



Report to: Council

Report Date: February 9, 2010

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**SUBJECT:** **INTERIM CONTROL BY-LAW**  
**Area comprised of Hughson Drive, Lunar Crescent,**  
**Ankara Court, and the west end of Athens Drive**  
**North of Highway 7, east of Woodbine Avenue**

**PREPARED BY:** Stacia Muradali, Planner  
Central District, Ext. 2008

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**RECOMMENDATION:**

- 1) That the report titled "INTERIM CONTROL BY-LAW, Area comprised of Hughson Drive, Lunar Crescent, Ankara Court and the west end of Athens Drive (North of Highway 7, east of Woodbine Avenue)" be received;
- 2) That Staff be directed to undertake a Study of the land use and zoning standards for the area comprised of Hughson Drive, Lunar Crescent, Ankara Court and the west end of Athens Drive (North of Highway 7, east of Woodbine Avenue), and in particular, to review the appropriateness of the existing Zoning By-law in the area, and to identify any necessary changes to Town policies and regulations for the area;
- 3) That Meridian Planning Consultants be retained to conduct the Study;
- 4) That pursuant to Section 38 of the Planning Act, Council enact an Interim Control by-law for the Study Area, substantially in accordance with the proposed By-law attached as Appendix 'A', to this report;
- 5) That the Town Solicitor and necessary Staff be authorized to appear at the Ontario Municipal Board in the event of an appeal of the Interim Control By-law;
- 6) That Staff, in consultation with the Local Councillor, arrange for a community information meeting to discuss issues associated with this Study;
- 7) And that Staff be authorized and directed to do all things necessary to give effect to this resolution.

**EXECUTIVE SUMMARY:**

Not applicable.

**PURPOSE:**

This report recommends that a Study of land use and zoning standards be conducted for the area north of Highway 7, east of Woodbine Avenue, and comprised of Hughson Drive, Lunar Crescent, Ankara Court, and the west end of Athens Drive (the "Study

Area"). Zoning By-law 1507 which applies to the Study Area, and which was enacted in 1954, provides minimal development standards: minimum ground floor area and lot line setbacks. The Study will determine the implications of the existing zoning standards, especially in light of anticipated applications for consent to sever the larger lots within the Study Area. This report recommends immediate enactment of an interim control by-law to control redevelopment or changes in land use during the period of the Study.

## **BACKGROUND:**

### **Subject area and area context**

The Study Area is comprised of Hughson Drive, Lunar Crescent, Ankara Court, and the west end of Athens Drive, north of Highway 7, east of Woodbine Avenue (the "Study Area"). The Study Area abuts a supermarket (Michelangos), commercial, retail, and restaurant development which is located to the south of the Study Area, at the north-east corner of Highway 7 and Woodbine Avenue. There are industrial uses to the west, low density residential and industrial uses to the north, and residential uses and the Rouge River to the east. The Study Area is fully serviced.

The Study Area is comprised of approximately 44 lots, with frontages ranging from approximately 24m (78ft) to 40m (131ft). The area is comprised primarily of bungalow and split-level type homes, with some lots having been redeveloped with larger homes on existing lots. This subdivision was developed in the 1950s and there has been little redevelopment activity, with the exception of a few minor variance applications and one severance application submitted for 32 Hughson Drive in 1986 (which was deferred and did not proceed), and newer homes built on existing lots. The Study Area has remained relatively stable and has maintained its character of large lots with generous setbacks and openness and mature trees. A more recent development (Montgomery Court area) abuts the Study Area to the north and east, and is subject to a separate Zoning By-law. This more recent development occurred around the early 1990s, with lot frontages generally ranging from approximately 15m (50ft) to 20m (65ft).

