to the lot coverage standard in By-law 16-93, which applies to the Study Area. It is noted however that one of the other Infilling By-laws in the Town (By-law 99-90) caps the lot coverage at 35% in the R1, R2, R3 and R4 Zones.

The required front, side, exterior and rear yards also have an impact on built form as well. As is the case in most municipalities, the larger the lot, the greater the interior side yard. However, this approach does not generally apply in the case of front yards and rear yards, unless there is a desire to establish a front yard that is consistent with other existing front yards along a particular street. For example, a minimum front yard of 10 metres was applied to a number of new lots on River Bend. On this basis, there is merit in considering a minimum required front yard for a new home to be at least the average between the yards that exist on either side of the lot.

The last series of zoning controls that have an impact on built form is the width of a garage, the width of a driveway and the number of driveways on a lot. In 2006, the Town of Markham passed By-law 2006-96 that had the effect of establishing Town-wide standards for driveway widths, the location of parking pads and the number of driveways permitted on a lot. Generally speaking, By-law 2006-96 provided for driveways that were no more than two metres wider than the width of a driveway, provided that at least 40% of the yard in which the driveway is located is the site of soft landscaping, as defined within the by-law. By-law 2006-96 also recognizes that different provisions are required on smaller lots than on larger lots. In this case, wider driveways are generally allowed on smaller lots than on wider lots on a relative basis.

7.4.4 Zoning Recommendation

At the present time, By-law 16-93 permits a maximum floor area ratio of 47%. This provision only applies to lands that are subject to By-law 1229 in the Study Area. Every one of the Site Specific By-laws, except one, exempted the new lots created in the Study Area from the maximum floor area ratio restriction.

While floor area ratios and lot coverage provisions do have an impact on the massing of a home on a street, the provisions do not take into account the different lot frontages and lot depths that may exist in the Town. For example, 16 and 16A Oakcrest are both the site of significantly larger homes than the homes on adjacent larger and are significantly different in bulk and character. In addition, calculating floor area ratio is sometimes challenging as well, since only floor areas can be utilized, which does not account for the open spaces that may extend from one floor to another in the interior of a home. The FAR calculation also doesn't take into account any space in an attic and the pitch of a roof that may provide for an attic, since attics typically do not include floor space. In addition the calculation does not take into account the amount of mass above grade that may be part of a cellar, as defined.

As a result, it is our opinion that there should be a simpler way to control the massing of buildings on a street. In my opinion, one such way would be to develop a standard that relates the amount of the front lot line that is faced by a building to the length of the front lot line. Such a provision would recognize the varying lot frontage conditions that may exist in the Study Area and in the Town of Markham generally and would provide for more open space on larger lots than on smaller lots in a manner that is proportionate to the lot frontage.

On the basis of an analysis carried out on Oakcrest Avenue, it has been determined that the percentage of the front lot line occupied by building on Oakcrest is about 66% on average as shown on Table B. The percentages on 16 and 16A Oakcrest are 73% and 62% respectively. However, it is noted that some of the larger lots have significant homes on them such as 25 Oakcrest, which has a percentage of front lot line occupied by building of just over 84%. With respect to 24 Oakcrest, the percentage of front lot line occupied by building is 86%. However, the majority of the homes along Oakcrest are in the 65% to 75% range.

If this approach was selected, it is recommended that the percentage of front lot line faced by building be no more than 70%. This means that only 10.5 metres of the frontage of a 15 metre lot could be used for building and that the side yards on either side would be 2.25 metres. On an 18 metre lot, the required side yards would increase to 2.7 metres on either side. On lots that have a frontage of 30 metres, the minimum required interior side yard would be 4.5 metres. This yard could be reduced to 3.0 metres on one side if the portion of the building closer than 4.5 metres from the lot line is no more than one storey.

If the front lot line massing relationship tool is used, there would no longer be a requirement to include a FAR provision in the by-law.

With respect to the required front yard, it is recommended that the required front yard remain at 7.6 metres, with increases required if the minimum front yard in the two abutting lots is greater. In addition, it is recommended that the current restriction on garage projections be carried forward as well. With respect to the rear yard, it is recommended that the current rear yard provision in By-law 16-93 be

carried forward. The maximum height of 9.8 metres and two storeys should also be carried forward. Table C below summarizes the above recommendations:

Table C: Zoning Recommendations

Minimum required front yard	7.6 metres or the average of the front yards that exist on each abutting lot, whichever is greater (see SP #1 below)
Minimum required interior side yard	30% of the lot frontage (see SP#2 below)
Minimum required exterior side yard	4.0 metres
Minimum required rear yard	7.6 metres
Maximum height	9.8 metres and two storeys
Maximum depth of dwelling	16.8 metres, can be increased to 18.9 metres if extra depth is one storey and less than 4.6 metres in height and not more than ½ the width of dwelling at widest point
Maximum garage projection	Garage shall not be located closer than 2.1 metres to front lot line than main building or porch from lot line.

SPECIAL PROVISIONS

1. If the lot is a corner lot, only the front yard on the abutting interior lot shall be considered. If one or both of the abutting lots are vacant, the minimum front yard on the abutting lots is the average of the two abutting lots on each side. In all cases the minimum yard on any vacant lot is deemed to be 7.6 metres.
2. In a case where the 30% calculation results in a required side yard that is 6.0 metres or less in total, the required side yard can be divided between the two side yards, provided the smallest side yard is no less than 10% of the lot frontage. In a case where the 30% calculation results in a required side yard that is greater than 6.0 metres, the side yard on one side may be reduced to 3.0 metres, provided the portion of the building located within 4.5 metres of that side yard has a height of no more than 4.5 metres.

7.4.5 Possible By-law Amendment Approaches

This report recommends that a number of changes be made to Infilling By-law as it applies to lands within the Study Area. In addition, and in order to ensure that there is a consistent approach to zoning in the entire study area, it is also recommended that those 12 lots on the south portion of Oakcrest that are subject to By-law 304-87 be placed in the RRH Zone within By-law 1229. This will ensure that the provisions of the Infilling By-law also apply to these lots. It is also recommended these same provisions are also recommended to be applied across the Town on a consistent basis. While each neighbourhood in the Town has its own character and history, the planning principles considered in the development of the recommended infilling provisions can be applied throughout, since these provisions are simply based on the principle of ensuring that new development complements existing development to the greatest

extent possible. On this basis, there are a number of ways in which these recommendations can be implemented and they are set out below:

1. Given that there are two applications within the Study Area for which a decision has not been made, the recommended zoning provisions could be applied to the affected lands on a site specific basis in an effort to move the applications forward. Since each application is for a change in the zoning, the recommendations in this report can be incorporated within the By-law passed by Council for each property. Given that both applications have already been the subject of a public meeting, an additional public meeting would not be required and choosing this route for these two applications would provide for the expeditious processing of these applications in the short term.
2. By-law 16-93 could be amended to implement the recommendations made in this report, but only as it applies to the Study Area. A public meeting under the Planning Act would be required to facilitate this change to the By-law.
3. All of the lands are subject to By-law 16-93 could be the subject of an amendment that implements the recommendations made in this report. A public meeting under the Planning Act would also be required if this option was selected. The Town may also want to consider some enhanced notification in this regard, since a number of properties subject to By-law 16-93 (which is an amendment to By-law 1229) would be affected.
4. Each of the four Infilling By-laws that affect the existing residential neighbourhoods in the Town could be amended simultaneously to implement the recommendations made in this report. A public meeting would be required as would be some form of enhanced public notification.
5. The four Infilling By-laws could be repealed and one new by-law passed by Council, which would have the affect of applying one by-law to all of the same lands covered the four By-laws being replaced. In my opinion, this is the most appropriate option since multiple by-laws are not being prepared and considered and the end result is one by-law dealing with this issue on a Town-wide basis in Markham.

It is noted that By-law 16-93 currently does not contain a lot coverage restriction. Instead, this restriction is contained within the parent by-law, which in this case is By-law 1229. Given that it is recommended that lot coverage no longer be utilized, the provisions of By-law 1229 would need to be amended as required to give effect to this recommendation. As noted previously, this lot coverage restriction is not required since the combination of the maximum width of dwelling and maximum depth of dwelling restriction effectively establishes an appropriate building envelope on the lot. In addition to the above, it is recommended that none of the definitions contained within the Infilling By-law be carried forward, since the definitions contained in the parent by-laws and through By-law 28-97 can be relied upon when determining compliance.

