

Authority: Etobicoke York Community Council Item 19.34,  
as adopted by City of Toronto Council on September 24 and 25, 2008  
Enacted by Council: October 27, 2009

## CITY OF TORONTO

### BY-LAW No. 1069-2009

#### **To amend Chapters 320 and 324 of the Etobicoke Zoning Code, with respect to the lands municipally known as 25 Fontenay Court.**

WHEREAS authority is given to Council by Section 34 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass this By-law; and

WHEREAS Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*; and

WHEREAS Section 5.1.1 of the City of Toronto Official Plan contains provisions relating to the authorization of increases in density of development; and

WHEREAS pursuant to Section 37 of the *Planning Act*, the Council of a municipality may, in a By-law passed under Section 34 of the *Planning Act*, authorize increases in the height and density of development otherwise permitted by the By-law that will be permitted in return for the provision of such facilities, services and matters; as are set out in the By-law; and

WHEREAS Subsection 37(3) of the *Planning Act*, provides that, where an owner of land elects to provide facilities, services or matters in return for an increase in the height and density of development, the Municipality may require the owner to enter into one or more agreements with the Municipality dealing with the facilities, services and matters; and

WHEREAS the owner of the lands hereinafter referred to has elected to provide the facilities, services and matters as hereinafter set forth; and

WHEREAS the increase in density of development permitted hereunder, beyond that otherwise permitted on the aforesaid lands in Chapters 320 and 324 of the Etobicoke Zoning Code, as amended, is to be permitted in return for the provision of the facilities, services and matters set out in this By-law, which are to be secured by one or more agreements between the owners of such lands and the City of Toronto;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. That the zoning map referred to in Section 320-5, Article II of the Zoning Code, and originally attached to the Township of Etobicoke By-law No. 11,737, be and the same is hereby amended by changing the zoning of the lands as identified within the heavy black lines on Schedule 'A' annexed hereto from Local Planned Commercial (CPL) to Sixth Density Residential (R6) provided the following provisions shall apply to the development of the lands identified in Schedule 'A'.

2. Notwithstanding Sections 320-18, 320-76 and 320-77 of the Etobicoke Zoning Code, the following development standards shall apply to the lands described in Schedule 'A' attached hereto:

(a) Permitted Uses

No buildings or structures shall be erected or used on the Lands, except for the following;

- (i) A 19-storey apartment building and a 12-storey apartment building joined by a 5-storey podium.
- (ii) A retail/commercial area is to be located in the ground floor of the podium wherein the following retail/commercial uses are permitted: retail stores, professional offices, medical centres and medical and dental offices, banks, customer operated automatic laundries, dry cleaning plants using non-combustible cleaning solvents, convenience restaurant, take-out restaurant, standard restaurant, day nurseries and nursery schools. The following uses are prohibited: hotels, taverns, motor sales rooms, car sales lot, motor body repair shops, public garages, gasoline service stations and undertaking establishments.
- (iii) A temporary sales office for the purpose of marketing and sales of units in the proposed buildings which shall be permitted and exempt from all development standards in the Zoning Code and shall not be subject to the requirements of the Section 37 Agreement Referred to herein.

(b) Gross Floor Area

The maximum gross floor area permitted on the Lands shall be 30,017 square metres, that area to include a minimum retail/commercial gross floor area of 1377 square metres.

(c) Density

The maximum Floor Space Index (FSI) permitted on the Lands shall be 4.26.

(d) Height

The maximum building heights shall be as shown on Schedule 'B' attached hereto.

(e) Setbacks

The minimum setbacks shall be as shown on the attached Schedule 'B'.

(f) Parking

Parking requirements shall apply to the Lands as follows:

- (i) A minimum of 0.90 space per unit for one-bedroom units;
- (ii) A minimum of 1.0 space per unit for two-bedroom units;
- (iii) A minimum of 0.20 space per apartment unit for visitors; and
- (iv) A minimum of 50 spaces shall be provided for the sole use of commercial customers.