## **OPTIONS/ DISCUSSION:**

### **Interim Control By-law proposed for the Study Area**

A severance and minor variance applications have been submitted for 10 Hughson Drive, a property within the Study Area. The severance application requests permission to divide the existing 30.48m (100ft) lot, into two 15.24m (50ft) lots. The owner is also requesting permission to vary the existing By-law which requires a minimum side yard setback of 3m (10ft) to 1.2m (4ft) to accommodate the proposed severance. Zoning By-law 1507 which applies only to the Study Area, and which was enacted in 1954, provides minimal development standards: minimum ground floor area and lot line setbacks. The Study will determine the implications of the existing zoning standards, especially in light of anticipated applications for consent to sever the larger lots within the Study Area.

The current severance application for 10 Hughson Drive is the first severance application to be submitted in recent years. A severance application was submitted in 1986 for 32

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Hughson Drive, however, the application was deferred and did not proceed. The existing Zoning By-law (1507) for the Study Area is lacking proper development standards and appears to be in need of being updated or replaced by a new Zoning By-law, to more appropriately regulate any redevelopment activity in the Study Area. A Study is required to determine zoning standards for the Study Area. The zoning review process will include public consultation, and will no doubt include discussion and consideration of the impact of potential future severances and the current severance application in the Study Area, and the appropriateness of redevelopment through lot creation.

Section 38 of the Planning Act authorizes Town Council to pass an Interim Control By-law in order to temporarily restrict land use while the Town studies and reviews the land use policies and zoning standards for the affected uses in the Study Area. The proposed Interim Control By-law (see Appendix 'A') seeks to prohibit new single family detached dwellings or redevelopment within the Study Area while the review is under way. The Interim Control By-law would not prevent lawfully existing residential uses on existing lots of record, except as noted in the by-law.

The proposed Study is anticipated to be completed within the legislated time frame of one (1) year. All property owners within the Study Area, and those within 120m from 10 Hughson Drive, will receive Notice of the passing of the Interim Control By-law, and the Local Councillor and Staff will schedule a community information meeting (and any others that may be necessary) to facilitate the Study process.

## **CONCLUSION**

It is recommended that Council direct the undertaking of a study to review the land use and zoning standards in the Study Area as they relate to new residential development and, if necessary, bring forward recommendations setting out proposed new land use and development regulations for properties within the Study Area. It is further recommended that the proposed Interim Control By-law (see Appendix 'A') for the properties in the Study Area be enacted immediately, for a one (1) year period. The Planning Act does provide Council the authority to extend the By-law for a further one year period, if necessary.

## **FINANCIAL CONSIDERATIONS AND TEMPLATE: (external link)**

None at this time.

## **HUMAN RESOURCES CONSIDERATIONS**

None at this time.

## **ALIGNMENT WITH STRATEGIC PRIORITIES:**

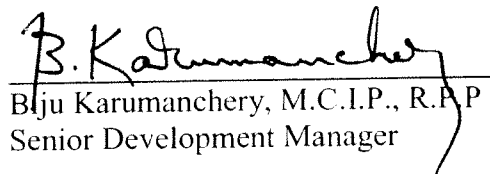
The proposed Study will review land use policies and zoning standards to enable appropriate redevelopment and growth management within the Study Area.

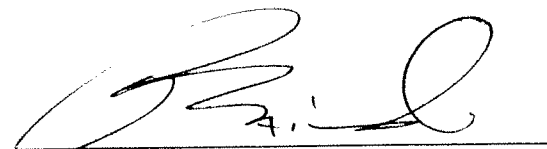
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**BUSINESS UNITS CONSULTED AND AFFECTED:**

Staff have consulted with the Legal Services Department on the draft by-law attached and this report.

**RECOMMENDED BY:**

  
Biju Karumanchery, M.C.I.P., R.P.P  
Senior Development Manager

  
James Baird, M.C.I.P., R.P.P  
Commissioner of Development Services

**ATTACHMENTS:**

Appendix 'A': Interim Control By-law for the Hughson Drive/ Lunar Crescent  
Study Area

## **EXPLANATORY NOTE**

BY-LAW NO: 2010-XXX

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

Hughson Drive/Lunar Crescent Study Area

## **LANDS AFFECTED**

This proposed interim control by-law applies to all properties on Hughson Drive, Lunar Crescent, Ankara Court and two properties on the west end of Athens Drive outlined on Schedule 'A'. This Study Area is located north of Highway 7, east of Woodbine Avenue.