APPENDICES

**Appendix A – Development Guidelines for Sabiston/Oakcrest
Community – January 1999**

***THE CORPORATION OF THE
TOWN OF MARKHAM***

EXTRACT CONTAINING ITEM #15 OF THE SECOND DEVELOPMENT SERVICES COMMITTEE REPORT (February 2, 1999), WHICH ITEM WAS ADOPTED, WITHOUT AMENDMENT, BY COUNCIL AT ITS MEETING HELD ON FEBRUARY 9, 1999

**SABISTON/OAKCREST COMMUNITY
PROPOSED REVISIONS TO THE SITE DEVELOPMENT
GUIDELINES FOR THE SABISTON/OAKCREST COMMUNITY
FILE 10.8 (LD & LD)**

THE DEVELOPMENT SERVICES COMMITTEE RECOMMENDS:

THAT THE REPORT DATED FEBRUARY 2, 1999 FROM THE DEVELOPMENT SERVICES COMMISSION, ENTITLED 'SABISTON/OAKCREST COMMUNITY: PROPOSED REVISIONS TO THE SITE DEVELOPMENT GUIDELINES FOR THE SABISTON/OAKCREST COMMUNITY', BE RECEIVED;

AND THAT THE RECOMMENDED MODIFICATIONS TO THE SITE DEVELOPMENT GUIDELINES FOR THE SABISTON/OAKCREST COMMUNITY (JANUARY 1999) BE ENDORSED FOR CONSIDERATION IN THE REVIEW OF LAND DIVISION, REZONING AND SITE PLAN APPLICATIONS ON OAKCREST AVENUE, RIVERBEND ROAD, SABISTON DRIVE AND CAMPBELL COURT;

AND FURTHER THAT THE TOWN CONSIDER REQUESTS FOR ZONING BY-LAW AMENDMENT(S) TO IMPLEMENT POTENTIAL LAND SEVERANCES ON A STREET OR LARGE BLOCK BASIS WHERE SUPPORT FOR SUCH REZONING IS CONFIRMED BY ALL LANDOWNERS WITHIN THE PROPOSED REZONING AREA.

ACTION/INFORMATION

DEPARTMENT: Commissioner of Development Services

**THE TOWN OF MARKHAM
DEVELOPMENT SERVICES COMMITTEE**

FEBRUARY 2, 1999

**SUBJECT: PLANNING DEPARTMENT
SABISTON/OAKCREST COMMUNITY
PROPOSED REVISIONS TO THE SITE DEVELOPMENT
GUIDELINES FOR THE SABISTON/OAKCREST COMMUNITY
FILE #: P.S. 77
PREPARED BY: LILLI DUOBA, (EXT. 7925)
LINDA IRVINE (EXT. 2120)
CENTRAL DEVELOPMENT DISTRICT**

RECOMMENDATION

THAT the Development Services Commission report dated February 2, 1999, entitled "Sabiston/Oakcrest Community: Proposed Revisions to the Site Development Guidelines for the Sabiston/Oakcrest Community" be received;

AND THAT the recommended modifications to the Site Development Guidelines for the Sabiston/Oakcrest Community (January 1999) be endorsed for consideration in the review of land division, rezoning and site plan applications on Oakcrest Avenue, Riverbend Road, Sabiston Drive and Campbell Court;

AND THAT the Town consider requests for zoning by-law amendment(s) to implement potential land severances on a street or large block basis where support for such rezoning is confirmed by all landowners within the proposed rezoning area.

1.0 BACKGROUND

1.1 Public Meeting held to obtain input on a rezoning application on Oakcrest Avenue

On October 20, 1998 a public meeting was held to obtain input on the rezoning application at 16 Oakcrest Avenue to implement severance of a parcel into 3 lots. Two of the proposed lots would measure 16.7 m or 55 ft. and the most northerly lot would measure 20 m or 66 ft. A number of residents attended the public meeting, many of whom raised objections to the proposed rezoning. Development Services Committee directed that the application be referred to a Unionville Sub-Committee meeting to discuss the issue further with the applicant and area residents.

On October 27, 1998, Council resolved to hold the rezoning application at 16 Oakcrest Avenue in abeyance for a period of up to 9 months at the request of the applicant.

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DEVELOPMENT SERVICES COMMITTEE

FEBRUARY 2, 1999

1.2 Unionville Subcommittee meeting held

On November 23, 1998 a Unionville Sub-Committee meeting was held and all residents within the Sabiston/Oakcrest community were invited to attend. The meeting was intended to provide input on the larger issue of land severances, as well as provide further specific input on the rezoning application at 16 Oakcrest Avenue.

The meeting was conducted as a workshop with breakout groups for each street in order to explore redevelopment issues on a street by street basis to determine whether consensus could be reached on a street level within the community. All the groups were facilitated by staff with several members of Council in attendance. The following conclusions were reached at the workshop:

Oakcrest Avenue (48% of households represented)

- ◆ certain residents represented were in support, but the clear majority were opposed to redevelopment through land severance
- ◆ the majority of residents prefer each redevelopment application on Oakcrest Avenue be considered on its own merit within the context of the overall street character, rather than through a specified minimum lot size

Riverbend Road (32% of households represented)

- ◆ the residents represented were all in support of redevelopment through land severance based on a minimum lot frontage of 50 feet
- ◆ the residents represented were supportive of a comprehensive zoning by-law amendment for their street

Sabiston Drive (25% of households represented)

- ◆ the residents represented agreed that no more than one severance per lot should be supported
- ◆ the minimum lot frontage should be no less than 50 feet, with a front yard setback of a minimum 25 feet and minimum side yard setback of 6 feet (2-storey) and 4 feet (1-storey)

Campbell Court (33% of households represented)

- ◆ the residents represented did not support redevelopment through land severance, but did support individual redevelopment of properties in a sensitive manner (not 'monster' homes)
- ◆ the residents support as a general community-wide principle a lot frontage of 60 feet, front yard setback of 35-40 feet and a side yard setback of 10 feet

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FEBRUARY 2, 1999

The sub-committee meeting concluded that all those in attendance from Sabiston Drive and Riverbend Road (25% and 32% of households represented respectively) were supportive of land severance opportunities. Conversely, all those in attendance from Campbell Court (33% of households represented) were in favour of maintaining the current character and were not interested in land severances. Oakcrest Avenue residents (48% of households represented) were divided, but the clear majority were opposed to redevelopment through land severance. Although consensus was reached with the residents on three of the streets, approximately one-third or less of the households on those streets were represented. Although not all residents agreed on the type and degree of infill development within their community, all expressed a general desire to maintain the character and uniqueness of the community. A clear consensus emerged that it would be appropriate to consider different approaches and requirements for the different streets in the area.

Staff agreed to review the comments and suggestions made throughout the evening and bring forward to the residents and Council any proposed modifications to the 'Infill Development Guidelines for the Sabiston/Oakcrest Community', as well as review alternative regulatory tools such as a comprehensive zoning by-law.

2.0 INTER-DEPARTMENT IMPLICATIONS

The specific requirements of Town departments will be addressed through the processing of Consent, Rezoning and Site Plan Approval applications.

3.0 COMMENT

3.1 Sabiston/Oakcrest Site Development Guidelines Revised

The Unionville Sub-Committee meeting was successful in identifying the views of residents regarding severances by street. Although consensus could not be reached with the residents of all the streets, the residents did provide sufficient direction which would warrant revisions to the Sabiston/Oakcrest Site Development Guidelines.

Attached as Appendix 'A' are proposed revised 'Infill Development Guidelines for the Sabiston/Oakcrest Community'. These Guidelines continue to reflect the principles for sensitive and integrated infill development and have been enhanced as follows:

- ♦ removal of minimum lot frontage recommendation of 50 ft.;

**THE TOWN OF MARKHAM
DEVELOPMENT SERVICES COMMITTEE**

FEBRUARY 2, 1999

- ♦ greater attention to specific site and contextual conditions such as lot frontage, lot area, protection of on site natural features, urban design standards and setbacks;
- ♦ greater direction in reviewing development applications within an individual street context; and
- ♦ information on the required planning applications.

3.2 Landowners provided with a copy of the Draft Revised Site Development Guidelines

On December 23, 1998, an information follow-up letter was forwarded to members of Council and the residents of Sabiston/Oakcrest community (see Appendix 'B') with a copy of the revised Infill Development Guidelines for the Sabiston/Oakcrest Community for comment and review. At the time of preparation of this report, no responses from the community were received.

3.3 Comprehensive Zoning By-law Option

A number of residents at the Unionville Subcommittee meeting discussed the option of the Town proceeding with a comprehensive zoning by-law on a street basis. The current process for this area is review of site specific zoning by-law requests on an individual property application basis. This process provides the Town and the community through public meetings, the opportunity to review applications on their own merits and ensure land severances are appropriate for the existing lot and area and that new dwelling units are sited in a manner complementary to the street and adjoining properties.