Area Requirements

- (i) A minimum of 287 square metres landscaped open space shall be provided;
- (ii) A minimum of 558 square metres of indoor amenity space shall be provided; and
- (iii) A minimum of 241 square metres of outdoor amenity space is to be provided.

- 3. Where the provisions of this By-law conflict with the provisions of the Etobicoke Zoning Code, the provisions of this By-law shall apply.
- 4. Chapter 324, Site Specifics, of the Zoning Code is hereby amended to include reference to this By-law.
- 5. Section 37

The density of development permitted by this By-law is subject to the Owner of the Lands, at its expense, providing the following capital facilities, cash contributions toward specific capital facilities and/or matters pursuant to Section 37 of the *Planning Act* in order to permit a residential development with a maximum gross floor area of 30,017 square metres, in the form of two apartment towers, 19-storeys and 12-storeys respectively, joined by a 5-storey podium, with a maximum of 247 residential units, and to include a minimum retail/commercial component, on the ground floor of 1377 square metres.

- (1) Prior to the adoption of this By-law, the Owner shall be required to make arrangements satisfactory to the Chief Planner and Executive Director, City Planning Division, to design and construct or provide adequate financing for, as the case may be, the following road improvements to the satisfaction of the Director of Development Engineering and at no cost to the City:

- (a) a 15 metre northbound left turn storage lane with a 30 metre transition taper at the south approach to the Scarlett Road/Fontenay Court intersection; and a 15 metre left turn storage lane with a 30 metre transition taper at the south approach to the Scarlett Road/Private Driveway intersection.
- (2) Prior to the issuance of the first building permit, excluding a permit for a temporary sales office, the Owner is required to make a cash contribution to the City in the amount of \$300,000.00 towards improvements to the Edenbridge Community Centre.
6. The Section 37 Agreement referred to above shall provide that the Owner of the Lands provide signage and warning clauses in accordance with the requirements of the Toronto District School Board and Toronto District Catholic School Board.
7. The Owner of the Lands enters into and registers on title to the Lands an agreement with the City pursuant to Section 37 of the *Planning Act*, to secure the facilities, services, and matters set forth in Sections 5 and 6 above, to the satisfaction of the Chief Planner and Executive Director, City Planning Division and the City Solicitor, prior to this By-law coming into force and effect.
8. Within the lands shown on Schedule 'A' attached to this By-law, no person shall use any land or erect or use any building or structure unless the following municipal services are provided to the lot line and the following provisions are complied with:
- (a) all new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway; and
- (b) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

<b>BY-LAW NUMBER AND ADOPTION DATE</b>	<b>DESCRIPTION OF PROPERTY</b>	<b>PURPOSE OF BY-LAW ADOPTION DATE</b>
1069-2009 October 27, 2009	Lands located at the southwest corner of Scarlett Road and Fontenay Court, municipally known as 25 Fontenay Court.	To permit a maximum of 247 apartment units in a 19 storey and a 12-storey tower joined by a 5-storey podium containing a minimum retail component of 1377 square metres.