## **PURPOSE OF THE BY-LAW**

To enable a study of land use policies and zoning standards to be undertaken for the Study Area during the term of the by-law.

## **EFFECT OF THE BY-LAW**

To prohibit certain land uses within the Study Area during the term of the by-law.

## **BY-LAW 2010-XXX**

### **Interim Control By-law Section 38 of the Planning Act**

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

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WHEREAS Section 38 of the Planning Act, R.S.O. 1990, as amended, provides that Council of a Municipality may pass an interim control by-law to prohibit the use of land, buildings or structures within a defined area (the "Study Area"), where it has directed that a study be undertaken in respect of the land use policies and regulations for that area;

AND WHEREAS the Council of the Corporation of the Town of Markham has directed by resolution dated February 9, 2010 that a Study of land use policies and zoning standards for Hughson Drive, Lunar Crescent, Ankara Court and the west end of Athens Drive (north of Highway 7, east of Woodbine Avenue) be undertaken, and in particular, a review of the appropriateness of existing zoning bylaw in the area and to identify any necessary changes to Town policies and regulations for the area;

AND WHEREAS Council has directed that an interim control by-law applying to the said lands within the Study Area be enacted immediately in accordance with the provisions of Section 38 of the *Planning Act, R.S.O. 1990*;

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

1. The lands shown on Schedule 'A' attached to this by-law are the lands affected by this by-law and are hereby established and declared to be an Interim Control Area;
2. The provisions of this by-law shall apply to the Interim Control Area;
3. Notwithstanding any other by-law to the contrary, no person shall, within the Interim Control Area established by this by-law, use any land, building or structure for the following uses:
  - a) The development of any new single detached dwelling; or
  - b) External renovations, additions, alterations or changes to any existing dwelling or structure on an existing lot of record;

4. For the purposes of this by-law, "existing" means existing on the date of this by-law;
5. For clarity, this by-law does not apply so as to prohibit:
  - a) The alteration and/or enlargement of an existing dwelling or structure on an existing lot of record:
    - i. where a building permit is not required under applicable law, or
    - ii. provided an application for a building permit has been made, or a building permit has been issued and all other applicable regulations have been complied with prior to the passing of this by-law.;
  - b) Interior renovations to an existing dwelling or structure on an existing lot of record:
    - i. where a building permit is not required under applicable law, or
    - ii. provided an application for a building permit has been made, or a building permit has been issued and all other applicable regulations have been complied with prior to the passing of this by-law.;
6. This by-law shall be in effect for one (1) year from the date of its passing unless otherwise extended in accordance with the provisions of the *Planning Act*.