This site/area specific review process may be extended to include a larger area such as a contiguous block or street, where all the affected residents are in support of a rezoning to permit reduced sized lots. A comprehensive rezoning application for a larger area would involve the same level of background review and would require that tree inventory, site survey, proposed severance and conceptual building sites plans be submitted in support of the rezoning application for the individual parcels making up the redevelopment area. The benefit of a larger block or street rezoning process would be to consolidate the application, fees and public meetings required for each proposal into a single package, resolve issues in a more expedient manner and generate some cost savings to the landowners. Landowners who wish to pursue this process should consult with staff prior to initiating an application, to identify information requirements and discuss a consolidated process.

THE TOWN OF MARKHAM
DEVELOPMENT SERVICES COMMITTEE

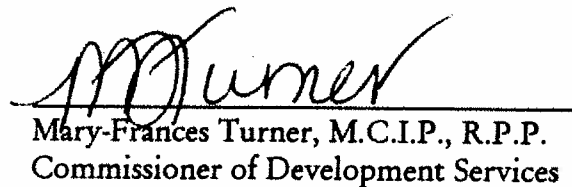
FEBRUARY 2, 1999

4.0 CONCLUSION

We recommend that the Site Development Guidelines for the Sabiston/Oakcrest Community (revised January 1999) be endorsed for consideration in the review of land division, rezoning and site plan applications on Oakcrest Avenue, Riverbend Road, Sabiston Drive and Campbell Court. We also recommend that the Town consider requests for zoning amendments on a street or large block basis where support for rezoning is confirmed by all landowners within the proposed rezoning area.



Jim Baird, M.C.I.P., R.P.P.
Director of Planning



Mary-Frances Turner, M.C.I.P., R.P.P.
Commissioner of Development Services

THE TOWN OF MARKHAM
DEVELOPMENT SERVICES COMMITTEE

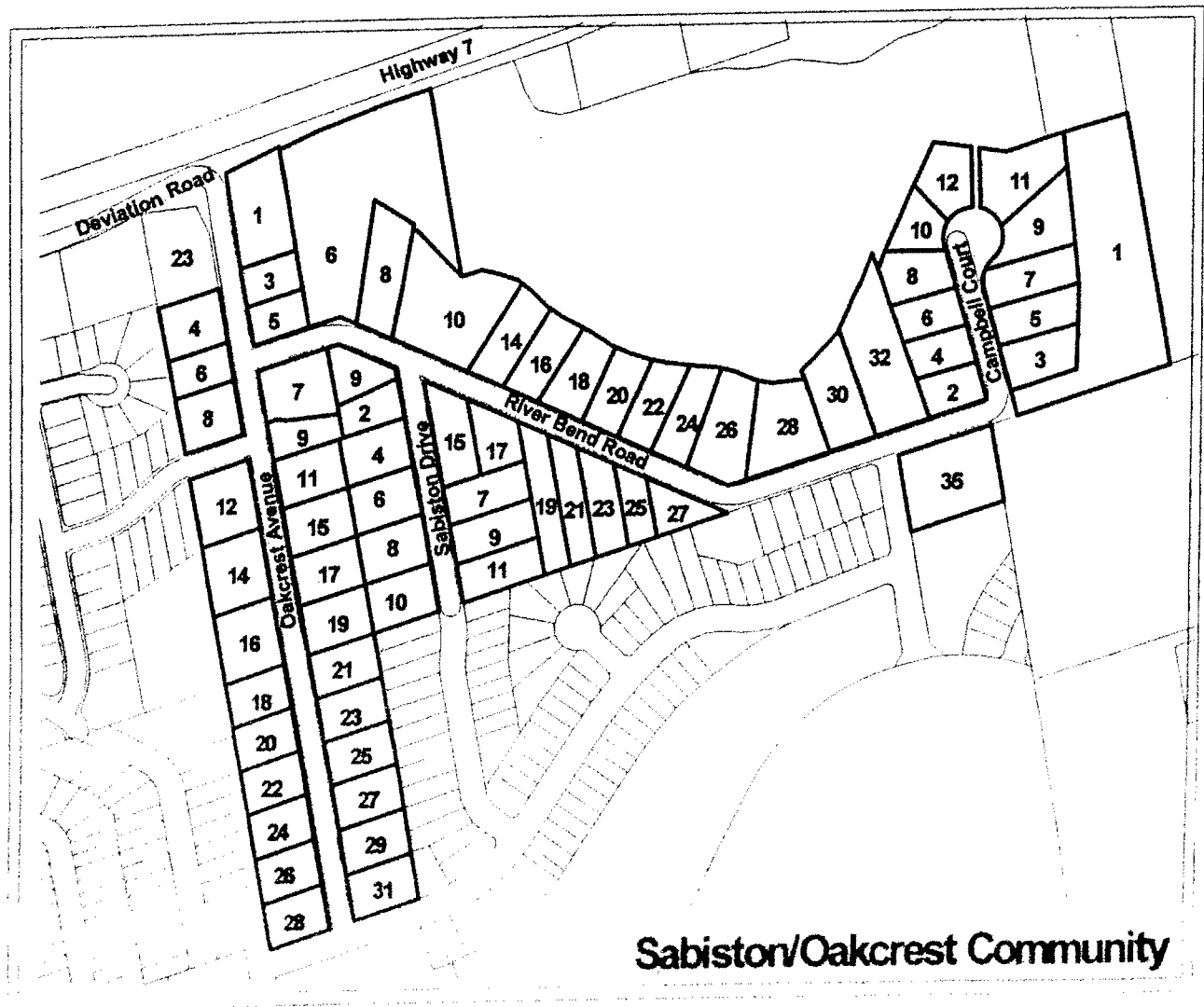
FEBRUARY 2, 1999

FIGURE 1

DOCUMENT # e:\data\teams\central\oaksab\ds0118ld.doc: cl/sg/ld

ATTACHMENTS: Appendix 'A' - Revised Site Development Guidelines for the
Sabiston/Oakcrest Community
Appendix 'B' - Letter to Residents

APPLICANT/AGENT: Town of Markham



Appendix B – Description of Lots Created Since 1999

APPENDIX B - DESCRIPTION OF LOTS CREATED SINCE 1999

1. By-law 91-1999 passed on May 25, 1999 provided the basis for the creation of three new lots having a minimum lot frontage of 15 metres at 30 River Bend Road. At that time, 30 River Bend Road has a lot frontage of 45.8 metres. Lands on the rear of the lots were dedicated to the Toronto Region Conservation Authority (TRCA) as a condition of approval. The three lots in question are now known as 62, 64 and 66 River Bend Road. The lands were rezoned from the RRH Zone to the R3 Zone and specific provisions were applied to the new lots as required.

In the Staff Report on the application dated May 18, 1999, it was noted that the proposed lots would be across the street from newly created lots on the south side of River Bend Road that had frontages of 16.5 metres. These lots were created in 1997 and were subject to By-law 19-97, which is a by-law that amended By-law 177-96. It was also indicated in the Staff Report that the *“proposed development would be consistent with the low density housing and land severance policies”* of the Official Plan and that *“the building, site plan and building elevations have been reviewed and are satisfactory”*, in relation to the January 1999 Site Development Guidelines approved by Council. The report concluded that the application *“represents a compatible infill relative to setbacks and building size.”*

2. By-law 124-1999 passed on July 7, 1999 provided the basis for the creation of two lots having minimum frontages of 19 metres each with these lots now being known as 32 and 34 Sabiston Drive. The pre-existing lot had a frontage of 38 metres. The approval of the by-law by Council was not supported by a staff report. The lands were rezoned from the RRH Zone to the R3 Zone and specific provisions were applied to the new lots as required.
3. By-law 48-2000 passed on March 28, 2000 provided the basis for the creation of two lots having minimum frontages of 18 metres and 20 metres respectively with these lots now being known as 28 and 30 Sabiston Drive. The pre-existing lot had a frontage of 38 metres. The approval of the by-law by Council was not supported by a staff report. The lands were rezoned from the RRH Zone to the R3 Zone and specific provisions were to be applied to the new lots as required.
4. By-law 76-2000 passed on May 23, 2000 provided the basis for the creation of two lots now known as 16 and 16A Oakcrest Avenue. The existing lot had a lot frontage of 53.57 metres. A previous application to develop three lots on the property was not supported (It is noted that it was this application that led to the preparation of the Council adopted guidelines in 1999). On this basis, the application was revised to provide for two lots instead and this proposal was supported by Town staff in a report dated April 4, 2000. In that Staff Report, it was indicated that the revised application is *“consistent with the Infill Development Guidelines.”* The two new lots have a lot frontage of 26.5 metres. The lands were rezoned from the RRH Zone to the R3 Zone and specific provisions were applied to the new lots as required.

