



**EXPLANATORY NOTE**

**BY-LAW 2015-6**

**A By-law to amend By-laws 304-87 and 90-81, as amended**

**Forest Bay Homes**  
**6350 Steeles Avenue East**  
**North side of Steeles Avenue, East of Markham Road**

**Lands Affected**

This by-law amendment applies to a 32.01 (79.09 ac) parcel of land located on the north side of Steeles Avenue East, East of Markham Road.

**Existing Zoning**

The lands are presently zoned Agriculture One (A1), By By-law 304-87, as amended.

**Purpose and Effect**

The purpose of this by-law amendment is to delete the lands from the area zoned by By-law 304-87, as amended, and incorporate the lands into appropriate residential, open space, and community amenity zone designations within By-law 90-81, as amended. The proposed zone designations are:

- |                                                                      |                   |
|----------------------------------------------------------------------|-------------------|
| • Ninth Density – Single Detached Residential (Hold 1)(Hold 2)       | R9(H1)(H2)        |
| • Fourth Density – Semi-detached Residential (Hold1)(Hold 2)         | RSD4(H1)(H2)      |
| • Second Density – Medium Density Residential (Hold 3)               | RMD2 (H3)         |
| • Second Density – Medium Density Residential (Hold 2)(Hold 3)       | RMD2 (H2)(H3)     |
| • Community Amenity(Hold 1)(Hold 2)(Hold 3)                          | CA(H1)(H2)(H3)    |
| • Second Density – High Density Residential (Hold 2)(Hold 3)(Hold 4) | RHD2 (H2)(H3)(H4) |
| • Ninth Density – Single Detached Residential                        | R9                |
| • Fourth Density – Semi-detached Residential                         | RSD4              |
| • Open Space                                                         | O1                |
| • Institutional and Open Space                                       | O2                |

The effect of this by-law amendment is that a plan of subdivision comprising 51 single detached units, 196 semi-detached units, 453 townhouse units and 132 high density units for a total of 832 units, will be permitted on the lands. The plan also contains a 3 ha (7.4 ac) neighbourhood park, two storm water management ponds, a community amenity block and a buffer strip adjacent to the Morningside Tributary.

Certain portions of the subject lands will not be developable until after the removal of various holding provisions as shown on Schedule ‘A’ attached to the By-law.



## **BY-LAW 2015-6**

**A By-law to amend By-law 304-87, as amended**  
(to delete lands from the designated area of By-law 304-87)  
**and to amend By-law 90-81, as amended**  
(to incorporate lands into the designated area of By-law 90-81)

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

1. That By-law 304-87, as amended, is hereby further amended by deleting the lands shown on Schedule 'A' attached hereto, from the designated area of By-law 304-87, as amended.
2. That By-law 90-81, as amended, is hereby further amended as follows:

2.1 By expanding the designated area of By-law 90-81, as amended, to include the lands shown on Schedule 'A' attached hereto:

2.2 By zoning the subject lands as follows:

Ninth Density – Single Detached Residential  
(Hold 1, Hold 2) R9(H1)(H2)

Fourth Density – Semi-detached Residential  
(Hold 1, Hold 2) RSD4(H1)(H2)

Second Density – Medium Density Residential  
(Hold 3) RMD2 (H3)

Second Density – Medium Density Residential  
(Hold 2, Hold 3) RMD2 (H2)(H3)

Community Amenity  
(Hold 1, Hold 2, Hold 3) CA(H1)(H2)(H3)

Second Density-High Density Residential  
(Hold 2, Hold 3, Hold 4) RHD2(H2)(H3)(H4)

Ninth Density – Single Detached Residential  
R9

Fourth Density – Semi-detached Residential  
RSD4

Open Space  
O1

Institutional and Open Space  
O2

as shown on Schedule 'A' attached hereto.

2.3 By adding the following subsections to Section 7 – EXCEPTIONS:

**“7.62 Forest Bay Homes Ltd. (19T-90019)  
Ninth Density – Single Detached Residential - R9 Zone**

Notwithstanding any other provisions of this By-law, the provisions in this Section shall apply to those lands zoned Ninth Density – Single Detached Residential Zone (R9), as outlined on Schedule ‘A’. All other provisions of this By-law, unless specifically modified/amended by this Section, continue to apply to the lands subject to this Section.