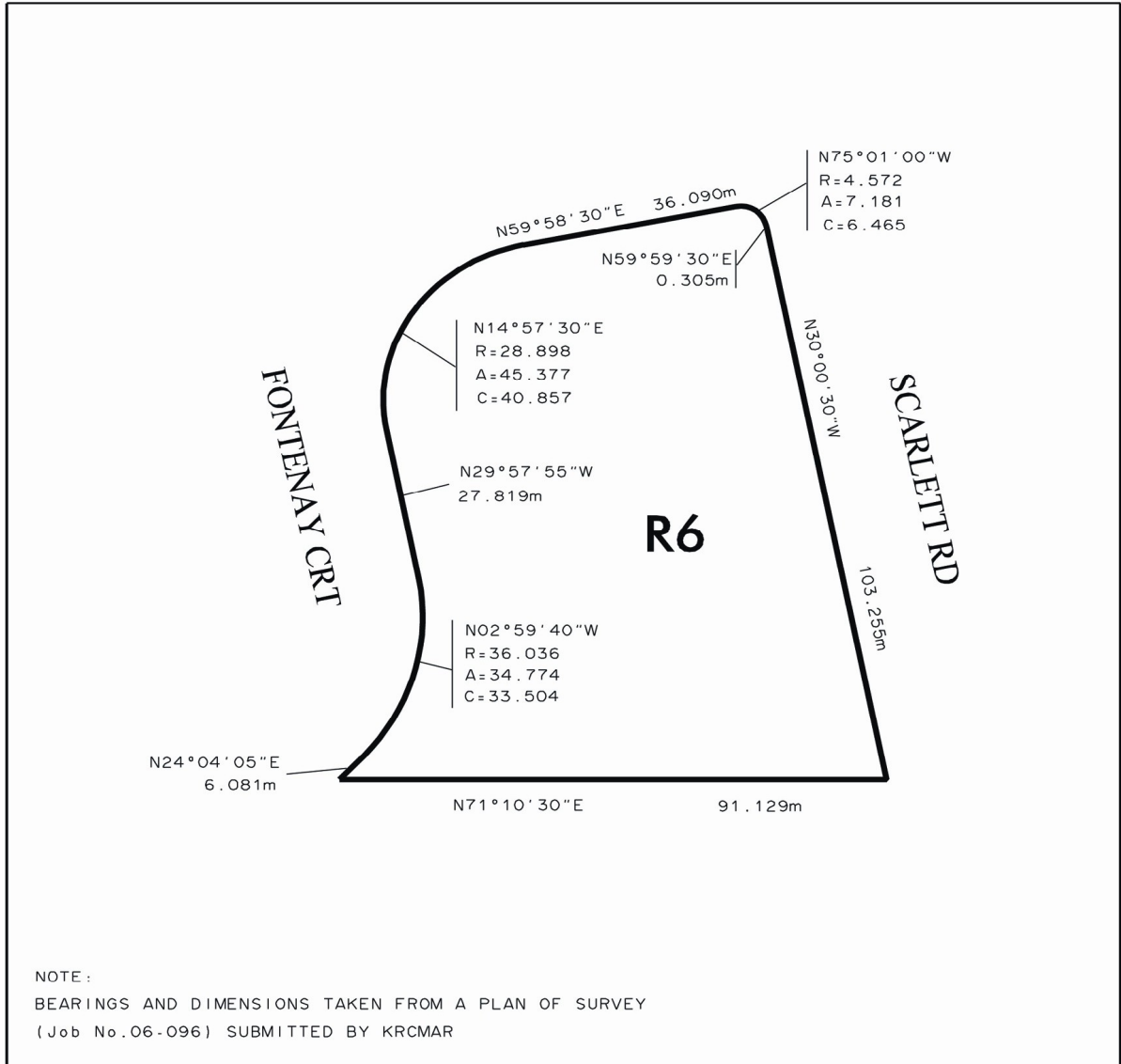
ENACTED AND PASSED this 27th day of October, A.D. 2009.

SANDRA BUSSIN,  
Speaker

ULLI S. WATKISS  
City Clerk

(Corporate Seal)