5. By-law 2002-49 passed on March 26, 2002 provided the basis for the creation of two lots at 18 River Bend Road. The existing lot had a frontage of 38.4 metres and as a result the minimum lot frontage for each new lot was 19.2 metres. The two properties are now known as 32 and 34 River Bend Road. An area of land to the rear of the lots was dedicated to the Municipality/TRCA. The lands were rezoned from the RRH Zone to the R3 Zone and specific provisions were applied to the new lots as required.

Town staff supported the application in a report dated July 9, 2001. In that report, it was indicated that *“the proposed development would be consistent with the low density housing and severance policies of the Official Plan.”* In addition, it was noted that *“the residents on River Bend Road who attended the November 23, 1998 Unionville sub-committee meeting for the Sabiston/Oakcrest Community responded favourably to land severance opportunities on their street.”* It was also noted that the property located to the east of the subject property had already been subdivided. The rezoning application was supported by a preliminary report prepared by Town staff, but no final report to Council on the application was prepared

6. By-law 2002-256 passed on November 12, 2002 provided the basis for the creation of two new lots from one lot at 8 Oakcrest Avenue. The existing lot had a frontage of 43.8 metres. The two new lots have frontages of 21.9 metres and are now known as 8 and 10 Oakcrest Avenue. It was noted that within the preliminary staff report that *“the proposal would achieve infill development in keeping with the infill guidelines for the Sabiston/Oakcrest Community.”* No final staff report was prepared in support of the application. The lands were rezoned from the RRH Zone to the R3 Zone and specific provisions were applied to the new lots as required.
7. By-law 2002-257 passed on November 12, 2002 provided for the creation of two lots from an existing lot at 11 Sabiston Drive. The existing lot had a frontage of 30.7 metres and the By-law provided for two lots that have frontages of approximately 15 metres each. The two new lots are now known as 35 and 37 Sabiston Drive. It was noted that within the preliminary report that *“the proposal would achieve infill development in keeping with the infill guidelines for the Sabiston/Oakcrest Community.”* No final staff report was prepared in support of the application.
8. By-law 2003-213 passed on June 24, 2003 provided for the creation of three lots from one lot at 28 River Bend Road. The existing lot had a frontage of 68.6 metres and each of the new lots were required to have a frontage of 21 metres. Lands were conveyed to the TRCA as a condition of development approval and the three lots are now known as 56, 58 and 60 River Bend Road. The lands were rezoned from the RRH Zone to the R3 Zone and specific provisions were applied to the new lots as required.

The application for rezoning was supported by Town staff in a report dated June 3, 2003. The detailed staff report dealt with a number of the challenges resulting from the requirement to dedicate lands on the rear of the proposed

lots to the Town. In this regard and in response to concerns expressed by neighbouring property owners, the minimum front yard setback was set at 10 metres. It was further noted in the Staff Report that *“staff considered setting the houses further than 10 metres from River Bend Road but this would result in small rear yards that would not be usable given the 5 metre environmental buffer being conveyed to the Town and the additional 5 metre no build zone (zoned open space) proposed in the Zoning By-law.”* In conclusion, it was noted by staff *“it was felt that it would be difficult to achieve a front yard setback consistent with the existing dwelling to the west, without seriously compromising other objectives”*.

9. By-law 2006-239 passed on June 27, 2006 provided for the creation of two lots from one new lot at 20 River Bend Road. The existing lot had a frontage 30.4 metres and two new lots having frontages of 15 metres each were provided for by this By-law. It was noted within the preliminary report that *“the proposal would achieve infill development in keeping with the infill guidelines for the Sabiston/Oakcrest Community.”* No final staff report was prepared in support of the application. The lands were rezoned from the RRH Zone to the R3 Zone and specific provisions were applied to the new lots as required.
10. The last application did not require a rezoning. The new lots were created in 2002 from 7 Oakcrest Avenue and are now known as 1 and 3 River Bend Road. However, instead of proceeding through a rezoning process, minor variances were sought and approved to reduce the minimum required lot area and frontage and to increase the maximum depth of dwelling from 16.8 metres to 19.8 metres and to increase the maximum garage projection permitted to 4.72 from 2.2 metres. On this basis, these two lots continue to be zoned RRH.

**Appendix C – Decision of Ontario Municipal Board on 19
Oakcrest**

ISSUE DATE:
SEPT. 1, 2009



PL081563

Ontario
Ontario Municipal Board
Commission des affaires municipales de l'Ontario

Shiu Bing Kwan and Chak Suen Kwan have appealed to the Ontario Municipal Board under subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from Council's neglect to enact a proposed amendment to Zoning By-law 122-72 of the Town of Markham to rezone lands respecting 19 Oakcrest Avenue from Single Family Rural Residential (RRH) to facilitate a severance to create 2 lots for the construction of 2 new single-family dwellings
OMB Case No.: PL081563
OMB File No.: PL081563

APPEARANCES:

Parties

Shui Bing Kwan

Town of Markham

Counsel

T. Pochmurski

J. Streisfield

DECISION DELIVERED BY J. de P. SEABORN AND ORDER OF THE BOARD

The matter before the Board is an appeal by Shui Bing Kwan (Applicant) from the refusal or failure of the Council for the Town of Markham (Town) to make a decision in respect of an application for a site-specific rezoning. The Applicant ultimately intends to seek provisional consent to sever his property into two lots however requires a rezoning prior to proceeding with that application. The Town opposes the rezoning. A number of area residents appeared as participants, both in support of and opposition to the rezoning.

Mr. Ferancik, a qualified land use planner and Mr. Gain, an architect, each testified in support of the rezoning. Mr. McDonald, also a qualified land use planner, testified on behalf of the Town. Both planners provided evidence with respect to the historical development of the area and the purpose of the rezoning and its significance, not just for the Applicant but also for surrounding property owners.

The Applicant's property is located at 19 Oakcrest Avenue (Oakcrest), in the South Unionville area of Markham, referred to as the Oakcrest/Sabiston Community (Community). The Community is bounded by Highway 407, Highway 7, McCowan Road and Kennedy Road. Oakcrest runs from Highway 7 to Castan Avenue and the Applicant's property is about halfway between River Bend Road and Castan. Described as part of a distinct large lot residential enclave, the property has a frontage of just over 39 metres (128 feet) and an area of 2,066 m² (about one half an acre). The property is zoned Single Family Rural Residential (RRH) under Zoning By-law 122-72 and the proposal is to rezone the lot to R3, which permits lots with frontages (among other standards) of 60 feet. If the rezoning is approved, the Applicant will be in a position to seek provisional consent to sever the property and construct two dwellings (evidence was provided indicating the type of homes that would be constructed), meeting development standards for the R3 zone, subject as well to the applicable infill Zoning By-law. The Town's position was that the rezoning and subsequent severance (if granted) would not be in keeping with the character of the Community and would set a dangerous precedent for Oakcrest in particular.

Town documents and various planning reports have considered how to approach zoning by-law amendment applications for the Community. First, the evidence was clear that the area is in transition and different standards apply to different streets and even parts of streets. Oakcrest is no exception. One end of Oakcrest is zoned RRH while the other part of the street is zoned Agricultural One (A1) under Zoning By-law 304-87. Campbell Court and Sabiston Drive are also zoned RRH as are the front portions of the lots on River Bend Road. There have been several site-specific rezoning applications approved on each of these streets, thereby permitting the creation of smaller lots through consents. In addition, the Town's infill Zoning By-law 16-93 applies to the majority of the lots in the area regulating building height, depth, garage projection and maximum floor area ratio. Second, the Community is split on whether land severances are appropriate for the Community. Third, the Town has considered and reviewed the issue of land severances and ultimately retained Meridian Planning (Meridian) to undertake a review of the existing zoning in the area and provide recommendations for dealing with existing applications and future proposals. Staff reported in June 2008, that the review by Meridian recommended to the Town separate guidelines that should be implemented on a street-by-street basis and what type of development was appropriate

for maintaining the character of each street or the Community as a whole. The study was not complete and the Applicant determined that given the amount of time that has passed since the original rezoning application, the amount of public consultation that has already occurred, and a desire to move ahead and seek provisional consent, he felt compelled to proceed to the Board with the appeal.