**7.62.1 Zone Standards**

The following specific provisions apply:

- a) Minimum required yards
  - i) *Front yard setback* to the *dwelling* – 4.5 metres.
  - ii) *Front yard setback* to the attached *garage* – 5.8 metres.
  - iii) *Side yard setback* – 1.2 metres on one side and 0.6 metres on the other side.
  - iv) *Minimum flankage yard setback* – 3.0 metres.
  - v) *Rear yard setback* for the lands shown as Part 1 on the attached Schedule ‘A’ – 7.0 metres.
- b) Maximum building *height* – 11.0 metres.
- c) Maximum *lot coverage* – 45%.

**7.62.2 Special Site Provisions**

The following specific provisions apply:

- a) The *main wall* of the *dwelling* shall project a minimum of 1.5 metres from the *main wall* of the attached *garage*.
- b) The provisions of Section 4.7.2 of By-law 90-81, as amended shall not apply.”

**“7.63 Forest Bay Homes Ltd. (19T-90019)  
Fourth Density – Semi-detached Residential - RSD4 Zone**

Notwithstanding any other provisions of this By-law, the provisions in this Section shall apply to those lands zoned Fourth Density – Semi-detached Residential Zone (RSD4), as outlined on Schedule ‘A’. All other provisions of this By-law, unless specifically modified/amended by this Section, continue to apply to the lands subject to this Section.

**7.63.1 Only permitted uses:**

- a) *semi-detached dwelling*

**7.63.2 Zone Standards**

The following specific provisions apply:

- a) Minimum required yards
  - i) *Front yard setback* to the *Dwelling* – 4.5 metres
  - ii) *Front yard setback* to the attached *garage* – 5.8 metres
  - iii) *Side yard setback* – 0.9 metres
  - iv) *Minimum flankage yard setback* – 3.0 metres
  - v) *Rear yard setback* for the lands shown as Part 1 on Schedule ‘A’, attached hereto – 7.0 metres.
- b) Maximum building *height* – 11.0 metres
- c) Maximum *lot coverage* – 45%

**7.63.3 Special Site Provisions**

The following specific provisions apply:

- a) The *main wall* of the *dwelling* shall project a minimum of 1.5 metres from the *main wall* of the attached *garage*.
- b) The provisions of Section 4.7.2 of By-law 90-81, as amended shall not apply.”

**“7.64 Forest Bay Homes Ltd. (19T-90019)  
Second Density – Medium Density Residential - RMD2 Zone**

Notwithstanding any other provisions of this By-law, the provisions in this Section shall apply to those lands zoned Second Density – Medium Density Residential (RMD2) as outlined on ‘Schedule A’ to this By-law. All other provisions of this By-law, unless specifically modified/amended by this Section, continue to apply to the lands subject to this Section.

**7.64.1 Zone Standards**

The following specific provisions apply:

- a) Minimum required front yards
  - i) *front yard setback* to the Dwelling – 4.5 metres
  - ii) *front yard setback* to the attached *garage* – 5.8 metres
- b) Minimum side yards:
  - i) *Semi-detached dwelling* – 0.9 metres
  - ii) Interior unit – 0.0 metres
  - iii) End unit *townhouse dwelling* – 1.2 metres
- c) *Flankage yard setback* – 2.0 metres
- d) Minimum setback from the east boundary of Part 2 on the attached Schedule ‘A’ – 7.5 metres
- e) *Rear yard setback* – 6.0 metres, except that a rear yard that abuts the east boundary of Part 2 on the attached Schedule ‘A’ shall have a minimum *setback* of 7.5 metres.
- f) Minimum setback to a City street – 4.5 metres
- g) Minimum setback to an Open Space Zone – 7.0 metres
- h) Maximum lot coverage – 45%

**7.64.2 Special Site Provisions**

The following specific provisions apply:

- a) The provisions of Section 4.7.2 of By-law 90-81, as amended shall not apply.
- b) For the lands subject to this by-law, a *street* shall include a private right-of-way that is used by motor vehicles but not owned by the *Corporation* or any other *public authority*.”
- c) For *townhouse dwellings*, an opening for a door that provides access to the interior of the main building is not permitted in any portion of a wall facing the interior side lot line that is located less than 1.2 metres from the interior side lot line.

**“7.65 Forest Bay Homes Ltd. (19T-90019)  
Second Density – High Density Residential - RHD2 Zone**

Notwithstanding any other provisions of this By-law, the provisions in this Section shall apply to those lands zoned Second Density – High Density Residential (RHD2) as outlined on ‘Schedule A’ to this By-law. All other provisions of this By-law, unless specifically modified/amended by this Section, continue to apply to the lands subject to this Section.