**Toronto** Schedule 'A' BY-LAW



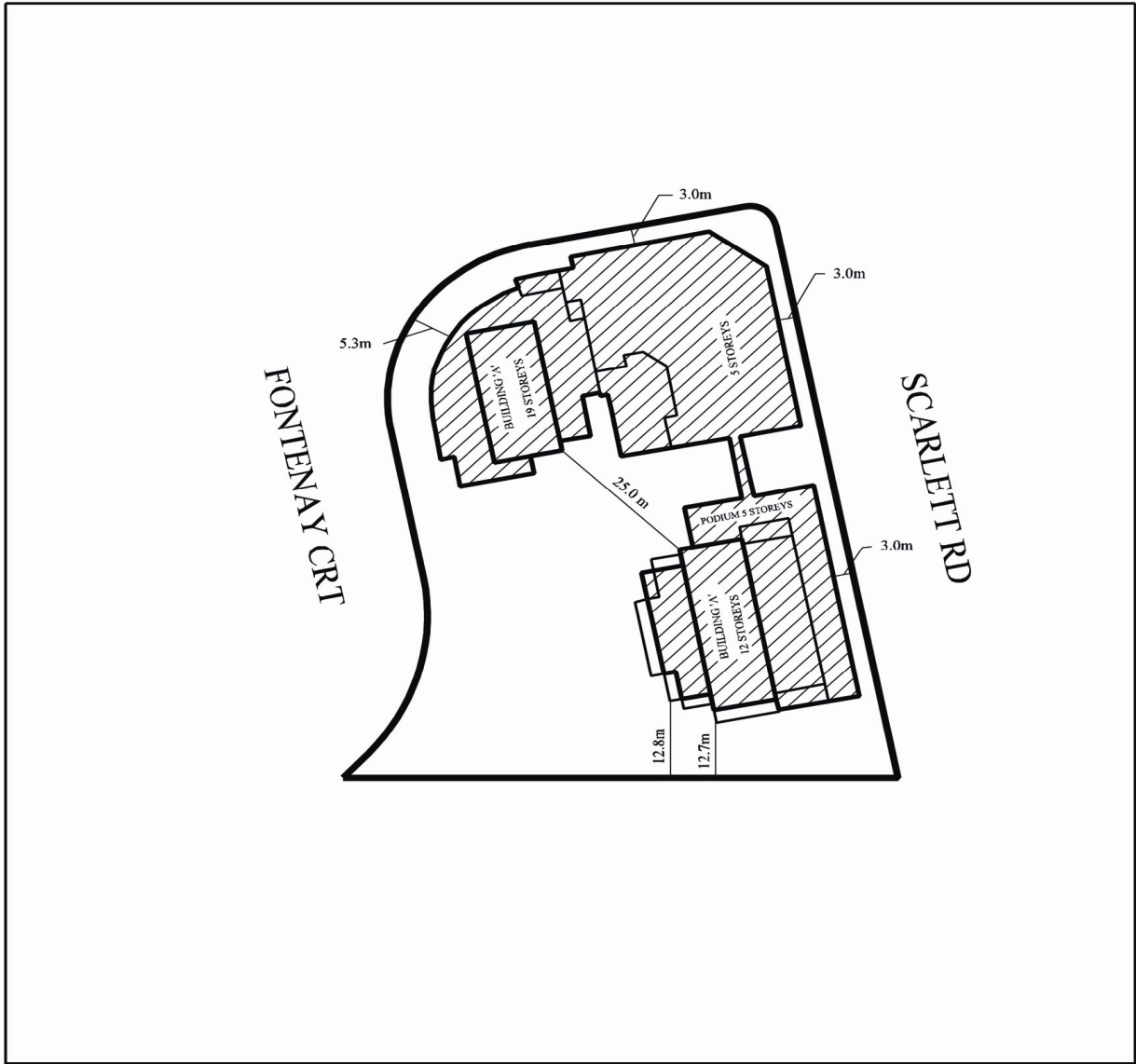
NOTE:  
 BEARINGS AND DIMENSIONS TAKEN FROM A PLAN OF SURVEY  
 (Job No.06-096) SUBMITTED BY KRCMAR

**BLOCK A, PLAN M-1099  
 CITY OF TORONTO**

Applicant's Name:		<b>RITCHIE KETCHESON HART AND BIGGART LLP</b>	
Assessment Map EIO	Zoning Code Map/s EIO	scale:	
File No. 07E248066	Drawing No. 07E248066Edzl		



**Toronto** Schedule 'B' BY-LAW



**BLOCK A, PLAN M-1099  
CITY OF TORONTO**

Applicant's Name:	<b>RITCHIE KETCHESON HART AND BIGGART LLP</b>		
Assessment Map EIO	Zoning Code Map/s EIO	scale:	
File No. 07E248066	Drawing No. 07E248066Edz2	Drawn By: K.P.	