Mr. McDonald, on behalf of the Town, indicated that there is no need to direct development to Oakcrest in order to meet objectives under the Provincial Policy Statement (PPS) with respect to intensification. Nonetheless, he was candid in his opinion that the PPS generally supports maximizing the use of existing infrastructure and intensification. While the Board agrees that the rezoning is not required under the PPS, the proposal clearly is consistent and in keeping with Provincial policy objectives. Mr. McDonald testified that under the Official Plan, infilling may only be permitted without disturbing the pattern of the existing development. In this regard, it was his opinion that the ultimate creation of two lots at 19 Oakcrest will disturb the existing pattern and create two substandard lots, negatively affecting the character of the street and setting a dangerous precedent. In this regard, the Board notes that the lot is designated Urban Residential in the Town's Official Plan and as indicated by staff in their September 2007 Report (Exhibit 2, Tab 7), the Applicant's proposal is generally consistent with low density housing and land severance policies of the Official Plan. In addition, staff concluded that the additional lot would be in keeping with Town initiatives regarding compact urban development form. The Board agrees with staff's analysis and finds that the rezoning has regard to the Town's Official Plan.

The planners differed however in their opinions as to whether the area is in transition. There is no question that smaller lots have been created in the Community and general area. The crux of the difference between the parties (and participants who expressed views on both sides of the issue) is whether approval will result in development that is not in keeping with the area and result in a dangerous precedent that ultimately will negatively affect the character of an existing established neighbourhood. Mr. McDonald indicated that because 19 Oakcrest is at the centre of an established neighbourhood and street, approval of the application would begin a process of transition along Oakcrest that will have a negative impact on the "quality of the place". Mr. Ferancik's opinion was that the area has been in transition for several years and smaller lots have been created both on Oakcrest and the surrounding streets.

Approval of this application would not set a precedent given the existing frontage of the Applicant's lot.

As indicated by the evidence, the Applicant's lot is in the middle of Oakcrest. The homes at 18 to 28 Oakcrest and 21 to 31 Oakcrest have generous frontages, however, they are not generally as wide as 19 Oakcrest. If they were rezoned to R3, subsequent applications for consent would not generally meet the R3 standard, at least in respect of lot frontage, as they would not support two 60-foot lots (following severance). In addition, these lots are zoned under a different Zoning By-law than applies to 19 Oakcrest. The area context zoning map (Exhibit 2, p. 51) and the map delineating land severances in the area (Exhibit 2, p. 166A), clearly show the distinction between the lots on Oakcrest. Simply put, there have already been site-specific rezoning applications to R3 approved on surrounding lots, most significantly 16 Oakcrest, which is directly across the street from the Applicant's home. In that instance, the rezoning and subsequent consent were each approved creating two lots of approximately 88 feet, meeting the standard for lot frontage in the R3 zone. In this instance, a subsequent application for consent would create somewhat smaller lots, but each would meet the standard for the R3 zone of 60-foot minimum lot frontage. It is primarily for this reason that the Board finds the rezoning should be approved. Any subsequent application for provisional consent can comply with the zoning standards for the R3 zone.

The Board rejects the submission that the Applicant's proposal results in a dangerous precedent. First, City staff have stated in numerous reports that the Community is in transition and that new lots have been created over the past ten years. Second, unlike other lots on Oakcrest, if the Applicant seeks provisional consent to sever the property after the rezoning, the standards set out for the R3 zone in respect of frontage can be met. Third, a site-specific rezoning was approved for 16 Oakcrest, directly across the street. Fourth, the Board finds that approval of this rezoning will neither set a precedent nor interfere with the work of Meridian. As indicated previously, Oakcrest itself is subject to different zoning and while the lots are large, they are also of varying sizes. Very few other lots could be rezoned to R3 and upon subsequent application for consent accommodate 60 foot lots, which is the minimum standard set out in the R3 zone. Fifth, the decision of the Board is not intended to create a precedent for every property on Oakcrest. Existing lots have various frontages. Some have already been severed. Each case is decided on its own facts and merits and this

decision ought not to be viewed as creating a standard for Oakcrest or the Community. The evidence clearly indicated that several severances have been granted for surrounding properties and the area is clearly one that is in transition. However, the Board is not dictating in any fashion how future applications should be decided. It is merely confirming that a site-specific rezoning to R3 for this property represents good planning because if a consent is sought, the frontages (and other standards) for the two resulting lots can meet the R3 Zone requirements. In this regard, the Board rejects the notion that two substandard lots will be created. The application has regard to the Town's Official Plan and is consistent with and in keeping with Provincial policy objectives.

In arriving at this decision the Board has had regard to matters of Provincial interest and the Town's decision in this matter (Sections 2 and 2.1 *Planning Act*) and for reasons given, finds the rezoning represents good planning.

For all of these reasons, the decision of the Board is to allow the appeal and Zoning By-law 122-72 of the Town of Markham is amended to rezone 19 Oakcrest Avenue from RRH to R3. There is no appeal before the Board seeking provisional consent and that application must be pursued through the Town.

This is the Order of the Board.

"J. de P. Seaborn"

J. de P. SEABORN
VICE CHAIR

Appendix D – Analysis of Site Specific Standards Applied in Study Area

APPENDIX D: Analysis of Site Specific Standards Applied in Study Area

	MIN. LOT AREA	MIN. LOT FRONTAGE	FRONT YARD	EXTERIOR SIDE YARD	INTERIOR SIDE YARD	REAR YARD	HEIGHT	LOT COVERAGE	FAR	DEPTH OF DWELLING	GARAGE PROJECTION
Parent Zone	696 m ²	18.3m	7.6m	4.0m	1.2/1.8m	7.6m	10.7m	33.3%	n/a	n/a	n/a
By-law 16-93 (infill by-law)	n/a	n/a	n/a	n/a	n/a	n/a	9.8m (two storeys)	n/a	47%	16.8 to 18.9m	2.2m
By-law 91-1999 (62,64 and 66 River Bend)	880m ²	15m	18m	4.0m	1.2/1.8m	7.5m	10.7m	33.3%	n/a	n/a	n/a
By-law 124-1999 (32 and 34 Sabiston)	1000 m ²	19m	14m	4.0m	1.2/1.8m	7.5m	10.7m	33.3%	n/a	n/a	n/a
By-law 48-2000 (28 and 30 Sabiston)	950m ²	18m	20m	4.0m	1.2/1.8/4.0m (north)	12m	10.7m	33.3	n/a	n/a	n/a
- 28 Sabiston	1000m ²	20m	20 m	4.0m	1.2/1.8m	12m	10.7m	33.3	n/a	n/a	n/a
- 30 Sabiston											
By-law 76-2000 (16 and 16a Oakcrest)	1300m ²	26.5m	7.6m	4.0m	3.1m	7.6m	10.7m	33.3	n/a	n/a	n/a
By-law 2002-49 (32 and 34 River Bend)	800m ²	19.23m	14m	4.0m	1.2/1.8/2.0m (west)	7.5m	10.7m	33.3	n/a	n/a	n/a
- 32 River Bend	800m ²	19.23m	14m	4.0m	1.2/1.8m	7.5m	10.7m	33.3	n/a	n/a	n/a
- 34 River Bend											
By-law 2002-256 (8 and 10 Oakcrest)	1020m ²	21m	15m (includes garage)	4.0m	4m	15m	10.7m	33.3	47%	16.8 to 18.9m	2.1m

	MIN. LOT AREA	MIN. LOT FRONTAGE	FRONT YARD	EXTERIOR SIDE YARD	INTERIOR SIDE YARD	REAR YARD	HEIGHT	LOT COVERAGE	FAR	DEPTH OF DWELLING	GARAGE PROJECTION
By-law 2002-257 (35 and 37 Sabiston) - 35 Sabiston	1000m ²	15.6m	11m (includes garage) 8.0m (10m for garage)	4.0m	1.2/ 1.8m	32m	10.7m	33.3	n/a	n/a	n/a
- 37 Sabiston	1000m ²	15.0m		4.0m	1.2/ 1.8m	35m	10.7m	33.3		n/a	n/a
By-law 2003-213 (56, 58 and 60 River Bend)	1000m ²	25m	10m	4.0m	2/3m (west) and 2m (east) <u>2m</u>	20m	10.7m	33.3	n/a	n/a	n/a
- 56 River Bend	900m ²	22m	10m	4.0m		17m	10.7m	33.3	n/a	n/a	n/a
- 58 River Bend	880m ²	16m	10m	4.0m	2m (west) and 3m (east)	15m	10.7m	33.3		n/a	n/a
- 60 River Bend											
By-law 2006-239 (36 and 38 River Bend)	700m ²	15.24m	10m	4.0m	1.2m	10m	7.5m	46%	n/a	n/a	n/a
- 36 River Bend	700m ²	15.24m	10m	4.0m	1.2m	9.5m	7.5m	46%	n/a	n/a	n/a
- 38 River Bend											