**7.65.1 Zone Standards**

The following specific provisions apply:

- a) Minimum *lot frontage* – 50 metres
- b) Minimum *lot area* – 0.7 ha
- c) Minimum required yards:
  - i) Minimum setback to the north and west lot lines – 4.5 m for the first 3 storeys and 6.5 m for any storey above 3 storeys.
  - ii) Minimum setback to the south lot line – 4.5 m
  - iii) Minimum setback to the east lot line – 7.5 m
- d) Maximum *height* – 18.5 m
- e) Minimum *landscaped area* – 25%

**7.65.2 Special Site Provisions**

The following specific provisions apply:

- a) The area between the front *lot line* and the *building* shall only be used for *Landscape open space*, but may be crossed by a driveway or private right-of-way.

**“7.66 Forest Bay Homes Ltd. (19T-90019)  
Community Amenity – CA Zone**

Notwithstanding any other provisions of this By-law, the provisions in this Section shall apply to those lands zoned Community Amenity (CA) as outlined on ‘Schedule A’ to this By-law. All other provisions of this By-law, unless specifically modified/amended by this Section, continue to apply to the lands subject to this Section.”

**“7.66.1 Only permitted uses:**

- a) Banks and financial institution
- b) *Business office*
- c) Professional office
- d) *Commercial school*
- e) *Day nursery* or day care centre
- f) *Dry cleaning establishment*
- g) *Personal service shop*
- h) *Private school*
- i) *Retail store*
- j) *Service shop*
- k) One (1) *single detached dwelling*

**7.66.2 Zone Standards**

The following specific provisions apply:

- a) Minimum *lot area* – 0.7 ha
- b) Minimum setback to a City street – 4.5 metres”

3. **HOLDING PROVISIONS:**

For the purpose of this By-law, the Holding Provisions One, Two, Three and Four are hereby established and are identified on Schedule 'A' attached hereto by the symbols (H1), (H2), (H3) and (H4) in parenthesis following the zoning symbol.

No person shall hereafter erect or alter any building or structure on lands subject to the Holding Provisions (H1), (H2), (H3) and (H4) for the purpose permitted under this By-law until amendment(s) to this By-law to remove the symbols (H1), (H2), (H3) and (H4) have come into effect pursuant to the provisions of Section 36 of the Planning Act.

**a) Holding Provision One (H1)**

Prior to removing the Holding Provision (H1) on Block 155, located on the northeast corner of Denison Street and Kirkham Drive and Lots 1, 41 and 42, located on the south side of Denison Street, east of Kirkham Drive, the following condition must be met to the satisfaction of the City of Markham:

- i) That the Denison Street Extension Class EA has been approved by the Ministry of Environment.

**b) Holding Provision Two (H2)**

Prior to removing the Holding Provision Two (H2), the following condition must be met to the satisfaction of the City of Markham:

- i) The Owner obtains the Street 'D' connection to Steeles Avenue East and the implementation of the connection to the Steeles Avenue road improvements as identified in the Transportation improvements Donald Cousens Parkway to Morningside Link Environmental Assessment Amendment Report, Regional Municipality of York, dated July 2011 prepared by McCormick Rankin Corporation..

**c) Holding Provision Three (H3)**

Prior to removing the Holding Provision Three (H3), the following condition must be met to the satisfaction of the City of Markham:

- i) That the Owner obtains Site Plan Approval to the satisfaction of the City.