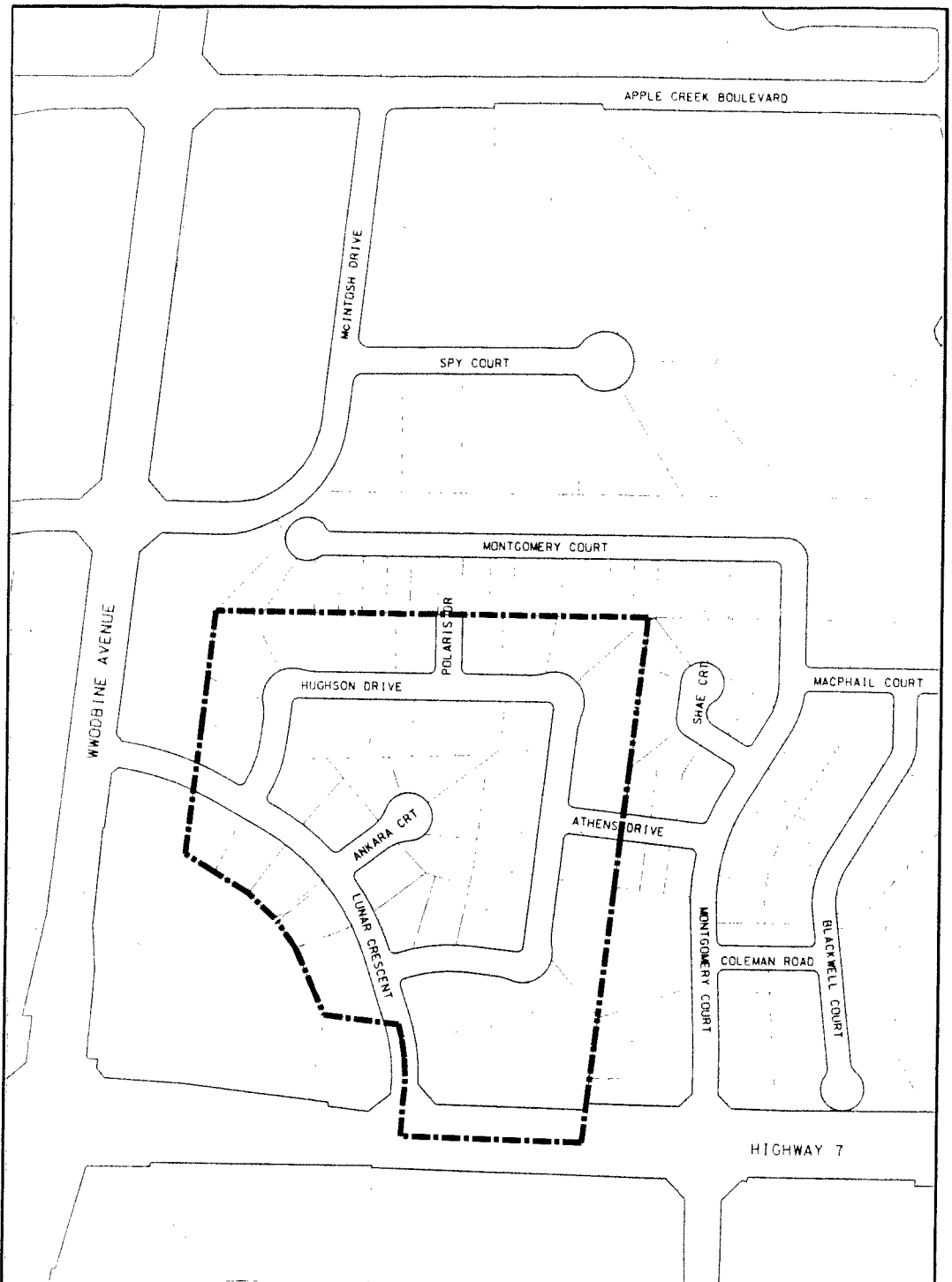
READ A FIRST, SECOND, AND THIRD TIME AND PASSED THIS 9<sup>TH</sup> DAY OF FEBRUARY, 2010.

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KIMBERELY KITTERINGHAM  
TOWN CLERK

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FRANK SCARPITTI  
MAYOR



DEVELOPMENT SERVICES COMMISSION

# INTERIM CONTROL BY-LAW A BY-LAW TO AMEND BY-LAW 1507

--- BOUNDARY OF AREA COVERED BY THIS BY-LAW

THIS IS SCHEDULE "A" TO BY-LAW  
PASSED THIS ... DAY ... 2010

..... MAYOR

..... CLERK

NOTE: 1) DIMENSIONS ARE IN METRES  
2) REFERENCE SHOULD BE MADE TO  
THE ORIGINAL BY-LAW LODGED IN  
THE OFFICE OF THE CLERK

SCALE 1: 4000

Interim Control By-law 01/03/2010 12:01:07 PM