**Appendix E – Minor Variances Granted for Dwellings on New
Lots in Study Area**

Appendix E: Minor Variances Granted for Dwellings on New Lots in Study Area

Address	File No.	By-law #	Effect of Variance
1 River Bend	A16/02	n/a	<ul style="list-style-type: none"> • Increase permitted dwelling length from 16.8 metres to 19.8 metres. • Increase garage projection from 2.2 metres to 4.7 metres.
3 River Bend	A123/02	n/1	<ul style="list-style-type: none"> • Increase permitted dwelling length from 18.9 metres to 21.3 metres. • Increase garage projection from 2.1 metres to 7.0 metres. • Reduced minimum front yard from 9 metres to 7.2 metres.
28 River Bend (now 56 River Bend)	A168/04	#2003-213	<ul style="list-style-type: none"> • Reduce lot frontage from 25 metres to 21.48 metres. • Reduce minimum side yard from 3 metres to 2.0 metres.
34 River Bend	A145/03	#2002-49	<ul style="list-style-type: none"> • Reduce minimum front yard from 14 metres to 12.2 metres.
62 River Bend	A23/03	#91-1999	<ul style="list-style-type: none"> • Reduce minimum front yard from 18 metres to 13.7 metres.
62 River Bend	A192/03	#91-1999	<ul style="list-style-type: none"> • Reduce lot area from 880 m² to 848 m².
62 River Bend	A50/04	#91-1999	<ul style="list-style-type: none"> • Reduce minimum front yard from 13.7 metres to 12.04 metres. • Increase porch and stair encroachment from 0.45 metres to 2.25 metres.
62 River Bend	A77/04	#91-1999	<ul style="list-style-type: none"> • Reduce minimum front yard from 13.7 metres to 13.49 metres. • Increase porch and stair encroachment from 0.45 metres to 1.2 metres.
62 River Bend	A148/03	#91-1999	<ul style="list-style-type: none"> • Reduce minimum front yard from 18 metres to 16 metres.
62 River Bend	A192/03	#91-1999	<ul style="list-style-type: none"> • Reduce lot area from 880 m² to 798 m².
62 River Bend	A51/04	#91-1999	<ul style="list-style-type: none"> • Reduce minimum front yard from 15.5 metres to 14.99 metres. • Increase porch and stair encroachment from 0.45 metres to 2.25 metres.
28 Sabiston	A193/02	#48-2000	<ul style="list-style-type: none"> • Reduce minimum front yard from 20 metres to 15 metres. • Reduce minimum side yard from 4.0 metres to 1.2/1.8 metres.

Address	File No.	By-law #	Effect of Variance
30 Sabiston	A191/00	#48-2000	<ul style="list-style-type: none"> • Reduce minimum front yard from 20 metres to 12 metres. • Reduce minimum side yard from 4 metres to 1.2/2.4 metres.

Appendix F – Other Municipal Infilling Zoning Provisions

APPENDIX F: OTHER MUNICIPAL INFILLING ZONING PROVISIONS

G1 AREAS AFFECTED BY INFILLING BY-LAWS

In the former City of North York, these older residential areas are generally located to the south of Highway 401, where the Bond, Chipping, Duncairn, Mallow, Greenland and Overland neighbourhoods are located within an area that is bounded by York Mills Road to the north, Don Valley Parkway to the east, Eglinton Avenue to the south, and Leslie Street to the west. In the Town of Oakville, these older areas are located to the east of Lakeshore Road with Coronation Park at the southern end, and Holyrood Avenue at the northern end; and the area in the general vicinity of Maple Grove Drive (and beyond) to east, Linbrook Road to north, Allan Street to west, and shoreline to south.

In the City of Burlington, these older areas are scattered throughout the older part of the City and located near Lakeshore Road. One such area is bounded by Burlington Bay to south, Plains Road West to north, King Road to east and Unsworth Road to west. Other areas are scattered east of King Road, with all being located near Lakeshore Road and the Railway line. In Oshawa, these older areas are also located throughout the City, in close proximity to the city centre.

Within Vaughan, there are primarily three Old Village Residential (R1V) Zone neighbourhoods, located in the Thornhill, Concord and Maple communities, as well as scattered smaller pockets and individual lots. These older, established residential areas have maintained a historical pattern of large-lot development, but are typically subject to redevelopment for larger homes.

In Richmond Hill, the older residential neighbourhoods are located on the eastern and western sides of Yonge Street, bound by Gamble Road to the north, Bayview Ave to the east, Major Mackenzie Drive to the south, and Bathurst Street to the west.

G2 COMPARISON BETWEEN TOWN OF MARKHAM PROVISIONS AND OTHER MUNICIPAL PROVISIONS

Maximum Height

In terms of height regulations, aside from the Town of Markham, only the North York provisions differentiate between a sloped roof and a flat roof. The restriction depends on the zone, and ranges from 8.0 metres for flat roofs to 9.8 metres for sloped roofs.

Provisions in the Town of Oakville, North York, the City of Vaughan, and the City of Oshawa Zoning By-laws contain height restrictions generally within the above range, generally being 9.0 or 9.5 metres. In contrast, the City of Burlington provides a 2 and a half storey maximum height restriction rather than a measurement.

In terms of the infill housing provisions found in the Town of Richmond Hill By-laws, the zoning provisions for the older residential neighbourhood provide for a maximum height allowable for residential zones of either 6.0 or 8.5 metres, depending on the location of the site within the older residential neighbourhood.

Maximum Number of Storeys

The Town of Markham By-laws includes a maximum number of storeys, as does the City of Burlington. The maximum number of storeys permitted under the Markham zoning provisions is two (2) storeys, whereas in the City of Burlington, a maximum of 2 ½ storeys is allowed. All other municipalities maintain only a maximum height measurement, as described above. However, the effect of the maximum height provision when measured in metres is to provide the permission for a maximum of two storeys.

Maximum Depth of Dwelling

In terms of the maximum depth of a dwelling, only the Town of Markham, the former City of North York and the Town of Oakville include restrictions on dwelling unit depth. The intent of this provision is to generally ensure that the rear walls of homes are consistently located in relation to the rear lot line. The effect of the provision is that windows in side walls of the back part of a home are not facing into adjacent backyards. A further intent is to control the length of the side wall so that neighbours on adjacent lots do not feel “walled-in”.

Markham controls this with a maximum of 16.8 metres for one family detached dwellings, except that the depth may be increased to 18.9 metres by an extension to the rear of the dwelling. In this case, the extension must not exceed one storey and 4.6 metres in height, and is to be set back from all lot lines a minimum distance of 3.0 metres of the minimum required setback (whichever is the greater). Further, the extension must not be wider than one-half (½) the width of the dwelling at its widest point.

As a contrast, dwellings in the older residential neighbourhoods in the Town of Oakville are permitted to have a maximum depth of 20 metres, except that a single storey structure may extend into a rear yard a further 3 metres provided the single storey extension maintains a 9 metre side yard setback.

The former City of North York also provides a restriction for the maximum length of a dwelling. These are either 15.3 metres or 16.8 metres within North York, depending on the zone, however it is noted that the R1 and R2 Zones do not contain a maximum dwelling length.

Maximum Garage Projection

The maximum garage projection is another regulation present in only the Town of Markham, the Town of Oakville, and the Town of Richmond Hill Zoning By-laws.

Markham provides that a garage cannot project any closer to the front lot line than 2.1 metres beyond the point of the main building closest to the front lot line.

The Town of Oakville regulates this item in the older residential neighbourhoods, being the R01 and R10 Zones. The restriction provides that a garage cannot project

more than 1.8 metres (R10 Zone) or 2.0 metres (R01 Zone) beyond the wall adjacent to the portion of the floor area of the dwelling closest to the street.

The Town of Richmond Hill provides a standard maximum garage projection for their older residential neighbourhoods. In this regard, no garage is to project toward the front yard more than 2.1 metres (6.9 ft) beyond the main wall.

Maximum Garage Width

Markham and the Town of Richmond Hill are the only municipalities from those municipal provisions reviewed that regulates the garage width.

For the Town of Markham, the maximum garage width is to be 7.7 metres for any lot having a frontage of less than 18.3 metres. This provision is present in By-laws 1229, 1767 and 2237, but has been excluded from those set out in By-law 122-72 as amended by By-law 16-93. This means that this provision does not apply in the Study Area.