**d) Holding Provision Four (H4)**

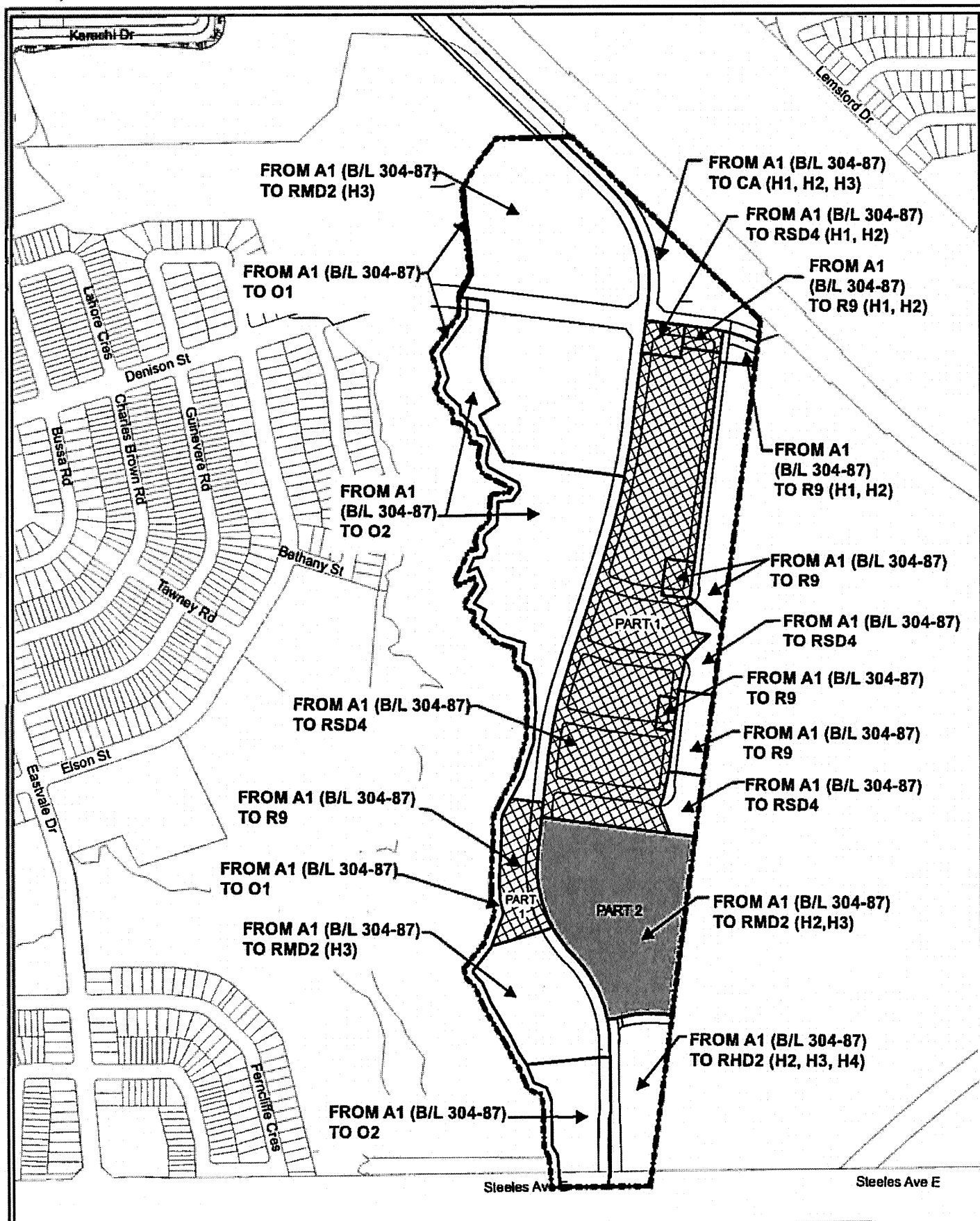
Prior to removing the Holding Provision Four (H4), the following condition must be met to the satisfaction of the City of Markham:

- i) Execution of a Section 37 agreement to the satisfaction of the City.

4. All other provisions of By-law 90-81, as amended, not inconsistent with the provisions of this by-law shall continue to apply.


**Note:**

By-law 2015-6 was approved by Ontario Municipal Board on November 17, 2014





# **BY-LAW SCHEDULE " A " TO BY-LAW 2015-6** Approved by OMB **AMENDING BY-LAWS 304-87 AND 90-81, DATED November 17, 2014**

 **BOUNDARY OF AREA COVERED BY THIS BY-LAW SCHEDULE TO BE DELETED FROM 304-87 AND ADDED TO 90-81**

 **BOUNDARY OF ZONE DESIGNATION(S)**

**CA** COMMUNITY AMENITY  
**R9** NINTH DENSITY-SINGLE DETACHED RESIDENTIAL  
**RSD4** FOURTH DENSITY SEMI-DETACHED RESIDENTIAL  
**RMD2** SECOND DENSITY-MEDIUM DENSITY RESIDENTIAL  
**RHD2** SECOND DENSITY-HIGH DENSITY RESIDENTIAL  
**O1** OPEN SPACE  
**O2** INSTITUTIONAL AND OPEN SPACE

**(H1)** HOLDING PROVISION ONE  
**(H2)** HOLDING PROVISION TWO  
**(H3)** HOLDING PROVISION THREE  
**(H4)** HOLDING PROVISION FOUR  
 **PART 1**  
 **PART 2**

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MARKHAM DEVELOPMENT SERVICES COMMISSION

100 50 0 100 Meters

Drawn By: CPW Checked By: SK

DATE: 10/10/2014

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