In the Town of Richmond Hill infill housing provisions, the maximum garage width is to be 6.5 metres for any lot having a frontage of less than 18.3 metres. For those lots having a lot frontage of 18.3 metres or greater, the maximum garage width is set at 9.7 metres.

Maximum Floor Area Ratio

As is a common theme throughout this comparison of zoning provisions, only the Town of Markham and the Town of Oakville provide controls on the maximum floor area ratio. The intent of such a provision is to control the mass and bulk of a building. However, it is noted that the FAR calculation is based on floor area and not volume. In other words, only the ground floor area of a two or three storey atrium or court in the centre of a dwelling would be counted, for example.

The Markham provisions allow for a maximum floor area ratio of 45% for the R1, R2, R3 and R4 Zones under By-law 1229, and between 42% and 50% under the provisions of By-laws 1767, 2237 and 122-72. As outlined in the definitions set out in Appendix D, the floor area ratio is calculated by taking the gross floor area of a one family detached dwelling, and expressed as a percentage of the net lot area, which in every case, except for very large lots, is the whole of the lot area. The provision also includes the basement in the calculation, provided the basement is not a cellar as defined (more than 50% of height below grade is a cellar).

The Town of Oakville's current provisions for floor area ratios vary according to lot sizes. These range from between 26% for lots over 1300 m² and 41% for lots less than 300 m².

None of the other municipalities surveyed provide regulations on floor area ratios.

Lot Coverage

Although not included within the infill housing provisions set out in the Markham By-laws, the four parent By-laws discussed throughout this report provide for lot coverage requirements of between 25% and 35%. In the Study Area, the maximum is 33.3%. It is noted that the lot area used for the purposes of calculating lot coverage is the lot area within the residential zone. As a result, lands within an environmental or open space zone on a lot, as is the case with some of the lots on the north side of River Bend, is not counted.

In terms of other municipal provisions, the lot coverage regulations vary considerably between the municipalities. Where North York caps a maximum of 25% for older residential neighbourhoods, the Town of Oakville sets a maximum of 30%, and both the City of Burlington and the City of Oshawa provide ranges of between 20% and 40%.

In contrast, the City of Vaughan provides maximum coverage requirements of between 35% and 50%, however in the R1V zone this is limited to 20%.

In the Town of Richmond Hill, the maximum lot coverage ranges between 30% and 40%, depending on the zone. These provisions are not contained within the additional infill housing provisions set out in the By-law amendments, but can be found in parent By-law 66-71.

It is noted that only the Town of Markham and the Town of Oakville Zoning By-laws contain both Lot Coverage and Floor Area Ratio regulations. All other municipal By-laws provide controls on only lot coverage.

Appendix G – Definitions Relating to Infill Housing

APPENDIX G: DEFINITIONS RELATING TO INFILL HOUSING

Term	Markham Definition
Basement	Means that portion of a one family detached dwelling, between two (2) floor levels, which is located partly underground and which has more than one-half ($\frac{1}{2}$) of its height from floor to underside of floor joists of the storey next above, above the established grade. 1229 (99-90) 122-72 (16-93) 2237 (101-90) 1767 (100-90)
Cellar	Means that portion of a one family detached dwelling, between two (2) floor levels, which is located partly or entirely underground and which has more than one half ($\frac{1}{2}$) of its height from floor to underside of flood joists of the storey next above, below the established grade. 1229 (99-90) 122-72 (16-93) 2237 (101-90) 1767 (100-90)
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 the nearest and the other through the point on the dwelling which is the farthest from the front lot line. 1229 (99-90) 122-72 (16-93) 2237 (101-90) 1767 (100-90)
Floor Area, Gross	Means the total of the floor areas within a one family detached dwelling measured between the exterior faces of the exterior walls of the dwelling at each floor level, including basement and garage areas (detached and attached), but excluding cellars, unfinished attic areas and areas having a height, from floor to underside of floor joists of the storey next above, of less than 1.5 metres. 1229 (99-90) 122-72 (16-93) 2237 (101-90) 1767 (100-90)

Term	Markham Definition
Floor Area Ratio	<p>Means the gross floor area of a one family detached dwelling expressed as a percentage of the net lot area.</p> <p>1229 (99-90) 122-72 (16-93) 2237 (101-90) 1767 (100-90)</p>
Garage Width	<p>Means the width of the garage opening which is used for vehicular access where there is more than one opening, the garage width shall be the distance between the two outer extremities of the garage openings, including any intervening columns, doors, windows or wall sections which may separate two or more garage openings.</p> <p>1229 (99-90) 2237 (101-90) 1767 (100-90)</p>
Grade, Established	<p>Means the finished surface elevation at the outside front walls of a building or structure, which is arrived at by taking the arithmetic mean 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.</p> <p>1229 (99-90) 122-72 (16-93) 2237 (101-90) 1767 (100-90)</p>
Height	<p>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:</p> <p>(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.</p> <p>Notwithstanding (a) and (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.</p> <p>1229 (99-90) 122-72 (16-93) 2237 (101-90) 1767 (100-90)</p>

Term	Markham Definition
Lot Area	Means the area within the lot lines of a lot. 1229 (99-90) 122-72 (16-93) 2237 (101-90) 1767 (100-90)
Minimum Lot Area	Means the minimum required lot area for a lot in accordance with the applicable zone requirements of By-law [1229 / 2237 / 1767], as amended. 1229 (99-90) 2237 (101-90) 1767 (100-90)
Net Lot Area	Means the sum of the minimum lot area for a lot plus one-half (½) of the difference between the lot area and the minimum lot area for the lot, except in cases where the lot area is less than the minimum lot area for a specific lot, the net lot area shall be deemed to be equal to the lot area. 1229 (99-90) 2237 (101-90) 1767 (100-90)
Net Lot Area	Means the sum of 22,000 square feet plus one-half (½) of the difference between the lot area and 22,000 sq. ft, except in cases where the lot area is less than 22,000 sq. ft for a specific lot, the net lot area shall be deemed to be equal to the lot area. 122-72 (16-93)
Storey	Means the portion of a one family detached dwelling, other than a cellar or unfinished attic, located between the surface of any floor and the surface of the floor or roof above, and shall include a basement. 1229 (99-90) 122-72 (16-93) 2237 (101-90) 1767 (100-90)

***THE CORPORATION OF THE
TOWN OF MARKHAM***

EXTRACT CONTAINING ITEM #15 OF THE SECOND DEVELOPMENT SERVICES COMMITTEE REPORT (February 2, 1999), WHICH ITEM WAS ADOPTED, WITHOUT AMENDMENT, BY COUNCIL AT ITS MEETING HELD ON FEBRUARY 9, 1999

**SABISTON/OAKCREST COMMUNITY
PROPOSED REVISIONS TO THE SITE DEVELOPMENT
GUIDELINES FOR THE SABISTON/OAKCREST COMMUNITY
FILE 10.8 (LD & LD)**

THE DEVELOPMENT SERVICES COMMITTEE RECOMMENDS:

THAT THE REPORT DATED FEBRUARY 2, 1999 FROM THE DEVELOPMENT SERVICES COMMISSION, ENTITLED 'SABISTON/OAKCREST COMMUNITY: PROPOSED REVISIONS TO THE SITE DEVELOPMENT GUIDELINES FOR THE SABISTON/OAKCREST COMMUNITY', BE RECEIVED;

AND THAT THE RECOMMENDED MODIFICATIONS TO THE SITE DEVELOPMENT GUIDELINES FOR THE SABISTON/OAKCREST COMMUNITY (JANUARY 1999) BE ENDORSED FOR CONSIDERATION IN THE REVIEW OF LAND DIVISION, REZONING AND SITE PLAN APPLICATIONS ON OAKCREST AVENUE, RIVERBEND ROAD, SABISTON DRIVE AND CAMPBELL COURT;

AND FURTHER THAT THE TOWN CONSIDER REQUESTS FOR ZONING BY-LAW AMENDMENT(S) TO IMPLEMENT POTENTIAL LAND SEVERANCES ON A STREET OR LARGE BLOCK BASIS WHERE SUPPORT FOR SUCH REZONING IS CONFIRMED BY ALL LANDOWNERS WITHIN THE PROPOSED REZONING AREA.

ACTION/INFORMATION

DEPARTMENT: Commissioner of Development Services

THE TOWN OF MARKHAM
DEVELOPMENT SERVICES COMMITTEE

FEBRUARY 2, 1999

SUBJECT: PLANNING DEPARTMENT
SABISTON/OAKCREST COMMUNITY
PROPOSED REVISIONS TO THE SITE DEVELOPMENT
GUIDELINES FOR THE SABISTON/OAKCREST COMMUNITY
FILE #: P.S. 77
PREPARED BY: LILLI DUOBA, (EXT. 7925)
LINDA IRVINE (EXT. 2120)
CENTRAL DEVELOPMENT DISTRICT

RECOMMENDATION

THAT the Development Services Commission report dated February 2, 1999, entitled "Sabiston/Oakcrest Community: Proposed Revisions to the Site Development Guidelines for the Sabiston/Oakcrest Community" be received;

AND THAT the recommended modifications to the Site Development Guidelines for the Sabiston/Oakcrest Community (January 1999) be endorsed for consideration in the review of land division, rezoning and site plan applications on Oakcrest Avenue, Riverbend Road, Sabiston Drive and Campbell Court;

AND THAT the Town consider requests for zoning by-law amendment(s) to implement potential land severances on a street or large block basis where support for such rezoning is confirmed by all landowners within the proposed rezoning area.

1.0 BACKGROUND

1.1 Public Meeting held to obtain input on a rezoning application on Oakcrest Avenue

On October 20, 1998 a public meeting was held to obtain input on the rezoning application at 16 Oakcrest Avenue to implement severance of a parcel into 3 lots. Two of the proposed lots would measure 16.7 m or 55 ft. and the most northerly lot would measure 20 m or 66 ft. A number of residents attended the public meeting, many of whom raised objections to the proposed rezoning. Development Services Committee directed that the application be referred to a Unionville Sub-Committee meeting to discuss the issue further with the applicant and area residents.

On October 27, 1998, Council resolved to hold the rezoning application at 16 Oakcrest Avenue in abeyance for a period of up to 9 months at the request of the applicant

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DEVELOPMENT SERVICES COMMITTEE

FEBRUARY 2, 1999

1.2 Unionville Subcommittee meeting held

On November 23, 1998 a Unionville Sub-Committee meeting was held and all residents within the Sabiston/Oakcrest community were invited to attend. The meeting was intended to provide input on the larger issue of land severances, as well as provide further specific input on the rezoning application at 16 Oakcrest Avenue.

The meeting was conducted as a workshop with breakout groups for each street in order to explore redevelopment issues on a street by street basis to determine whether consensus could be reached on a street level within the community. All the groups were facilitated by staff with several members of Council in attendance. The following conclusions were reached at the workshop:

Oakcrest Avenue (48% of households represented)

- ◆ certain residents represented were in support, but the clear majority were opposed to redevelopment through land severance
- ◆ the majority of residents prefer each redevelopment application on Oakcrest Avenue be considered on its own merit within the context of the overall street character, rather than through a specified minimum lot size

Riverbend Road (32% of households represented)

- ◆ the residents represented were all in support of redevelopment through land severance based on a minimum lot frontage of 50 feet
- ◆ the residents represented were supportive of a comprehensive zoning by-law amendment for their street

Sabiston Drive (25% of households represented)

- ◆ the residents represented agreed that no more than one severance per lot should be supported
- ◆ the minimum lot frontage should be no less than 50 feet, with a front yard setback of a minimum 25 feet and minimum side yard setback of 6 feet (2-storey) and 4 feet (1-storey)

Campbell Court (33% of households represented)

- ◆ the residents represented did not support redevelopment through land severance, but did support individual redevelopment of properties in a sensitive manner (not 'monster' homes)
- ◆ the residents support as a general community-wide principle a lot frontage of 60 feet, front yard setback of 35-40 feet and a side yard setback of 10 feet

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The sub-committee meeting concluded that all those in attendance from Sabiston Drive and Riverbend Road (25% and 32% of households represented respectively) were supportive of land severance opportunities. Conversely, all those in attendance from Campbell Court (33% of households represented) were in favour of maintaining the current character and were not interested in land severances. Oakcrest Avenue residents (48% of households represented) were divided, but the clear majority were opposed to redevelopment through land severance. Although consensus was reached with the residents on three of the streets, approximately one-third or less of the households on those streets were represented. Although not all residents agreed on the type and degree of infill development within their community, all expressed a general desire to maintain the character and uniqueness of the community. A clear consensus emerged that it would be appropriate to consider different approaches and requirements for the different streets in the area.

Staff agreed to review the comments and suggestions made throughout the evening and bring forward to the residents and Council any proposed modifications to the 'Infill Development Guidelines for the Sabiston/Oakcrest Community', as well as review alternative regulatory tools such as a comprehensive zoning by-law.

2.0 INTER-DEPARTMENT IMPLICATIONS

The specific requirements of Town departments will be addressed through the processing of Consent, Rezoning and Site Plan Approval applications.

3.0 COMMENT

3.1 Sabiston/Oakcrest Site Development Guidelines Revised

The Unionville Sub-Committee meeting was successful in identifying the views of residents regarding severances by street. Although consensus could not be reached with the residents of all the streets, the residents did provide sufficient direction which would warrant revisions to the Sabiston/Oakcrest Site Development Guidelines.

Attached as Appendix 'A' are proposed revised 'Infill Development Guidelines for the Sabiston/Oakcrest Community'. These Guidelines continue to reflect the principles for sensitive and integrated infill development and have been enhanced as follows:

- ♦ removal of minimum lot frontage recommendation of 50 ft.;

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- ♦ greater attention to specific site and contextual conditions such as lot frontage, lot area, protection of on site natural features, urban design standards and setbacks;
- ♦ greater direction in reviewing development applications within an individual street context; and
- ♦ information on the required planning applications.

3.2 Landowners provided with a copy of the Draft Revised Site Development Guidelines

On December 23, 1998, an information follow-up letter was forwarded to members of Council and the residents of Sabiston/Oakcrest community (see Appendix 'B') with a copy of the revised Infill Development Guidelines for the Sabiston/Oakcrest Community for comment and review. At the time of preparation of this report, no responses from the community were received.

3.3 Comprehensive Zoning By-law Option

A number of residents at the Unionville Subcommittee meeting discussed the option of the Town proceeding with a comprehensive zoning by-law on a street basis. The current process for this area is review of site specific zoning by-law requests on an individual property application basis. This process provides the Town and the community through public meetings, the opportunity to review applications on their own merits and ensure land severances are appropriate for the existing lot and area and that new dwelling units are sited in a manner complementary to the street and adjoining properties.

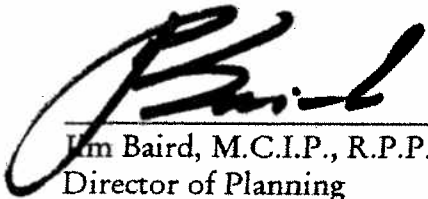
This site/area specific review process may be extended to include a larger area such as a contiguous block or street, where all the affected residents are in support of a rezoning to permit reduced sized lots. A comprehensive rezoning application for a larger area would involve the same level of background review and would require that tree inventory, site survey, proposed severance and conceptual building sites plans be submitted in support of the rezoning application for the individual parcels making up the redevelopment area. The benefit of a larger block or street rezoning process would be to consolidate the application, fees and public meetings required for each proposal into a single package, resolve issues in a more expedient manner and generate some cost savings to the landowners. Landowners who wish to pursue this process should consult with staff prior to initiating an application, to identify information requirements and discuss a consolidated process.

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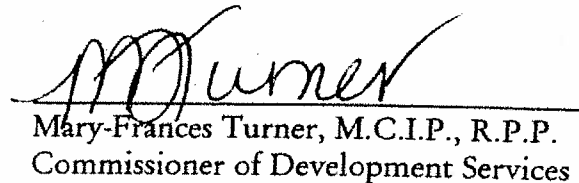
FEBRUARY 2, 1999

4.0 CONCLUSION

We recommend that the Site Development Guidelines for the Sabiston/Oakcrest Community (revised January 1999) be endorsed for consideration in the review of land division, rezoning and site plan applications on Oakcrest Avenue, Riverbend Road, Sabiston Drive and Campbell Court. We also recommend that the Town consider requests for zoning amendments on a street or large block basis where support for rezoning is confirmed by all landowners within the proposed rezoning area.



Jim Baird, M.C.I.P., R.P.P.
Director of Planning



Mary-Frances Turner, M.C.I.P., R.P.P.
Commissioner of Development Services

THE TOWN OF MARKHAM
DEVELOPMENT SERVICES COMMITTEE

FEBRUARY 2, 1999

FIGURE 1

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ATTACHMENTS: Appendix 'A' - Revised Site Development Guidelines for the
Sabiston/Oakcrest Community
Appendix 'B' - Letter to Residents

APPLICANT/AGENT: Town of Markham

